

AWAY FROM THE FLOOR: WHAT INDIVIDUAL-LEVEL FACTORS IMPACT THE  
LEGISLATIVE PROCESS?

by

ALLISON S. VICK

(Under the Direction of Michael S. Lynch)

ABSTRACT

The modern U.S. Congress has moved away from the “textbook congress” and towards a growing influence and usage of off-floor processes. With these changes, majority party leadership has enjoyed an information advantage and increased ability to set the agenda and drive policy decisions (Curry 2015). Additionally, research has recognized the growing need of parties to maintain or gain a majority for the purpose of gaining this decision-making power (Lee 2016). Some questions remain as to the extent to which factors outside of party identification or ideology may alter or impact the behavior of rank-and-file members. This dissertation considers whether individual-level factors such as gender and intraparty-faction membership impact how member’s approach two different facets of the legislative process: amending and negotiating via hitchhiker bills. Across the analyses, there is little support that significant differences exist in the impact of these specific factors. However, there is promising room for future study of the role of gender and intraparty factions in our consideration of legislative behavior.

INDEX WORDS: U.S. Congress, Legislative Process, Gender, Intraparty Factions,  
Amending, Hitchhiker Bills

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ALLISON S. VICK

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ALLISON S. VICK

|                  |                    |
|------------------|--------------------|
| Major Professor: | Michael S. Lynch   |
| Committee:       | Christina L. Boyd  |
|                  | Anthony J. Madonna |

Electronic Version Approved:

Ron Walcott  
Vice Provost for Graduate Education and Dean of the Graduate School  
The University of Georgia  
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## DEDICATION

This dissertation is dedicated to my family. This process has been fun and challenging and my family has been right by my side for all the twists and turns. With any large project, there is always the possibility that you may not finish. When I began the pursuit of this PhD, I was always afraid of this dissertation as a roadblock. However, I have found that there is no substitute for the freedom that comes from knowing that you are surrounded by people who love and support you no matter the outcome. You all bring me immense joy and have been an ever-present force in my life and there are no thanks large enough for what you have done for me.

To my mom, Amy Vick, you are kind, supportive, and the cause of so much joy. To say you have earned this dissertation alongside me is an understatement. You have proof-read almost everything I have written to the point that you know the names of Congress scholars, and you have listened to me brainstorm out loud for hours on end. You have always believed that I could do this, and you have never let me dwell on the roadblocks for very long. Thank you for always being exactly who I needed. To my dad, Andy Vick, you are my rock. I got my love of sports from you and even after I stopped playing, you have always been my coach. You have taught me to work hard, to never give up, and to keep showing up even when it is hard. Thank you for always celebrating all the milestones in between and forever believing in me. To my sister, Dr. Kristen Vick, you are my best friend and my fiercest supporter. Your pursuit of your DPT paved the road for me to see what was possible. Your love of life-long learning and your dedication to your profession will always be an inspiration. Thank you for always asking the best questions about Congress, for always making everything an adventure, and for always being by my side.

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## TABLE OF CONTENTS

|  | Page |
|--|------|
| ACKNOWLEDGEMENTS .....                                       | v    |
| LIST OF TABLES .....   | xiii |
| LIST OF FIGURES .....  | xiv  |
| CHAPTER  |      |
| 1 INTRODUCTION .....   | 1    |
| Plan for the Dissertation.....                               | 2    |
| How Does This Fit? .....                                     | 3    |
| 2 THE RULES COMMITTEE AND WOMEN IN THE AMENDING PROCESS..... | 5    |
| Abstract .....   | 6    |
| Introduction.....  | 6    |
| Gender & Legislative Behavior .....                          | 10   |
| Why Amendments?.....   | 12   |
| Why Structured Rules and Who is Winning? .....               | 14   |
| Party .....  | 17   |
| Research Question and Hypothesis.....                        | 20   |
| Amendments Allowed and Passed by Congress .....              | 22   |
| Key Variables.....   | 23   |
| Additional Variables of Interest.....                        | 26   |
| Discussion & Results .....                                   | 27   |

|  |    |
|--|----|
| Passed.....  | 30 |
| Conclusion .....   | 31 |
| 3 HITCHHIKING BILLS AND COLLEGIALITY AMONG WOMEN         |    |
| LEGISLATORS.....   | 33 |
| Abstract .....   | 34 |
| Introduction .....                                       | 34 |
| Why Hitchhikers? .....                                   | 38 |
| Gender & Negotiating .....                               | 40 |
| Research Question and Hypothesis .....                   | 42 |
| Hitchhiking Data by Member .....                         | 43 |
| Dependent Variable .....                                 | 47 |
| Explanatory Variables .....                              | 49 |
| Discussion & Results .....                               | 51 |
| Conclusion .....   | 55 |
| 4 THE RULES COMMITTEE AND THE HOUSE FREEDOM CAUCUS ..... | 58 |
| Abstract .....   | 59 |
| Introduction .....                                       | 59 |
| Factions and Party Behavior .....                        | 63 |
| Structured Rules and Amending .....                      | 65 |
| Research Question and Hypothesis .....                   | 68 |
| Amendments Data.....                                     | 69 |
| Compiling a List of House Freedom Caucus Members.....    | 70 |
| Model & Independent Variables .....                      | 74 |

|                             |    |
|-----------------------------|----|
| Discussion & Results .....  | 77 |
| Conclusion .....            | 80 |
| 5 CONCLUSION.....           | 84 |
| REFERENCES .....            | 87 |
| APPENDICES                  |    |
| Appendix A: Chapter 2 ..... | 95 |
| Appendix B: Chapter 3 ..... | 98 |
| Appendix C: Chapter 4 ..... | 99 |

## LIST OF TABLES

|   | Page |
|---|------|
| Table 2.1 Amendments Allowed Under Structured Rules by Gender .....                       | 25   |
| Table 2.2 Amendments Allowed Under Structured Rules by Party .....                        | 25   |
| Table 2.3 Logit Model Amendments Allowed Under Structured Rules (Majority Party Only) ... | 27   |
| Table 2.4 Logit Model Amendments Allowed Under Structured Rules (Minority Party Only)...  | 29   |
| Table 3.1 Hitchhikers by Majority Status .....  | 50   |
| Table 3.2 Logit Model of Sponsored Hitchhikers (Majority Party Members Only) .....        | 52   |
| Table 3.3 Logit Model of Sponsored Hitchhikers (Minority Party Members Only) .....        | 54   |
| Table 4.1 Amendments Offered and Allowed by HFC Members .....                             | 72   |
| Table 4.2 Average Amendments Offered and Allowed by Member .....                          | 73   |
| Table 4.3 Logit Model of Allowed Amendments (HFC) .....                                   | 77   |
| Table 4.4 Logit Model of Successful Amendments (HFC) .....                                | 79   |
| Table A1 Basic Descriptive Statistics of Offered Amendments .....                         | 95   |
| Table A2 Breakdown of Amendments Offered by Party within a Congress.....                  | 95   |
| Table A3 Logit Model of Amendments Passed Under Structured Rules (Majority Party Only) .. | 98   |
| Table A4 Logit Model of Amendments Passed Under Structured Rules (Majority Party Only) .. | 98   |

## LIST OF FIGURES

|   | Page |
|---|------|
| Figure 2.1 Amendments Under Structured Rules .....                                      | 23   |
| Figure 2.2 Probability of Amendments Under Structured Rules (Majority Party Only) ..... | 28   |
| Figure 2.3 Probability of Amendments Under Structured Rules (Minority Party Only) ..... | 29   |
| Figure 2.4 Probability of Amendments Being Successful by Gender .....                   | 31   |
| Figure 3.1 Hitchhiker Totals per Congress .....   | 46   |
| Figure 3.2 Percentage of Standalone vs. Hitchhiker Enactments .....                     | 47   |
| Figure 3.3 Percentage of Members who Sponsored a Hitchhiker .....                       | 48   |
| Figure 3.4 Probability of Sponsoring Hitchhiker (Majority Party Only) .....             | 53   |
| Figure 3.5 Probability of Sponsoring Hitchhiker (Minority Party Only) .....             | 55   |
| Figure 4.1 Comparison of Amendments by HFC & Non-HFC Republicans .....                  | 74   |
| Figure 4.2 Probability of Amendments Allowed Under Structured Rules by HFC Status ..... | 78   |
| Figure 4.3 Probability of Amendments Being Successful by HFC Status .....               | 80   |
| Figure A1 Marginal Effects of Gender Majority Party Allowed .....                       | 96   |
| Figure A2 Marginal Effects of Gender Minority Party Allowed .....                       | 96   |
| Figure A3 Marginal Effects of Gender Majority Party Success .....                       | 97   |
| Figure A4 Marginal Effects of Gender Minority Party Success .....                       | 97   |
| Figure B1 Marginal Effects of Gender on Hitchhiking (Majority Party) .....              | 98   |
| Figure B2 Marginal Effects of Gender on Hitchhiking (Minority Party) .....              | 99   |
| Figure C1 Marginal Effects of HFC Allowed Model .....                                   | 99   |

|   |     |
|---|-----|
| Figure C2 Marginal Effects of HFC Success Model ..... | 100 |
|---|-----|



## CHAPTER 1

### INTRODUCTION

Scholars of legislative behavior in the United States have been interested in understanding changes in congressional operations as several aspects of the traditional bill making process have moved “away” from the floor. Essentially, it has become increasingly important to examine some of the more hidden processes that take place behind the scenes to understand how Congress operates as this ultimately has an impact on the final policies that become enacted. This dissertation seeks to assess a couple of these different aspects of the legislative process to add onto our general understanding of how the members themselves may be approaching these processes.

Previous research has emphasized the role of factors such as party and ideology in influencing the behavior of members of Congress. The overarching theme will be centered around examining the context of legislative behavior and how this interacts with different facets of the process. My goal is to provide three related chapters that focus more centrally on these matters of process, and the understanding that we can gain from looking deeper into the actions that take place prior to a bill’s final passage.

I am interested in examining two key individual-level factors, gender, and political faction membership. Here, I theorize that these factors of gender and intraparty faction identification, may also influence how a member approaches amending and negotiating actions even beyond their party or ideological affiliation. Specifically, I am interested in the potential

that these factors may be making a difference at the margins on the hidden processes that receive less public attention but remain critical to the overall workings of the US House.

### **Plan for the Dissertation**

This dissertation utilizes the manuscript format in which each of the three middle chapters will take the form of an individual article. The first two manuscript chapters address the activity and potential collegiality of women legislators to assess whether women are more likely to collaborate and negotiate with party leadership. The last of these chapters seeks to understand the impact of intraparty factions on the way in which members approach a process like amending.

In Chapter 2, I work to model whether gender has an impact on member behavior in relation to rules and amending activity. For example, I want to better understand whether women may have better success in terms of their amendments being allowed by the Rules Committee as well as the ultimate success in terms of the passage of these amendment proposals. In Chapter 3, I ask a similar question about gender and collegiality by attempting to assess whether women can better negotiate or are more willing to negotiate with fellow members in contributing their policy proposals as a so-called “hitchhiker” bill to other pieces of legislation. Finally, in Chapter 4, I ask a question about whether a member’s own self-selection into an intraparty faction has an impact on their legislative action and approach to the amending process. Again, by assessing these specific individual-level factors I have an opportunity to better understand how members may approach a couple of key areas that take place away from the floor.

I use quantitative analysis for each of these questions to assess whether a member’s gender or affiliation with a party faction impacts their behavior on processes including the amending process and hitchhiker bills. More specifically, I make use of two different datasets—

the first of which comes from data from the *University of Georgia Congress Project* and looks at all offered amendments proposed under structured rules. The second dataset was built from data kindly shared by Casas, Denny, and Wilkerson (2020), and allows for assessing the usage of these hitchhiker bills.

### **How Does This Fit?**

I believe by looking at these questions that are not specifically policy related or dealing with a certain set of issues, that we may be able to increase our understanding of how members themselves generally approach and think of issues of process. We know that members of Congress have electoral goals alongside their policy goals that motivate their actions (Mayhew 1974). However, a large piece of their operation as members is changing as the legislative process has become more complex and party-centralized (Curry 2015). The question then becomes, how do members engage in a process that is everchanging and how do their individual characteristics influence the way that they approach their role as legislators?

In this dissertation, I hope to provide insight into ways in which there may or may not be variation among these groups in their legislative actions. The first two manuscript chapters build upon the literature considering gender and the impact on a variety of legislative activities. Previous research has differed to the extent that we may expect to see gender differences in how women and men act as legislators. For example, many works have displayed evidence that female legislators do behave differently in how they devote more time to constituent requests, procure district funding, and build coalitions (Anzia and Berry 2011; Lazarus and Steigerwalt 2018; Pearson and Dancey 2011; Thomsen and Sanders 2020; Volden, Wiseman, and Wittmer 2013). However, Lawless, Theriault, and Guthrie (2018) do not find a significant difference between male and female members of Congress on a variety of issues including travel,

sponsorship, procedural votes, and demanding roll call votes. In these two chapters focused on gender, I seek to build from these studies to assess whether we see a gendered difference in legislative action via amending and hitchhiking.

Furthermore, in the final of these chapters, I want to build upon the understanding of intraparty factions to assess how members consider their participation in their approach to secure their own professional goals. Research considering the role of intraparty factions has demonstrated the importance of understanding these groups in being able to talk about congressional activities (DiSalvo 2009). Additionally, joining these groups is becoming increasingly common for new members (Thomsen 2017). Clarke's (2020) work has demonstrated many of the benefits that joining these groups may have for the members themselves. In the chapter on factions, I will seek to understand how joining the House Freedom Caucus may impact how members are able to engage in the amending process. Furthermore, I want to build upon the broader understanding of how intraparty factions impact how members approach these processes in pursuit of their policy and professional goals.

Overall, it is my intention to provide a look at a couple of these narrow parts of the process to assess whether individual-level factors make an impact on the way that Congress operates in their day-to-day activities. My hope is that this dissertation can provide a small addition to how we think about the actions and decisions of the members themselves and the impact that their approach may have on how policymaking is done.

## CHAPTER 2

### THE RULES COMMITTEE AND WOMEN IN THE AMENDING PROCESS<sup>1</sup>

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<sup>1</sup> Vick, Allison S. To be submitted to *Legislative Studies Quarterly*.

## **Abstract**

In today's Congress, a large part of the bill-making process takes place away from the floor. In this chapter, I look to the amending process to examine one of these key processes that is so important to how we think about lawmaking in the current context. I am particularly interested in amending under structured rules in the House. Structured rules allow the Rules Committee to establish guidelines for debate and amending. Specifically, I am interested in the ability to better understand member and party amending behavior by assessing whether an individual-level factor such as gender impacts this process. In recent congresses, we have also seen a dramatic growth in the number of women serving in the House allowing for an increased ability to examine potential gender differences in legislative behavior. For this chapter, I use the *University of Georgia Congress Project* dataset covering all amendments offered under structured rules from the 109<sup>th</sup>-115<sup>th</sup> (2005-2018) congresses. Using this dataset, I analyze whether differences exist between male and female members in terms of the amendments allowed by the Rules Committee under these structured rules. The general findings do not demonstrate a significant difference in the amending behavior of male and female members under these structured rules.

## **Introduction**

Research has addressed several ways that the current bill-making process in the United States Congress looks substantially different from the "textbook congress." In recent years, we have specifically seen a shift to more legislative action taking place through hidden processes and intraparty negotiations rather than these traditionally thought of ways that a bill becomes a law. Now, so much of what takes place in legislative policymaking is behind the scenes in these procedures away from the floor.

Essentially, the process of examining actions and looking at what takes place away from the floor provides a better understanding of the policies and bills we see in final passage. The recent consideration of the “Build Back Better” bill in the 117<sup>th</sup> Congress provides one example of the increasing importance of intraparty negotiations between majority leadership, the president, and rank-and-file members.<sup>2</sup> The ability to make progress on a legislative agenda within recent congresses has relied heavily on the ability of majority party leadership negotiating with rank-and-file members within their own party rather than bipartisan cooperation.

This bill demonstrates one example of the wider importance of the negotiations within party and leads to questions about the individual members or key players that make up the legislative bodies and the factors that influence their behavior. So much of what we think of in terms of legislative action behavior centers around the knowledge of the importance of ideology and party influence on key procedural events such as voting and amending. This chapter considers the strategic lawmaking process of amending behavior by considering the factors that influence how members behave and engage with the structured rules process.

The increasing importance of intraparty negotiation is a critical consideration in the ability to examine the individual-level factors that may impact behavior that exist outside of party and ideology. For this reason, I want to examine participation in amending with the central understanding that individuals within the majority and minority parties will inevitably look quite different. This chapter intends to look at the potential impact of gender as an individual-level factor that may influence how members approach the amending process.

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<sup>2</sup> For more on HR 5376 and Build Back Better see Vesoulis, Abby. 2021. “What Will the Senate Do with the Build Back Better Bill?” *Time*, November 19.: <https://time.com/6121614/build-back-better-spending-bill-senate/>

The number of women serving in Congress is currently at the highest point in U.S. history with 149 seats occupied by women (Manning 2022).<sup>3</sup> Women have been serving in the House of Representatives now for over a century, but we have seen a spike in recent years of the number of women serving in Congress. However, women remain a minority within Congress and make up only around 27% of total membership in the two chambers (Manning 2022). As these percentages shift and rise over time, this provides opportunities for congressional scholars to continue to assess how these evolutions may impact the individuals and the institution at-large.

Women do remain a minority group within both chambers, but also have a higher collective legislative membership than they have ever possessed in the American context. This leads to consideration of questions about whether potential differences may exist in the way that women consider and approach their roles as senators or representatives. I am therefore further interested in the way that the results of interacting with and asking this question may be able to help us better understand the potential impact on how the legislative process operates on the larger scale.

The broader question under consideration in this first chapter asks: does gender impact the way that legislators address the amending process? We may want to consider the words of the first woman elected as a senator, Margaret Chase Smith (R-ME) who wanted to make it clear that she did not want her role as a senator to be only associated with her gender, stating, “I want it distinctly understood, that I am not soliciting support because I am a woman. I solicit your support wholly on the basis of my eight years in Congress” (United States Senate 2022).<sup>4</sup>

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<sup>3</sup> This total number (149) includes women serving as members in the House, as delegates, and senators (Manning 2022).

<sup>4</sup> For more on the history of Margaret Chase Smith and her important role in congressional history please see: <https://www.senate.gov/about/origins-foundations/electing-appointing-senators/first-woman-both-houses.htm>.



Anecdotes like this one from Sen. Smith may lead us to expect that a gender difference in behavior should not exist due to the similar “motivations” of members of Congress to run for office and serve constituents.

However, other research demonstrating behavioral differences by gender may demonstrate the potential for expecting a difference in amending behavior for male and female members. Questions remain regarding the ways in which an individual-level factor such as gender may impact the behavior of members. The goal of this chapter is to look at amending as one example of a behind the scenes process in which we may be able to study the behavior of these individuals and how this may impact policymaking on the larger scale.

This chapter first considers research looking at potential gender differences in behavior and women as legislators to ascertain whether women would behave differently in these processes that take place away from the floor. For example, we might reason those female members would be less likely to introduce larger quantities of amendments. Instead, there may be incentives for female members to offer fewer amendments tied to their core priorities. I hope to better assess whether women may view the amending process differently than their male counterparts. Additionally, I wish to establish if women have been more likely to be successful via allowance from the Rules Committee in these recent congresses. Finally, I ultimately also want to consider the passage rates of the allowed amendments to see if there is a gender gap in the amendments that are passed during this stage.

This chapter looks at what we know about whether gender differences exist in terms of an individual’s actions as a legislator and whether female members may be more likely to negotiate within their own party. We know more about types of representation and the policy preferences of their constituents, but can we also expand upon this story of the goals that women may have in

their actions as legislators? Essentially, this should allow us to better understand if female members are approaching amending differently than their male colleagues. Additionally, I want to consider the importance of negotiating and consider the impact on these off-floor behaviors.

Next, I build upon and discuss what is already known about the Rules Committee and the way in which the majority party can use agenda control in the process of using restrictive rules. For this section, I look at what special rules are and why they can provide a unique insight in addressing questions about both party leadership and rank-and-file member behavior. More specifically, it is important to discuss how the Rules Committee can influence and select certain outcomes and deny others that are less positive.

Finally, I look at what we know about the broader amending process and the critical role that party plays in how members and the majority leadership approach this central process and how this relates specifically to better understanding legislative behavior. To answer these questions, I use a dataset of all proposed amendments under structured rules from the 109<sup>th</sup> through the 115<sup>th</sup> Congresses. This chapter will use logistic regression to extend this analysis by looking at amending and the individual-level factor of gender.

## **Gender & Legislative Behavior**

This chapter begins with a consideration of the dramatic growth in the number of women serving in Congress in recent years. This leads to questions about the literature and the ways in which female legislators may behave differently than their male colleagues. Here I begin with assessing some of the literature's coverage of gender differences in leadership and management, and then examine how previous research has considered the possibility of specific behavioral differences among female legislators across state and federal levels. The central question within

these various strands of the literature often coalesces around whether we observe substantive differences in behavior or actions based upon an individual's gender.

To assess the research question posed in this chapter, of whether women in the House approach the amending process differently, I want to address differences that exist in the literature. Dependent upon the activities that are being measured, results of studies performed across subfields have often offered differing stories as to the extent that we may expect to see gender impact behavior. There is a theoretical argument that could be made for both the presence of a "gendered" effect, as well as for the potential that amending behavior would display little to no effect due to the expectation that female legislators may not fit within the leadership or management framework.

