

Legislative Procedure and Strategy

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Legislative Procedure and Strategy

- ▶ Today, we'll consider:
 - The legislative process in the House and Senate
 - Strategies legislators and parties can use to game the legislative process

Legislative Procedure and Strategy

- ▶ Major modes of consideration in the House
 - Minor and non-controversial bills
 - ▶ Suspension of the rules (requires 2/3rds of the House for approval)

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 - ▶ Unanimous consent

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 - ▶ District of Columbia (for DC bills)
 - ▶ Private calendar (for private bills)
 - ▶ Unanimous consent
 - Privileged legislation
 - ▶ Appropriations, Budget, House Administration, Rules, and Ethics have special access to floor

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 - ▶ Discharge petition (218 signatories)

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 - ▶ Senators may place "hold" on piece of legislation (silent filibuster)

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 - ▶ By unanimous consent (though this implicitly requires committees permission)

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 - Consider any motions to recommit

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 - Consider any motions to recommit
 - Take final action (full House)

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- Queen of the Hill rules: a sequence of substituting amendments, one with highest support counts

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| 218 Quorum | 100 Quorum |
| 44 members for RV | 25 members for Recorded Vote |
| One hour rule for amendments | Five minute rule for amendments |
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- 5 minute rule: 5 minutes for proponent and opponent of bill (can be extended through pro forma amendment, motion to strike the last word, etc.)

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 - ▶ Most of the time, debate is irrelevant (nobody changes their mind)
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 - If no unfinished business, proceed to something new by unanimous consent
 - ▶ Each party has a floor manager that decides how time is allocated for debate, who gets to propose amendments, etc.

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 - Two types of amendments:
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- Final passage

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 - The Cox-McCubbins Argument:
 - ▶ In the House: Important pieces of legislation require support of the rules committee or the scheduling power of the speaker- the majority party controls both

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 - ▶ In the Senate: Non-germane amendments allow majorities to discharge committees

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- ▶ The Krehbiel v. Cox-McCubbins Debate:
 - Counters to the Krehbiel Argument (for the House):
 - ▶ The discharge petition is rarely used

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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 - ▶ “Second degree strategy”—for every first degree amendment proposed by minority party, majority party proposes a second degree amendment

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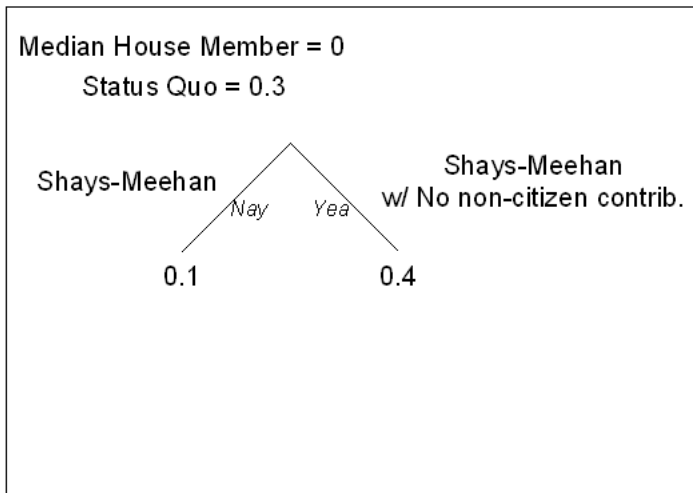
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Legislative Procedure and Strategy

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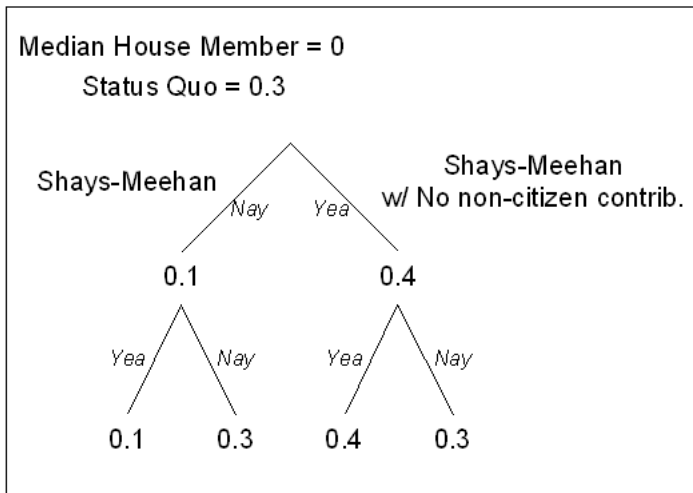
Legislative Procedure and Strategy

