

The Scope and Urgency of Legislation: Reconsidering Bill Success in the House of Representatives

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The progress of legislation is a widely used metric of congressional research. Yet studies that rely on the progress of bills to test important institutional and behavioral theories rarely consider whether a bill's subject affects its success. We illustrate why accounting for bill content may be important. Next we propose a general typology for distinguishing bill subjects by their scope and by the urgency of required action. Finally we apply this typology to a longstanding subject of congressional research – studies of legislative effectiveness and bill success – to show how controlling for bill type can inform and perhaps revise our current understandings of important institutional and behavioral questions.

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I. Introduction

The progress of legislation is a widely used metric of congressional research. For example, modern studies of legislative effectiveness seek to explain why some members' bills are more likely to progress through the legislative process than those of others (Matthews 1960; Anderson et al. 2003; Krutz 2005). Studies of divided government and policy gridlock ask whether the number of laws or "important" laws enacted during a Congress is related to changes in underlying political conditions such as partisan control or electoral replacement (Mayhew 1991; Krehbiel 1998; Binder 2003). Cosponsorship studies investigate whether bills with more cosponsors or more representative cosponsors are more likely to succeed (Krehbiel 1995; Kessler and Krehbiel 1996). Voting analyses investigate patterns of behavior as the legislature considers whether to pass bills from the chamber (Poole and Rosenthal 2000; Groseclose, Levitt and Snyder 1999).

Yet these studies devote little attention to the content of the bills that are their focus. Scholars sometimes acknowledge the limitations of treating every bill as essentially equivalent, or in some cases limit their attention to certain types of bills, but bill type itself rarely treated as an independent variable worthy of investigation.

Common sense tells us that content influences the prospects of legislation. In this paper we propose a general methodology for distinguishing among types of bills. Our methodology is far from novel. It reflects two frequently discussed but rarely quantified elements of legislative politics. The first is that bills vary in importance (Price 1972; Mayhew 1991). Some bills propose to name post office buildings while others create multi-billion dollar packages of transportation spending. The second is that bills vary in terms of their urgency (Walker 1977; Kingdon 1995; Hall 2004). Whether Congress passes a bill to rename a federal building today or two years from now is not of great urgency to most legislators. Whether Congress passes an appropriations bill or reauthorizes an expiring Clean Air Act is of significantly greater urgency.

These distinctions seem important on their face. For example, one would think that an assessment of a member's effectiveness, if measured in terms of the progress of the bills that he or she sponsors, should be qualified by the importance of those bills. In addition, the urgency of the subject being addressed by the bill also seems relevant. Hall (2004) argues that "routine" attention to expiring laws may explain the punctuations in congressional hearings activity that others attribute to external events (Baumgartner and Jones 1993; Kingdon 1995; Polsby 1984). Studies of divided government and policy gridlock also explain the progress of bills (enactments) in terms of external events in the form of electoral shifts (Mayhew 1991; Krehbiel 1998; Binder 2003). But a policy sunset compels legislative action independently of electoral shifts or exogenous shocks. These "internal" shocks occur dozens of times per term and often involve the "important" laws that are the focus of prior studies (Mayhew 1991).¹

¹ A fairly common response is to question the validity of the reversion point (expiration of the program) in light of the frequency with which programs are perpetuated through continuing resolutions or unauthorized appropriations. Neither of these actions is automatic and both severely limit the ability of lawmakers to alter the authorizing language in any way. Moreover, it is not at all rare for programs to die because of an expiring authorization that goes un-renewed; prominent examples include the military draft (1973), general revenue sharing (1986), the special prosecutor law (1999), and, most recently, the assault weapons ban (2004).

In the next section, we begin to examine the implications of accounting for differences in the scope and urgency of legislation in legislative studies by reconsidering the literature on legislative effectiveness and bill success. Modern studies of these subjects begin with Don Matthew's classic study of the Senate of the 1950s and they continue to the present (Anderson et al. 2003; Krutz 2005). This work has informed our understanding of congressional politics, but it also contains empirical and conceptual puzzles that we intend to address and hope to resolve. In the process, we also hope to demonstrate why scholars more generally should attend to the distinctions in types of legislation.

II. Legislative Effectiveness: Why are some legislators' bills more likely to progress?

Modern studies of legislative effectiveness attempt to explain why some member's bills are more likely to progress through the legislative process. This research spans four decades, beginning with Matthews' (1959) classic study of Senate folkways, which asked whether senators who conformed to chamber norms were more likely to see their bills pass. Subsequent studies extended Matthews' line of inquiry by investigating whether norms also influenced bill success in the House, and by testing a growing list of variables hypothesized to be related to differences in success (e.g. Olson and Nonidez 1972, Franzitch 1979, Moore and Thomas 1991, Hibbing 1991, Anderson et. al 2003, Krutz 2005).

In combination, these studies offer little consensus regarding the "keys to legislative success" (Anderson et al. 2003). For example, some (including Matthews) find that legislators who specialize (concentrate their issue activities) are more successful, while others find that legislators who adopt a "shotgun approach" of introducing lots of bills experience more success (e.g. Franzitch 1979). Tenure in the chamber is found to be both related (Franzitch 1979; Hibbing 1991) and unrelated (Moore and Thomas 1991; Anderson et al. 2003) to differences in success. Indeed, it is fair to say that the only consensus that emerges from this literature is that members of the majority party tend to be more successful (Franzitch 1979; Moore and Thomas 1991; Anderson et. al 2003; Krutz 2005).

