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**Committee Influence on
Conference Bills:
An Empirical Analysis of
Congressional Bill Tracking Data**
Gabriele Eckstein

Robert Bosch Foundation Research Scholars Program
in Comparative Public Policy and Institutions
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PREFACE

This paper is the revised and amended version of a workshop paper presented at the American Institute for Contemporary German Studies in Washington, November 1998. The empirical study of the congressional conference procedures will become part of a comparative study of bicameral politics in the United States and Germany and the role of the compromising institutions—especially conference committees and the German *Vermittlungsausschuß*. The legislative processes in both systems will be explained by actor-oriented theories. The common American politics approaches are applied to the German parliamentary system.

During my stay in Washington, I collected congressional data, prepared the data set, and began some analyses that I completed after my return to Mannheim. Thus, I first collected and analyzed bill tracking data for an often studied object—the U.S. Congress. I benefited from many discussions with plenty of advice from Congressional researchers and political scientists. I thank especially Stanley Bach from the Congressional Research Service, Christopher Allen from the University of Georgia, and John Kingdon, who all participated in my workshop. For discussions, organizing contacts and institutional support, I am grateful to Carl Lankowski, AICGS Research Director. Nevertheless, I take sole responsibility for the content of this paper.

1 ROLL-CALL VOTING VS. BILL TRACKING STUDIES OF CONGRESSIONAL LEGISLATION

1.1 Congressional Studies Use Different Data Sources for Different Research Questions

Roll-call votes are a useful device to compare the legislative actions of individual representatives and to draw conclusions about their political goals or ideological opinions. Since long-term time series of almost all Congressional recorded votes are available in databases they have become more popular for quantitative analysis. Besides general studies on the reasons of the representatives' voting behavior (e.g., Kingdon 1989), many authors discuss whether you can interpret parliamentary votes as an expression of preferences or whether they are the consequence of institutional settings (party discipline, district orientation, committee membership). The identical voting behavior is a necessary condition for the assumption of unitary actors in actor-oriented theories. It is self-evident that studies about party discipline use roll-call data: They count the number of party votes¹ among all roll-calls like Patterson and Caldeira (1986) or measure homogeneous voting behavior of factional members with similar indicators (e.g., Cox/McCubbins 1991).

In the same manner you can deal with the question whether committee members and non-committee members behave differently and—under the assumption of preference induced behavior—whether they have common extreme preferences compared to non-committee members. If you would find such differences, you would be able to test the thesis of committee dominance in legislative processes. However, it is difficult to provide positive evidence for the theses for several reasons: First, the research unit are roll-call voting results, not single votes of individual representatives as in former studies (e.g., Bullock/Brady 1980), and the data are often aggregated to scores for the whole Congressional term. Second, every recorded vote is treated as equally important. This is problematically, especially in today's Congresses, because even minor issues or procedural questions are decided per roll-call; Rohde (1995) distinguishes different types of issues instead. Third, different preferences do not mean differing in the same direction and in any decision, while this is assumed if someone searches for the special ideological positions of committee members like Poole and Rosenthal (1997).² This is the reason why Maltzman (1997) uses a simpler and more restrictive indicator: His disagreement scores just measure differences in the voting behavior of committee

¹ Usually a roll-call vote with a majority of Democrats voting against a majority of Republicans is called a **party vote** (e.g., Aldrich 1995).

² They compare committee and chamber medians on ideological scales.

members and the chamber as a whole. He analyzes the roll-call votes for the policy sectors (i.e., committee responsibilities) separately because the theories of committee influence do not assume extreme committee preferences in every single vote, but in the votes on the issues for which the committees are responsible. Nevertheless, the resulting disagreement scores for the Congresses in the 1980s are very small: Committee and floor members vote differently only in 2-13 percent of the roll-calls. Finally, the researchers seldom find significant differences between the voting behavior of committee and non-committee members in roll-call analyses of conference bills. One reason is the large approval rate to the conference reports under all House members: The issues are of public interest and many representatives aim at passing any version of the bill because the single alternative is the status quo.