The question that comes next is, why might we expect women to be more likely to have success in terms of the amending process? Previous congressional research has assessed different facets of the question regarding whether female legislators are effective compared to their male colleagues. Lazarus and Steigerwalt (2018) find evidence that female legislators spend extensive time and energy devoted to constituent services and legislative activities to better protect against their "gendered vulnerability" in terms of electoral success. Additional research has focused on the challenges that female members may face in terms of bias from voters and have sought to examine specific areas and measurements of success such as in procuring funding for their districts, in speaking about issues relating to women's representation, responding to constituent requests, and in building coalitions while part of the minority party (Anzia and Berry 2011; Pearson and Dancey 2011; Thomsen and Sanders 2020; Volden, Wiseman, and Wittmer 2013).

However, there is also research addressing the lack of distinct differences in behavior between male and female members of Congress. In this chapter, I hope to address a similar

question to one that was examined by Lawless, Theriault, and Guthrie (2018) in which they discuss the idea of collegiality among women to assess if women are more likely to participate in different types of bipartisan cooperation. The research design looks at congressional delegation travel, bipartisan sponsorship and cosponsorship, procedural votes, and amendments in the U.S. Senate. Through each of these tests they find that female members did not travel in a more bipartisan fashion, had similar Bipartisan Index scores to male members when it came to bill sponsorship, in recent congresses had little difference in partisan procedural voting between male and female members of Congress, and null results on a potential gender difference for roll call votes demanded on Senate amendments (Lawless et al. 2018). Overall, the findings point to there being no statistically significant difference between male and female members in these areas of identified bipartisan cooperation.

This article also specifically outlines the difficulty of determining when and how cooperation takes place—especially in a legislative system in which many actions may not take place on the floor. For example, Lawless et al. (2018) argue, “From a practical standpoint, though, systematically gaining a handle on informal, behind-closed-doors behavior is essentially impossible from the outside” (1273). My goal in this chapter is to build upon this work to try and look at one of these behind-the-scenes processes to examine whether the gender of members impacts their likelihood to engage in cooperation and collegiality when partaking in actions away from the floor.

### **Why Amendments?**

The stages of lawmaking in the United States House of Representatives includes the critical amending stage in which members are provided the opportunity to offer amendments that would alter the content of a bill. This chapter centers around an interest in understanding the

factors that influence activities that take place outside of final passage votes. Instead, I am concentrating on an earlier stage to attempt to consider the negotiation process that takes place during the modern amending process. Again, this relates back to the earlier discussion of the increasing importance of intraparty negotiations, and the difficulty of getting a sense of the various legislative behaviors that take place away from the floor.

The legislative policymaking process involves several steps that have allowed political science researchers to be able to better understand nuances in terms of the behavior of representatives and how factors like party impact the final outcomes seen in enacted legislation. The questions posed in this chapter hope to address a potential intersection of gender and the legislative rules and procedures process. More specifically, the goal is to seek out the ways in which female members may approach the amending process differently or whether members may have differing levels of access to the process.

First, it may be helpful to address further why I might expect the special rules and amending process to provide us a unique look at how an individual-level factor may impact how a member behaves when it comes to their relationship with different aspects of lawmaking. The ability to offer amendments on pieces of legislation allow members several important opportunities in terms of Mayhew's (1974) electorally useful activities. Members can use these amendments to display their preferences to constituents via messaging and indicating a preference regarding a policy that may be important to the district and constituents. Amendments can also be useful in terms of the ability of a member to make substantive changes that would move a bill's outcome closer to their preferred location or alter policy on matters that are important to the member. This underscores the importance of examining amendments at the rule-

level to assess both the total number of amendments that are offered, and who is being allowed access in terms of the amendments that are allowed.

### **Why Structured Rules and Who is Winning?**

The special rules and party literature display an emphasis on the importance of the majority party's powers of agenda control in the legislative process. In this section, I expand upon the foundation of these works and express why I am specifically looking at the Rules Committee and using structured rules to address questions about gender and amending. The House's Rules Committee has the ability through these "special" rules, to establish the length of time for debate and set any restrictions for what amendments can be considered. There are two main categories that these rules fall into: open and restrictive. However, there are multiple options available for how these rules can take shape. This includes rules that are either open, modified-open, closed, modified-closed, or structured rules. These categories can often be complex, have experienced substantial changes over time in usage, and rule types may not always be clear cut.

The House Rules Committee is made up of nine majority members and four minority members which demonstrates the acknowledgement of the importance of this committee to the majority party (House Committee on Rules 2022). The impact of this committee is profound, or as the Committee on Rules (2022) website states, "The Committee is commonly known as "The Speaker's Committee" because it is the mechanism that the Speaker uses to maintain control of the House Floor".<sup>5</sup> Essentially, the majority party makes use of the Rules Committee to assist in agenda control to assist in achieving preferred outcomes for the party. Therefore, we look to the Rules Committee to understand more about who is "winning" by looking at which amendments

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<sup>5</sup> For more on the current Rules Committee Members and the historical importance and role of this committee please see: <https://rules.house.gov/about/rules-committee-members>.

are getting through and assess the theoretical reasoning for why this happens. Amendments can have both policy and electoral implications. Therefore, party leadership and by extension, the Rules Committee has an incentive to consider these implications for members within their party, while also maintaining the most favorable policy outcome for the party.

An open rule allows for any member to propose any germane amendment to the bill for debate on the floor.<sup>6</sup> These open rules can cause problems for the majority party for a host of reasons. First, an open rule can cause debate and the process in general to take extensive amounts of time. Both the debate and voting on amendments takes up critical amounts of time and can even be used for the very purpose of taking up time. Open rules do not provide for a cap for the number of amendments that can be offered and are therefore rather inefficient comparatively (Roberts 2010).

Additionally, the minority party can offer up an amendment that intentionally attempts to derail a bill. Amendments must only meet the germaneness requirement which allows for opportunities for members to attempt “killer amendments” (see Calvert & Fenno 1994; Finocchiaro & Jenkins 2008) that would seek to destroy a bill, or again members can simply offer amendments that would waste time to obstruct with the goals of delaying the consideration or voting on a bill.

An open rule also has implications for the position of the policy included in the bill. The presence of such amendments may naturally move the bill’s position towards the floor median and away from the majority party’s preference. This also remains important for how we consider the ideological positions of moderate members in both the majority and minority parties. Finally, because of the precariousness of moderate member ideology, an open rule may allow for

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<sup>6</sup> Descriptions of each rule type can be found on the House Rules Committee page: <https://rules.house.gov/about/special-rule-types>.

amendments by moderates within the minority party that could split the majority party and reveal divisions within the party. These key reasons demonstrate context for the increasing usage of restrictive rules in more recent congresses.

Closed rules allow for the Rules Committee to block amendments from being considered. This addresses several of the key concerns present with the usage of open rules, however, the process is far more restrictive. Closed rules reduce the concerns over time and inefficiency, as well as ensure that majority leadership remains able to set the ideological position of a bill without interference. These closed rules do not allow for substantive input and involvement from members within the party or from the minority party. Additionally, for the purposes of this study, closed rules provide considerably less insight into the variance of agenda control and the behavior or input of rank-and-file members. Closed rules are effectively able to preclude involvement, and therefore provide less insight for the purpose of understanding how gender may impact behavior in chamber.

Structured rules are one type of restrictive rules. They are not closed rules in which amendments are completely shut off. Instead, they provide an opportunity for members to offer amendments, but there is no guarantee that these amendments will see the floor. Under structured rules, members can submit amendments in advance and the Rules Committee then makes the decision as to which of the amendments will be allowed to receive consideration. For an open or closed rule, essentially the level of access to the process is uniform for all members. With a structured rule, this shows the ability of the Rules Committee and by extension the majority party, to influence the lawmaking process. This relates back to the key questions in this chapter which include the number of amendments that are proposed under a structured rule and the question of whether there is different access to the amending process via these restrictive rules.



## **Party**

Although gender is the key question of this chapter, it would be remiss to not discuss the role that party plays in the special rules process. Gender is one of many factors that may have a potential influence on how individual members think about and consider the amending process. The role of party and the ideology within these parties is critical to how members behave at nearly every stage of the process. Therefore, it is likely that party and gender may have an interactive effect. Specifically, party and agenda control tend to be key mechanisms that political scientists think of in terms of access to the amending process. The majority party can influence amending and policy outcomes via the Rules Committee and their ability to select which amendments are allowed via structured rules.

Legislative scholars have extensively considered the role of parties in agenda control and have sought to address the ways in which the majority party is able to influence policy outcomes. One of the key questions that the literature has sought to answer pertains to the impact of party or more specifically, party leadership in the legislative process. Are members able to simply act or vote without influence from their party's leadership? Additionally, how have changes in the institutional context adjusted the role of these leaders over time?

Previous research has worked to understand the extent to which party affiliation and leadership in particular causes a substantive difference in the actions of congressional members. Cooper and Brady (1981) examined leadership changes in the House from "Cannon to Rayburn" and argued for a nuanced perspective of party and leadership power that is dependent upon the institutional context present. In a similar thread of theory, work by Rohde (1991) offered a theory of "conditional party government" in which the author argues in favor of consideration of the institutional context by addressing the complex electoral and policy interests of members.

Specifically, the theory addresses how the ways in which leadership and the party can influence members is dependent upon the context within the member's ideology and personal factors.

These works demonstrate the expectation that party does matter, but that the effect is not uniform to all times and contexts within the institution.

However, there has not been consensus among all congressional scholars in terms of the extent of the role of parties in legislative behavior. Keith Krehbiel (1993) essentially argues that party activity does not equal with actual causal influence in outcomes. To assess whether party has a significant impact on the process, Krehbiel looked at an area that had been well-considered to be a partisan process: partisan committee stacking. However, he does not find evidence that party plays the expected role in the process, and therefore may not be as impactful as had been argued in previous research. Krehbiel's findings remind scholars of the difficulty in separating out causality in questions involving party and ideology.

Additionally, scholars have used creative methods and studies to study party in a variety of facets. This leads to questions of the methods through which the majority may be able to use their power. One of the primary methods that researchers have looked at is how party influences the voting behavior of rank-and-file members (Jenkins 1999; Snyder Jr. & Groseclose 2000; Ansolabehere, Snyder Jr. & Stewart III 2001; Cox & Poole 2002).

Additional research has delved deeper into the role of party within various facets of the process and have directed special attention to the "agenda-setting" process. This is the process by which a party can influence the policy and procedure that takes place both before and during the floor process. Cox and McCubbins' (2005) book *Setting the Agenda* addresses this agenda-setting process and expands beyond the previous discussion of a party's role in the U.S. House. The authors argue, "our theory stresses the majority party's ability to set the agenda as the key to

its success” (2). Cox and McCubbins direct the attention of party involvement beyond the instances of voting and point to the ways in which the majority party can influence various facets of the legislative process.

Legislative research has identified methods of both positive and negative agenda control. Jenkins and Monroe (2012) advocate for a theory of negative agenda control which they argue as “gatekeeping power” (897). Essentially, the authors discuss the methods that a majority party has available to them in what legislation sees the floor, and party leadership can offer incentives in the form of campaign side payments to moderate members who are losing out on their preferred policy positions.

These methods of agenda control for the majority party are central to what I hope to address in this chapter via looking at structured rules and variation of success by gender within party. It is important to draw attention to the rules process in the House and how these processes can be used by the majority party for the purposes of agenda control. Scholars have sought to provide ways to consider this interaction within parties, and the role of special rules in offering the majority party an opportunity to work for optimum outcomes.

Gary Cox (2000) outlines agenda powers into two categories, stating that the second of these is, “...The power to protect bills from amendment on the floor” (174). Cox sets these categories as part of a larger conversation about legislative rules and the impact that they have in their ability to influence the agenda. Monroe and Robinson (2008) add on to this theory by addressing how the Rules Committee can use two primary methods of: “gate keeping” and “take-it-or-leave-it offers” (218).

This literature demonstrates the power of the Rules Committee and the capability of this group to be heavily involved in the agenda-setting process. In this chapter I will focus on one

type of special rule, the structured rule, which allows the Rules Committee to act as a gatekeeper in selecting which amendments are allowed (see also Lynch, Madonna, and Roberts 2016). Restrictive rules have become exceedingly common in modern congresses as a way for the majority party to engage in agenda control, with the 115<sup>th</sup> Congress having one hundred percent of special rules being considered part of the restrictive category (Lynch, Madonna, and Vick 2020).

As evidenced by the literature, the rules process allows us a way to examine agenda control and member behavior at a micro-level. Understanding further the way that the majority party can essentially control the amending process leads to extended questions about what this means for the members themselves and how they react to this party-dominated process. The question now becomes knowing what we know about gender and party from the literature, does gender impact the number of amendments being allowed and the likelihood that these allowed amendments are passed?

### **Research Question and Hypothesis**

In this chapter, I am looking to better understand whether a member's gender has an impact on how they relate to the rules and amending process. Broadly, I want to be able to tangibly assess whether women are more successful as legislators in the less visible parts of the process. Specifically, I am interested in these related questions of whether gender impacts member success in terms of the amendments being allowed. I then also hope to determine whether we see variation in the subsequent passage of these amendment proposals. Again, these questions offer us an opportunity to better assess whether an individual-level factor such as gender is impacting the number of amendments that we see have success. The core hypothesis that I have for these questions can be considered as follows:

**Gender Difference Allowed Hypothesis:** Female members will be more successful in the Rules Committee allowing their amendments.

Under the structured rule, members can offer up these amendments for consideration by the Rules Committee. The Committee then determines which of these amendments they would like to allow for a vote, which displays the agenda-setting power at work in this process. Again, the Rules Committee makes the decision in terms of which specific amendments they would like to allow to receive a vote. Several factors can influence their decision such as party affiliation of the sponsoring member and content of the amendment.

Here, this central hypothesis addresses the theoretical supposition that there may be a difference in terms of the success rate that we see between male and female members at this stage of the process. This process could be impacted by the fact that women remain a minority within the larger chamber and may adapt their behavior differently at various stages of the process. For example, here I plan to assess whether we see a difference in the success of amendment proposals due to this status. Based upon the earlier discussion of the gender literature and the expectation that women may be more willing to negotiate, I am hypothesizing that women are more likely to have success with the Rules Committee in terms of the likelihood that their amendment is allowed in comparison to their male colleagues.

Once the Rules Committee has made these decisions about which amendments will be allowed, amendment sponsors are then provided the opportunity to propose these amendments. These amendments then receive a vote on the House floor to determine if they will be included as a part of the bill. In this chapter, I will also include an assessment of whether female members may have higher success rates in the passage of their offered amendments once they have been allowed by the Rules Committee. Again, the theory here remains like Hypothesis 1 in which the

minority status of women within the chamber may impact their behavior in terms of the types of amendments that are offered and ultimately successful.

### **Amendments Allowed and Passed by Congress**

To assess the theory of the impact of a member's gender on their experience in the amending process, I use a dataset of all proposed amendments under structured rules from the 109<sup>th</sup> through the 115<sup>th</sup> Congresses (2005-2018)<sup>7</sup>. This information comes from an archive on the Rules Committee website which included all amendments that were in response to the Committee announcement that a structured rule would be in place. The archive includes both the text of the original rule and the amendments that are tied directly to this rule.

The dataset includes approximately 477 different bills, and 17,593 total observations in the dataset going across this period. Of these observations, approximately 6,943 of the amendments were allowed. Figure 2.1 provides a histogram of all observations included in the dataset to display the variation of amendments proposed across congresses. There is substantial variation in relation to the number of amendments that are offered, especially in the 111<sup>th</sup> and the 115<sup>th</sup> Congresses. Again, these are only amendments offered under a structured rule, but include both those that were ultimately rejected and accepted.

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<sup>7</sup> This dataset was built from a multitude of faculty, undergraduate, and graduate coders for the *University of Georgia Congress Project* (including myself) who worked through all amendments proposed. I am truly grateful for the work that each person contributed to the project and for the ability to use this dataset for this project.

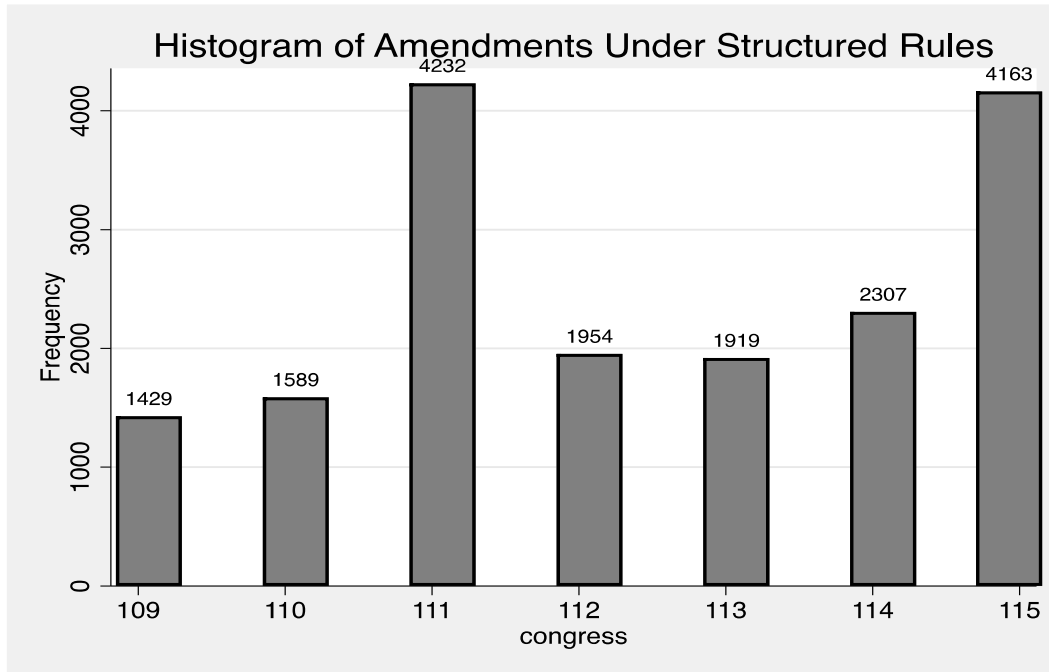


Figure 2.1: Amendments Under Structured Rules

### Key Variables

The use of special rules can be heavily partisan in nature, as the inclusion of restrictive rules by the Rules Committee allows for a legislative advantage. The majority party's ability to control the House Committee on Rules allows for the ability to close off amendments on legislation. The interaction between special rules and the amending process in the House are inextricable. This results in the minority and majority parties interacting differently when it comes to the offering and accepting of amendments. Simply, this chapter cannot only look at gender as a determining factor of behavior without considering the role of the individual's party affiliation.

The experience of a member in terms of amending behavior is heavily dependent upon their status as either within the majority or minority party. For this reason, I use separate logit models for assessing the hypothesis grouped by the majority and then again for the minority

party. Models will have observations from both Democrats and Republicans but will be dependent upon which party was the majority for each of the congresses under consideration.

Of particular interest to the study here are the number of amendments that are allowed in relation to those that are offered in each Congress. The variable *allowed* refers to amendments that the Rules Committee allowed to be offered. The coders for this project then indicated whether each amendment was allowed or not based upon the Rules Committee's determination. The variable *allowed* could take on three different values ( $Y_1=0$ ) if the amendment was not granted consideration, ( $Y_1=1$ ) if the amendment was granted consideration, and ( $Y_1=9$ ) for amendments that were withdrawn. The first three congresses only have the option of a (0 or 1) as the coding process for those amendments that were withdrawn did not include these until the 112<sup>th</sup> Congress. For modeling purposes, observations of withdrawn amendments were dropped out of the dataset at this stage as these do not contribute to better understanding whether offered amendments are allowed or not.

In Table 2.1, I have included the breakdown of amendments that were either allowed/not allowed by gender across the seven congresses. About 21% of the 16,908 observations of amendments offered were by female members. For amendments offered by male members we see an allowed rate of about 42% of the offered amendments. As discussed previously, there are far fewer female members which impacts the total number of amendments offered, but we see about a 36% allowed rate. The combined allowed rate across gender for all amendments is about 41%.



Table 2.1: Amendments Allowed Under Structured Rules by Gender

|               | <b>Not Allowed</b> | <b>Allowed</b> | <b>Total</b> |
|---------------|--------------------|----------------|--------------|
| <b>Male</b>   | 7,638              | 5,637          | 13,275       |
| <b>Female</b> | 2,327              | 1,306          | 3,633        |
|               | 9,965              | 6,943          | 16,908       |

For reference, I have also included a table for the amendments offered and then grouped by party. A couple of important statistics to note regarding party can be seen here. First, as expected more amendments are offered by the minority party with about 65% of offered amendments coming from the minority party. This is important to note as the models will be split by majority and minority party, and therefore more observations are available for the minority party. Additionally, about 37% of the offered amendments by the minority party are allowed, and about 48% of the offered amendments by the majority party are then allowed by the Rules Committee. Prior to examining the model results, it is helpful to understand how many observations we are dealing with in terms of party breakdown and the success that can be expected in this first stage of the process.