- ▶ Campaign finance reform example:



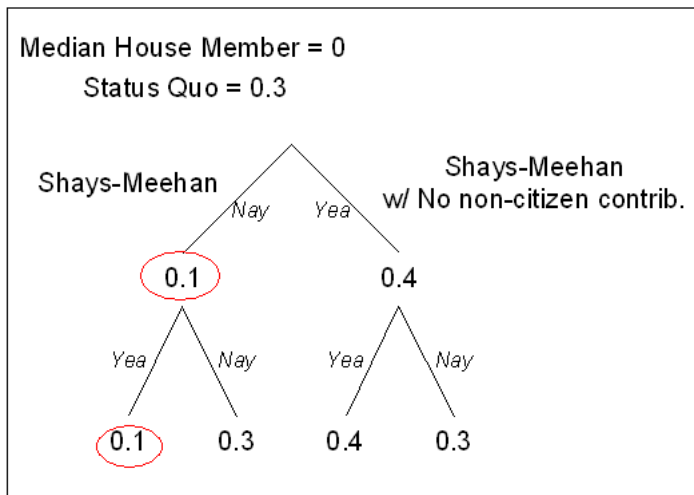
Legislative Procedure and Strategy

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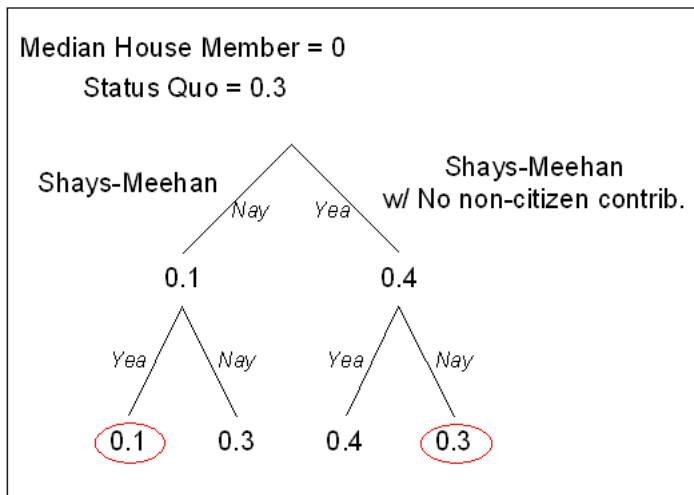
Legislative Procedure and Strategy

- ▶ Campaign finance reform example (sincere voting):



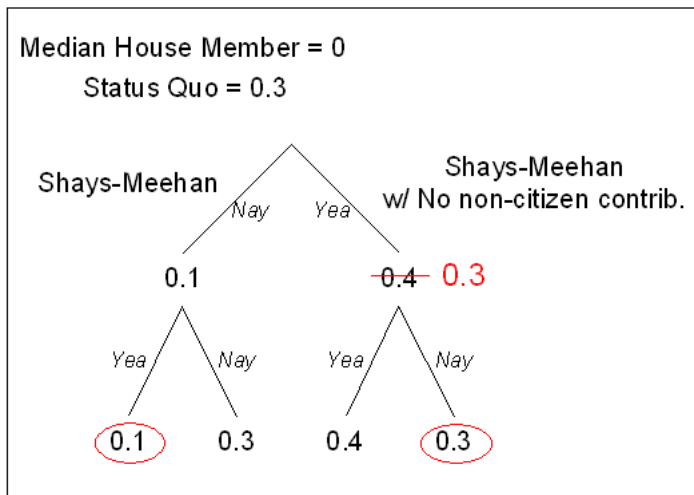
Legislative Procedure and Strategy

- ▶ Campaign finance reform example (strategic voting):