A lot of bill tracking studies deal with the identical general research question—committee power in Congress—but choose another approach and research design. They do not explore the representatives' preferences, focus on their actions in legislative procedures instead. Defining committees as unitary actors who act corporately, you can distinguish committee and non-committee actions in the processes according to the main actor. In a narrow sense, non-committee members are not corporate actors, but a group of representatives whose interests differ from those of the committee. If a majority agrees about these interests, they can defeat or change committee bills successfully. The House rules restrict the possibilities for floor amendments; complex and restrictive rules therefore preserve the committee version of the bill (Bach/Smith 1988). Submitted and passed amendments on the House floor are often used as indicators for floor power—and are interpreted as committee weakness at the same time. Weingast (1992) counts the accepted and submitted amendments and separates more and less relevant issues by classifying them as first-level and second-level policies. Bach (1986) introduces the committee membership and the seniority of the sponsor to prove that non-committee members and younger representatives have become more active and more successful on the floor over time.³ All studies diagnose changes in the so-called postreform Congress: Compared to the seventies, floor members are more active and influential today, and the committees and subcommittees have lost weight in the postreform Congress. Committee bills pass the contemporary House more often if the party leaders support it (Sinclair 1995). But how does the Rules Committee settle the rule? Do the members of the Rules Committee decide according to their

³ Data set: amendments texts, debates and voting results of the general appropriations bills (1963-82).

ideological or issue preferences (Dion/Huber 1996)? Does the committee assign restrictive rules to urgent bills or to those of prestigious committees (Krehbiel 1997)?⁴

For conference procedures there are different definitions of strong and less powerful committees: First, even the decision (of one of the chambers) to request a conference strengthens the committee—that is why Smith (1989, pp.204-216) compares the frequency of conferences and Navette procedures. He uses several indicators for weak conferences: the instruction of conferees, the appointment of additional conferees who do not belong to the responsible committee, conflicts and disagreements between the conference delegations and referrals of bills back to conference. Compared to the Congresses of the seventies, the Speakers appoint larger and more diversified conferences today. According to Evans and Oleszek (1997, pp.130-131), the committee leaders have lost influence on the choice of the conferees today, while the party leaders' influence increased. Besides, many authors use bill tracking variables to study the bicameral relationship, especially the question which of the two chambers dominates the conference procedures (e.g., Vogler 1970, Ferejohn 1975, Strom/Rundquist 1977, Oleszek 1992).

Most of the analyses treat committees and conference committees as unitary actors, consider exclusively the committee report and the committee actions in the House. They include neither activities of single committee members on the floor nor decisions on the committee level. Unekis (1978) is one of the few authors who study committee-internal procedures and he discovered committee members to vote differently in plenum and committee sometimes. Rundquist and Strom (1987) deal with the preparation of committee bills: The first version is amended in a quite harmonizing process (of common consent between the committee members), and in summary, the sponsors of the bill are the most influential actors.

The possibility to use quantitative data source speaks well for bill tracking studies, nevertheless many researchers argue against them because they ignore any content of the bills, never evaluate the importance of bills and amendments, or consider their subject. On the contrary, case studies provide the only way to do contents analyses in legislative studies since most bills include complex and comprehensive issues. Congressional records, press releases of representatives or news paper articles are used to determine the issue preferences of the relevant actors, e.g., of the responsible committee and the Congressional parties. Comparing the actors' positions with the text of the passed bill, one can detect which actors influenced the legislative decision and who did not

⁴ Both theories ignore that the Rules Committee just propose a rule which a majority on the floor has to accept.

have any power. Among other things, the informational processes and the decision-making in the chambers and the conference committees are often better explained by considering the contents of the bills, therefore many authors use case studies to support their theses (e.g., Tsebelis/Money 1997, Smith 1995, Longley/Oleszek 1989). Most of them find institutional explanations for the observed relationships between the actors, but some study informal processes, too (e.g., Jerome 1990). Though, case studies tend to focus on extreme cases, for example van Beek (1995), who analyzes **omnibus bills** or LeBlanc (1991), whose conference issues are all “tough” decisions. By considering only these large and complex issues, they overestimate the influence of the conference committees since the differences between the chambers’ versions are usually larger. In addition, most of them are important issues—this strengthens the position of the conferees, too, because many representatives prefer any version of the bill to the status quo. At the same time, the conferences have many and diverse members so that they work in sub-conferences and give control to the conference leadership and the chambers’ party leaders.