Table 2.2: Amendments Allowed Under Structured Rules by Party

|                       | <b>Not Allowed</b> | <b>Allowed</b> | <b>Total</b> |
|-----------------------|--------------------|----------------|--------------|
| <b>Minority Party</b> | 6,890              | 4,114          | 11,004       |
| <b>Majority Party</b> | 3,038              | 2,806          | 5,844        |
|                       | 9,928              | 6,920          | 16,848       |

## Additional Variables of Interest

The use of special rules can be heavily partisan in nature, as the inclusion of restrictive rules by the Rules Committee allows for a legislative advantage. The model for this first chapter includes a variable *gender* that I coded for the primary sponsor of each amendment with a 1 for a female sponsor and 0 for a male sponsor (US House of Representatives 2022).<sup>8</sup> Based upon the literature, I also know that party affiliation and ideology play a central role in legislative behavior. I therefore include an *ideology* variable which is the absolute value of the DW-NOMINATE variable included in the *University of Georgia Congress Project Amendments Dataset* to display the amendment sponsors ideology (Lewis, Poole, Rosenthal, Boche, Rudkin, and Sonnet 2022). This is helpful to be able to differentiate between more moderate and extreme members in terms of their amending success.

To assess potential interaction effects between a member's gender and their ideological extremeness, I include an interactive term of *gender x ideology*. Additionally, I include two binary control variables also in the *University of Georgia Congress Project Amendments Dataset*. The first is for whether it was a *manager's* amendment as the expectation is that amendments that are part of a manager's amendment will likely increase the likelihood of them being allowed and successful. Finally, for the minority party model only, I include a binary variable for whether it was a *bipartisan* sponsored amendment. The expectation with these is that again, this would likely increase the likelihood of an amendment being allowed/successful as it would be demonstrated that it has some support from a majority party member.

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<sup>8</sup> To code my list of women members by Congress, I consulted data from the U.S. House of Representatives History, Art, and Archives page that can be found at: <https://history.house.gov/Exhibitions-and-Publications/WIC/Historical-Data/Women-Members-by-Congress/>.

## Discussion & Results

This section addresses the results of two separate logit models that were run: one for amendments that were allowed for members of the majority party and another for amendments that were allowed for the minority party. The first logit model uses allowed as the dependent variable and the findings are included in Table 2.3.

Table 2.3: Logit Model Amendments Allowed Under Structured Rules (Majority Party Only)

| Variable          | Coefficient | Std. Error | Z     | P >  z |
|-------------------|-------------|------------|-------|--------|
| Gender            | -.338       | .315       | -1.07 | 0.284  |
| Ideology          | .441        | .488       | 0.90  | 0.366  |
| Gender X Ideology | -.034       | .877       | -0.04 | 0.969  |
| Manager           | 2.345       | .559       | 4.19  | 0.000* |
| Constant          | -.292       | .455       | -0.64 | 0.521  |

N=5,824

Clustered Standard Errors by Congress

Table 2.3 provides results for the majority party across the congresses from the 109<sup>th</sup>-115<sup>th</sup>. There are approximately 5,824 observations for the seven congresses considered. The data include observations from both Democratic and Republican parties across this range, and with majority parties often changing by Congress I have decided to cluster the standard errors by Congress. Here, the only variable for which we see significance is for manager's amendments.

I have included a predicted probability graph of the probability of amendments being allowed by gender. Marginal effects plots for each of the four models are included in Appendix A: Chapter 2. For the x-axis I use the *ideology* variable, measured as the absolute value of DW-NOMINATE, to understand variation in both the gender variable as well as within the majority party. Figure 2.2 displays the key findings from this first model. Here, there is a lack of a significant difference present between male and female members.<sup>9</sup> In this first model by only looking at the majority party, we can better understand and assess the way in which rank-and-file

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<sup>9</sup> Female members absolute value ideology measure goes up to .967, while male members go up to 1.226.

members are able to negotiate with their own party's leadership in terms of having their amendments accepted. In this figure, it appears that we are simply not seeing a substantive or significant difference in terms of amendments being allowed within the majority party.

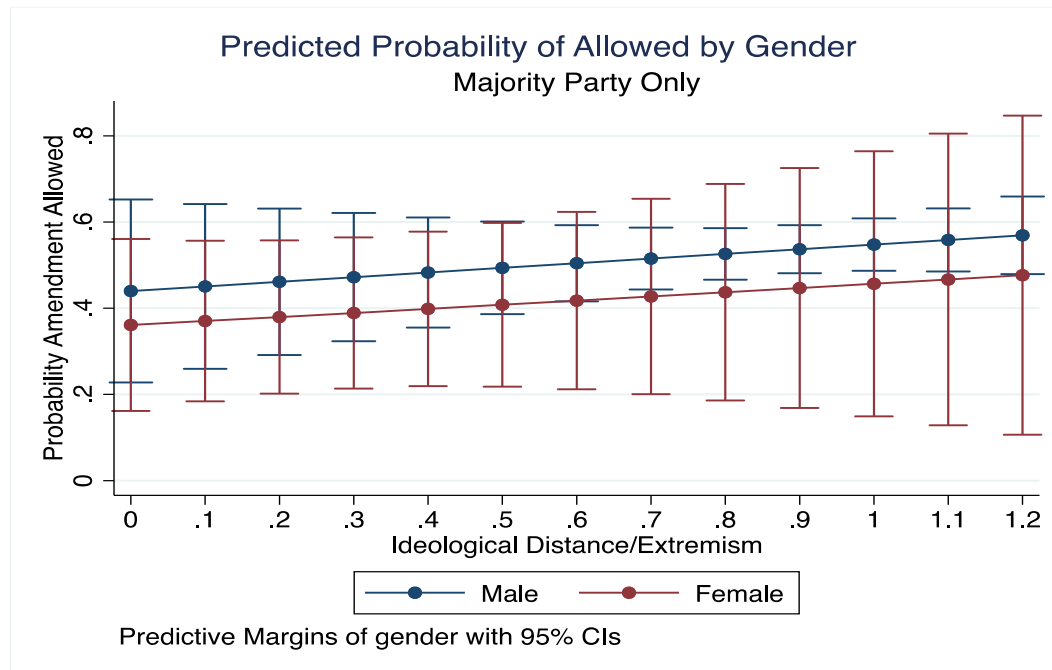


Figure 2.2: Probability of Amendments Allowed Under Structured Rules (Majority Party Only)

The next step is to consider whether we are able to see differences between male and female colleagues in terms of their success at having amendments allowed as members of the minority party. This provides a different perspective, as it relates to whether female members may be able to have better success outside of their own party than their male counterparts. Table 2.4 provides the results from looking at approximately 10,945 observations of amendments offered by members of the minority party. In this model, we see several variables display significant results including manager's amendments, bipartisan, and the interactive term of gender and ideology. Again, this potentially provides an interesting story about when we may

expect gender and ideological distance to impact the level of success a member may have in terms of having access to the amending process.

Table 2.4: Logit Model Amendments Allowed Under Structured Rules (Minority Party Only)

| Variable          | Coefficient | Std. Error | Z     | P >  z |
|-------------------|-------------|------------|-------|--------|
| Gender            | 1.046       | .610       | 1.72  | 0.086  |
| Ideology          | .697        | .694       | 1.00  | 0.315  |
| Gender X Ideology | -2.418      | 1.173      | -2.06 | 0.039* |
| Bipartisan        | .691        | .094       | 7.38  | 0.000* |
| Manager           | 1.170       | .536       | 2.18  | 0.029* |
| Constant          | -.972       | .459       | -2.12 | 0.034* |

N=10,945

Clustered Standard Errors by Congress

In Figure 2.3, I further examine the relationship between ideology and gender within the minority party by again assessing the predicted probability that a member within the minority would have their amendment allowed. In this figure we see an interesting relationship in which it looks like moderate female members may be slightly more likely to have their amendments allowed, however, the confidence intervals indicate there is not a statistically distinct difference between the two.

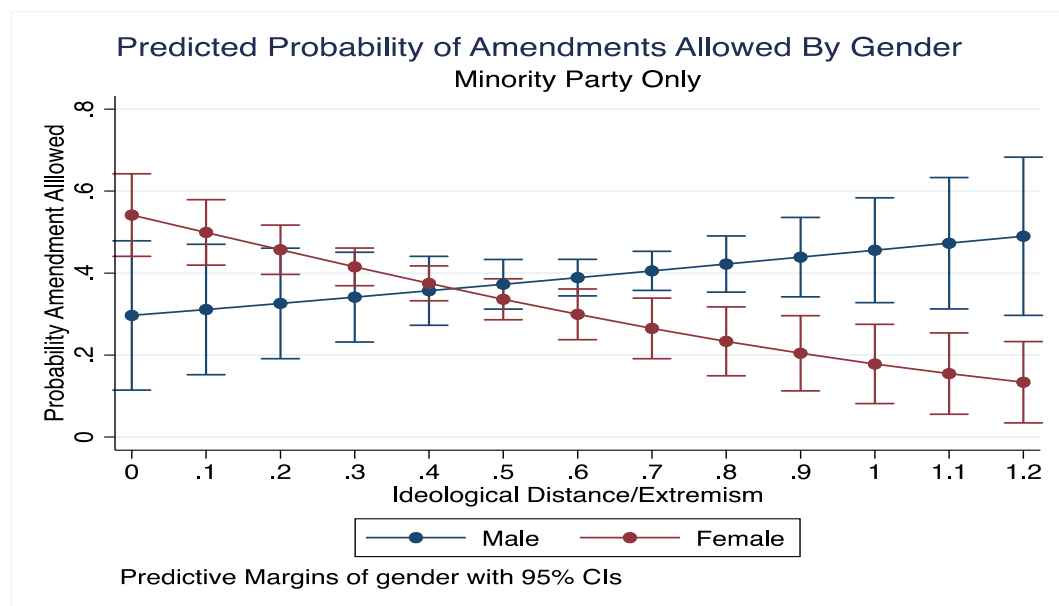


Figure 2.3: Probability of Amendments Allowed Under Structured Rules (Minority Party Only)

As you move further along the x-axis to the more extreme members, we do see the likelihood of male offered amendments being more likely to be allowed. This could be due to the nature of the ideological scores and the fact that the most extreme female members end at .967 and male members extend all the way to 1.226. Or this could relate back to the Rules Committee's reluctance in many ways to agree to allow amendments that may split their own party but may be willing to allow more extreme amendments through to split the minority party.

### **Passed**

Additionally, I hope to understand more about the amendments that are ultimately passed after receiving floor consideration. The variable *passed* refers to amendments that passed following a floor vote. This variable can take on several different values, however the two primary values are: ( $Y_2=0$ ) if the amendment was rejected, ( $Y_2=1$ ) if the amendment is passed. Additional variables account for variation within the process and were also added in later coding schemes including: ( $Y_2=2$ ) if the amendment is withdrawn on the floor, ( $Y_2=3$ ) if the amendment is considered adopted under the rule, ( $Y_2=4$ ) for if the amendment was rejected by an unrecorded vote after a point of order, ( $Y_2=5$ ) if the amendment was not allowed under the rule, and ( $Y_2=6$ ) is if the amendment is either not considered or not offered, and ( $Y_2=9$ ) for amendment was withdrawn at the special rule stage.

I created a binary *success* variable from this original variable where 0 is considered not successful and 1 is considered successful and removed observations that had a category that did not deal with this stage specifically. For this second stage, I include all amendments that were allowed and then use a logit model for both the majority and minority party to determine success of the amendment once the Rules Committee has essentially allowed them through. This provides an interesting extension to the story as it displays the likelihood of success once your

amendment has made it through this Rules stage. I have included the table results of the logit models for both the majority and minority parties in Appendix A. Here, we see that moderate members or centrists in both parties have high levels of success in terms of passage of their amendments. This finding is by no means surprising but does illustrate further the importance of the first stage of the process in being able to set which amendments will ultimately have “success.”

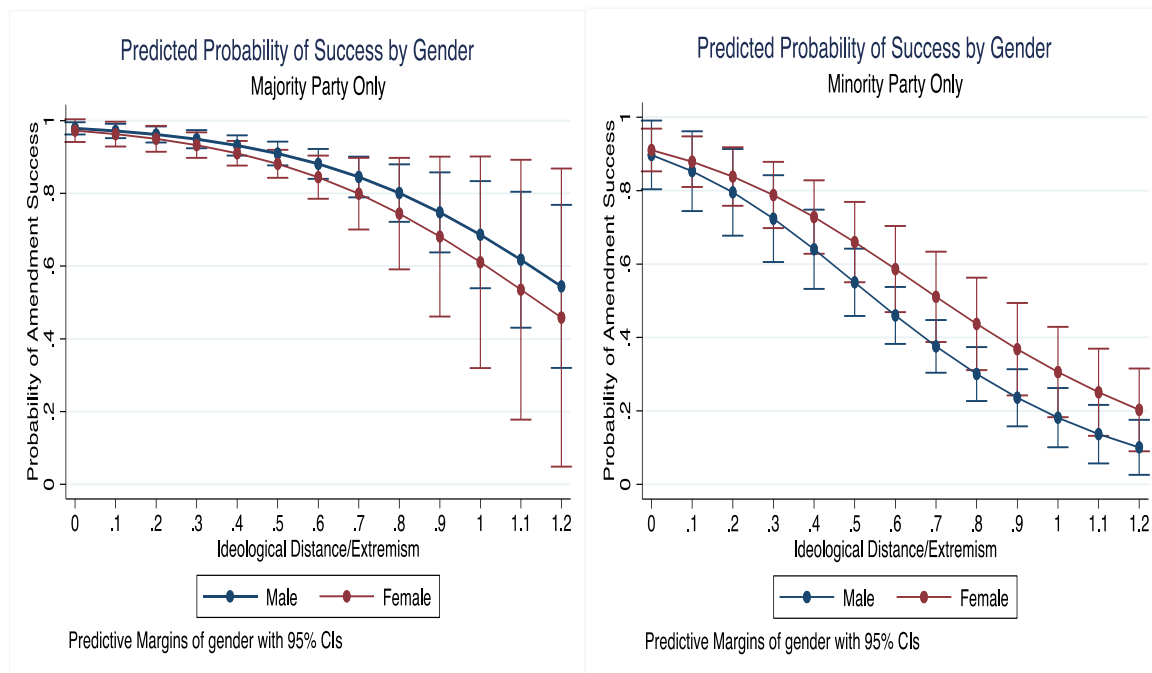


Figure 2.4: Probability of Amendments Being Successful by Gender

## Conclusion

This chapter has attempted to assess whether gender differences exist within party during of the more closed-door processes within the overall policymaking process. Here, I have considered the literature on the impact of gender on legislators, the amending process, and the role of party. Additionally, I ask whether we actually see substantive differences in the actions and behaviors of male and female legislators as they approach a critical process, amending.

The results of the models provide an interesting story. When looking at the majority party, we simply do not find a significant difference between men and women in terms of the amendments being allowed or even in having success in this second stage of the process. For the minority party, results provided some significance but not as a uniform result across all ideology. Instead, the predicted probability graphs show moderate male members having slightly less success in being allowed amendments compared to the more extreme members. This is the opposite pattern of what we see from the female members. Again, this may have more to do with the role of the Rules Committee and the amendments that they are willing to allow from minority party members, but still provides an interesting finding.

As for the second stage of the process, centrists in both parties are very likely to see their amendments agreed to if they can make it through this first stage of the process. The next stage of this research is to consider other more hidden aspects of the legislative process to see if we find similar results. Do we again see very little difference in terms of males and female members in other areas of billmaking and negotiating? Although the findings of this chapter lack significant results, I look forward to further opportunities to explore similar questions and better understand whether these same results hold across different activities within the House.



## CHAPTER 3<sup>10</sup>

### HITCHHIKING BILLS AND COLLEGIALITY AMONG WOMEN LEGISLATORS

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<sup>10</sup> Vick, Allison S. To be submitted to *Legislative Studies Quarterly*.

## **Abstract**

The propensity for Congress to make large pieces of legislation leaves a substantial part of the lawmaking process hidden. An example of one of these hidden processes is when rank-and-file members engage in negotiating to have their proposed bills added to pieces of must-pass legislation. These so-called “hitchhiker bills” provide a look into which members are successfully negotiating with majority party leaders to pass legislation and influence policy (Casas, Denny, and Wilkerson 2020). Previous work argues that women may act in a more collegial manner than their male counterparts. In this chapter, I examine the individual-level factor, gender, to assess whether female members may be more likely to successfully engage and negotiate in these off-floor processes. I assess this claim by examining if women are more successful at passing hitchhiker legislation than their male colleagues. To do so, I make use of the Casas, Denny, and Wilkerson (2020) hitchhiker dataset to examine the impact of gender on this specific process from the 103rd-113th Congresses (1993-2014). The analysis displays a lack of a significant difference in male and female members likelihood to engage in hitchhiking behavior.

## **Introduction**

Senator Kelly Loeffler (R-GA) was selected by Governor Brian Kemp (R-GA) to fill former Senator Johnny Isakson’s seat upon his resignation for health reasons.<sup>11</sup> Senator Loeffler began in her senatorial role on January 6, 2020 and concluded her position on January 20, 2021.<sup>12</sup> Loeffler’s time in the Senate was comparatively quite short as she had only spent approximately one-year in the chamber. In an era of Congress in which it has become even more

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<sup>11</sup> “Kemp Appoints Loeffler to US Senate (Dec. 4 2019)”: <https://gov.georgia.gov/press-releases/2019-12-04/kemp-appoints-loeffler-us-senate>.

<sup>12</sup> Congress.gov Biographical Directory of the United States “Kelly Loeffler”. <https://bioguide.congress.gov/search/bio/L000594>.

difficult to have legislation successfully enacted, the question becomes how much an individual can accomplish in a year?

Near the end of her term, on December 18, 2020, Loeffler's account tweeted an article that referred to her accomplishments as a legislator including: "57 bills introduced, 208 pieces of legislation cosponsored, and 5 bills signed into law."<sup>13</sup> Loeffler's five bills signed into law stand out for such a small-time frame having served in Congress, and simultaneously display an interesting facet about the modern legislative process. For example, if you were to look to the Loeffler's "Congress.gov" page, you may not be able to notice right away which pieces of her sponsored legislation had been enacted into law.<sup>14</sup> The reason for this, is Loeffler had sponsored legislation that ended up being enacted as part of other pieces of legislation.<sup>15</sup> This process has been recently termed as a "hitchhiker bill" as a member is able to attach their policy proposal as a "hitchhiker" to a different piece of legislation (Casas, Denny, and Wilkerson 2020).

In recent congresses, the legislative process has moved to a more leadership-centralized process and bills are becoming larger and more complex (Curry 2015). This has required there to be changes in how members themselves operate. Loeffler's tweet draws attention to this procedural change, and the growing importance of understanding how lawmakers have had to evolve with the process. Again, Loeffler only served for a short term, but was able to demonstrate an ability to have her policy proposals and preferences have a chance at successful enactment through negotiating their inclusion on other bills. This then begs the question do women in Congress act differently than their male counterparts?

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<sup>13</sup> Senator Kelly Loeffler. Twitter Post. (Dec 21, 2020): [https://twitter.com/SenatorLoeffler/status/1339975915355467779?cxt=HHwWhsC7pdu\\_xpglAAAA](https://twitter.com/SenatorLoeffler/status/1339975915355467779?cxt=HHwWhsC7pdu_xpglAAAA).

<sup>14</sup> Congress.gov "Kelly Loeffler": <https://www.congress.gov/member/kelly-loeffler/L000594?s=1&r=1&q=%7B%22search%22%3A%5B%22kelly+loeffler%22%2C%22kelly%22%2C%22loeffler%22%5D%7D>.

<sup>15</sup> Many thanks to Michael Lynch for sharing this story with me. Lynch received information from Loeffler spokesperson Nadgey Louis-Charles about the bills that her sponsored legislation ended up passing with.

In the summer of 2021, Vice President Kamala Harris (D-CA) invited all 24 current female Senators to attend a bipartisan dinner at the Naval Observatory (Wright and Stracqualursi).<sup>16</sup> This dinner quickly gained national attention as the first major event hosted by a female vice president, as well as for being a recognizable moment of bipartisanship among female senators across an ideological spectrum. This dinner garnered quite the public attention; however, it was simply one dinner. Are women more likely to work together, or are examples like these simply social events?

These bipartisan events are not new—however, women do remain a minority group in both houses of Congress even amidst the dramatic growth. We may expect that this status as a minority group may impact the behavior of female members and poses questions about whether women may emphasize different priorities or may be willing to pass up on credit-claiming opportunities to achieve different legislative goals. Are female members more likely to negotiate and potentially give up personal exposure to ensure higher potential of success for their preferred outcomes? Specifically, I am interested in assessing whether women display tendencies of actively working with fellow members towards advancing a policy agenda even at the possible risk of losing what could be valuable credit for electoral purposes.

The purpose of each of these three chapters centers around the goal of better understanding how the lawmaking process is impacted by the individuals who make up the House of Representatives. Chapter 2 addresses the structured rules process to better understand whether an individual-level factor, such as gender influences the way that members both approach and have success in terms of their amendments being allowed. This chapter's results do

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<sup>16</sup> Wright and Stracqualursi (2021) "Harris hosts female senators for 'evening of relationship building' at vice president's residence." *CNN Wire*, June 16, 2021, NA. *Gale In Context: Opposing Viewpoints*.  
<https://link.gale.com/apps/doc/A665333361/OVIC?u=uga&sid=bookmark-OVIC&xid=a655ea83>.

not demonstrate a significant difference in male and female member's amending behavior. In Chapter 3, I seek to ask a related question by looking again at whether gender impacts how members approach a different aspect of the legislative process.

Here, I examine "hitchhiker" bills to see if women are more successful than their male colleagues at negotiating with majority party leaders (Casas, Denny, and Wilkerson 2020). By asking this question and looking at a different aspect of lawmaking, I hope to better understand whether the results are consistent across different types of processes or if by looking at different activities we may see variation among how men and women approach their role as members. Hitchhiking refers to the process where members can work together to attach pieces of their own sponsored bill to a potentially more successful piece of legislation, allowing a member to have opportunities to advance bills that may otherwise "die" in an earlier stage of the legislative process.