Different studies also measure success differently. The dependent variable is always the progress of bills, but progress is measured by whether a bill sees any action at all, whether it is reported from committee, and whether it passes the chamber. Studies also vary in terms of whether success is measured by the number of bills sponsored by a legislator that are successful, the percent of bills sponsored that succeed, and by whether bills sponsored by different members possessing similar characteristics (e.g. majority vs. minority) are more likely to succeed.

Part of the explanation for the differing findings of existing studies is improving data and methods. Early studies relied on simple associations and tested a limited number of variables. More recent studies apply more sophisticated statistical techniques to many more cases, while considering the effects of many more variables. In addition, our empirical and theoretical understanding of this subject also continues to evolve and

improve. Recent studies have shifted the focus of attention away from inferring entrepreneurial success from the progress of bills (in effect assuming that success is dictated by a legislator's effectiveness in "negotiating the legislative labyrinth" (Franzitch 1979)), to better appreciating broader agenda setting processes that contribute to differences.

Nevertheless, this literature continues to offer some puzzles. For example, none of these studies finds that bills sponsored by committee chairs more successful. Only one published study even asks but finds that subcommittee chairs, but not committee chairs, sponsor more successful bills (Anderson et al 2003). However, even that study does not ask whether the sponsor served on a committee of referral, leader or otherwise.² Such omissions are troubling given what observers of Congress commonly believe about the central roles that committees (and their leaders) play in deciding the fate of legislation that falls within their jurisdictions (Evans 1991; Hall 1998).

In addition, many of the theoretical contributions of this literature are best described as fuzzy. Matthews was quite explicit about his objective. He wanted to test whether a senator's actions affected his or her success in the legislature, defined in terms of bill successes. The emphasis of these studies has gradually shifted from asking why some legislators are more effective to explaining why some bills are more likely to progress. This shift has been accompanied by a shift in the unit of analysis. Whereas the former focused on the lawmaker's effectiveness using counts or success percentages akin to a batting average, the latter tends to focus on explaining the progress of individual bills.

However, the motivating language of some of these recent studies remains embedded in the effectiveness research of old. Franzitch begins by asking why some legislators are better able to "navigate the legislative labyrinth." Anderson et al (2003) ask "[w]hat 'remarkable skills' allow some legislators to guide their bills successfully out of committee, and perhaps out of the House, while others are routinely met with defeat?" (357). Krutz (2005) is the noteworthy exception. He theorizes that committee leaders control the "winnowing" process and then frames his hypotheses in terms of the considerations that might motivate leaders to promote some members' bills ahead of others.

Recent studies do control for some types of bills. Anderson et al. (2003) distinguish "local" bills (how these are identified is unclear) as well as a very small number of "hot" bills (identified from *Congressional Quarterly* coverage) and find that these bills are more likely to pass. Krutz distinguishes bills that reflect the presidential administration's priorities. However, none of these studies treat bill content as central to understanding

² Krutz focuses on whether a bill receives any legislative consideration in committee and theorizes that the committee chair plays a central role in the decision of whether to take up a bill. One of the variables predicting the progress of a bill is the distance between the sponsor's ideology and the ideology of the chair, which is positively and significantly related to success. If we understand Krutz' research design correctly, the fact that he does not distinguish bills introduced by the chair raises important questions about this variable as well as others in the study.

differences in legislative success. Bill content is introduced as a potential control variable in a single model of legislative success.

Yet should we assume that variables such as the sponsor's expertise, ideology or institutional position have the same effects regardless of whether the bill under consideration is important or trivial? Should the fact that a bill was or was not sponsored by a member of the referral committee have the same effect regardless of whether the bill proposes to reauthorize the Clean Air Act, or to coin a medal to honor Operation Iraqi Freedom veterans? We think that the answer is no. Committee members will probably tend to be more successful than other legislators in both contexts, but the relevant attributes that distinguish committee members from non-members (e.g. expertise vs. agenda control) should vary from one of these contexts to the next.

III. Models of Bill Success

The progress of a bill is governed by many factors that may be difficult to measure and sometimes defy generalization. A legislator's motives for sponsoring a particular bill are not easy to deduce (Fenno 1973; Schiller 1995). Many bills are introduced to make a symbolic statement or to appease a constituency interest. Others are introduced to draw attention to legislative language that the sponsor will later propose in the form of a committee or floor amendment to another bill. Still others are introduced with the goal of seeing them become law, if not in this Congress then perhaps the next (Burstein 2004). And, of course, success is governed by the activities of actors other than the sponsor, some of whom are positioned to prevent legislation that might otherwise succeed from getting onto the agenda in the first place (Bachrach and Baratz 1962; Krutz 2005). For these reasons, no deterministic model governs whether a bill ends up as one of the few that eventually emerge from committee or pass the chamber.

Models of bill success cannot truly expect to offer “the keys to legislative success” (Anderson et al. 2003). Instead, one goal of a bill success model should be to identify common attributes of successful bills that – although they do not determine whether bills progress – are associated with differences in success. A second goal should be to explain why these common attributes are associated with differences in success. Prior research has not always devoted as much attention to this second goal as is desirable. As a result, existing studies offer insights into which variables are related to differences in success, but tell us less about the causes of those successes.