1.2 Legislative Actions and Voting Behavior of Committee and Conference Committee Members

The research questions of the theories of committee influence can be summarized in three basic questions. It is difficult to segregate them in the empirical studies because they are based on the same theoretical models and are analyzed by similar indicators—the reason why many studies deal with them simultaneously. First, how influential and powerful are Congressional committees and conference committees in the legislative process? Second, do committee members have common or united political interests, and—following from that: Do they have special or extreme preferences? Third, what kind of relationship do House and Senate have in conference procedures? Does one of them dominate the compromises, does one of them “win” more often than the other? Pork barrel theorists argue that committee power is exclusively relevant and has a systematic effect, if committee members have extreme preferences, because all passed bills tend to be special or extreme solutions of political problems then. On the other hand, informed and specialized committee members may change the political output, too, even if it is more difficult to indicate a general tendency of influence. Different preferences are just a necessary condition for a political output preferred by the committee. The committees may not formulate the bills according to their preferences, they may anticipate the changes on the floor instead. We must assume at least common issue-specific preferences of the

committee members (not all committees but the responsible) to observe a direction of influence. However, as the following arguments will show, bill tracking data cannot reveal committee or floor power without preference information in many cases.

According to this distinction, I want to emphasize the first question empirically. I will analyze detailed bill tracking data of conference procedures and ask how much the responsible House committee influences the political output. To understand the outcome of conference procedures, it is necessary to take into account the chamber-internal processes, beginning with the first version of the bill in the House, which is the committee version of the bill most of the time and is published in the committee report and put to the debate on the floor. Does this version survive in the House procedure? What kind of relationship does exist between committee and non-committee members on the House floor? Are they opponents with different political preferences, as the theories of committee power maintain? Comparing the processes until a House majority agrees to the House version of the bill, we can separate **committee dominated** and **floor dominated** passages. The typical committee dominated procedure is one in which a committee originated bill (not referred to another committee) is debated on the floor under a closed or restrictive rule and is passed without any or with just a few amendments (special indicators are discussed below, p.15). Contrary to that, we define the floor powerful if a bill which is not introduced by a committee is referred to one or more committees and is amended many times by motions of different representatives in the following debate on the floor. The precondition is an open or organizing rule for the debate. The **committee amendments in the nature of a substitute** are difficult to interpret in these terms: On the one hand, the committee controls the exact content, e.g., formulates the legislative text. On the other hand, they often respond to many successful amendments on the floor which must be integrated in a new text.⁵

By combining House and conference procedure, we ask whether the conferees are restricted by the floor (that is, the conference phase is floor dominated, too) since they have to defend a widely accepted floor version of the bill. In the contrary case, the floor tries to gain influence on a committee dominated House bill in the conference procedure. The third possibility—the “bicameral hypothesis”—in this context is: It depends on the Senate activity to what extent the House floor members restrict their conferees. We use similar indicators for floor power in conference as Smith (1989) does: the size of the conference delegation compared to the committee size, the appointment

⁵ These committee amendments are introduced during the debate on the floor like other amendments and motions, but they are hardly ever rejected. To introduce them, the floor does not need to refer the bill back to the committee.

of additional conferees who do not belong to the responsible committee, the instruction of conferees, and motions to refer the report back to conference. The mentioned theses go one step further than the traditional studies of bill tracking data because they take into account the different phases of the legislative procedure. Accordingly, we do not make the same prognoses for all conference bills. In contrast to other studies of conference procedures, we propose the former processes in the chambers to be relevant for the subsequent process. The following questions have to be answered: What kind of bill is discussed in conference? Is it a typical House committee bill as defined above, to which the Senate added some amendments? Or are a multiple referred House bill with many amendments and an own Senate version facing each other? Theoretically, you can combine such types of processes in many ways. Does the procedure in the House and the final House version of the bill have any effects on the conference procedure, e.g., does the Speaker name other conferees as a result of the House events? Besides that, the committee can become a powerful actor in the conference phase, although its members had to accept a “House bill” previously. (Or it is the other way round: the floor members restrict the conferees to change a committee dominated House version in conference). Another reason may be the extreme Senate version of the bill which enlarges the negotiation issues in conference. So you combine two types and two phases of bills. Often these types will not lead to clear-cut groups, but you can infer from it how frequent special combinations are.