This chapter will make use of the Casas, Denny, and Wilkerson (2020) dataset that they have shared with me for this project. This hitchhiker dataset allows for the consideration of gender at a different stage of the legislative process. In doing so, I hope to continue looking at this question of whether these individual-level factors impact the behavior of member of Congress. Furthermore, looking at this process can be useful in terms of further examining how research thinks about and considers the process via which bills are enacted. This chapter will address questions such as, what is a hitchhiking bill? More specifically, why do I think this can be a useful tool for better understanding off-floor negotiating among members? Are women more likely to work well with their colleagues in terms of legislating rather than just working to sponsor their own standalone bills?

## Why Hitchhikers?

Members often have incentives to sponsor legislation that may relate back to their constituency's interests or preferences. Mayhew (1974) offers important insights into how electorally-minded members approach a variety of legislative activities. These behaviors include a member's ability to display their experience and preferences via credit-claiming or even position-taking. For example, bill sponsorship provides an avenue for members to display preferences and put forth legislative ideas to outline their agenda.

However, the modern era of Congress has moved away from what has traditionally been considered "regular order." Changes in the bill-making process have impacted the size of legislation and the number of bills being passed. Legislation has become increasingly complex and there has been a growth in the majority leadership's "informational power" and ultimately influence on bill making and policy (Curry 2015). As Curry (2015) makes the point in the book *Legislating in the Dark*, leadership has an informational advantage that "strongly benefit party strength at the expense of the quality of deliberations" (202). Curry's argument outlines the growing importance of party leadership, especially for the majority party, in considering the context of what is ultimately given consideration or who may have a seat at the table.

As different aspects of the legislative process have moved to take place away from the floor, we are left with questions about what this may mean and what the implications are for members of Congress as this process has evolved? This chapter is built upon the understanding of the importance of the role of party, and more specifically, party leadership in being able to establish the legislative agenda (Cox and McCubbins 2005; Finocchiaro and Rohde 2008). Since legislating is being done in different ways and party leadership plays such a central role in what

may ultimately succeed or fail, the next stage is to be able to understand how rank-and-file members are able to engage and have a say in these processes.

In Chapter 2, I discussed the role of party in impacting the special rules process in the House. Specifically, the Rules Committee's ability to allow or deny certain amendments and the impact that this has on policymaking. In looking at structured rules, I was able to get a sense of the amendments that were offered and then were determined to be "allowed" by the Committee. However, some processes are even more difficult to determine what is happening regarding party negotiations. For example, a final enactment of a bill may be made up of the text of several different bills. This process of crafting these bills and building support is heavily party dominated. The question becomes, how are members able to negotiate with their party leaders to ensure that their policy proposals are ultimately involved and successful?

The work of Casas, Denny, and Wilkerson (2020) provides a look at "hitchhiker bills" as one way to address the negotiations that are often involved in the bill-making process. Again, these hitchhiker bills are an opportunity for a member to include their originally sponsored bill within a different piece of legislation for the purpose of getting a policy proposal to enactment. The authors argue that understanding who is ultimately "effective" may not be best represented in only looking at who is solo-sponsoring enacted legislation. Specifically, they address the literature looking at legislative effectiveness and center their theory on the idea that these so-called hitchhiker bills are an important aspect to consider in terms of who is involved in the process and therefore having an impact on the policies that are enacted.

In related work, Wilkerson, Smith, and Stramp (2015) also use the text reuse method to look at policies and their presence in other bills. Again, the idea being that these large, omnibus type bills tend to be made up of other bills, and members' ideas before they get to the final stage.

Looking at something like sponsorship alone leaves out a significant amount of information about who and what is influencing the process. This article focuses on the method of text reuse and the ability to see how policy ideas can end up in other bills.

Hitchhikers provide a unique ability to see who can effectively negotiate with fellow members to increase their likelihood of having their policy preferences included and considered. I believe that this process of negotiating to ensure text from your preferred bill has success on the larger legislative agenda is a key stage to be able to look at potential gender differences. Specifically, I am interested in a member's decision and ability to successfully engage in negotiating via hitchhiking as it provides an area that is often less publicly visible. As the Casas et al. (2020) article argues, there are alternative ways for members to engage in the lawmaking outside of passage of solo sponsored bills. Here, I want to consider the convergence of the literature looking at the legislative process and gender in reference to whether female legislators are better able negotiate with colleagues to ensure their preferred outcomes can pass via these hitchhikers.

## **Gender & Negotiating**

As discussed in Chapter 2, the work of Lawless, Theriault, and Guthrie (2018) outlines many of the major challenges in assessing the impact of gender on the behavior of lawmakers. Activities that take place away from the floor can be difficult to measure, and the actions of the modern Congress may not be able to be fully understood from focusing solely on the floor. In Chapter 2, the consideration of structured rules allows us to gain insight into the ways that members view a critical part of the legislative process in the House.

In this chapter, I continue the consideration of the role of gender in member behavior by looking at the likelihood and willingness of members to negotiate and participate in this



“hitchhiker bill” process. Essentially, I hope to ascertain whether women may be more likely to negotiate with other members of Congress by “attaching” their bills to pieces of successful legislation. I want to specifically focus on these works that consider the way that women legislators may or may not engage in this negotiating behavior that influences their potential likelihood to negotiate with members to ensure at least part of their bill would be included as part of successful legislation.

First, even outside the realm of congressional literature, we have seen scholars seek out if differences exist in the negotiating behavior of women compared to male colleagues. For example, work by Christina Boyd (2013) establishes a connection between female judges and their likelihood of “fostering settlement” before their male counterparts. Boyd’s results indicate that women may be approaching their positions as judges differently. Wojcik and Mullenax (2017) use survey analysis to look at networking among Brazilian representatives and find results that women can build “denser and more diverse networks” than male colleagues (605). These findings set up the interesting question of whether we may expect that female members of the US Congress may then approach their role as legislators differently.

Research has addressed several related areas in terms of how women and men may differ across their jobs and duties in congress. Thomsen and Sanders (2020) have found evidence that female legislators may be more responsive to their constituent’s requests. Atkinson and Windett (2019) specifically address the electoral challenges that women candidates may face and how this impacts their behavior once they are able to obtain office. The authors find evidence that female members are likely to engage in sponsoring a “diverse legislative agenda” across issue areas (Atkinson and Windett 2019, 787). Volden, Wiseman, and Wittmer (2013) additionally

find evidence that female members within the minority party are able to better build coalitions in supporting sponsored bills at later stages.

On the other hand, work by Osborn, Kreitzer, Schilling, and Hayes Clark (2019) and find evidence that female members at the state level of legislatures are becoming more polarized via their roll-call voting behavior. Similarly Elder (2020) addresses the growing partisan gap between female members of Congress in recent years. Does this provide evidence that female members may be more likely to display partisan attitudes in their legislative activities rather than a willingness to network or negotiate? Next, I will consider how these previous studies have led me to consider the theory for this chapter with a hypothesis that we will see women better able to negotiate via hitchhiking than their male colleagues.

### **Research Question and Hypothesis**

Chapter Two focused on the structured rules process in the House to determine if women and men had different levels of success in terms of their amendments being allowed by the Rules Committee. The results of this first study did not demonstrate a significant difference between genders in their ability to have their offered amendments allowed by the committee.

In this chapter, I am interested in a related question to assess whether we see a gender difference in who uses the hitchhiking process to advance their preferred legislation.

The intentional selection to focus on hitchhikers in this chapter relates again to the difficulty and importance in assessing processes that are mostly hidden or off the floor. First, it has been established that sponsorship alone does not provide a full picture of the bill making process. The content of these bills is influenced by the individuals that are engaged in the hitchhiking process and impacts the final policies that we see enacted. Therefore, the opportunity

to understand more about the members who are choosing to engage with their colleagues to get their policy preferences is ideal for considering differences among these members.

The difficulty of looking at hitchhikers goes back to the inability to see the first stage of the process. Again, in Chapter 2, I was able to look at all amendments offered. In looking at hitchhikers that are successful and enacted, I do not have a chance to assess the people who wanted to negotiate but were ultimately unable to do so. However, this does mean that this process allows us to have a glimpse of who is able to negotiate successfully via hitchhiking.

The next stage is to model the hitchhiking process to see what we can learn about women's approach to legislating. I am seeking to assess whether women approach this process differently than their male colleagues. The specific question I want to address in this chapter is: do male and female congressional members successfully use "hitchhiker bills" at different rates? The central hypothesis for this chapter can be considered as:

**Gender Hitchhiker Hypothesis:** Female members will be more successful at negotiating with majority party leaders to ensure passage of their preferred policy outcomes via hitchhikers than their male colleagues.

The hypothesis relates back to the literature discussed earlier in the chapter that indicates that women may be more likely to negotiate and work with their colleagues to accomplish their goals. I believe that this previous research demonstrates an expectation that we may see women engage in negotiations via hitchhiking more frequently than their male colleagues.

### **Hitchhiking Data by Member**

The dataset for this chapter is built from the Casas, Denny, and Wilkerson (2020) dataset that they have graciously shared with me for this project. Their original dataset looking at hitchhikers provides a view of the variation that takes place in the legislative process and allows

for the chance to consider how “hitchhiking behavior” may differ among male and female members. The central question I am interested in is whether women are more likely to successfully use the hitchhiking process compared to their male colleagues.

The original Casas et al. (2020) data includes over 92,000 bills<sup>17</sup> across the 103<sup>rd</sup>-113<sup>th</sup> congresses that are coded at the bill-level. The authors then use a text reuse method and code whether a bill has one of three outcomes: enacted as a law, or as an “insertion” which is a hitchhiker or is not enacted. They then use this dataset to better assess how scholars talk about member and legislative effectiveness by looking at whether a bill is more likely to become a law on its own or as a hitchhiker.

The authors incorporate a variety of variables that may impact “effectiveness” including committee and majority details, demographic information, and code for different types of bills. Again, their results provide an important look at how legislators may not be receiving credit in terms of effectiveness by only looking at standalone laws. Their chapter draws attention to the importance of considering nontraditional sponsorship of bills outside of the standalone law.

Here, I have created a dataset built from several of these key variables incorporated by Casas et al. (2020). In this chapter, I am considering a separate question from that of the effectiveness stream of research. I am primarily interested in a member’s decision and then success in engaging in the hitchhiking process or not. I believe that this prior stage of a member deciding to negotiate or engage in this hitchhiking process and then negotiate to ensure their bill’s inclusion as a hitchhiker may provide an interesting analysis for how we consider gender and its impact on policymaking. Therefore, my unit of analysis will be at the member-level (grouped by Congress) rather than at the bill-level.

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<sup>17</sup> According to Casas et al. (2020), the original “corpus” of bills was collected by Handler et al. (2016).

To rearrange the data for a member-level analysis requires a couple of key modifications. First, in these dissertation chapters I am focusing only on the House to compare different activities within the same chamber rather than attempting to compare across chambers. Therefore, I have removed any bills sponsored in the Senate which reduces the total number of bill observations to slightly over 60,000 observations.

I then used the DW-NOMINATE dataset from Voteview which includes every member of Congress identified by an ICPSR number as well as their first dimension NOMINATE scores for member ideology (Lewis, Poole, Rosenthal, Boche, Rudkin, and Sonnet 2022). Using Voteview as the base provides an opportunity to start with the list of every member separately listed by Congress. I then was able to create a total number of hitchhikers sponsored by each member per Congress to merge with the biographical data.<sup>18</sup> I removed all non-voting delegates who served during this time as well double-checked vacancies and successions by consulting the *Congress.gov Biographical Directory* and removed any member who had served for less than a calendar year's time.<sup>19</sup> This provides a total of approximately 4,777 member-level observations over the 11-Congress period.

Figure 3.1 includes a side-by-side figure to better demonstrate the frequency of these hitchhikers by Congress. The left of the graphs provides the total number of successful hitchhikers used per Congress. From these totals, we can see the fewest total number of sponsored bills as hitchhikers in the 113<sup>th</sup> Congress and the highest level in the 110<sup>th</sup> Congress.

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<sup>18</sup> I was able to create a count of the number of hitchhikers by each member per Congress. I did this from the full data set so I would also have the 0s for people who sponsored bills but did not have a hitchhiker.

<sup>19</sup> For members who changed party within a Congress I selected the party with which they had spent the most time with during that Congress. Additionally, about 52 member observations did not have a matching count from the Casas et al. data and were given a 0 for total hitchhikers & sponsored bills for that Congress.

Additionally, this figure makes it apparent that there is quite a bit of variation across congresses in terms of the usage of these hitchhikers.

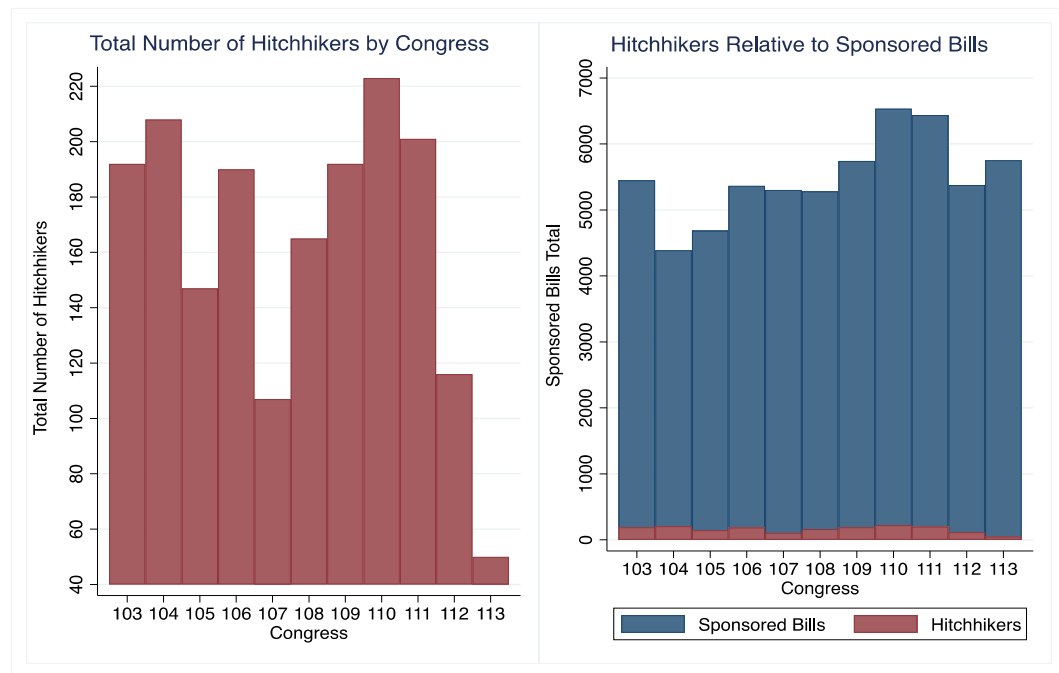


Figure 3.1: Hitchhiker Totals per Congress

The figure displayed on the right shows the total number of observations in the dataset per Congress which includes those categorized as a standalone law, no law, and those that are insertions/hitchhikers. The total number of sponsored hitchhikers per Congress are then displayed in red. Essentially, this left figure provides a zoomed in view of the hitchhiker bars in the right figure. Overall, these hitchhikers make up a small portion of the overall total of included observations per Congress, however, a large majority of sponsored bills will not be enacted as a law.

Figure 3.2 displays the percentage that standalone laws make up of the total number of sponsored bills with the green diamonds. The percentage of hitchhiker enactments of the total of sponsored bills are displayed with a red “x”. In each of the congresses in the dataset, the overall

percentage of hitchhikers used compared to the standalone enactments within the full dataset of sponsored bills is somewhat smaller.

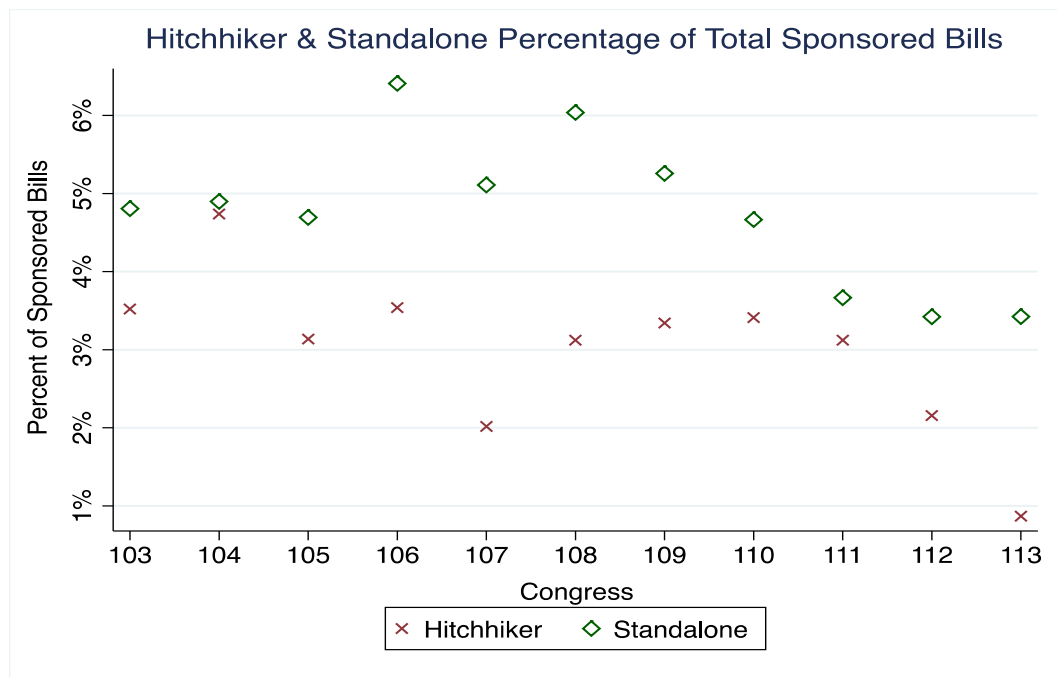


Figure 3.2: Percentage of Standalone vs. Hitchhiker Enactments

However, adding these percentages together demonstrates that hitchhikers do not make up a trivial number of enactments and displays the importance of continuing to understand which members are engaging and having success with the hitchhiking process. As Casas et al. (2020) make the point, leaving out hitchhiker successes eliminates a substantively important percentage of bills that have success. In this chapter, the focus is on whether we see gender differences in those who have sponsored hitchhiker bill versus those members who do not.

### Dependent Variable

The dependent variable for this chapter is *hitchhiker*. I am first interested primarily in the outcome of whether a member has sponsored a hitchhiker bill within a given Congress. For this chapter, I am incorporating a binary variable for whether a member sponsored a hitchhiker bill

within that Congress ( $Y_1=1$ ) or did not have a hitchhiker bill within the Congress ( $Y_1=0$ )<sup>20</sup>.

Simply, I am interested in whether a member can successfully negotiate via the hitchhiking process at least once in a Congress. In future research I intend to incorporate the total number of hitchhikers using a count model to assess if potential differences exist in the number of occasions in which a member uses a hitchhiker.

Figure 3.3 provides a first look at the *hitchhiker* variable. Here, the y-axis displays the percentage of the total membership who sponsored a hitchhiker bill per Congress. Again, unsurprisingly this figure displays quite a bit of variation from congress to congress. These percentages range from around 11% to over 33% of members engaging in this process in a congress.

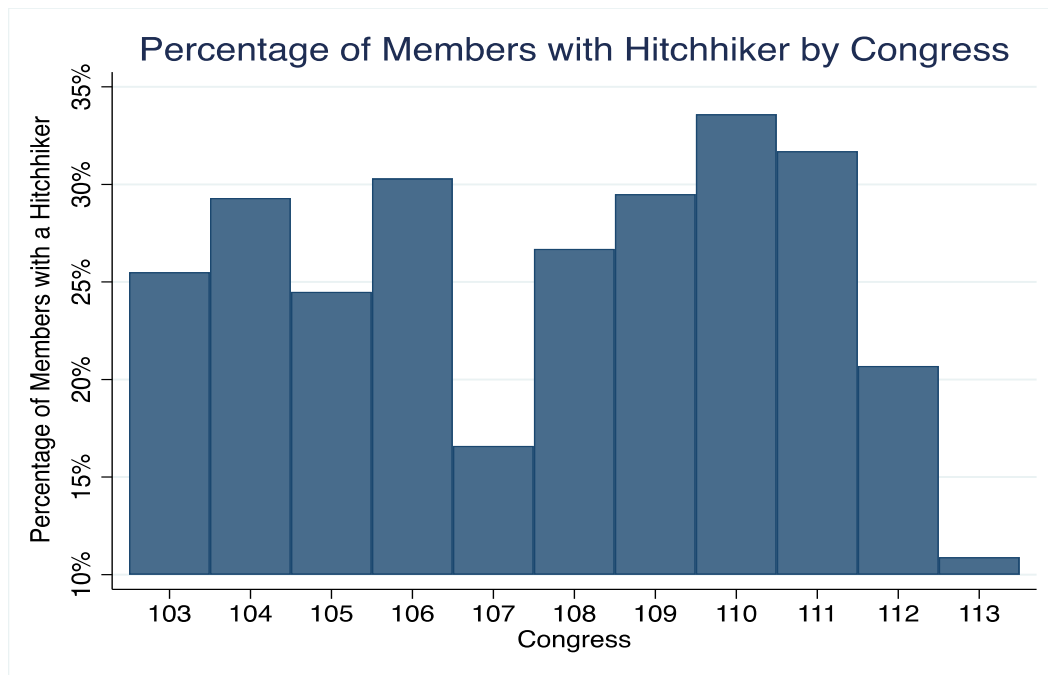


Figure 3: Percentage of Members who Sponsored a Hitchhiker

<sup>20</sup> To do this I first found the total count of sponsored hitchhikers by each individual member to create a binary variable for whether a member sponsored a hitchhiker in each Congress.