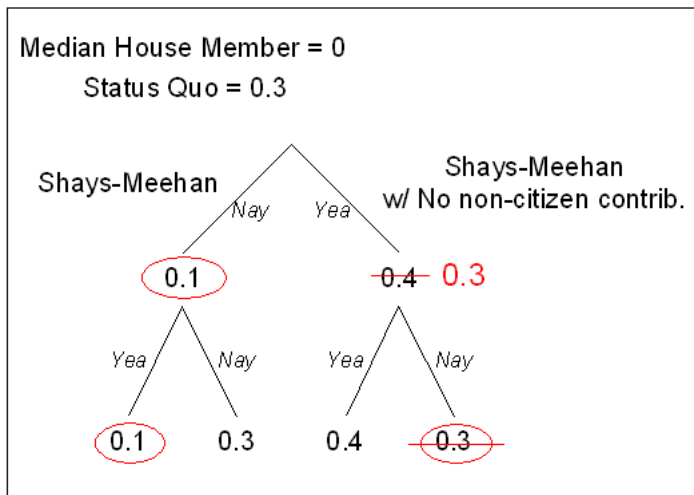
Legislative Procedure and Strategy

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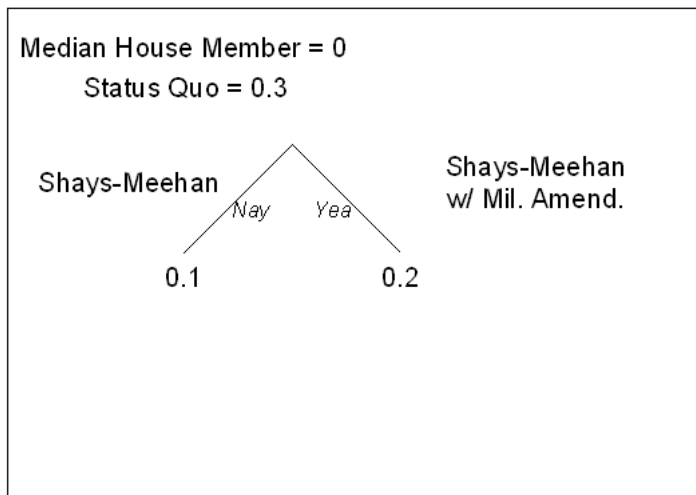
Legislative Procedure and Strategy

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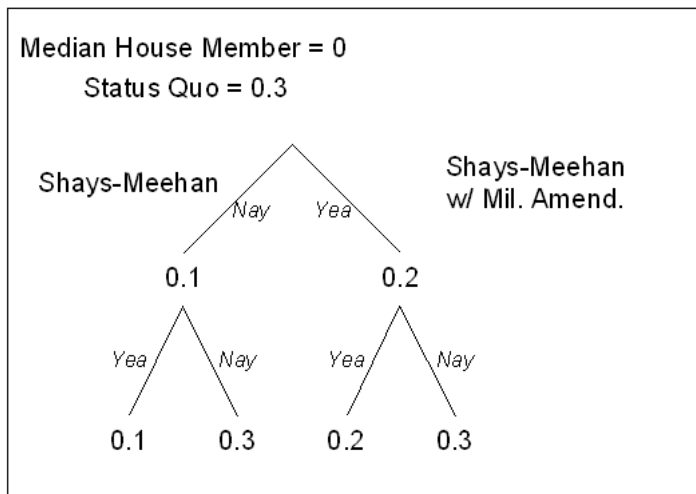
Legislative Procedure and Strategy