The Scope and Urgency of Legislation

At the most basic level we contend that there are simply different legislative procedures and expectations for different types of legislation (Oleszek 2001). Some are introduced to satisfy a request by a particular interest or individual within the district, or a request from an administrative agency. Others reflect deep-seeded policy goals of the legislators themselves or even the President. Still others reflect governing responsibilities associated with managing existing programs and policies. Are different types of bills evaluated

differently in Congress? If they are, then it may no longer make sense to treat all bills as equivalent. Of course, the methodological and theoretical challenge is to thread the needle between treating all bills as equivalent or unique. Ideally, a typology of legislation should be systematic, replicable, and demonstrably important.

The typology we propose distinguishes bills according to two dimensions of their subjects: scope and urgency.

Scope. Some bills have minor implications from the perspective of the legislature (Price 1972). The considerations influencing the progress of these bills are likely to differ from the considerations influencing the progress of bills with more important policy implications. These bills tend to be of narrow scope, either because they target a particular concern of an individual, district or state, or because the policy changes proposed are largely symbolic.

Urgency. On a completely different dimension are bills addressing the most pressing functions of the legislature. These “non-discretionary” or “scheduled” bills because of their importance leave little doubt that the legislature will act. Such bills are widely discussed but rarely studied (Walker 1977; Kingdon 1995; Hall 2004). The most obvious pressing bills are the ones that literally keep the government running. Our category includes annual spending bills providing the funds to pay for existing programs as well as bills targeting existing programs that will die unless Congress acts to reauthorize them.

While these two dimensions suggest that bills may fall anywhere along two continua, the focus of our categorization of bills is on those at the extremes of these dimensions. Specifically, we identify those bills (1) that are particularly narrow in focus addressing extraordinarily narrow or “**trivial**” subjects; (2) those that are particularly urgent addressing pressing or “**must act**” subjects; and (3) those that address the remainder – all non-trivial “**discretionary**” subjects. (Throughout this paper we will use the shorthand of a “must act” bill (etc.) to refer to a bill that addresses a “must act” subject.) Table 1 describes how we operationalize each of these three types of legislation, and the distribution of bills among them for the 102nd House that is our focus of study. Appendix A describes the process for identifying these different bills in more detail.

Of particular interest in Table 1 is the fact that each type of bill represents a significant proportion of all introduced bills, and especially bills that progress beyond committee. Trivial and must act bills by our conservative measures represent 12 percent of all bills introduced, 35% of the bills reported from committee, and 45% of the bills enacted into law. Thus, if we observe important differences in the variables influencing bill progress across these different types of legislation, we have good reasons for reassessing current understandings of congressional politics that are based on studies that do not control for these distinctions.

[Table 1 here]

Independent Variables: Factors Affecting Bill Success

Hall and Evans (1990) offer some valuable observations about the study of political power that are relevant to studies of bill success. When scholars offer evidence of legislative effectiveness, the interpretation (whether encouraged by the author or not) is often that the study is providing evidence of influence – the sponsor’s “skills” partly explain his or her success. Yet influence turns out to be a difficult concept to capture using conventional measures, such as the progress of a bill. If two equally radical legislators sponsor tax reform bills and one of those bills advances, the difference might indicate that one legislator was more effective at advancing his personal policy priorities, or it might indicate that that legislator was more willing to compromise by proposing a bill that reflected the goals of the chamber instead of his own. Thus, progress does not automatically equate to influence.

These sorts of distinctions between success, influence, etc. tend to be glossed over in the effectiveness/success literature. Menus of variables hypothesized to be related to success are presented, but the meanings of those associations receive much less attention. We will argue that the meaning of an association between a variable and bill success differs depending on the type of legislation under consideration. In particular, the value of serving on the referral committee for “discretionary” legislation is different from its value for “must act” bills. Put another way, different policymaking dynamics apply to different types of legislation.

Institutional Prerogatives

Scholars often hypothesize that lawmakers in leadership positions, particularly committee and subcommittee chairs, are well positioned within the institution to advance their own pet policy proposals. While this does fit our common perception of leadership influence, it is also likely a distortion of the actual power of these lawmakers.

Committee Leaders. Leaders tend to possess attributes and resources that contribute to their effectiveness in crafting and advancing policy proposals that are more likely to win the support of other legislators (Hall 1996). However, their success may also be indicative of something other than their “remarkable skills.” Committee leaders may simply be more likely to have their names associated with advancing legislation by virtue of the institutional prerogatives that accompany their positions. That is, committee leaders are better able to claim credit for successful legislation in contexts where progress is largely a foregone conclusion.

For instance, certain committees are responsible for overseeing important recurring legislation (the Education and Labor Committee and ESEA, the Transportation Committee and the highways reauthorization, etc.), and it generally falls upon the committee or subcommittee chairs to bring this recurring legislation forward and ensure its timely reporting to the chamber. Accordingly, the committee or subcommittee chair’s bill is often used as the markup vehicle (or the chair ends up sponsoring the “clean bill” that is introduced after the fact).

Majority Party Members. Membership in the majority party is an additional source of institutional prerogatives (Cox and McCubbins 1994). These prerogatives do not imply that minority party members have no influence over the content of the bills that are reported or passed. However, the odds that these members will sponsor the bill that progresses should be exceedingly small because of the limited credit claiming opportunities that successful bills provide.

Characteristics of the Sponsor

In weeding through legislation to decide which is deserving of serious consideration, lawmakers frequently seek cues about the quality and appropriateness of legislative proposals (Kingdon 1989). The success of a bill, especially important non-urgent bills, should be related to variables indicating its attractiveness to key gatekeepers.