## Explanatory Variables

Similarly, to Chapter 2, I again utilize a separate model for both the majority and minority parties. The variable, *majority*, describes whether the member is part of the majority or minority party for a given Congress. Normally I would simply incorporate this as a variable within the model, however, this process is so heavily party dominated. A member's success and access to the process in negotiating and legislating is often heavily dependent upon their party's status as either the majority or minority. The process essentially operates differently because of how party driven it is and so these separate models for the majority and minority party is my way of dealing with these differences. This is a key consideration for a process such as this one in which negotiating, and party membership impacts the process via which members can have success in getting their legislation passed in the first place.

The key independent variable of interest for this chapter is *gender*. The gender variable is also a binary indicator where a member is coded as a 1 for a female member and a 0 for a male member. I was able to use the gender variable coded originally at the sponsored bill-level included in the Casas et al. (2020) dataset.<sup>21</sup> I then incorporate an *ideology* variable from each member's DW-NOMINATE scores (Lewis, Poole, Rosenthal, Boche, Rudkin, and Sonnet 2022). Due to the usage of separate models for the majority and minority parties, I incorporate the absolute value of each member's ideology score to be able to assess ideological extremism between members across the two different parties. Incorporating an ideological measure is critical to better understanding what drives members behavior and may also provide insight into their likelihood to engage in negotiations with other members.

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<sup>21</sup> I made a few adjustments to their original list of member's gender coding in the 103rd and 104<sup>th</sup> congresses.

In trying to keep with similar testing of the first chapter, I also include an interactive variable of *gender x ideology*. Again, I know that ideology is a central aspect to understanding a member's behavior and I believe there may be a conditional nature of gender and ideology when considering the decision to engage in the hitchhiking process. Considering this interactive term allows me to better model the complex nature of how individual-level factors can converge to impact a member's hitchhiking behavior.

I also incorporate their original variable for *bills sponsored*. This variable provides a count of the total number of bills that are sponsored by that member within a Congress. Incorporating this member-level variable provides an important control when considering whether the sponsor's activity level in sponsorship may impact their likelihood to engage in hitchhiking.<sup>22</sup>

Table 3.1 displays the total number of members with or without a hitchhiker across all eleven congresses according to their party's status. Here we see higher numbers of majority members with a hitchhiker sponsorship than for those within the minority party.

Table 3.1: Hitchhikers by Majority Status

|                 | No Hitchhiker | Hitchhiker | Total |
|-----------------|---------------|------------|-------|
| <i>Minority</i> | 1823          | 368        | 2191  |
| <i>Majority</i> | 1741          | 845        | 2586  |
|                 | 3564          | 1213       | 4777  |

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<sup>22</sup> The Casas et al. (2020) dataset includes a large quantity of interesting variables. Many of the variables that they incorporate are at the bill-level to assess whether factors like committee membership or bill topic. However, as my unit of analysis is the member, these control variables do not apply as well in this context here as some members may have multiple hitchhiker bills within a Congress.

In each of the two models I run, I also cluster standard errors by *congress*. This accounts for an instance in which a certain Congress may display inherent differences from the other included congresses impacting the likelihood of having success in the hitchhiking process.

## Discussion & Results

The first of these two models include only members who are part of the majority party to assess whether we see a difference in terms of male and female members engaging in sponsoring hitchhiker legislation.<sup>23</sup> Both models will be using the binary variable *hitchhiker* as the key dependent variable. Again, the unit of analysis is at the member-level and in this first model the number of observations is slightly larger with 2,586 being considered from the eleven-congress period covering 1993-2014.<sup>24</sup> The ability to have eleven congresses of hitchhiker data from the Casas et al. (2020) project allowed for me to include a larger number of member-level observations.

I separate the majority and minority parties while concurrently keeping Republicans and Democrats together to ensure any substantive results are not related to a one-party specific factor. Over this period, Republicans had control of the House for 8 of the 11 congresses and Democrats had a majority for 3 of the congresses. Within each model, I am also taking into consideration the extremity of an individual's ideology within their party. The results of this first model can be seen in Table 3.2.

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<sup>23</sup> Female members ideology measure variable goes up to .797, while male members go up to .913.

<sup>24</sup> 103<sup>rd</sup>: Democrats; 104<sup>th</sup>: Republicans; 105<sup>th</sup>: Republicans; 106<sup>th</sup>: Republicans; 107<sup>th</sup> Republicans; 108<sup>th</sup>: Republicans; 109<sup>th</sup>: Republicans; 110<sup>th</sup>: Democrats; 111<sup>th</sup>: Democrats; 112<sup>th</sup>: Republicans; 113<sup>th</sup>: Republicans. For information on majority House demographics please see: <https://history.house.gov/Congressional-Overview/Profiles/103rd/>.

Table 3.2: Logit Model of Sponsored Hitchhikers (Majority Party Members Only)

| Variable          | Coefficient | Std. Error | Z     | P >  z |
|-------------------|-------------|------------|-------|--------|
| Gender            | .447        | .354       | 1.26  | .207   |
| Ideology          | -1.328      | .392       | -3.39 | .001*  |
| Gender X Ideology | -1.325      | .924       | -1.43 | .152   |
| Bills Sponsored   | .048        | .004       | 11.44 | .000*  |
| Constant          | -1.093      | .196       | -5.57 | .000*  |

N=2,586

Clustered Standard Errors by Congress

First, of note for the majority specific model, we do not see a significant result for the key variable of interest, *gender*. The *ideology* variable provides significant results along with the total number of *bills sponsored* by a member. These variables having significance is of course not surprising given the importance of member ideological placement and sponsorship can display a general willingness to engage with the bill making process.

Additionally, the interactive term of *gender x ideology* does not indicate a significant result. The central finding in this first model is that the two variables relating to identifying a potential gender difference between male and female member participation in hitchhiking are not significant. Figure 3.4 displays the predicted probabilities for the majority party only. The x-axis demonstrates the ideological distance or extremism of a given member. This number again comes from the absolute value of each member's DW-NOMINATE ideological score. The y-axis provides the predicted probability of a member successfully sponsoring a hitchhiker bill within a given congress. The male members are represented in blue and the female members in red.

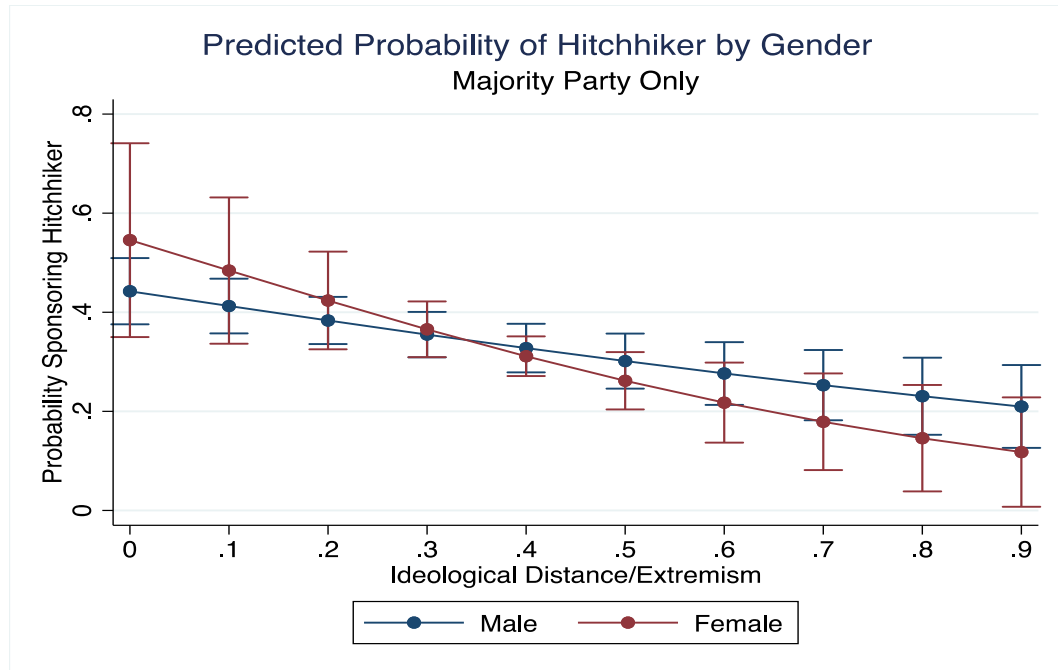


Figure 3.4: Probability of Sponsoring Hitchhiker (Majority Party Only)

The figure further demonstrates the null results included in the table and thereby display a lack of a demonstrated significant difference between the likelihood of male and female members to engage in the hitchhiking process across the ideological spectrum. Appendix B includes a marginal effects plot for each of the two separate models to demonstrate the average marginal effects of gender across the full ideological extremism measure.

To follow up, the figure also displays a depiction of how members with more moderate ideologies display higher likelihoods of sponsoring a hitchhiker within a given Congress. This is of course not surprising given what has been discussed about the importance of a member's ideology in being able to negotiate within their own party and with party leadership.

Although these first results do not display the expected hypothesis, it is important to consider whether the minority model results follow along with what we see here in the majority party. Table 3.3 provides the model results for the logit model examining members from the minority party only. Similarly, to the majority party model, the *gender and gender x ideology*

variables do not display significance. Again, the *ideology* and *bills sponsored* variables both display significant results. Members within the minority party often may have reduced access to the legislative process than those in the majority so it was possible to see some variation in the results between the two models, however, that does not appear to be the case.

Table 3.3: Logit Model of Sponsored Hitchhikers (Minority Party Members Only)

| Variable          | Coefficient | Std. Error | Z      | P >  z |
|-------------------|-------------|------------|--------|--------|
| Gender            | .428        | .545       | .78    | .433   |
| Ideology          | -1.115      | .328       | -3.40  | .001*  |
| Gender X Ideology | -1.191      | 1.390      | -0.86  | .392   |
| Bills Sponsored   | .026        | .004       | 7.14   | .000*  |
| Constant          | -1.563      | .144       | -10.86 | .000*  |

N=2,191

Clustered Standard Errors by Congress

Figure 3.5 provides a representation of the predicted probability of a member sponsoring a hitchhiker from the minority party. The figure maintains the same configuration as the previous predicted probability graph. First, we again see a lack of a significant difference between male and female members in terms of their likelihood to successfully sponsor a hitchhiker. Compared to the previous model's figure we see the probabilities are slightly smaller than those for the majority party. Again, this fits with what would be expected when comparing the majority vs. minority parties' access to sponsoring successful legislation. The figure also again displays lower probabilities of sponsoring hitchhikers for male and female members with more extreme ideological preferences.

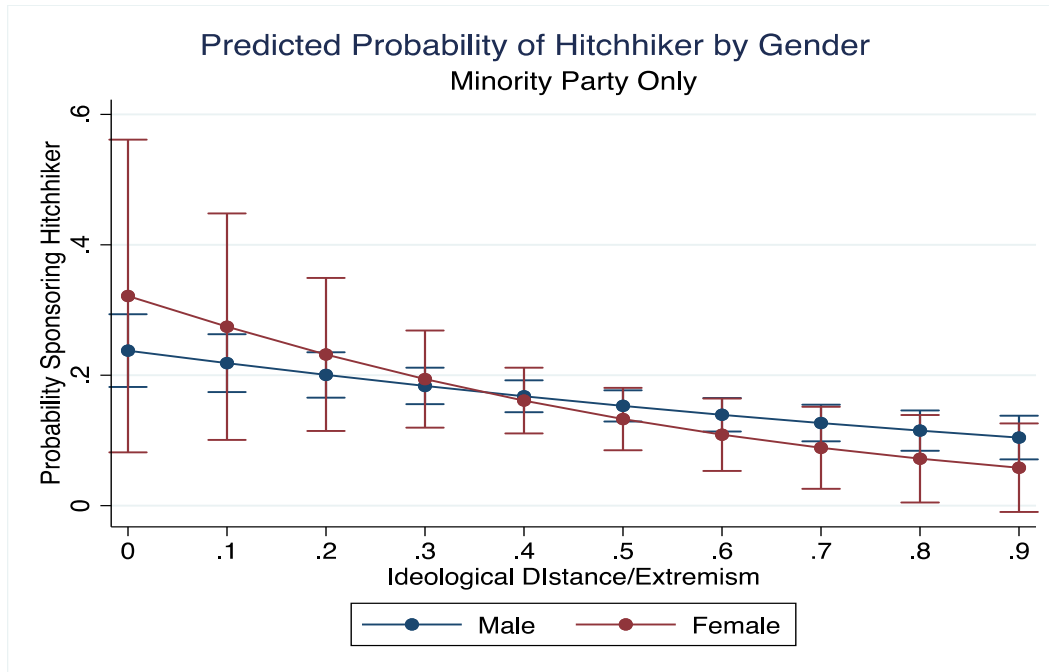


Figure 3.5: Probability of Sponsoring Hitchhiker (Minority Party Only)

## Conclusion

The goal of Chapter 3 of this dissertation was to again focus on the potential impact of an individual-level factor such as gender on a different aspect of the legislative process than that considered in Chapter 2. In this chapter, I was able to make use of the Casas et al. (2020) hitchhikers' dataset to help in examining my key research question of whether women and men display a difference in their willingness and success to engage in the hitchhiking process. I was able to adapt this dataset to analyze this question at the member level. By doing this I was able to model potential differences in member's success in using hitchhikers during a given Congress.

Specifically, this chapter was one attempt to get at whether the gender literature emphasizing women's abilities to negotiate holds on one specific activity in Congress. I believe hitchhiking provides a unique action as it does mostly take place off the floor and further away from the public eye. This chapter included two separate models, one for the majority and one for the minority party, to see if the probability of hitchhiking is dependent upon a member's gender.

The results for each of the two models do not demonstrate a significant difference in terms of the likelihood for men and women to engage in negotiations with their colleagues via hitchhiking.

The gender hitchhiker hypothesis that I included in this chapter concluded with null results. However, I believe that these null findings can provide an interesting insight into both hitchhiking activity as well as the larger consideration of our legislative process. Chapter two's results looking at potential gender differences in structured rules also resulted in null findings. These two separate activities that I have looked at in these chapters do now show a demonstrated significant gender differences in behavior in key activities that take place away from the floor. Does this mean that male and female members of congress are unlikely to display gender differences in their activities as legislators? Or is it possible that this is a question of measurement and there are certain other activities that are left to be studied that may provide insights as to gender differences from these representatives?

In terms of next steps for this project and these questions at large, it is therefore important to consider whether we may expect that differences may exist in terms of collegiality among women. For example, are women more likely to work together with other women to include hitchhikers. Do we see an emphasis of collegiality in women choosing to work with other women?

Additionally, in future iterations of this project I want to extend the project by using a count model rather than only using a logit model. For this chapter, my interest was much more focused on a yes or no outcome for whether a member was engaging in any kinds of hitchhiking activity in a congress. I think by extending this one step further via a count model we may be able to ask further questions about the frequency with which this process is happening. Do we



see a difference when we are able to look at the total number of hitchhikers a member uses rather than just asking if they are willing to use them in the first place?

One of the difficulties that I came across when researching the hitchhiking process relates back to the challenging nature of getting a full sense of what is happening behind the scenes of a process. In the last chapter I was able to incorporate a dataset of all proposed amendments to assess who was able to successfully have their amendments allowed via the Rules Committee. Essentially, I was able to get a sense of what members were offering before seeing if they were able to have success with these offered amendments. In this chapter, I was unable to get a sense of attempts for members to have a hitchhiker for bills that did not ultimately have success. This hitchhiking process really is a hidden process leaving out the potential to assess when members may be requesting or attempting to work with members but may be unsuccessful for a variety of reasons. Therefore, in future iterations I hope to incorporate interviews with members to get a better sense of how often this practice is attempted but unsuccessful.

Overall, I believe there is plenty of room to still ask questions about whether gender is impacting various stages of the legislative process. These first two chapters have resulted in null findings for a gender difference between members, but I believe asking questions about these hidden processes and the people who make up the process may allow us to better understand the final policies that have success. For now, it appears that we are not seeing male and female members demonstrate differences in their behavior and eventual success in having hitchhiking success and this remains an interesting finding for how we talk about legislating and representation in Congress.

CHAPTER 4<sup>25</sup>

THE RULES COMMITTEE AND THE HOUSE FREEDOM CAUCUS

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<sup>25</sup> Vick, Allison S. To be submitted to *Legislative Studies Quarterly*.

## Abstract

The Rules Committee in the United States House of Representatives serves a key role in the agenda-setting process. This Committee holds the ability to establish the chamber's rules for the debate of a bill and set the process via which amendments will be considered. The Rules Committee via structured rules can select which amendments will be "allowed" to be offered for a given bill. Here, I consider one type of rule, structured rules, to assess whether an individual-level factor such as identifying with the House Freedom Caucus impacts the amending process. Specifically, structured rules provide for the opportunity to examine the legislative behavior of both individual members and the response of the majority party via the Rules Committee. I make use of the *University of Georgia Congress Project* dataset that includes all proposed amendments under these structured rules for the 114<sup>th</sup> and 115<sup>th</sup> Congress. In this chapter, I compare non-House Freedom Caucus Republicans and HFC Republicans to assess if there is variation in their probability of allowance of offered amendments. The model results do not display significant results for the variable of interest, HFC membership. However, the predicted probability graphs provide an interesting look at some significant effects when considering the ideological location of these HFC members.

## Introduction

Steny Hoyer (D-MD), Democratic Majority Leader in the U.S. House, has a quote on his website that he attributes to a senior GOP aide which states in part, "The House Freedom Caucus is a lot like that kid you see in the grocery store aisle throwing a temper tantrum over whether they can get a box of Cocoa Puffs...They learned over time that behavior works".<sup>26</sup> Rep. Hoyer, as a member of an opposing party to the House Freedom Caucus (HFC) in the Republican Party,

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<sup>26</sup> Office of the Majority Leader Steny Hoyer. "GOP Quotes of the Day"  
<https://www.majorityleader.gov/content/gop-quotes-day-0>.

has a substantial interest in displaying a rift in the Republican Party. However, Rep. Dan Crenshaw (R-TX) was quoted as calling HFC members “performance artists” (Alfaro 2021).<sup>27</sup> The question then becomes, what is it that this group has done to draw such criticism from within their own party?

Republicans and Democrats fight for control of political positions at every level and show no signs of slowing down. However, in recent congresses, we have seen a growth in the discussion of individuals within a party who are “breaking” from their party leadership on different issues. Within America’s two-party system we have seen these groups “pop-up” or form because of a variety of relevant issues that intraparty individuals may coalesce around.

These groups can vary in their size and agenda. The House Freedom Caucus is one of these such groups that has formed as an intraparty faction within the Republican Party. The House Freedom Caucus, or HFC, formed in 2015. Since its creation, the group has made headlines as they have faced off with the Republican Party leadership on several issues. For example, in 2015, the group gained attention in their public push against Republican Speaker of the House John Boehner<sup>28</sup> (Carl Bialik and Aaron Bycoffe 2015).

The House Freedom Caucus has been able to maintain a sizable intraparty membership with the number of members averaging somewhere in the upper 30s. Although this may not seem like a large grouping, this provides an influential number in attempting to influence policy within the party. For example, as Bialik and Bycoffe (2015) note, the HFC had been pressing Boehner to, as they state, “push harder to defund Planned Parenthood, even if it meant shutting down the

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<sup>27</sup> Mariana Alfaro (2021) “GOP Rep. Dan Crenshaw Calls Members of House Freedom Caucus ‘grifters,’ ‘performance artists’”: [https://www.washingtonpost.com/politics/house-republicans-crenshaw-freedom-caucus/2021/12/07/75b2df20-578d-11ec-a808-3197a22b19fa\\_story.html](https://www.washingtonpost.com/politics/house-republicans-crenshaw-freedom-caucus/2021/12/07/75b2df20-578d-11ec-a808-3197a22b19fa_story.html).

<sup>28</sup> Carl Bialik and Aaron Bycoffe (2015) “The Hard-Line Republicans Who Pushed John Boehner Out” <https://fivethirtyeight.com/features/the-hard-line-republicans-who-pushed-john-boehner-out/>.

government next week.” Their presence was able to essentially force a change in Republican leadership by providing a critical number of members working to force the Speaker to consider their policy preferences.

Of special interest, the House Freedom Caucus has displayed concerns with how the House operated even under Republican leadership. So much so that Jake Sherman (2015) of Politico has written about HFC member Justin Amash’s (R-MI) concerns about the party leadership not following “regular order”.<sup>29</sup> Amash’s outlined concerns about the lack of access to the process for rank-and-file members is quite interesting. For one, the complaint comes from within the party during a time of Republican party leadership. This brings about questions regarding the impact that these intraparty groups may have on one part of the legislative process, amending.

In 2017, the House Freedom Caucus again displayed their potential to impact policy as a group in the consideration of the Republican Health Care Bill. For example, the House Freedom Caucus first had demonstrated their opposition to the particular proposal repealing the Affordable Care Act (Bennett 2017).<sup>30</sup> However, the HFC members were then interested in supporting an amended version of the bill that would push the bill “to the right” but would also likely lose moderate Republican’s support (Enten 2017).<sup>31</sup> Ultimately, the attempt to repeal and replace the Affordable Care Act would ultimately fail in the Senate with the famous John McCain thumbs down vote (Bacon Jr. 2017a).<sup>32</sup> Essentially, this story provides one of the more

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<sup>29</sup> Jake Sherman (2015) “The Obsession of the House Freedom Caucus.”