Table 1: Types of Conference Bills

| | Committee dominated House version | Floor dominated House version |
|-----------------------------------|--|--------------------------------------|
| Few Senate Amendments | Conference of technocrats | |
| Senate version of the bill | | Mammoth or Omnibus conference |

You can do such a bill tracking analysis without any data of actors’ preferences by separating committee and floor dominated processes. And under some constellations you can draw conclusions about legislative power and actors’ preferences. Usually successful floor activity of non-committee members is interpreted as committee weakness.⁶ Though, many of these situations lack such a simple interpretation—especially if you do not assume different preferences of homogeneous groups. Then

⁶ If a majority of floor members agrees to amendments of non-committee members to committee bills, the two groups must

the combination of rule and amendment activity becomes crucial: If the bill passes under an open rule without any amendments, this indicates either that non-committee members have similar preferences or that the committee presupposes the preferences of a powerful floor or—on the other side—a pork barreling agreement between both groups not to intervene into the committee’s responsibilities. From an institutional point of view, we would call it ‘committee power’ only if the last alternative would be true. Thus, we cannot interpret bill tracking data without considering the actors’ preferences: Inaction can either follow from weakness or from the fact that the actor is satisfied with the result including the cases of identical preferences or pork barreling.

How can we get over this problem? Roll-call analysts argue that you need roll-call data and must interpret them as preferences.⁷ And as in other studies, I will compare the voting behavior of committee members and the other representatives on the floor. Supposing that different political preferences and institutional power structure the Congressional processes, the committee members and non-committee members will decide differently in the final vote about the House version of the bill. Nevertheless, it depends on the type of House procedures which of the two groups agree. If the floor is a powerful actor who corrects politically extreme committee proposals, we expect relatively more committee members to vote “no” after a floor dominated procedure. If, on the contrary, the committee dominated the process and enforced the special interests of its members, relatively more floor members will reject the final version of the bill after the committee dominated procedure. In this respect, I accept the assumption in this part of the analysis that you can use roll-call votes as preference indicators.

Suppose you do not find different actions of the two groups: Then you cannot decide whether the thesis of identical preferences or the pork barreling thesis is true. Compared to the existing studies, I have a small data base and a different hypothesis: Unlike them I do not propose positive votes of committee members but just similar votes—the kind of vote depends on the bill tracking process and the issue of the vote. Contrary to Poole and Rosenthal, I do not assume similar votes in every recorded vote. In this study committee members vote together in their respective policy fields, they agree only in committee issues.

In addition, I will include preference data of another kind. Considering the available information on the committee level, you find better indicators for the issue preferences of committee

have different preferences, or the committee made the wrong prognoses about the floor members’ preferences.

⁷ The problems of such an assumption were discussed above, see pp. 1-2.

members: committee votes⁸ and special opinions or statements of single committee members in the committee reports, the **additional and dissenting views**. House committee members who disagree with the committee version of the bill usually publish their opinions at the end of the committee report.⁹ Although this is not true for conference committees, I will propose a similar indicator for them (see below p. 22). While actions of committee members on the floor may or may not indicate the committee's unhomogeneous preferences, the stated views can be interpreted definitely. However, we do not have an equivalent indicator for the preferences of the other representatives. So we modify our hypotheses about voting behavior of committee members: If not all committee members agreed to the committee report, we do not expect them to vote for the House version in a committee dominated procedure. In a committee led procedure committee members can reject a bill in the final vote which was not amended on the floor.

Finally, remember the basic assumptions of all studies using bill tracking data, which we will use here, too: First, we draw conclusions from the type and the number of actions on the floor for the degree of disagreement and conflict between committee members and the other representatives. Secondly, floor activity means non-committee members' activity. Of course, committee members may submit motions or amendments on the floor, and we want to distinguish committee and non-committee members later on to control for this common assumption.