Policy Specialization. Bills sponsored by legislators who are deemed to be more expert in an issue area, whether by virtue of their roles as committee members, their seniority, and/or their prior profession, should be more successful. Proposals offered by known or likely experts in a given policy realm should carry more weight with lawmakers possessing little information about the policy arena than those fashioned by relative unknowns (Krehbiel 1992; Adler et al. 2005).

Ideology. Bills sponsored by mainstream legislators should also be more successful, either because the sponsor's ideology "signals" that a proposal is more likely to reflect the preferences of the legislature (or party median), or because it does in fact better reflect the median preference. However, the role of sponsor ideology may also differ depending on the stage. Because parties play a central role in setting the floor agenda (Cox and McCubbins 1994), proximity to the chamber's preferences may be less important during earlier stages of a bill's progress than it is during later stages.

Tenure. Longevity implies greater experience and connections within the legislature. Longer serving members should possess better information about the preferences and priorities of other members as well as better understanding of the legislative operations. These should make them more effective. On the other hand, greater electoral pressures would seem to suggest that junior members may be unusually active and possibly more successful on matters of particular relevance to their constituencies (Wawro 2000).

External Support

We expect that indicators of wide-spread support for a policy proposal may help to propel it forward. **Number of cosponsors** is one indicator of this kind of support. A long list of cosponsors is a clear indication that a bill has broad support across ideological and/or partisan lines. Prior studies note that cosponsorship can be motivated by bandwagon considerations as well as by a desire to signal legislative support for a proposal that is not assured of passage (Wilson and Young 1997). One interesting question to investigate is

whether cosponsorship effects are more important for the progress of discretionary bills than they are for the progress of bills addressing “must act” subjects.

Backing for legislation can also originate in support or attention external to the legislative body. For instance, the impetus for policy change may derive from the broader “public agenda” (Binder 2003). Accordingly we consider whether **media attention** to a bill’s topic is related to its progress.

Finally, as discussed, we expect that the effects of these variables will differ depending on the type of bill under consideration. Less important “trivial” bills should be more likely to progress and considerations affecting the success of more important bills should be less relevant to that success. The progress of non-discretionary “must act” bills will also be governed by considerations different from those that are central to understanding differences in the progress of discretionary bills. The question of interest for discretionary bills is whether the legislature will act. Variables such as the characteristics and differences in external support will help to explain why some discretionary bills progress while others do not. In contrast, when action is virtually assured as is the case for “must act” subjects, we contend that the question of interest is which bill will be the vehicle for that action. Where credit for a substantial enactment is virtually assured, “institutional prerogatives” will dominate. Successful “must act” bills will be sponsored by committee members and committee leaders in particular, not because these members are “better equipped” to push their policy ideas to the top of the legislative agenda (although they often are), but because sponsoring the vehicle is one of the perquisites of their positions.

IV. Data and Findings

We focus on the 102nd House of Representatives. This Congress is unremarkable in any respect other than that we have data on the institutional positions of legislative sponsors down to the level of the subcommittee of referral. Our study includes all of the 6212 bills introduced in the House during the 102nd Congress. Our measures of progress (dependent variables) are whether a bill was reported or passed by the House. (The question of whether a bill becomes a law introduces considerations beyond the chamber itself, such as whether the House or Senate version of the bill is ultimately chosen to be the vehicle.)

Patterns of Success

As alluded to earlier, there are many different ways to cut a study of bill success. One can ask which legislators sponsor a greatest number or proportion of successful bills, or which have the greatest rates of success. Yet another perspective is to focus on the progress of individual bills to ask which variables best predict whether it succeeds or not. We begin by briefly summarizing some key findings with respect to these first two questions, before considering the third in more detail.

Success Rates and Frequencies by Institutional Position. Prior studies of bill success highlight majority party membership and committee membership as the most important

factors explaining differences in bill success. Figure 1 clearly indicates that the reported advantages of belonging to the majority party or the committee of referral reported in those studies are largely reserved to the chairs and subcommittee chairs of those committees. Although these leaders sponsor just 15% of all bills introduced, they sponsor well over half of all successful bills (those reported or passed by the House). Leader-sponsored bills represent more than two-thirds of the success advantage that majority party member possess over minority members, and nearly three-fourths of the success advantage that committee members possess over non-committee members.

[Figure 1 here]

Tables 2 and 3 begin to evaluate the success of different types of sponsors across different categories of legislation. Table 2 looks at who sponsors bills reported from committee while Table 3 looks at who sponsors bills passed by the chamber. Committee and subcommittee leaders sponsor 90 percent of the “must act” bills that get reported or are passed by the House. These bills represent between 15 and 18 percent of all successful bills. In contrast, committee and subcommittee leaders sponsor only between 60 and 65 percent of all “discretionary” bills, and just slightly more than 20 percent of all successful “trivial” bills. The percentages for enactments are even more striking. Must act and trivial bills constitute 45% of all of the bills that eventually became law in the 102nd House.