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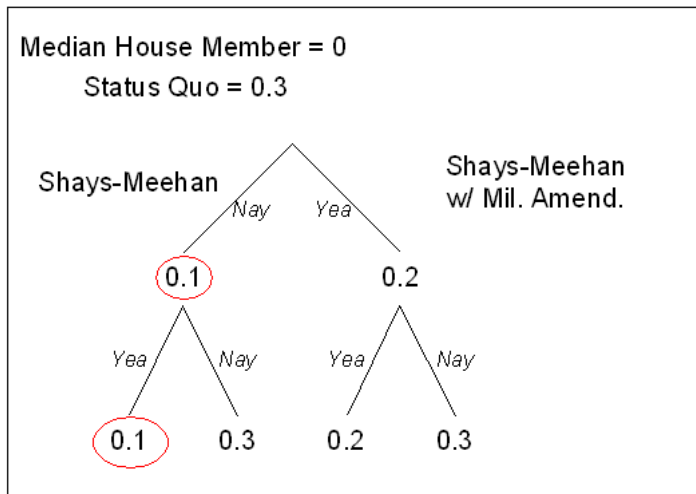
Legislative Procedure and Strategy

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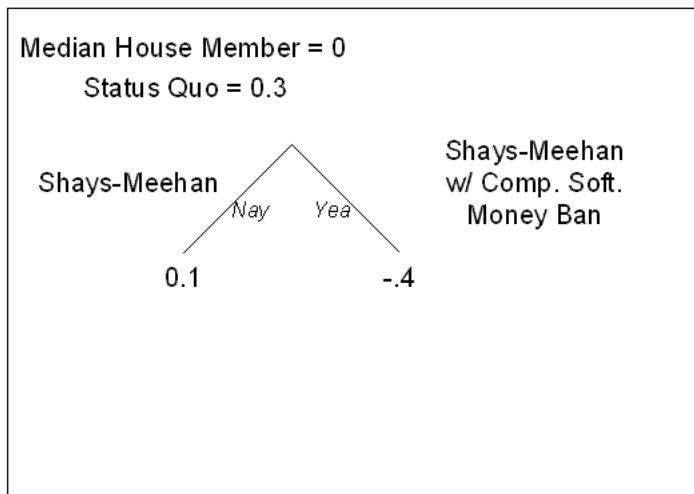
Legislative Procedure and Strategy

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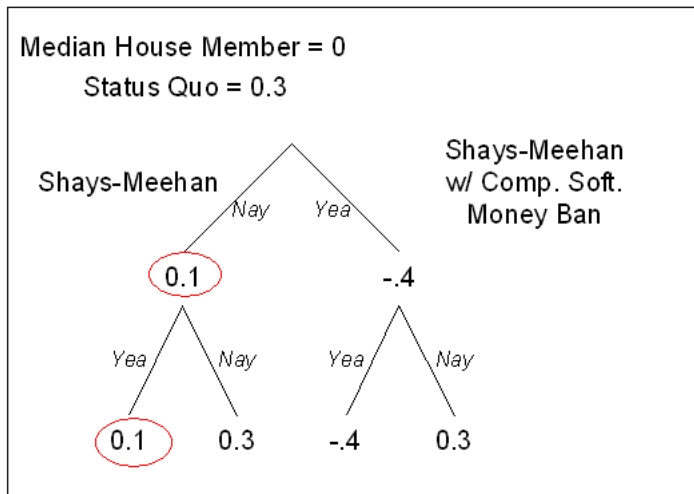
Legislative Procedure and Strategy