⁸ You need recorded votes in the committee—however, most committee reports are approved by voice vote or only the numbers of positive and negative votes are published in the committee report.

⁹ Dissenting and minority views are both interpreted as disagreement with the committee version of the bill.

2 COMMITTEE INFLUENCE ON CONFERENCE BILLS: AN EMPIRICAL STUDY OF BILL TRACKING DATA

2.1 Research Design: Data Set and Measurement Concepts

The present study is based on the conference bills of the 103rd to the 105th Congress (1993-1997). The aim was to collect enough bills for a quantitative study and bills of different Congresses with different party majorities and president—Congress constellations.¹⁰ For the data collection I used mainly the LEXIS-NEXIS database *Congressional Universe*,¹¹ where you can do full text analyses within the bill tracking texts. These texts are comprehensive and—what is important for searching procedures and data collection—quite standardized. When you search for the string “conference” in the bill tracking report field, you get sixty to ninety cases for every Congress in the database. And you lose fewer cases than you might expect: Although the content of the bill is described shortly in this so-called actions part of the database, you find only some procedural texts in which conferences of another kind are mentioned, e.g., international governmental meetings (about 10 percent of the sample). Some texts refer to conference reports of other bills, in other cases the legislative actors think about requesting a conference but do not do it at last. Which of the unfinished or broken off procedures should I include? I decided to use the following criteria for the selection of cases:

1. The conference committee published a conference report, it may include issues with no agreement thereon;
2. At least one chamber voted on the conference report (approval or rejection);
3. There was at least one recorded vote in the House—either on the House version of the bill or on the conference report. Although roll-call votes are very common in the House today, this is the main restriction of the case selection. Nevertheless, such a restriction is necessary if you want to get empirical evidence about the issue preferences of committee members.

¹⁰ Though, I do not have data of different party majorities in the two chambers of Congress.

¹¹ Congressional Information Service (CIS) (1989-), *Congressional Universe* (Online Service), Bethesda, MD (address: <http://milton.mse.jhu.edu:8001/library/gpml/home.html>). As a Johns Hopkins University member I had the right to use it. Some committee and conference reports you can find in the Thomas Database only: (U.S. Congress 1973), *Thomas Database*, Washington, D.C. (address: <http://thomas.loc.gov>).

I stopped the data collection in the first weeks of December 1998. Therefore, I will have missed the conference bills of the final stage of the 105th Congress since the tracking reports are published in the databases with a certain delay (see table 2).

As a consequence of these criteria, the data set includes quite a lot of bills which did not become law (18 = 15.1 percent). Most of them failed because of a presidential veto, others because the second chamber did not vote on the conference report or did not agree to it. Sometimes both chambers accepted the conference report, but could not find compromises about a few final points of disagreement. Bills with two conference procedures or a referral back to the conference are treated as two bills in the analysis. Under such a selection you get 119 conference bills for the 103rd to 105th Congress. I shortened and standardized the bill tracking texts with the text analysis software AWK (GAWK for Windows) and read this information into a SPSS data set (again with AWK).¹² I used text analysis to collect the roll-call votes of committee members, too, but I controlled or used special routines for members with common names like Lewis or Collins.

In spite of the changing Congressional majorities, round about the same number of conference procedures took place in the 103rd and 104th Congress and we get nearly the same quota of them after applying our criteria (see table 2). For the 105th Congress we do not have an equally large number. This can be explained by the fact that the 105th term was not finished during the time of data collection (August to November 1998).