[Tables 2 and 3 here]

Tables 2 and 3 clearly establish the distinction among types of legislation matters. For example, the widely cited statistic that only 1 out of 7 bills emerges from committee masks important variations. Bills addressing “must act” subjects are very likely to be reported (53%) while trivial bills (22%) are much more likely to be reported than discretionary bills (7%).³ These different types of bills also differ in other important respects. For example, half of all successful “must act” bills are never referred to subcommittee, while more than 3/4ths of all discretionary bills and 9 out of 10 trivial bills are first considered in subcommittee. This helps to explain why With respect to effectiveness studies, we see that the importance of one central variable for success, committee leadership, appears to vary dramatically depending on the type of legislation under consideration. In the next section, we explore these variations in more detail to get at some of the questions about the meanings of some of the associations reported in prior studies.

Multivariate Analyses

Must Act Subjects. Tables 4 and 5 present logistic regression results for models that predict whether bills on “must act” subjects are reported or passed by the chamber. (Table 4 focuses on the question of reporting, while table 5 focuses on passage.) The

³ The extremely high success rate of “must act” proposals also suggests another phenomenon that is worth some attention – the low percentage of alternative bills to the vehicle used for passage. This is something that we plan to address in subsequent iterations of this study.

remarkable feature of these tables is that very few of the variables reported as significantly related to bill success in prior studies are important predictors of which “must act” bills progress. Indeed, the only variables that predict progress are whether the sponsor is a leader or a member of a subcommittee of referral. These results may not seem particularly surprising in light of tables 2 and 3, but we believe that they are quite novel in light of existing research. Institutional prerogatives alone appear to govern the progress of these types of bills.

[Tables 4 and 5 here]

Discretionary Subjects. Tables 6 and 7 shift attention to bills addressing non-trivial discretionary subjects. In contrast to the results just reported for “must act” subjects, most of the independent variables hypothesized to be related to differences in bill success are significant. Bills sponsored by legislative specialists are more likely to progress, as are bills that attract more cosponsors. (The sponsor is a specialist if the bill addressed one of the two policy areas where the member was most active in sponsoring bills.) In addition, bills sponsored by legislators whose ideology places them closer to the party median are more likely to be reported. And when attention shifts to the floor (Table 7), bills sponsored by legislators whose ideology places them closer to the chamber median are more likely to pass the House. The committee and committee leader variables remain important, but their effects are greatly diminished relative to their effects for the progress of “must act” subjects, while the effects of other institutional positions, such as a ranking minority member, are now significantly related to differences in success.

In short, the patterns that we observe for discretionary subjects are what we would expect if proposals are being evaluated in terms of whether the legislature should act. Action on a bill is more likely to occur when the sponsor is considered a specialist, when he or she is able to demonstrate that the proposal has external support, and when he or she signals through her own ideology that the proposal is closer to the preferences of pivotal decision makers at different stages in the process. These indicators are all suggestive of signals to other lawmakers as to the appropriateness or acceptability of non-urgent legislation.

Agenda control in the form of committee or party advantages still count, but not nearly so much as was the case for “must act” subjects. At the same time, it is important to recognize that our ability to infer legislative influence from these results is limited. We can say that bills sponsored by legislators with particular characteristics relating to their qualifications and external support are more likely to progress, but we have offered no evidence of influence in the sense of demonstrating that these sponsors were primarily responsible for shaping the content of these bills.

[Tables 6 and 7 here]

Trivial Subjects

Tables 8 and 9 apply the same model specifications to legislation addressing subjects of narrow scope. Once again, Table 8 focuses on the question of whether a bill is reported

while table 9 focuses on whether it passes. The poor fit of the models in these cases is as remarkable as the good fit in the discretionary cases. The only variables that predict success consistently across the two tables are the number of cosponsors (negative) and whether the sponsor chaired the committee of referral (positive). Our interpretation of these “non-results” is that the considerations that affect the progress of bills addressing discretionary subjects do not apply to bills addressing trivial subjects.

Many of these bills are routine in the sense that the legislature is asked to process an agency request to clarify an existing law, to name a documented vessel, or to transfer federal property to a state or local government. Thus, many of these bills are simply irrelevant to the concerns of most legislators. Although idiosyncratic processes affect the progress of all bills to some extent, the effects appear to be most pronounced for bills addressing trivial subjects.

[Tables 8 and 9 here]

V. Discussion

In this paper, we have argued different types of legislation are treated differently in the House, and that these differences are deserving of more than footnote status. Our methodology starts with well established observations that have never been quantified, and is easily replicated. There are pressing legislative needs, there are parochial matters, and there are a lot of legislative proposals that fall in between. Each of these types of legislation comprises a substantial proportion of the legislative agenda, despite the fact that we have been quite restrictive in our definitions. Bills addressing “must act” and “trivial” subjects make up just 12% of all bills introduced, but they represent 45% of the bills that become law.

By making these three distinctions we are able to show that there are profound differences in the processes governing the success of different types of bills, and that we can learn much about lawmaking by taking varieties of bills into account.

Legislation relating to “must act” subjects is generally considered the responsibility of the committees, and particularly their leadership. Such legislation passes at extraordinarily high rates (55%, not surprising given its urgency) and is almost always the work of committee leaders. At the other end of the spectrum are more narrow or trivial matters, where the determinants of success are much less predictable, and prospects (22%), though better than that of “discretionary” bills, considerably less bright than “must act” bills. In the middle of sorts are the discretionary bills, where the prospects for success are the dimmest of all (around 7%), but the variables helping to explain differences in success are what we would expect. In addition to institutional prerogatives, the progress of a discretionary bill is also influenced by sponsor characteristics related to expertise and ideological conformity and to external support for the bill itself.