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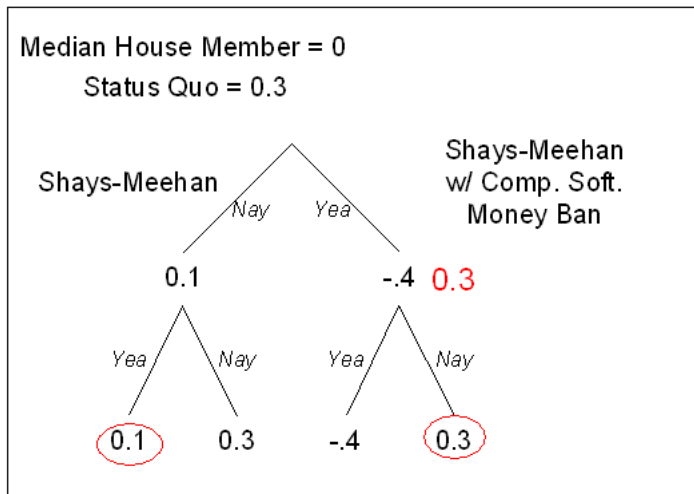
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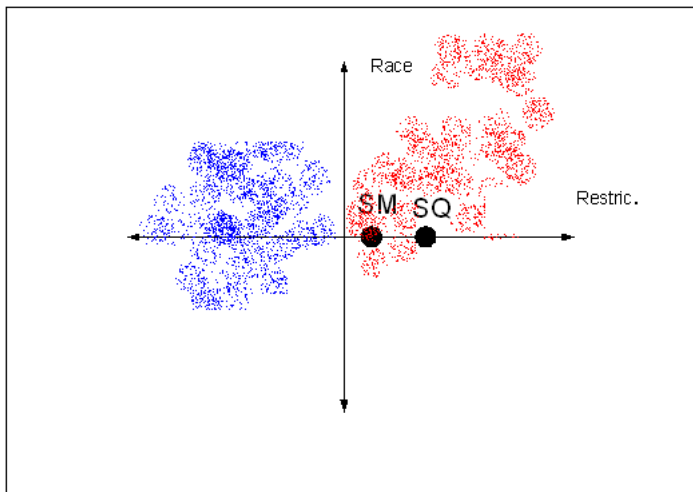
Legislative Procedure and Strategy

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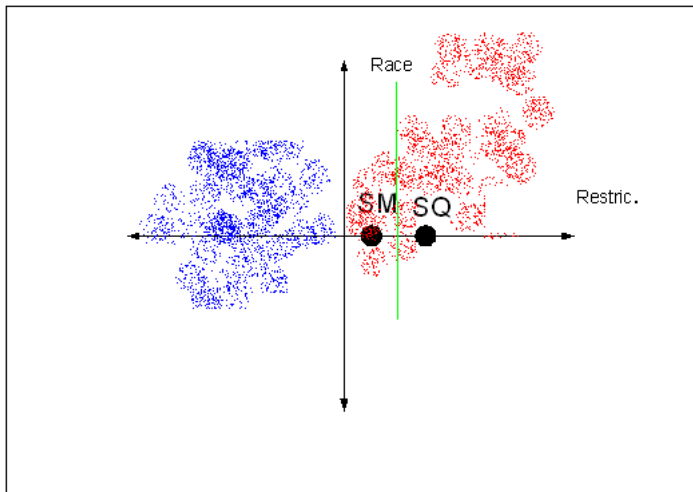
Legislative Procedure and Strategy

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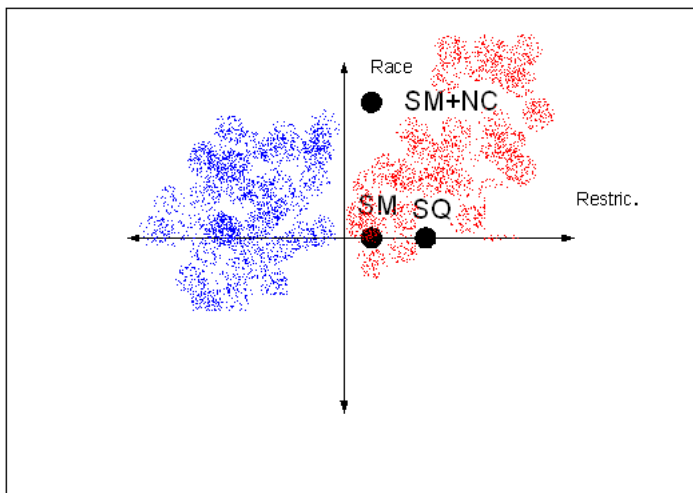
Legislative Procedure and Strategy

- ▶ Campaign finance reform example (Shays-Meehan beats the status quo):