Table 2: Number of Congressional Bills in the Data Set

| | Frequency | Percent | Cumulative Percent |
|----------------------------|------------------|----------------|---------------------------|
| 103 rd Congress | 52 | 43.7 | 43.7 |
| 104 th Congress | 49 | 41.2 | 84.9 |
| 105 th Congress | 18 | 15.1 | 100.0 |
| Total | 119 | 100.0 | |

It is no problem to assign the bills to the committees as done in table 3 since multiple referrals are quite seldom in the sample (14.3 percent). And even for multiple referred bills the committees often publish a single committee report which is written by the main responsible committee and added

¹² Most of the text standardization you can not do with text analysis. The bill tracking texts deal with the content of the bill often. As a consequence, it is difficult to search for the institutional or formal parts of the text.

by others who worked on the particular bill.¹³ Some Congressional studies emphasize the large number of multiple referrals. However, the dominance of single committee issues in our sample can result from our special case selection but is a trend in the Republican dominated House, too (e.g., Evans/ Oleszek 1997, pp. 140-141).¹⁴ Further on, one may expect economic and financial policy committees to take part in conferences very often,¹⁵ and the Appropriations Committee proved to be indeed the most frequent committee in conference by a wide margin. Many of its bills are introduced by the committee itself—as a consequence, 51.3 percent of all bills in the sample are originated by a committee.

Table 3: Responsible House Committee

| House Committee | Frequency | Percent | Cumulative Percent |
|-------------------------|------------|--------------|--------------------|
| Administration | 1 | .8 | .8 |
| Agriculture | 2 | 1.7 | 2.5 |
| Appropriations | 68 | 57.1 | 59.7 |
| Banking | 1 | .8 | 60.5 |
| Budget | 2 | 1.7 | 62.2 |
| Commerce | 7 | 5.9 | 68.1 |
| Education | 5 | 4.2 | 72.3 |
| Intelligence | 2 | 1.7 | 73.9 |
| International Relations | 3 | 2.5 | 76.5 |
| Judiciary | 6 | 5.0 | 81.5 |
| National Security | 5 | 4.2 | 85.7 |
| None | 1 | .8 | 86.6 |
| Post office | 2 | 1.7 | 88.2 |
| Transport | 4 | 3.4 | 91.6 |
| Ways a. Means | 9 | 7.6 | 99.2 |
| Ways a. Means, Commerce | 1 | .8 | 100.0 |
| Total | 119 | 100.0 | |

¹³ One bill of the sample was not referred to any committee, and for another bill we cannot decide which of two committees is the main responsible one. In the first mentioned case I analyzed the voting behavior of both committees, in the second case I restricted the data to the votes of the conferees.

¹⁴ The joint referral was abolished in the 104th Congress again.

¹⁵ This is an often mentioned criticism of contemporary Congressional conference procedures (e.g., van Beeck 1995, pp. 26-27).

2.2 Different Types of Conferences as a Result of House and Senate Legislative Processes

The theories of committee dominance assume the committee members to prefer the passage of a bill in the reported version. In this view, the floor is the main opponent preventing this intention while the committee of the other chamber is rather a cooperating actor composed of (committee) members with similar preferences. Floor amendments are allowed in the House only if the Rules Committee has granted an open rule for the bill, and this is quite often the case: 49.6 percent of our conference bills are considered under no rule or an open rule, some of them prohibited points of order. For additional 30.3 percent the Rules Committee decided special rules allowing many amendments most of the time.¹⁶ The House approved the committee version of the bill in 21 percent of the cases, and—as you can see in table 4—the reason for this was the suspension of the rules most of the time (44 percent), an indicator for large agreement. Yet, when amendments were allowed and the Speaker did not decide to suspend the rules, the plenum acted quite successfully: It failed only in five of ninety-five bills (5.3 percent) to add amendments to the committee text. The floor is not an actor with homogeneous preferences in this respect since just every second amendment motion voted on (49.5 percent)¹⁷ passed the floor. However, we should not pay too much attention to the exact number of amendments because we neither can measure the relative weight nor the importance of the changes. As table 4 shows, the House floor is a relevant actor in many conference bills.