“Must act” and “trivial” bills are not trivial in the sense that they represent a small number of bills that can be ignored. Our narrow definition found that these bills about 35% of the bills reported and passed. We have shown that recognizing these distinctions has important consequences for our understanding of one literature that implicitly argued that one model explains success across all bills. That is clearly not the case. The next step is to ask whether accounting for bill type may alter existing conclusions in other literatures where such distinctions have also been overlooked.

Nothing presented here prevents other researchers from making additional distinctions in bill content beyond what we propose. Our goal has been to propose one categorization that has demonstrable and systematic consequences for a range of studies that rely on bill progress as their metric.

Appendix A: Coding Bills by their Scope and Urgency

We classified bills into these categories through a multi-stage process. The first stage was to build a very large database on all congressional bill introductions, which includes information about bill titles, legislative progress, and sponsors. During this stage, we relied on government data to distinguish private bills. In the second stage we coded all of these bills for policy content by assigning *Policy Agendas Project* topic codes based on their titles (www.policyagendas.org). This process enabled us to distinguish commemorative bills, land conveyance bills, and appropriations bills in a fairly simple fashion. In the third stage, we conducted keywords searches of titles and bill texts to isolate additional bill types. We searched for all bills making “technical” amendments,⁴ and relating to “duties” and ‘tariffs’ (unless they were general in scope).

The most challenging (though not the most time consuming) element of this process was identifying bills that reauthorized expiring programs. No government database reliably indicates which bills address pending reauthorizations. Bill titles or descriptions are also not always completely reliable. In some instances reauthorization bills are titled as such (e.g. Coast Guard Reauthorization Act of 1993, etc.). These, of course, were easy to identify by simply searching for the term “reauthor” in the title or summary (to pick up either “reauthorization” or “reauthorize”). These bills had to be doubled checked to insure that they were not simply making reference to a previous reauthorization. This technique, however, only picked up a handful of reauthorizing bills. A second sweep of bills was performed searching for the phrase (or similar variations) “to authorize appropriations” in the bill summaries or full text. This sweep, of course, picked up any bill that authorized appropriations, not all of which were necessarily reauthorizations of existing programs. These bills were then checked individually for evidence that they were reauthorizations (frequently these were “extensions” of existing sunset dates for the authorization of appropriations). If a check of the bill text still left uncertainty as to whether or not the bill was a reauthorization, further research was conducted to see if previous legislation authorizing the same programs was in existence in prior years.

⁴ Specifically, we searched for all bills in which the term “technical” appeared either in the title or the CRS summary on the THOMAS website. Each of these identified bills was examined by hand to see if they were truly technical amendments or something else.

Appendix B. Operationalization of the Independent Variables

Specialization: A member is a specialist if the title of the bill was coded as addressing one of the top two policy areas where the legislator was most active in sponsoring bills? This information was obtained by first coding all bill titles according to the major topic codes of the Policy Agendas Project (www.policyagendas.org), and by then aggregating the bills by topic and sponsor to determine the top two areas of sponsorship activity. [0,1]

Distance from Chamber Median: The absolute value of the difference between the sponsor's 1st dimension DW Nominate score and the 1st Dimension DW Nominate score of the Median member of the House. [interval]

Distance from Party Median: The absolute value of the difference between the sponsor's 1st dimension DW Nominate score and the 1st Dimension DW Nominate score of the Median member of the sponsor's party. [interval]

Tenure: The number of years served in the House [interval]

NYT Times Editorials: The number of editorials addressing the same topic as the bills, derived by coding editorials and bill titles according to the major topic codes of the Policy Agendas Project. The *New York Times* editorials data was provided by Sarah Binder (2003). [interval]

Chair of Referral Committee and Subcommittee: Whether the sponsor chaired a committee and subcommittee to which the bill was referred. [0,1]

Chair of Referral Committee: Whether the sponsor chaired a committee to which the bill was referred. [0,1]

Chair of Referral Subcommittee: Whether the sponsor chaired a subcommittee of referral. [0,1]

Chair of Other Subcommittee: Whether the sponsor chaired any subcommittee on a committee of referral. [0,1]

Majority Party: Whether the sponsor was a member of the majority party and not on a committee of referral [0, 1]

Ranking member of Committee of Referral: Whether the sponsor was the most senior Republican on a committee of referral [0, 1]

Ranking member of Subcommittee of Referral: Whether the sponsor was the most senior minority member of a referral subcommittee. [0, 1]