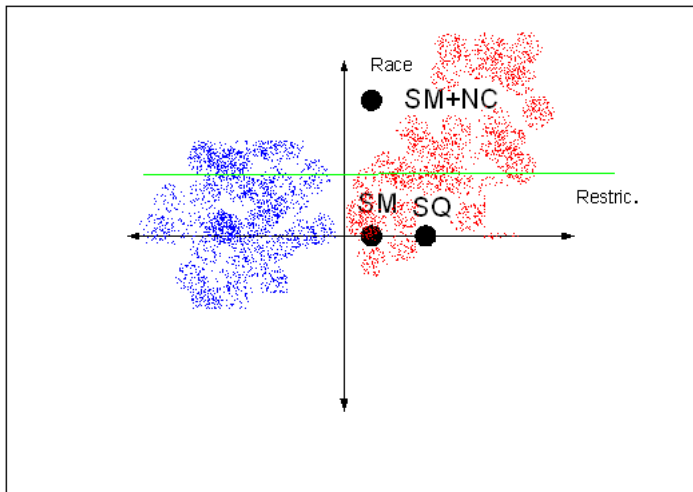
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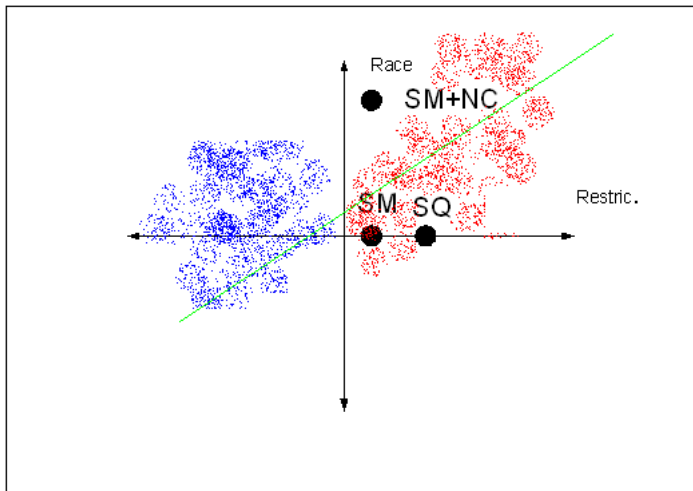
Legislative Procedure and Strategy

- ▶ Campaign finance reform example (a majority prefer the amended Shays-Meehan):



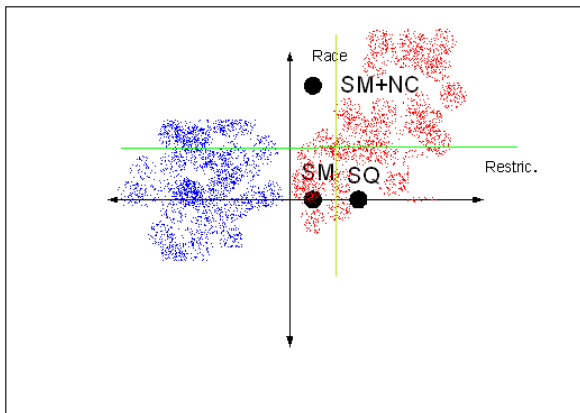
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- ▶ Campaign finance reform example (the amended Shay's Meehan loses to the status quo):



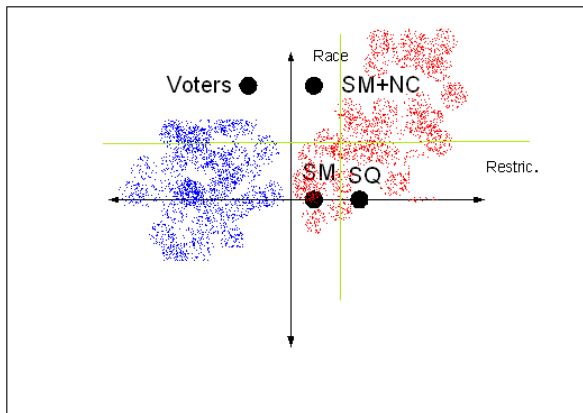
Legislative Procedure and Strategy

- ▶ Campaign finance reform example:
 - If MOC are strategic, the vote on the amendment is really a vote between SM and SQ (with SM+NC being a vote for SQ)