Table 4: Number of House Amendments Agreed under Different House Rules

| Number of Amendments Agreed | | House Rule | | | | Total |
|-----------------------------|-------|--------------|---------|--------|------------|--------|
| | | None or Open | Special | Closed | Suspension | |
| 0 | Count | 3 | 2 | 9 | 11 | 25 |
| | Row % | 12.0% | 8.0% | 36.0% | 44.0% | 100.0% |
| 1-5 | Count | 22 | 19 | 4 | | 45 |
| | Row % | 48.9% | 42.2% | 8.9% | | 100.0% |
| 6-10 | Count | 17 | 10 | | | 27 |
| | Row % | 63.0% | 37.0% | | | 100.0% |
| >10 | Count | 17 | 5 | | | 22 |
| | Row % | 77.3% | 22.7% | | | 100.0% |
| Total | Count | 59 | 36 | 13 | 11 | 119 |
| | Row % | 49.6% | 30.3% | 10.9% | 9.2% | 100.0% |

¹⁶ I coded a rule as “special” if the Rules Committee ordered special arrangements for single, already submitted amendments, if parts of the bill were granted as closed or if single amendments were accepted without floor vote. See Bach (1986), who distinguishes organizing and restrictive rules in this respect.

¹⁷ Skipping the cases with suspended rules, the proportion of passed amendments rises to 54.5 percent.

Is an active Senate to the prejudice of the House committee members? The theories of committee power do not provide a general answer to this question. In a strict interpretation, it would be true if the House has approved the committee report without any amendments, which is the preferred solution for a majority of committee members, and the Senate version of the bill is preferred less by them. If, on the contrary, the House floor accepted many amendments, then a separate Senate bill to the same issue enlarges the scope for the potential solution in conference. Suppose both conference delegations have similar and quite extreme preferences as the pork barreling theory assumes: Then a conference is an optimal way to get an extreme policy solution accepted because the chambers' floors do not have the right to amend the conference report. Probably, it has institutional reasons that the U.S.-Senate is a very active second chamber in our conference bills since marginal differences between the Congressional chambers are usually solved by a Navette procedure. In a relatively large number of cases (37 percent of the bills) the Senate requested a conference—following from the fact that it has already approved a Senate bill to the respective issue. The Senate floor then “after striking all after the enacting clause”¹⁸ of the House bill inserts the text of the Senate version therein. The Senators vote on the bill again, but it is a quite formal act most of the time. The conference committee compares the two versions of the bill and writes a new text often, thus, it fully controls the content of the bill. Though, the houses may not have initiated the conference on the reason of differing majority preferences but simply because of their parallel actions. However, it is impossible to measure the distance of the contents between the two versions of a bill with such a simple variable.

Table 5: Senate Activity on Conference Bills¹⁹

| Senate action | Frequency | Percent | Cumulative Percent |
|--|------------------|----------------|---------------------------|
| Just Senate floor | 13 | 10.9 | 10.9 |
| Senate committee action (report) | 62 | 52.1 | 63.0 |
| Senate version of the bill (“after striking all...”) | 44 | 37.0 | 100.0 |
| Total | 119 | 100.0 | |

¹⁸ This is the standard formulation which is used in the bill tracking reports to describe the situation of an earlier approved Senate bill about the same issue.

¹⁹ Senate committee action and the existence of a Senate version of the bill may include Senate floor action, too.

The present data set of conferences bills provides a similar result as many other Congressional studies that the Senate floor is more active and more successful in amending bills, use more consensual decision making processes than the House: The Senate floor accepts an average of eleven amendments per bill, the House plenum only 5.7 amendments.²⁰

Looking at the variables of the conference phase, one of the main institutional or procedural questions is how to explain the different sizes of conference committees. The number of House conferees including additional conferees ranges from 5 to 162 in our data set, the mean sized delegation has 20 members. The Senate delegations are smaller (12.6 members on average) but larger compared with the chamber size. A House delegation of more than 15 members often includes additional conferees who do not sit on the responsible committee and usually have restricted competence.²¹ Why does the House Speaker appoint additional conferees? According to the theory of committee influence, committee members prefer small delegations without additional members since the latter do not share their special interests. If the Speaker considers the House-interne process, he will appoint representatives who influenced the decision. Following our division in committee and floor dominated processes, we would expect large conference delegations with additional conferees in multiple referred bills with many House amendments.