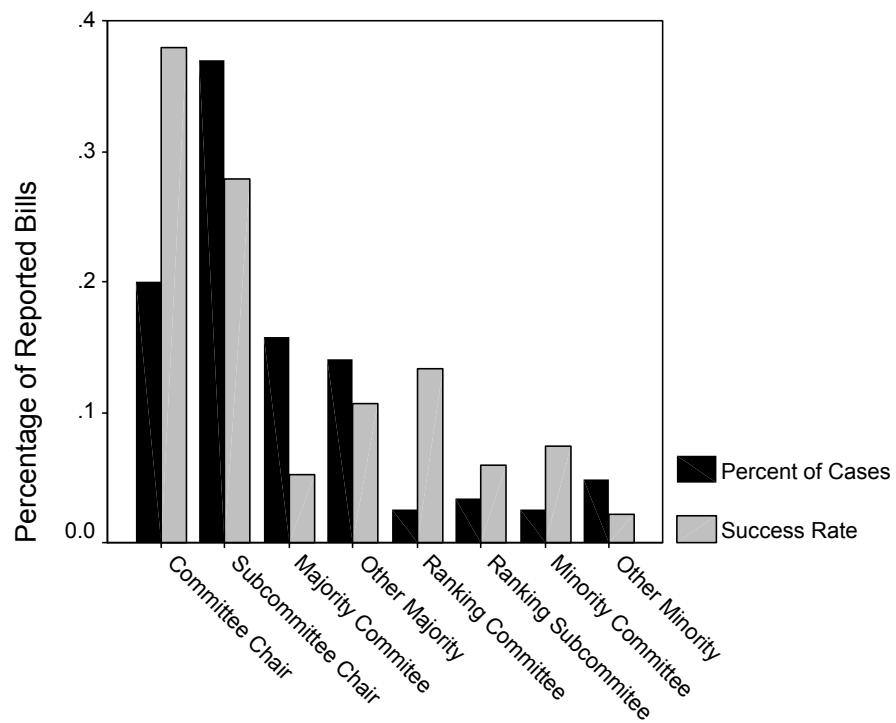
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Figure 1. Referral committee leaders sponsor most successful bills and have the highest rates of bill success.



Note: The black bars indicate the percentages of all reported bills that were sponsored by legislators in different institutional positions. (Committee and subcommittee chairs sponsored 57% of all bills reported.) The grey bars indicate each type of legislator's overall success rate (bills reported/bills introduced).

Table 1. Distinguishing Bill Subjects by their Scope and Urgency

Trivial Subjects (9% / 20% of reported bills / 20% of enacted laws)
Private bills
Commemorative bills
Bills in many subject areas making symbolic gestures
Technical amendments
All bills “making technical amendments to existing programs”
Land conveyance bills
Bills transferring control of federal lands (subtopic 2103)
Tariff and duty bills
Bills proposing or suspending tariffs or duties on specific commodities
Must Act Subjects (3% / 15% of reported bills/ 25% of enacted laws)
Reauthorizations bills
Bills proposing to extend programs scheduled to expire
Regular appropriations bills
Bills proposing to fund currently authorized programs
Emergency appropriations bills
Bills proposing additional funds to those already appropriated
Discretionary Subjects (88% / 65% of reported bills/ 55% of enacted laws)
All other legislation

Table 2. Sponsors of Reported Bills by Type of Legislation

Type of legislation	Must Act	Discretionary	Trivial
Bills Reported	99 (15%)	416 (65%)	125 (20%)
Overall Report Rate	52.7%	7.6%	22.5%
Sponsor of Bill Reported:			
Chairs Referral Committee and Referral Subcommittee	10 (10%)	22 (5%)	3 (2%)
Chairs Referral Committee	17 (17%)	71 (17%)	5 (4%)
Chairs Referral Subcommittee	33 (33%)	103 (25%)	10 (7%)
Chairs other Subcommittee on Referral Committee	30 (30%)	54 (13%)	9 (7%)
Other Member of Referral Committee	6 (6%)	73 (18%)	27 (22%)
Total Committee Sponsors	96 (96%)	323 (78%)	54 (42%)

Table 3. Sponsors of Passed Bills by Type of Legislation

	Must Act	Discretionary	Trivial
Bills Passed	105 (18%)	393 (66%)	94 (16%)
Overall Pass Rate for Type of Legislation	55.9%	7.2%	16.9%
Sponsor of Bill Passed:			
Chairs Referral Committee and Referral Subcommittee	7 (7%)	16 (4%)	1 (1%)
Chairs Referral Committee	19 (18%)	84 (21%)	7 (8%)
Chairs Referral Subcommittee	30 (29%)	81 (21%)	7 (8%)
Chairs other Subcommittee on Referral Committee	39 (37%)	60 (15%)	11 (12%)
Other Member of Committee	6 (6%)	63 (16%)	18 (19%)
Total Committee Sponsors	101 (97%)	304 (77%)	44 (48%)

Table 4. Attributes of Reported Bills on “Must Act” Subjects

Reported Bills

	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	.236	.384	.538	1.266
Ideological distance from Chamber Median	-.940	1.346	.485	.391
Ideological distance from Party Median	.485	1.935	.802	1.624
Years in House	.017	.018	.350	1.017
External Support				
Number of cosponsors	-.009	.008	.235	.991
NYT Editorial Coverage	-.001	.028	.980	.999
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	2.762***	.935	.003	15.830
Chairs Referral Committee	1.251*	.672	.062	3.494
Chairs Referral Subcommittee	2.192***	.586	.000	8.951
Chairs other Subcommittee	1.854***	.579	.001	6.385
Majority Member	-.360	.826	.663	.698
Ranking member of Referral Committee	-6.128	16.315	.707	.002
Ranking member of Referral Subcommittee	-6.152	25.819	.812	.002
Constant	-1.119	.840□	.183	.327□

Logistic Regression. Dependent Variable is whether a bill addressing a must act subject was reported from committee. *=10 **=.05 ***=.01. Nagelkerke R-squared=.30