<https://www.politico.com/story/2015/10/justin-amash-freedom-caucus-house-republicans-214819>

<sup>30</sup> Geoff Bennett (2017) “House Freedom Caucus Faces Pressure After Sinking Health Care Bill.”

<https://www.npr.org/2017/03/29/521954054/house-freedom-caucus-faces-pressure-after-sinking-health-care-bill>.

<sup>31</sup> Harry Enten (2017) “Trump’s Health Care Bill Won Over the Freedom Caucus-But Risks Losing Everyone Else.” <https://fivethirtyeight.com/features/trumps-health-care-bill-won-over-the-freedom-caucus-but-risks-losing-everyone-else/>

<sup>32</sup> Perry Bacon Jr. (2017a) “Why the Senate’s Obamacare Repeal Failed” <https://fivethirtyeight.com/features/why-obamacare-repeal-failed/>.

famous examples of the impact of the House Freedom Caucus and introduces questions about the way in which intraparty faction membership may impact the behavior of members even outside of their party identification.

In this final chapter, I continue with the theme of negotiations and the impact of individual-level factors by looking at an individual's identification in the House Freedom Caucus to determine how this participation impacts amending. Essentially, I want to assess this bigger picture story: Does being part of an intraparty faction affect member behavior or the party's response to the HFC when it comes to the amending process? Chapter 2 focused on gender and the amending process, and Chapter 3 analyzed gender and participation in the hitchhiking process. This fourth chapter relates to the prior themes of these two chapters in assessing the impact of individual-level factors on some of the more hidden aspects of the legislative process.

Research has recognized the substantial impact of party on various actions that members of Congress partake in. However, the decision for a member to select to partake in a faction within a party takes this process a step further. This leads to the question of why a member would choose to essentially self-select into an additional group that may impact their behavior? For one, there may be an electoral benefit. Clarke (2020) argues that "ideological factions in the U.S. House of Representatives provide candidates with complementary sub-brands and candidates use these sub-brands to appeal to party activities, media officials, and political donors" (453).

In this chapter, I consider the literature on party factions including the decision to identify in one of these sub-groups, and what their impact is both on the individual's behavior as well as the impact of their presence in the larger chamber. I then assess these questions by grouping together those individuals who identify as a member of one of the core party factions and using

structured rules data to assess if faction identification has an impact on the amending process. This chapter provides an opportunity to assess an interesting dynamic that may exist between these members of factions on a procedural process like that of structured rules and offering amendments.

The first two chapters emphasize gender as a potential influencing factor on how members behave, even outside of party identification. In this chapter, I consider a member's identification with an intraparty faction to assess the relationship between these individuals and the party. To do so, I first consider the role of party factions and the relationship that exists between a faction and the larger party structure. The focus on this chapter is on the Freedom Caucus during Republican led congresses. This narrow look provides the opportunity to better understand the ways in which identification with a faction may impact the willingness of party leadership to support and allow their amendments.

### **Factions and Party Behavior**

Each of the articles within the dissertation have centered around this question regarding whether different individual-level factors impact the way that members of Congress operate in their daily activities. This chapter is seeking to understand more about how identification with an intraparty faction may alter behavior when comparing these individuals to others within the same party. Therefore, it is important to first address how the parties interact with these intraparty factions.

The effect of party on different congressional activities has been discussed and studied by legislative scholars over time. Specifically, legislative research has sought to demonstrate and model a variety of activities in which party may impact member behavior. Special attention has focused on the importance and work that goes into both parties working to secure a majority (Lee

2016). Additionally, a multitude of work has covered the importance of party in setting restrictive procedures, the rules process, or in the various aspects of agenda-control (Cox 2000; Cox and McCubbins 2005; Finocchiaro and Rohde 2008; Lynch, Madonna, and Roberts 2016; Roberts 2010).

Party leadership has a vested interest in both securing the majority and then maintaining this status because of the benefits that this provides in advancing their legislative agenda and policy preferences. However, members within these parties may not always agree on every issue creating divisions within the party. These divisions are the central focus of this chapter, and what the decision to engage in factions may mean for the members themselves as well as for the larger party structure. DiSalvo (2009) provides the context of several different factions to argue that it is necessary to include factions when attempting to understand party behavior within congress (48).

Previous work has sought to address some of the ways that faction association may impact member behavior. Work by Lucas and Deutchman (2009) looking at some earlier caucus behavior from 1994-2002 includes evidence that those involved in these groups were “more ideologically cohesive than nonfactional members” (58). Additionally, Ragusa and Gaspar (2016) looked at the Tea Party group to see if the members who joined this group had different voting behavior before and after aligning with the Tea Party. The authors found evidence that caucusing with the Tea Party did impact the roll call voting of these individuals.

Thomsen (2017) makes a point to better assess which of these intraparty groups that members choose to join when they become a member of Congress. Thomsen (2017) finds evidence in the 115<sup>th</sup> Congress that almost all new members were joining one of these sub-groups upon becoming a member, and argues that group size and the “size of the voting bloc is a



key way in which factions exert political leverage” (749). The ability to have this type of bloc is impactful for the level of influence that a particular group has within their own party.

As the introduction referenced, the House Freedom Caucus was built out of the desire to, in many ways, press the Republican leadership on certain areas of interest. Factions are becoming increasingly important to consider in the modern congress as they are providing opportunities for members work to build electoral support as well as to be a part of grouping together as a “party sub-brand” (Clarke 2020). Clarke’s work outlines the growing desire for members to group themselves within a factional group to demonstrate their political interests more accurately. My goal in this chapter is to build from this growing expectation that factional behavior is important to consider in the decision-making processes of members and parties alike.

### **Structured Rules and Amending**

The previous section has outlined some of the key context in the role of parties and intraparty factions in impacting the legislative behavior of members. The consideration of party is central to understanding the amending process in the House. In this chapter, I want to build upon this work that has been looking at how factions relate to their party, and what this may mean for the variety of activities that members engage in. To do so, I am interested in the amending process and how it may provide a unique view of the convergence of these two factors.

In looking at how factions may impact amending behavior, I am specifically focusing on the US House of Representatives. The Committee on Rules in the House play a central role in decisions relating to amending behavior. The Rules Committee is made up of 13 members at a time, with nine majority members and four minority members.<sup>33</sup> This committee is considered

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<sup>33</sup> For more information on the current Rules Committee Members please see the Committee on Rules website: <https://rules.house.gov/about/rules-committee-members>.

one of the most influential committees in the House because of the important role that they serve in agenda-setting for the majority party. The majority party's ability to hold such a substantial majority in this committee is important for their ability to establish rules for debate and amending.

In the House, a special rule outlines the specific requirements for debate on a particular bill. This includes important information about how long a bill can be discussed and what amendments may be allowed to be considered. There are two major categories for these special rules, open and restrictive. There has been quite a bit of variation in how these special rules have looked or even been used over time with a growth of more restrictive rules in recent congresses (Lynch, Madonna, and Vick 2020). The current Rules Committee website outlines four specific rule types and describe them as having a "spectrum" including open, modified-open, structured, and closed rules.<sup>34</sup> Once a rule has been crafted, the House must vote on whether to agree to the special rule and the terms that go along with the rule. However, the majority party's ability to have control of this committee often means that they have the support they need to select the rule type they prefer.

Open rules and modified-open rules can be considered within the "open" category and fit with what you may expect from this name. Open rules are those that allow for members to offer amendments if they meet the general requirements for House amending. These open rules therefore provide a chance for members of both parties to engage with the amending process by offering germane amendments to the bill. Open rules are often less preferred by the majority leadership for several reasons. For one, open rules can be quite timely as there is no general limit to the number of amendments that can be offered for a bill. Additionally, the majority leadership

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<sup>34</sup> For more on each specific rule type: <https://rules.house.gov/about/special-rule-types>.

loses its ability to “control” what happens with these amendments and therefore a bill may move away from its original ideological position. As discussed previously, restrictive rules have made up most rule types in the modern congress due to these reasons.

Restrictive rules are those in which the Rules Committee has much more of a say in the types of amendments or changes that are made to a bill. Closed rules can block the consideration of all amendments that do not come from the committee of origin. Under a closed rule, there is essentially no opportunity for members to offer changes to a bill, but this is generally uniform for all members. Meaning the majority and minority party members are both blocked from offering desired adjustments to a bill.

The remaining rule type, structured rules, are what I focus on here to better assess intraparty behavior. The structured rule is different from a closed rule primarily in the way that the Rules Committee can allow certain amendments and deny others. A structured rule sets up a process via which members can submit amendments to be considered, and the Committee is then able to decide if that amendment will be “allowed” for consideration. Once allowed, the amendment can be offered in front of the full House for a vote to see if it becomes part of the bill.

Structured rules are unique in that it is the majority party, via the Rules Committee, that gets to establish who can have a “say” in amending. Open and closed rules are generally equal in terms of access to amending, but structured rules allow for the opportunity to assess variation in who’s being given the opportunity to amend. These structured rules provide key agenda-setting control by allowing majority party leadership the chance to only allow the amendments that will be most useful to them.

## **Research Question and Hypothesis**

It has been well-established that a member's party identification can have a substantial impact on a variety of activities. However, some questions remain about the extent to which other factors may explain member behavior. The broader research agenda for this dissertation is to consider whether different individual-level factors may impact processes that take place away from the floor. Chapter 2 and 3 consider the potential impact of a member's gender on both amending activity as well as the likelihood of engaging in negotiating via hitchhiking.

This chapter considers the implications of an individual's decision to engage and participate in an intraparty faction on the amending stage of the legislative process. Specifically, I am interested in one type of special rules, structured rules, to assess both member behavior as well as party leadership's response. Through this process, I am attempting to gain insight into whether intraparty faction behavior has a significant impact on amending. I am first considering the impact of one faction, the House Freedom Caucus, in comparison to the rest of the Republican party.

The House Freedom Caucus, as discussed previously, provides a unique opportunity to assess the convergence of faction behavior and amending. The HFC is a relatively recent addition to the US House and provides an interesting chance to consider their potential influence on modern congressional behavior. Additionally, this group has displayed a willingness to "go against" their party leadership both vocally as well as in their actions.

The research question for this chapter is: does House Freedom Caucus membership impact amending behavior under structured rules? Again, the goal is to examine both what their presence may mean for the individual members themselves as the response from the Rules

Committee. Due to the internal conflict that the HFC has often provided the Republican Party, my hypothesis for this chapter is:

**HFC Allowed Hypothesis:** House Freedom Caucus members will have less success in their amendments being allowed compared to their non-HFC Republican members.

Again, the theoretical basis for this hypothesis relates to the general goals of the House Freedom Caucus not always clearly aligning with “regular order” and often display a desire to work operate outside of the traditional norms in working with party leadership. For one, I believe we may expect to see a difference in how the HFC members approach amending because of their different goals. Additionally, I also expect the Rules Committee may be less willing to work with these individuals due to this, at times tenuous, relationship.

### **Amendments Data**

Broadly I consider whether faction association impacts a member’s ability to engage in the amending process in the House. This chapter focuses on the House Freedom Caucus (HFC) specifically to assess whether those individuals who are a part of the HFC differ in their approach and success in the amending process. Although this is only one type of caucus or intraparty faction, I believe that starting with such a prominent and influential faction provides an interesting first look at what may happen when party identification may “clash” with a different individual-level factor.

The data that I make use of to assess amending activity is the same base dataset that was used in Chapter 2 to assess gender’s impact on amending activity. The core of the dataset is the *University of Georgia Congress Project* amending data which includes all proposed amendments

under a structured rule covering the 109<sup>th</sup>-115<sup>th</sup> Congresses (2005-2018).<sup>35</sup> However, the House Freedom Caucus formed in January of 2015, and therefore the dataset for this chapter will only include the 114<sup>th</sup> and 115<sup>th</sup> Congresses which covers 2015-2018 (DeSilver 2015).<sup>36</sup>

In assessing this question, I am primarily interested in the offering of amendments by members as well as the response of the Rules Committee in determining if these amendments should then be allowed for consideration. Therefore, I remove all observations in which a member offers an amendment but decides to withdraw an amendment. This leaves approximately 6,075 observations across the two congresses. In both congresses, the Republican Party maintained a majority, and therefore a majority on the Rules Committee.<sup>37</sup> Additionally, the House Freedom Caucus is an intraparty faction with members from the Republican Party. In this chapter, I am only interested in the relationship between the HFC and the Republican Party. The next stage in the process was to narrow the observations to only include amendments in which the sponsor party was listed as Republican and remove those amendments that were sponsored by Democrats.

### **Compiling a List of House Freedom Caucus Members**

Structured rules provide a unique process to understand activities both by the individual members themselves as well as the larger party leadership. I am assessing whether Republicans who also identify as part of the House Freedom Caucus may approach the amending process differently. Specifically, I am interested in whether the Rules Committee allowance process looks different for these HFC members compared to non-HFC Republicans.

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<sup>35</sup> This amendment dataset from the *University of Georgia Congress Project* has been put together by faculty, graduate, and undergraduate coders (including myself) covering all proposed amendments under structured rules. I am grateful for all the time and effort of each person who has been part of this project.

<sup>36</sup> Drew DeSilver (2015): <https://www.pewresearch.org/fact-tank/2015/10/20/house-freedom-caucus-what-is-it-and-whos-in-it/>.

<sup>37</sup> For additional information on party breakdown of the House in the 114<sup>th</sup> and 115<sup>th</sup> congress please see: <https://history.house.gov/Congressional-Overview/Profiles/115th/>.

The next stage involves comparing the House Freedom Caucus Republicans to those individuals within the Republican Party who are not part of this group. To do so, I compiled a list of House Freedom Caucus members over the two congresses being considered in the chapter. As mentioned previously, House Freedom Caucus membership has not always been easily identifiable information. Finding a complete list or roster of these individuals in the caucus can be rather difficult.

Although an official list may not exist, I have compiled a list of known members from news coverage of HFC actions in 2015 and 2017 from Pew Research Center, NPR, and FiveThirtyEight (Drew DeSilver 2015, Jessica Taylor and Katie Park 2017, and Perry Bacon Jr. 2017b).<sup>38</sup> This list may not provide a complete list of all members who caucused with the HFC in these two congresses but does provide the individuals who have been cited as tied to the group.

Table 4.1 provides the list of members that I have coded as being a part of the House Freedom Caucus in either the 114<sup>th</sup> or 115<sup>th</sup> congresses. The table includes the total number of offered amendments as well as the number of those allowed (by Congress). I include this table both to show the individuals who have been identified as being part of the HFC for reference, but also to examine some potential trends in amending behavior at the individual level. Members who are only included on the list for one of the two congresses are listed with dashes in their offered and allowed category for that congress. As expected with any set of individuals in the

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<sup>38</sup> To create the list for the 114<sup>th</sup> Congress I used the list included by Drew DeSilver (October 20, 2015) as he was outlining what the Freedom Caucus is: <https://www.pewresearch.org/fact-tank/2015/10/20/house-freedom-caucus-what-is-it-and-whos-in-it/>. For the 115<sup>th</sup> Congress I used two different sources to compile the list. The first from Jessica Taylor and Katie Park (March 8, 2017) at NPR which looks at HFC member districts in comparison to Trump's margin of victory: <https://www.npr.org/2017/03/08/519091030/freedom-caucus-members-face-crossroads-over-health-care-proposal>. I then also used the list from Perry Bacon Jr. (March 31, 2017) which included three additional names that I added for the 115<sup>th</sup> Congress: <https://fivethirtyeight.com/features/should-the-freedom-caucus-be-afraid-of-donald-trump/>.

amending process, there is quite a bit of variation among members in how terms of the total being offered. For example, we see that Paul Gosar offered about 61 amendments over the two congresses compared to 0 sponsored amendments by Jim Jordan.

Table 4.1 Amendments Offered and Allowed by HFC Members

| Sponsor Name                  | 114 <sup>th</sup><br>offered | 114 <sup>th</sup><br>allowed | 115 <sup>th</sup><br>offered | 115 <sup>th</sup><br>allowed | Total<br>offered |
|-------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------|
| Amash, Justin                 | 12                           | 1                            | 10                           | 2                            | 22               |
| Babin, Brian                  | ---                          | ---                          | 8                            | 4                            | 8                |
| Barton, Joe Linus             | ---                          | ---                          | 1                            | 1                            | 1                |
| Biggs, Andrew S.              | ---                          | ---                          | 25                           | 8                            | 25               |
| Blum, Rod                     | 3                            | 1                            | 5                            | 1                            | 8                |
| Brat, David                   | 5                            | 4                            | 4                            | 4                            | 9                |
| Bridenstine, Jim              | 4                            | 1                            | 1                            | 1                            | 5                |
| Brooks, Mo                    | 1                            | 1                            | 7                            | 1                            | 8                |
| Buck, Kenneth Robert          | 6                            | 5                            | 10                           | 9                            | 16               |
| Clawson, Curt                 | 2                            | 0                            | ---                          | ---                          | 2                |
| Davidson, Warren              | ---                          | ---                          | 20                           | 7                            | 20               |
| DeSantis, Ron                 | 12                           | 7                            | 21                           | 6                            | 33               |
| DesJarlais, Scott             | 1                            | 0                            | 2                            | 1                            | 3                |
| Duncan, Jeff                  | 0                            | 0                            | 4                            | 1                            | 4                |
| Fleming, John                 | 8                            | 4                            | ---                          | ---                          | 8                |
| Franks, Trent                 | 2                            | 0                            | 3                            | 2                            | 5                |
| Garrett, Scott                | 3                            | 2                            | ---                          | ---                          | 3                |
| Garrett, Thomas Alexander Jr. | ---                          | ---                          | 1                            | 1                            | 1                |
| Gohmert, Louie                | ---                          | ---                          | 7                            | 3                            | 7                |
| Gosar, Paul                   | 42                           | 14                           | 19                           | 8                            | 61               |
| Griffith, H. Morgan           | 6                            | 3                            | 7                            | 5                            | 13               |
| Harris, Andy                  | 0                            | 0                            | 0                            | 0                            | 0                |
| Hice, Jody Brownlow           | 0                            | 0                            | 2                            | 2                            | 2                |
| Huelskamp, Tim                | 2                            | 1                            | ---                          | ---                          | 2                |
| Jordan, Jim                   | 0                            | 0                            | 0                            | 0                            | 0                |
| Labrador, Raúl R.             | 0                            | 0                            | 0                            | 0                            | 0                |
| Loudermilk, Barry D.          | 1                            | 1                            | ---                          | ---                          | 1                |
| Lummis, Cynthia M.            | 5                            | 3                            | ---                          | ---                          | 5                |
| Meadows, Mark                 | 0                            | 0                            | 13                           | 11                           | 13               |
| Mooney, Alex X.               | 0                            | 0                            | 0                            | 0                            | 0                |
| Mulvaney, Mick                | 9                            | 5                            | ---                          | ---                          | 9                |
| Palmer, Gary James            | 7                            | 5                            | 9                            | 7                            | 16               |
| Pearce, Stevan                | 10                           | 7                            | 21                           | 15                           | 31               |
| Perry, Scott                  | 7                            | 4                            | 25                           | 10                           | 32               |
| Poe, Ted                      | ---                          | ---                          | 15                           | 8                            | 15               |
| Posey, Bill                   | 7                            | 2                            | 6                            | 4                            | 13               |



|                       |     |          |     |           |     |
|-----------------------|-----|----------|-----|-----------|-----|
| Rothfus, Keith        | 6   | 2        | --- | ---       | 6   |
| Salmon, Matthew James | 5   | 2        | --- | ---       | 5   |
| Sanford, Mark         | 14  | 8        | 13  | 5         | 27  |
| Schweikert, David     | 10  | 3        | 0   | 0         | 10  |
| Stutzman, Marlin      | 1   | 1        | --- | ---       | 1   |
| Weber, Randy          | 2   | 2        | 5   | 2         | 7   |
| Yoho, Ted             | 18  | 4        | 23  | 7         | 41  |
|                       | 211 | 93 (44%) | 287 | 136 (47%) | 498 |

Table 4.2 displays a look at the average number of amendments offered and allowed per member. The table includes a side-by-side comparison of the House Freedom Caucus members and the non-HFC Republicans in both the 114<sup>th</sup> and 115<sup>th</sup> congresses. It appears, on average, that House Freedom Caucus members are offering more amendments, but have a lower percentage of amendments ultimately allowed by the Rules Committee.

Table 4.2 Average Amendments Offered and Allowed by Member

|                 | 114 <sup>TH</sup> (NON-HFC REP) | 114 <sup>TH</sup> (HFC) | 115 <sup>TH</sup> (NON-HFC REP) | 115 <sup>TH</sup> (HFC) |
|-----------------|---------------------------------|-------------------------|---------------------------------|-------------------------|
| OFFERED         | 3.218                           | 5.861                   | 4.591                           | 8.697                   |
| ALLOWED         | 2.038                           | 2.583                   | 3.038                           | 4.121                   |
| PERCENT ALLOWED | (63%)                           | (44%)                   | (66%)                           | (47%)                   |

**\*Does not include withdrawn amendments**

Figure 4.1 provides a representation of this table. The y-axis provides the total number of amendments. The x-axis displays both the Congress of consideration as well as grouping the House Freedom Caucus and the Non-HFC Republicans. The height of the bars displays the total number of offered amendments by each group in each congress. The red shading on top demonstrates the total number of amendments of those offered that were allowed by the Rules Committee. This figure displays that in both congresses considered, the non-House Freedom

Caucus Republicans have a higher percentage of offered amendments being allowed than their counterparts in the HFC.