Legislative Procedure and Strategy

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Legislative Procedure and Strategy

- ▶ Campaign finance reform example:

<https://www.youtube.com/watch?v=esUTn6LOUDU>

Legislative Procedure and Strategy

- ▶ Arney substitute (complete ban on soft money):

<https://voteview.com/rollcall/RH1070525>

Legislative Procedure and Strategy

- ▶ Ney substitute (different enough to force conference):

<https://voteview.com/rollcall/RH1070526>

Legislative Procedure and Strategy

- ▶ Wicker amendment (bans contributions by non-citizens):

<https://voteview.com/rollcall/RH1070536>

Legislative Procedure and Strategy

- ▶ The classic example of a killer amendment: the Powell amendment
 - Northern Democrats (N) want high education spending and low segregation

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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 - The Powell amendment proposes high education and low segregation (would only be supported by N and thus fail)
 - Sincere voting would lead N and R to support Powell amendment
 - Strategic voting would lead N and S to vote against the Powell amendment

Legislative Procedure and Strategy

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Legislative Procedure and Strategy

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 - N might not be able to vote strategically
 - Interestingly, Powell was an anti-segregation Northern Democrat, though the amendment passed with many Republican votes
 - The bill ultimately failed

Legislative Procedure and Strategy

- ▶ How common are killer amendments?

Legislative Procedure and Strategy

- ▶ Wilkerson (1999) performed detailed analysis of killer amendments in the 103rd and 104th congresses

TABLE 2. Types of Killer Amendments Offered by Minority and Majority Party Sponsors

| Type of Amendment | Sponsor in Minority Party | Sponsor in Majority Party | Percentage of Cases |
|---------------------------------|------------------------------------|------------------------------------|------------------------|
| Major weakening amendment | 43% (20) | 17% (5) | 33% |
| Minor weakening amendment | 34 (16) | 34 (10) | 34 |
| Strengthening amendment | 4 (2) | 14 (4) | 8 |
| Political cover amendment | 6 (3) | 10 (3) | 8 |
| New issue amendment | 13 (6) | 24 (7) | 17 |
| Total (N) | 100% (47) | 99% (29) | 100% (76) |
| % of amendments by party status | 62% | 38% | 100% |

Note: Types of amendments are based on the author's content codings as described and listed in the Appendix.

Legislative Procedure and Strategy

- ▶ Poole and Rosenthal (1997) performed comprehensive analysis of ends-against-the-middle coalitions

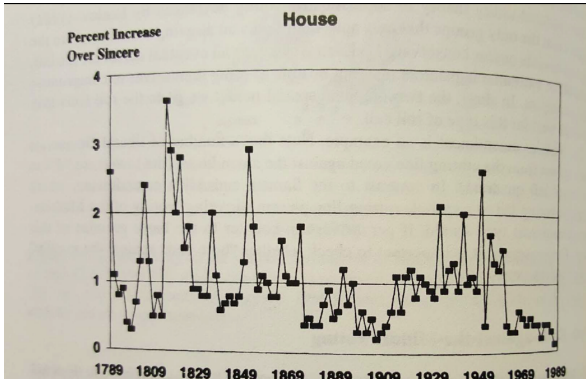


Figure 7.6. Increase in classification when both-ends-against-the-middle voting is allowed (1789–1988). Optimal classifications with two cutting points on each roll call are compared to standard optimal classification with one cutting point. Allowing for both-ends-against-the-middle voting does very little to improve classification, particularly after the late 1950s.

Legislative Procedure and Strategy

- ▶ How common are killer amendments?
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Legislative Procedure and Strategy

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Legislative Procedure and Strategy

- ▶ Next lecture: We will begin discussing the Filibuster and Gridlock