Table 5. Attributes of Passed Bills on “Must Act” Subjects

Passed Bills

	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	.007	.404	.987	1.007
Ideological distance from Chamber Median	.111	1.383	.936	1.118
Ideological distance from Party Median	2.463	2.025	.224	11.736
Years in House	.010	.019	.576	1.010
External Support				
Number of cosponsors	.000	.008	.998	1.000
NYT Editorial Coverage	-.035	.028	.207	.965
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	1.524*	.788	.053	4.592
Chairs Referral Committee	1.763***	.682	.010	5.830
Chairs Referral Subcommittee	1.950***	.575	.001	7.031
Chairs other Subcommittee	2.888***	.626	.000	17.949
Majority Member	-.074	.814	.927	.928
Ranking member of Referral Committee	-5.843	16.355	.721	.003
Ranking member of Referral Subcommittee	-5.833	25.833	.821	.003
Constant	-1.718***	.856□	.045	.179□

Logistic Regression. Dependent Variable is whether a bill addressing a must act subject was passed by the House. *=.10 **=.05 ***=.01. Nagelkerke R-squared=.34

Table 6. Attributes of Reported Bills on “Discretionary” Subjects

Reported from Committee

	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	.215*	.116	.063	1.240
Ideological distance from Chamber Median	-.022	.400	.956	.978
Ideological distance from Party Median	-1.094**	.546	.045	.335
Years in House	-.008	.008	.328	.992
External Support				
Number of cosponsors	.005***	.001	.000	1.005
NYT Editorial Coverage	-.018*	.011	.085	.982
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	2.717***	.323	.000	15.142
Chairs Referral Committee	2.445***	.230	.000	11.529
Chairs Referral Subcommittee	2.347***	.165	.000	10.456
Chairs other Subcommittee	1.244***	.186	.000	3.471
Majority Member	.928***	.231	.000	2.529
Ranking member of Referral Committee	1.627***	.400	.000	5.086
Ranking member of Referral Subcommittee	.690	.524	.188	1.994
Constant	-3.850***	.280□	.000	.021□

Logistic Regression. Dependent Variable is whether a bill addressing a discretionary subject was reported from committee. *=10 **=.05 ***=.01. Nagelkerke R-squared=.22

Table 7. Attributes of Passed Bills on “Discretionary” Subjects

Passed by Chamber

	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	.236**	.118	.046	1.266
Ideological distance from Chamber Median	-.787*	.406	.053	.455
Ideological distance from Party Median	-1.037*	.553	.061	.355
Years in House	-.011	.008	.189	.989
External Support				
Number of cosponsors	.004***	.001	.003	1.004
NYT Editorial Coverage	-.018*	.011	.094	.982
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	2.469***	.346	.000	11.812
Chairs Referral Committee	2.897***	.233	.000	18.123
Chairs Referral Subcommittee	2.128***	.174	.000	8.398
Chairs other Subcommittee	1.531***	.184	.000	4.625
Majority Member	.601***	.231	.009	1.825
Ranking member of Referral Committee	1.478***	.431	.001	4.383
Ranking member of Referral Subcommittee	.180	.645	.780	1.197
Constant	-3.422	.279□	.000	.033□

Logistic Regression. Dependent Variable is whether a bill addressing a discretionary subject was passed by the House. *= $.10$ **= $.05$ *= $.01$. Nagelkerke R-squared= $.22$**

Table 8. Attributes of Reported Bills on “Trivial” Subjects

Reported from committee

	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	.308	.223	.167	1.361
Ideological distance from Chamber Median	.051	.723	.944	1.053
Ideological distance from Party Median	1.104	1.035	.286	3.017
Years in House	-.020	.016	.206	.980
External Support				
Number of cosponsors	-.007*	.004	.066	.993
NYT Editorial Coverage	-.184*	.104	.076	.832
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	.875	.793	.270	2.400
Chairs Referral Committee	.830	.636	.191	2.294
Chairs Referral Subcommittee	1.283***	.489	.009	3.607
Chairs other Subcommittee	.594	.447	.184	1.811
Majority Member	.554	.352	.116	1.740
Ranking member of Referral Committee	2.843***	.890	.001	17.175
Ranking member of Referral Subcommittee	-1.656	1.421	.244	.191
Constant	-1.813	.472□	.000	.163□

Logistic Regression. Dependent Variable is whether a bill addressing a trivial subject was reported from committee. *=10 **=.05 ***=.01. Nagelkerke R-squared=.12

Table 9. Attributes of Passed Bills on “Trivial” Subjects

Passed by House				
	B	S.E.	Sig.	Exp(B)
Sponsor Characteristics				
Specialization	-.050	.247	.839	.951
Ideological distance from Chamber Median	-.361	.767	.638	.697
Ideological distance from Party Median	2.140*	1.094	.051	8.498
Years in House	-.016	.017	.340	.984
External Support				
Number of cosponsors	.008***	.002	.001	1.008
NYT Editorial Coverage	-.126	.087	.147	.882
Institutional Perogatives				
Chairs Referral Committee and Subcommittee	-.033	1.119	.977	.968
Chairs Referral Committee	2.047***	.629	.001	7.744
Chairs Referral Subcommittee	1.286**	.524	.014	3.618
Chairs other Subcommittee	1.099**	.450	.015	3.000
Majority Member	.166	.381	.663	1.181
Ranking member of Referral Committee	.999	.861	.246	2.716
Ranking member of Referral Subcommittee	.968	1.083	.372	2.632
Constant	-2.046	.502□	.000	.129□

Logistic Regression. Dependent Variable is whether a bill addressing a trivial subject was passed by the House. *=10 **=.05 ***=.01. Nagelkerke R-squared=.13