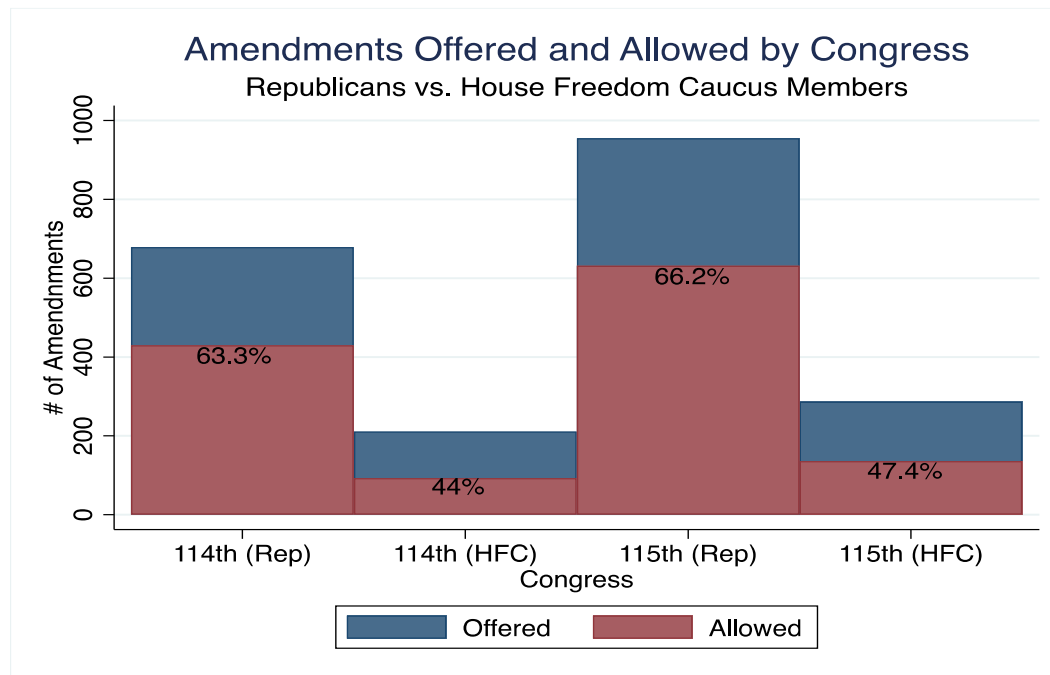


Figure 4.1: Comparison of Amendments by HFC & Non-HFC Republicans

### Model & Independent Variables

Similarly, to chapter 2, I again use logistic regression to assess the amending process under these structured rules. However, in contrast to the second chapter, I will not have to split the models for majority/minority party as I will only be examining the Republican (majority) Party. I am particularly interested in the ability to use the amending process to assess the impact of faction involvement on member and chamber behavior.

The central dependent variable *allowed*, provides a binary indicator for whether a proposed amendment is allowed by the Rules Committee. The allowed variable is coded as a 1 when a proposed amendment is allowed by the committee for the consideration of the amendment on the floor, and as a 0 for when a proposed amendment is denied from this

consideration. The allowed variable provides an interesting way to assess how members engage and negotiate with the majority party, and then the response as well from the Rules Committee to these offered amendments.

The *success* variable will be considered in a separate model. This is also a binary variable, and it refers to whether an amendment that has been allowed is ultimately successful. *Success* is coded as a 1 for those amendments that are agreed to in the House after being allowed and coded as a 0 for those that ultimately fail after allowance. This provides an interesting assessment of what an individual's success rate is for an amendment to have a favorable vote once it has made it through this first allowance stage. The success variable provides less information about the off-floor negotiating process but is important to consider in terms of the impact of this stage on policy.

The key independent variable of interest here, *House Freedom Caucus*, is a binary variable where 1 indicates that the amendment sponsor is part of the HFC and 0 if the sponsor is a Republican and not part of the caucus. Again, due to the time frame of the formation of the HFC in 2015, the dataset is only made up of two congresses in which Republicans had a majority in both. As was discussed in chapter 2, as well as earlier in this chapter, it has been well documented how important party affiliation can be in determining a member's behavior. This chapter's design allows me the opportunity to assess variation within a single party. This variable can provide one way to measure variation within the Republican Party by splitting the observations into amendments sponsored by those within the Freedom Caucus affiliation and those who are not affiliated.

Another way to assess variation within a given party is ideology. The *ideology* variable is included to further assess how variation in ideological extremism may impact amending

behavior. In keeping with consistency across the other chapters, *ideology* is a continuous variable that takes the absolute value of the first dimension DW-NOMINATE variable originally included in the *Congress Project* dataset (Lewis, Poole, Rosenthal, Boche, Rudkin, and Sonnet 2022).

Again, the goal of this ideology variable is to assess how different levels of extremism impacts the likelihood of an amendment being allowed and then ultimately successful. However, like the first two chapters I am aware that there is a potential conditional effect to be considered with ideology here. In this scenario, we know that the process to join the House Freedom Caucus involves a member having to agree to join this caucus. The interest in engaging with this group is likely dependent upon the member's ideology and we are less likely to see members with more moderate ideologies join this group. To account for this, I have included an interactive term *House Freedom Caucus x ideology*.

I include two additional variables of interest for the two logit models. The first, *bipartisan*, refers to whether an amendment is considered to have bipartisan sponsors. This is a binary variable where 1 refers to the amendment having a bipartisan sponsor and 0 for having no bipartisan sponsors. This may be less influential of a variable for this chapter due to only considering the party in the majority, but to maintain consistency across the different chapter's models I wanted to go ahead and incorporate this variable. Additionally, I include a binary indicator variable *manager*. The thought here being that a manager's amendment may be more likely to be successful due to its status and therefore may impact the probability across observations.

Finally, in contrast to the prior two chapters, I do not cluster the standard errors by Congress. This is due to the smaller number of congresses being considered, only two, so it did not make sense for modeling purposes to cluster these. Additionally of note, chapter 2 outlined

the potential argument to include gender as a potential factor influencing amending behavior. In this chapter I am not including a gender variable due to the null findings displaying a lack of support for the hypothesis that gender is influencing the amending process in this way.

## Discussion & Results

The first of the two models that are included here refers to the *allowed* variable. Again, the theoretical expectation I had for this model was that being part of an intraparty faction like that of the House Freedom Caucus would make it more difficult for these individuals to successfully negotiate with their party and have their amendments allowed and then be ultimately successful. Table 4.3 displays the results of the first logistic regression model.

Table 4.3: Logit Model of Allowed Amendments (HFC)

| Variable             | Coefficient | Std. Error | Z    | P >  z |
|----------------------|-------------|------------|------|--------|
| House Freedom Caucus | -.228       | .683       | -.33 | .738   |
| Ideology             | -.100       | .368       | -.27 | .788   |
| HFC X Ideology       | -.771       | 1.055      | -.73 | .465   |
| Bipartisan           | -.056       | .123       | -.46 | .647   |
| Manager              | 1.582       | .477       | 3.32 | .001*  |
| Constant             | .644        | .183       | 3.52 | .000*  |

N=2,132

This model included observations of all Republican sponsored amendments in the 114<sup>th</sup> and 115<sup>th</sup> congresses. This provided approximately 2,132 observations at the amendment-level. The table results display that the key variables of interest for this chapter do not display significance. The *House Freedom Caucus*, *Ideology*, and interactive term *HFC x Ideology* variables all lack significance. The only variable that does show significant results in this first model is for *manager's* amendments. The marginal effects plot for both models can be found in Appendix C.

Figure 4.2 displays the results of this first bivariate logit model. The y-axis displays the predicted probability that an offered amendment will be allowed by the Rules Committee. The x-

axis provides the ideology variable which is intended as a measure of an amendment sponsor's ideological extremism. Those members closer to zero are considered to have more moderate ideologies. The higher this number, the more ideologically extreme a member is. For these two congresses, the House Freedom Caucus members' ideology ranged from .472 to .931. The non-HFC identifying Republicans ranged from .164-.781.

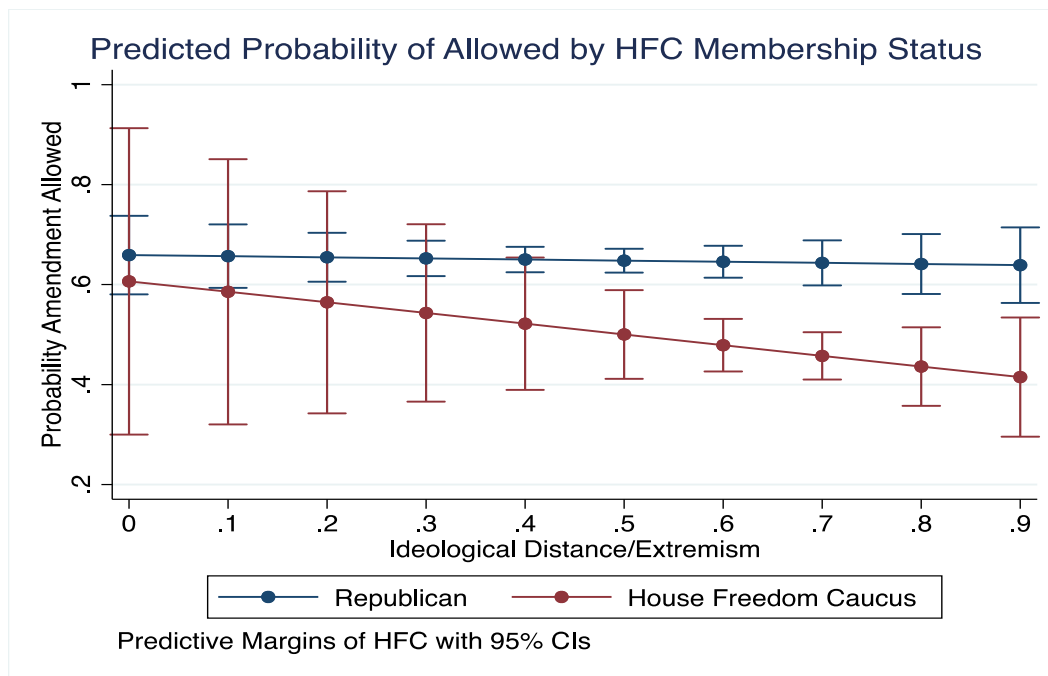


Figure 4.2 Probability of Amendments Allowed Under Structured Rules by HFC Status

The most moderate of the House Freedom Caucus members ideology variable begins at .472. This figure displays a higher probability of an amendment being allowed for a non-HFC Republican compared to those I have included as part of the House Freedom Caucus within the ideological range of the HFC members (.472-.931). Additionally, the figure shows a consistent probability for these non-HFC Republicans to have their amendments allowed by the Rules Committee even as their ideological distance from the center increases. While the House Freedom Caucus Republicans see their probability of allowance decrease as their ideological extremism increases. This is a fascinating finding that displays how these individuals in an

intraparty faction may be having less success in engaging with the majority party leadership to see their amendment proposals reach the floor.

The final stage of the process is to assess whether we see a difference in the ultimate success of those amendments that are allowed. Table 4.4 displays the results of a separate logit model with *success* as the dependent variable. The total number of observations is smaller for this model as I am looking at only the pool of amendments that were first allowed by the Rules Committee. The logit model of successful amendments has 1,155 allowed amendments as observations, and I use the same set of variables for this second model as the first.

In this second model, the only variable that displays significance is ideology. This fits with an understanding that those moderate members tend to be more likely to have success in terms of their passage of amendments. These moderate members may be more likely to receive support for their proposals than those who are on the more extreme poles of their party. The House Freedom Caucus variable nor the interactive term display significance in relation to the success variable.

Table 4.4: Logit Model of Successful Amendments (HFC)

| Variable             | Coefficient | Std. Error | Z     | P >  z |
|----------------------|-------------|------------|-------|--------|
| House Freedom Caucus | -.563       | 1.428      | -.39  | .693   |
| Ideology             | -6.185      | 1.001      | -6.18 | .000*  |
| HFC X Ideology       | .875        | 2.157      | .41   | .685   |
| Bipartisan           | -.180       | .275       | -.65  | .512   |
| Manager              | 1.446       | 1.025      | 1.41  | .158   |
| Constant             | 5.514       | .569       | 9.68  | .000*  |

N=1,155

Again, this process is less a consideration of the off-floor aspect of negotiating and working with the party leadership. Instead, success at this stage is dependent upon the votes of those in the House. Figure 4.3 displays the predicted probability of an amendment being successful. The figure uses the same x and y-axis as that used in figure 4.2. This graph displays

the lack of significant difference between Republicans and the House Freedom Caucus in terms of their level of success in the passage of these amendments. The primary takeaway from this second model is like that seen in evaluating success in chapter 1. Moderate members who have their amendments allowed by the Rules Committee have extremely high rates of amendment passage, while those extreme members have decreased likelihood of success at this stage even after an amendment has been allowed.

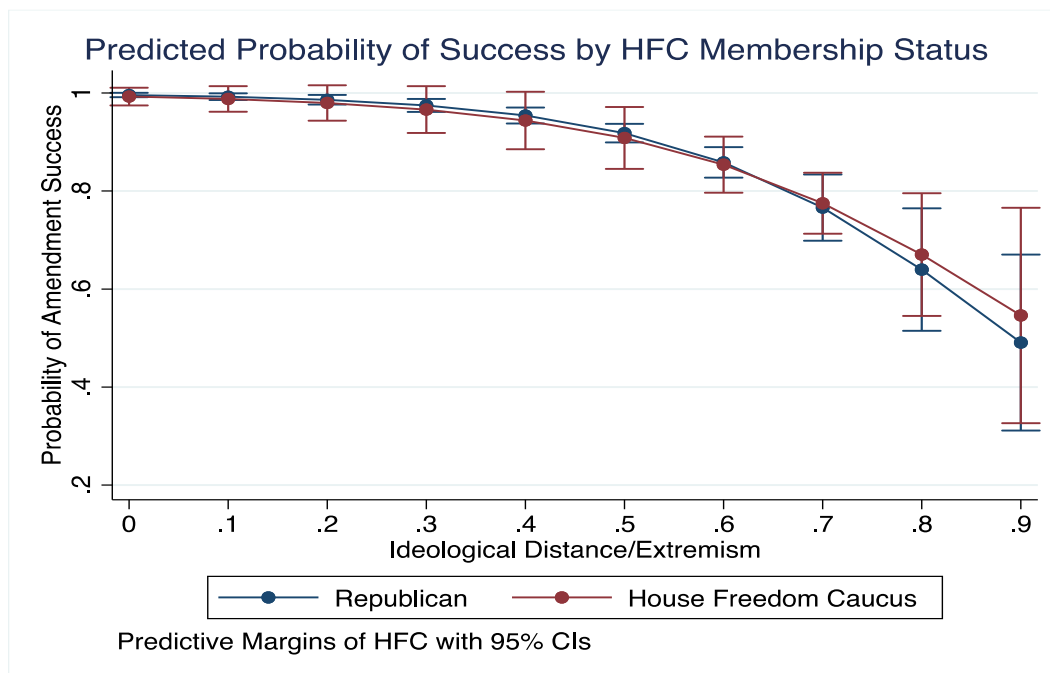


Figure 4.3: Probability of Amendments Being Successful by HFC Status

## Conclusion

This chapter has sought to engage with a question about the impact of an individual-level factor such as faction identification on the amending process. To do so, I have analyzed a dataset of all proposed amendments under structured rules. Specifically, I have examined the House Freedom Caucus to assess how members within an intraparty factions may approach the amending process, and in-turn how majority party leadership responds to these amendment requests.



I have included the results from two separate logistic regression models as well as predicted probability graphs for these models. The central model of the chapter displays the probability of an amendment being allowed by the Rules Committee for those who have been tied to the House Freedom Caucus compared to other non-HFC members. The table for the model does not display significance for the chapter's variables of interest. However, when looking at the predicted probability at the ideological placement of the HFC members, we see a difference in the probability of amendments being allowed. These results would indicate that House Freedom Caucus members have a lower probability of their amendments being allowed than do Republican members of similar ideological placements. However, once these amendments are allowed, we do not see a significant difference in who's amendments have success in terms of passage.

These initial findings provide an interesting look at the behavior of House Freedom Caucus members under structured rules. However, this is only a first look at one faction's actions over two congresses, and there are several areas that should be addressed in future research. First, I can look at the total number of offered amendments by these House Freedom Caucus members, but at this stage am unable to address the content of the amendments. Do these HFC members offer amendments that may be considered more "messaging" and are more about displaying a policy preference? Might this also influence the likelihood of an amendment being allowed, or is there a theme to the kinds of amendments they are offering?

Next, one of the downsides to only looking at the House Freedom Caucus is the difficulty in finding a complete list of members. It is important to address the possibility that I have missed members who are caucusing with the House Freedom Caucus. If the list I am using is missing several members, this could end up causing some different results. However, there have been

recent changes in the caucus that may make it easier for researchers to identify who is actively engaged in the HFC. Therefore, future research should expand the number of congresses considered with these updated lists and see if these trends hold into the future.

This chapter works to analyze one intraparty faction in the House in recent years, but further opens the door to consider additional related questions about intraparty behavior. Future research should address questions looking at other factions and their amending behavior across parties. Which groups may be making an impact on amending behavior, and which may not? Thomsen's (2017) work addresses the decision for newer members to join an "ideological faction" as they enter Congress and which groups these incoming members decide upon. This leads to further questions such as: What happens when you compare these different groups "Blue Dogs" within the Democratic Party or the "Republican Study Committee" to what we see here with the House Freedom Caucus?

Adding on the consideration of other factions within the amending process will help provide further insight into how a member's ties to a group may also impact their interest in offering certain types of amendments. Do we see certain ideological groups use the amending process to their advantage than others? Are there other groups who use amending to try and push the party to focus on their issues of concern even with the potential for these amendments to split their own party? What makes a faction rise to the level of making a difference in this process compared to those who may resemble the general party's activities?

Additionally, I believe future work should consider whether factional teamwork takes place in this process. As discussed here, this hidden process can be quite difficult to assess some of what may be happening among the members themselves behind the scenes. However, additional questions surrounding how factions interact arise. Are members within the faction

more likely to support each other via cosponsorship of amendments or voting for passage? Are different ideological factions teaming up together to support each other on shared ideological areas of interest?

Essentially, this chapter has sought to consider one part of faction engagement in the amending process. Next steps are to consider additional congresses to assess how changes in congressional operation and intraparty behaviors are impacting the policies that end up enacted. Partisanship and ideological factions appear to at least be on track to continue in the modern congress, and it is important to analyze these impacts as they are unfolding. Thus far, the model in this chapter demonstrates that this is a topic that needs further consideration and sparks an interest in the theoretical implications of these intraparty divisions.

## CHAPTER 5

### CONCLUSION

The questions that I have sought to answer in this dissertation have arisen out of an interest in how the legislative process has evolved. The processes that take place away from the floor, as expected, can be hard to see and are therefore often difficult to gain an understanding of what is happening. Due to the hidden nature of these actions, I was particularly interested in understanding whether members may approach these processes differently than those that are more visible. For example, as this dissertation has covered, quite a bit of what we know about legislative action and decision-making can be explained by party identification and member ideology. However, I was interested in the possibility that these hidden processes may provide a unique view of how members make decisions and approach their role in areas that aren't quite as public.

Each chapter has centered around this broader question of: do individual-level factors impact the way that members approach processes that are more hidden from the public eye? The goal was to select a couple of different facets of lawmaking that have been demonstrated to be important to the overall policymaking process. The two areas of interest I selected were: amending under structured rules and negotiating policy preferences via the usage of hitchhiker bills. The two factors that I selected for analysis were: gender and intraparty faction identification.

In chapter 2, I considered the literature on the impact of gender on the legislative behavior of women in comparison to their male colleagues. There have historically been some

mixed results regarding the expectation that women may “act” differently in their role as legislators across different issues. I then considered the special rules process in the House and noted the importance of structured rules as a way for the majority party to be able to select who has access to the amending process and what amendments would be allowed. Structured rules in this context serve as a vehicle to understanding the variation of both approach and access to having a say in amending legislation. I theorized that women would be more successful than their male colleagues in having their amendments allowed via the Rules Committee, however, the results were largely insignificant.

In Chapter 3, I wanted to continue with this consideration of the impact of gender on legislative behavior. Here, I was interested in the so-called “hitchhiker” process outlined by Casas, Denny, and Wilkerson (2020). This process refers to the ability of a legislator to negotiate with their colleagues to try to ensure the passage of one of their sponsored bills by attaching their proposal to a more successful piece of legislation. It is this negotiation process that I was interested in gauging by getting a sense of whether female members were more likely to engage in successfully using these hitchhikers. In this chapter, I considered literature surrounding the likelihood of women to successfully engage in negotiating and theorized that we would see women more likely to have a hitchhiker bill. Again, the results did not display a significant difference between men and women engaging in this type of negotiating behavior.

In Chapter 4, I considered a different individual-level factor of intraparty faction membership. Similarly, to Chapter 2, I again considered the importance of structured rules and used this process to assess if differences existed in the overall “allowance” rate from the Rules Committee. Specifically, I focused on the House Freedom Caucus as one example of an intraparty faction that may impact the likelihood of members to have success in having their

offered amendments allowed. Again, structured rules provide unique leverage for consideration of the access that members have in their policy preferences being allowed. I was interested in how non-House Freedom Caucus members compared to those associated with the HFC. The table results in Chapter 4 did not display a significant difference in the process of their amendments being allowed, however, the predicted probability graph does demonstrate a difference at certain ideological points where Freedom Caucus members are present.

Overall, the three different chapters did not fit with the overall theoretical expectations of seeing these individual-level factors have an impact on member activity. Chapter 2 and 3's results are quite interesting in their lack of significant findings of a difference between male and female members in both amending and negotiating with hitchhikers. Chapter 4, however, does demonstrate that some differences may exist in terms of how the Rules Committee reacts to those individuals who are within the House Freedom Caucus.

Additionally, each of these chapters have provided several interesting questions for consideration for future study. Party and ideology continue to be a critical consideration in the actions of party leadership and rank-and-file members. I believe that future research should continue to ask questions about when an individual-level factor may come into play and make an impact outside of party and ideology.

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## APPENDICES

### Appendix A: Chapter 2

Table A1: Basic Descriptive Statistics of Offered Amendments

| Variable       | Mean | Min  | Max   |
|----------------|------|------|-------|
| Allowed        | .411 | 0    | 1     |
| Gender         | .215 | 0    | 1     |
| Ideology       | .514 | .006 | 1.226 |
| Bipartisan     | .090 | 0    | 1     |
| Majority Party | .347 | 0    | 1     |

Table A2: Breakdown of Amendments Offered by Party within a Congress

| Congress | Democrats | Republicans | Total |
|----------|-----------|-------------|-------|
| 109      | 846       | 583*        | 1429  |
| 110      | 798*      | 791         | 1589  |
| 111      | 1790*     | 2442        | 4232  |
| 112      | 1367      | 587*        | 1954  |
| 113      | 1136      | 783*        | 1919  |
| 114      | 1317      | 966*        | 2283  |
| 115      | 2726      | 1389*       | 4115  |
|          | 9980      | 7541        | 17521 |

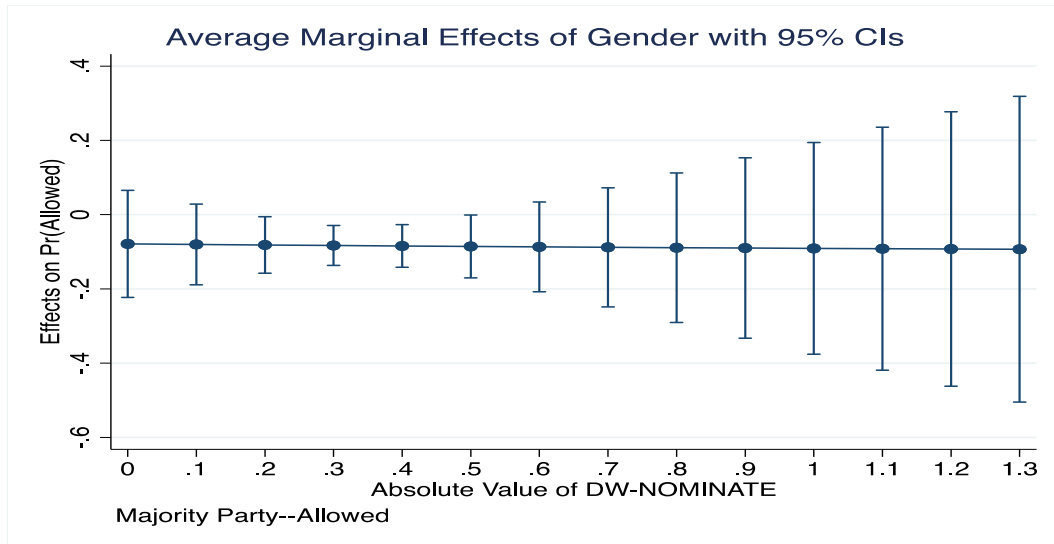


Figure A1: Marginal Effects of Gender Majority Party Allowed

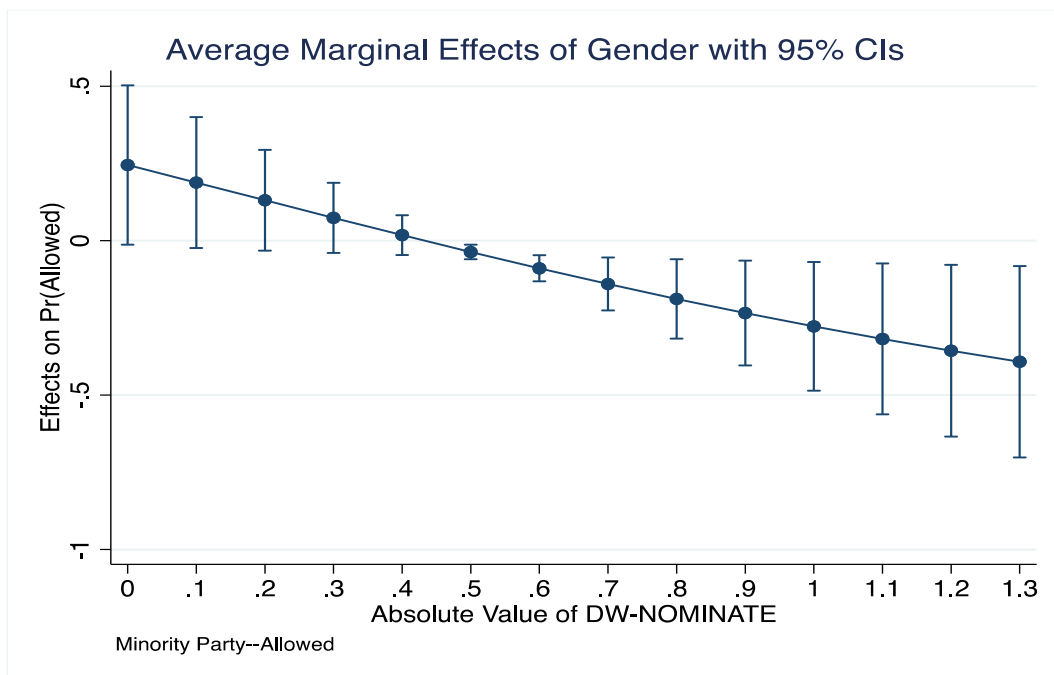


Figure A2: Marginal Effects of Gender Minority Party Allowed



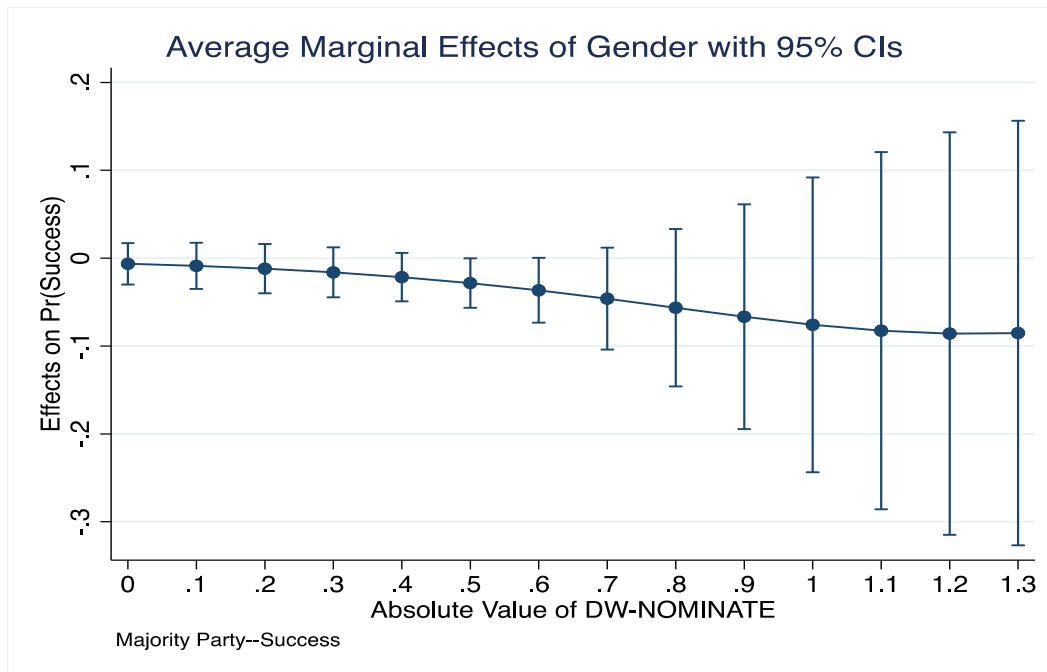


Figure A3: Marginal Effects of Gender Majority Party Success

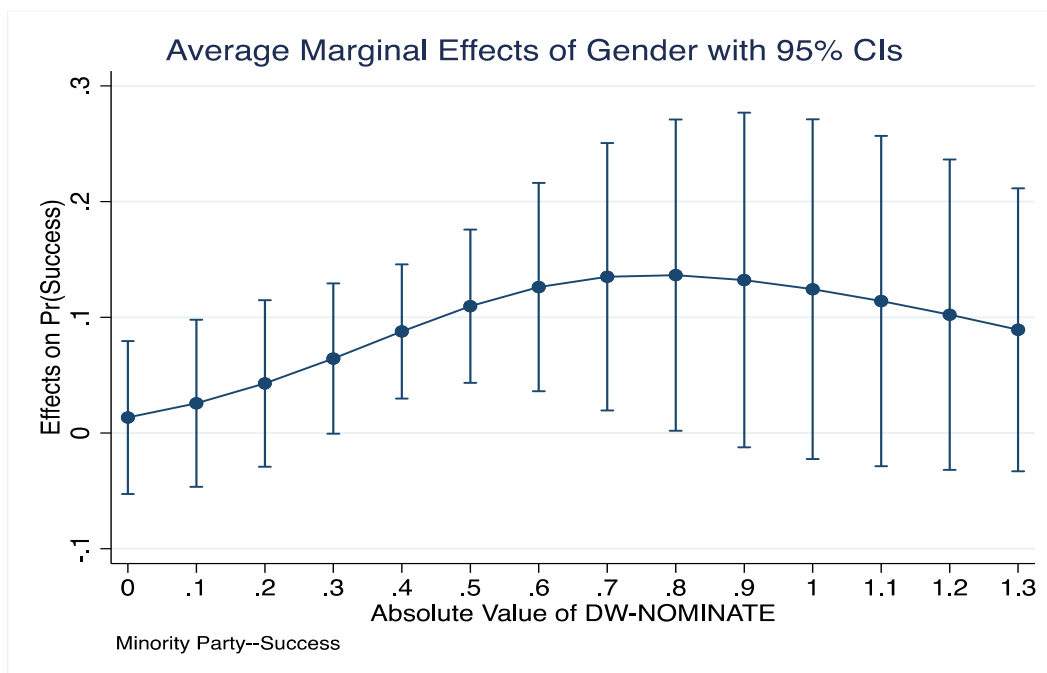


Figure A4: Marginal Effects of Gender Minority Party Success

Table A3: Logit Model of Amendments Passed Under Structured Rules (Majority Party Only)

| Variable          | Coefficient | Std. Error | Z     | P >  z |
|-------------------|-------------|------------|-------|--------|
| Gender            | -.274       | .447       | -0.61 | 0.540  |
| Ideology          | -3.072      | .660       | -4.65 | 0.000* |
| Gender X Ideology | -.064       | .736       | -0.09 | 0.930  |
| Manager           | 1.360       | .403       | 3.38  | 0.001* |
| Constant          | 3.801       | .423       | 8.99  | 0.000  |

N=2,616

Clustered Standard Errors by Congress

Table A4: Logit Model of Amendments Passed Under Structured Rules (Majority Party Only)

| Variable          | Coefficient | Std. Error | Z      | P >  z |
|-------------------|-------------|------------|--------|--------|
| Gender            | .158        | .371       | 0.42   | 0.671  |
| Ideology          | -4.177      | .783       | -5.333 | 0.000* |
| Gender X Ideology | .709        | .816       | 0.87   | 0.385  |
| Bipartisan        | 2.332       | .245       | 9.50   | 0.000* |
| Manager           | 2.319       | .456       | 5.09   | 0.000* |
| Constant          | 1.958       | .532       | 3.68   | 0.000  |

N=3,899

Clustered Standard Errors by Congress

## Appendix B: Chapter 3

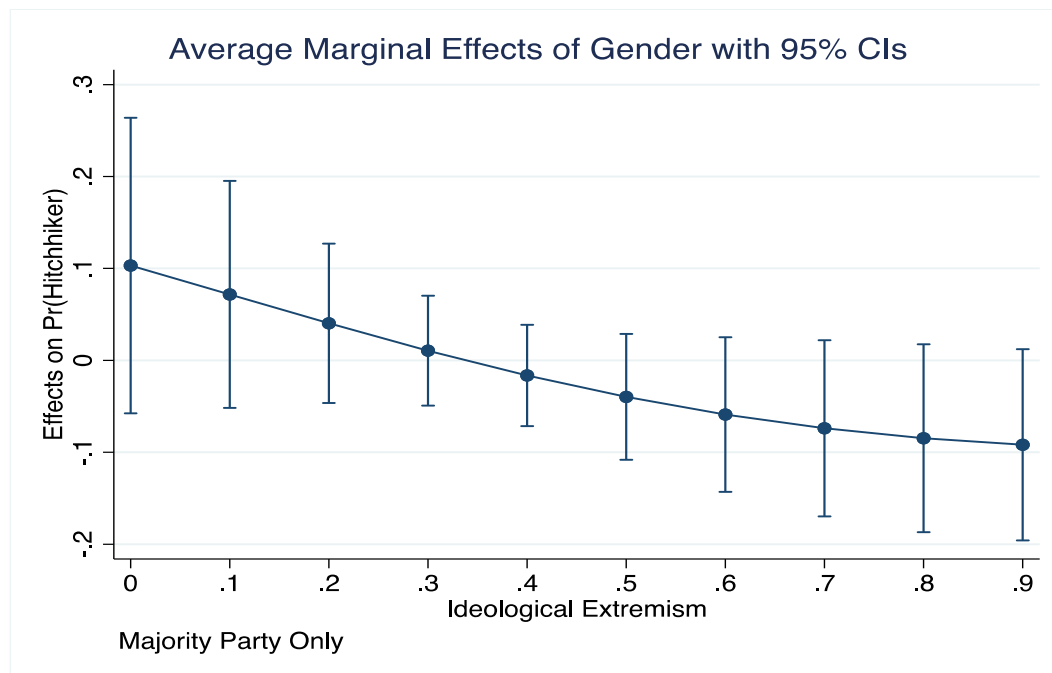


Figure B1: Marginal Effects of Gender on Hitchhiking (Majority Party)

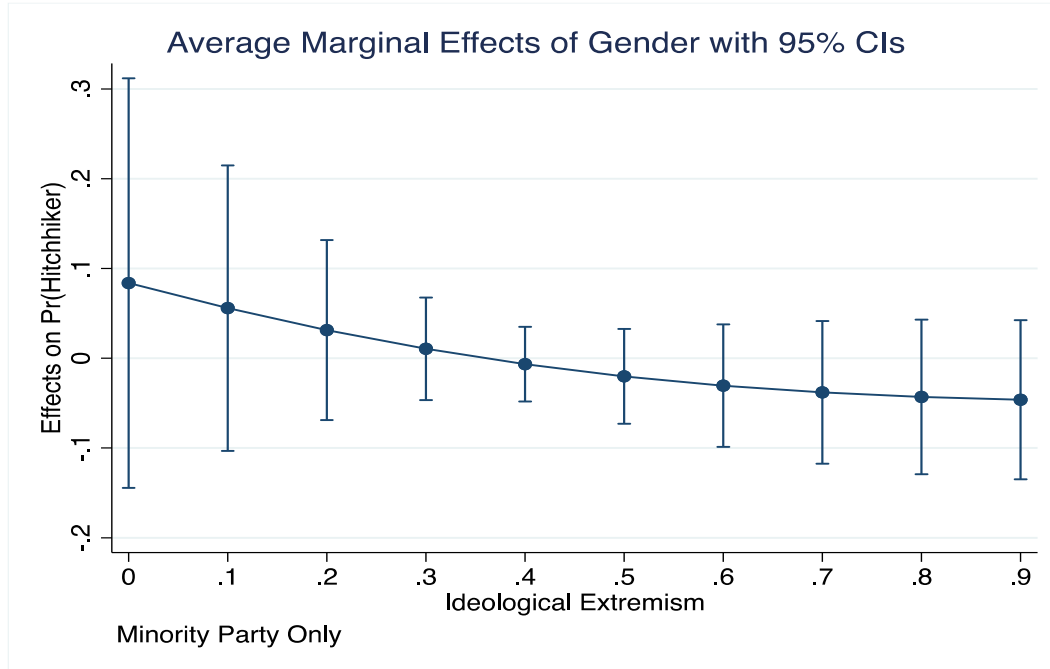


Figure B2: Marginal Effects of Gender on Hitchhiking (MinorityParty)

### Appendix C: Chapter 3

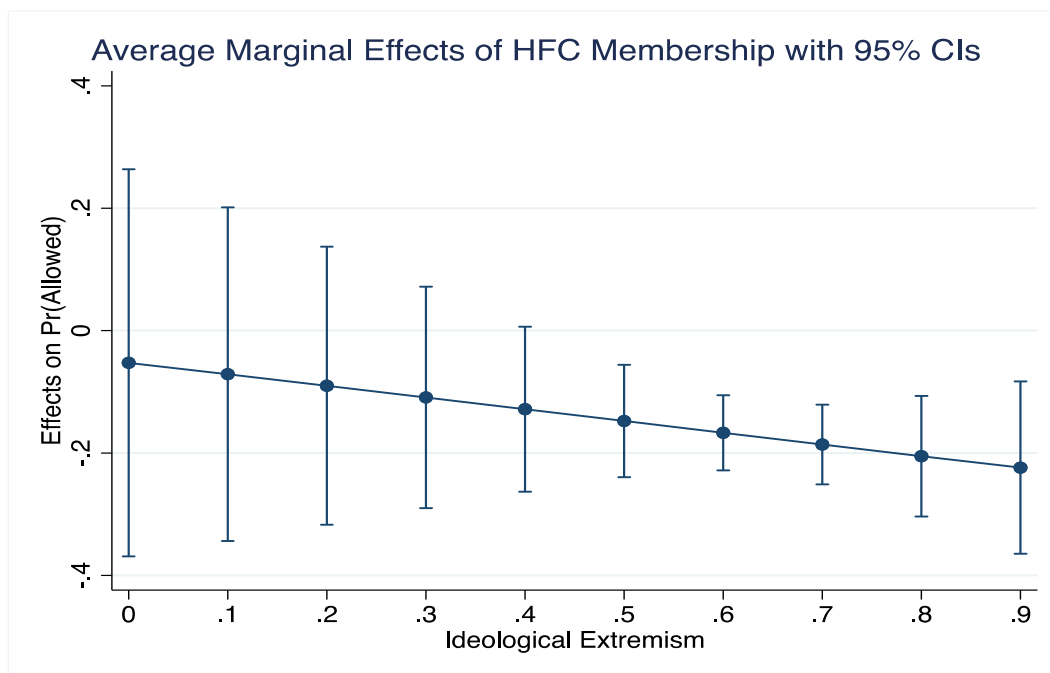


Figure C1: Marginal Effects of HFC Allowed Model

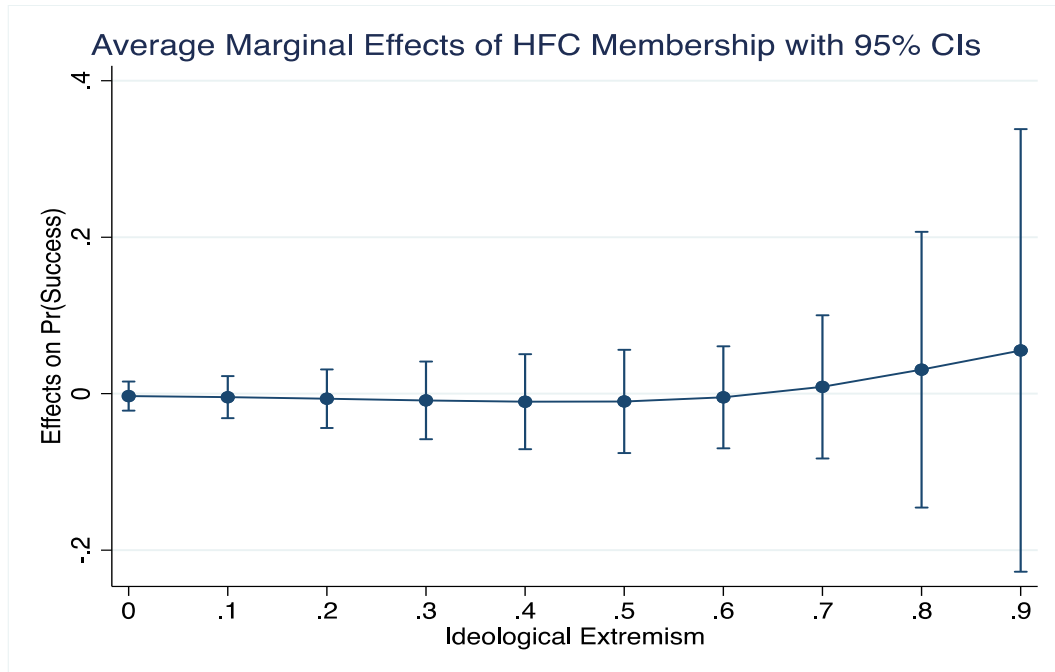


Figure C2: Marginal Effects of HFC Success Model