A simple index summarizes the conditions under which the appointment of additional conferees is probable: These bills are not referred to the Appropriations Committee,²² and a relevant number of amendments are accepted on the floor. As far as the House rule is concerned, not the difference between open and closed rule is decisive. Instead, additional conferees are less necessary under consensual House procedures when the floor members agreed to suspend the rules. In addition, we must introduce a Senate variable to get a more complete picture. If the Senate is less active, that is, the bill is not referred to a Senate committee and the floor agrees just to a few amendments, then the committee members can keep their dominant position in conference. In case of a separate Senate version of the bill, it is very likely that other policy fields are included. This is a frequent reason for the House Speaker to appoint additional conferees.

²⁰ Actually, the number of amendments in the Senate will be even higher since I did not include the amendment activity in the original Senate bill. A House bill which is replaced completely by an existing Senate bill is recognized as not amended in the data set.

²¹ 65.5 percent of the conferences with more than fifteen House conferees have additional members in the House delegations.

²² The Speakers hardly ever appoint additional conferees for appropriations issues. This committee variable is more relevant than the distinction between single and multiple referred bills.

As you can see in table 6, almost all bills with a dominant House committee and an inactive Senate (index equals 3 or 4) are dealt in conference without additional conferees. The cases of the other extreme, a weaker House committee and an active Senate (index equals 0 or 1), are less clear cut, but the majority of bills is decided with less homogeneous conferences. In addition, our index describes the procedural differences which lead to smaller and larger House conference delegations: The Speaker appoints thirteen conferees on average under dominant committees, under weak committees and active Senate the mean delegation size is twenty-seven. Additional conferees are more likely to participate in larger delegations, nevertheless, this connection between delegation size and homogeneity is not very strict.

Table 6: Index of House Committee Power and the Appointment of Additional Conferees²³

| Index of Committee Dominance | | Additional House Conferees | | Total |
|------------------------------|-------|----------------------------|-------|--------|
| | | Yes | No | |
| Less dominance 0 | Count | 5 | 5 | 10 |
| | Row % | 50.0% | 50.0% | 100.0% |
| 1 | Count | 14 | 9 | 23 |
| | Row % | 60.9% | 39.1% | 100.0% |
| 2 | Count | 14 | 16 | 30 |
| | Row % | 46.7% | 53.3% | 100.0% |
| 3 | Count | 46 | 1 | 47 |
| | Row % | 97.9% | 2.1% | 100.0% |
| More dominance 4 | Count | 9 | 0 | 9 |
| | Row % | 100.0% | 0.0% | 100.0% |
| Total | Count | 88 | 31 | 119 |
| | Row % | 73.9% | 26.1% | 100.0% |

In modern Congresses the House floor uses the opportunity to instruct the conferees quite often (68.1 percent of our sample). It is not a matter of delegation size or the homogeneity of the delegation. Instead, the mentioned index of committee dominance describes instructed conferences very clearly: The more the House committee dominated the House procedure and the less active the Senate was, the more likely it is that the representatives instruct their conference delegation (see table 7). Thus, instructions are used when other instruments to restrict committee power as the appoint-

²³ Additive index with 0=not referred to Appropriations Committee, House rule applied, more than ten amendments agreed on the House floor, Senate version of the bill; 4=Appropriations Committee, suspension of the rules, less than ten amendments agreed on the House floor, few Senate actions.

ment of more and committee-extern conferees are not available—or said in other words: A conference which is restricted by a large delegation and the appointment of non-committee members need not to be instructed to act in the behalf of a floor majority. The floor do not use conference instructions to get influence on bills which were decided under the closed rule in the House (a small subset of our sample).

Table 7: Index of House Committee Power and the Instruction of House Conferees

| Index of Committee Power | | Instruction of Conferees | | Total | |
|--------------------------|---|--------------------------|-------|--------|--------|
| | | Yes | No | | |
| Less dominance | 0 | Count | 7 | 3 | 10 |
| | | Row % | 70.0% | 30.0% | 100.0% |
| | 1 | Count | 15 | 8 | 23 |
| | | Row % | 65.2% | 34.8% | 100.0% |
| | 2 | Count | 7 | 23 | 30 |
| | | Row % | 23.3% | 76.7% | 100.0% |
| | 3 | Count | 9 | 38 | 47 |
| | | Row % | 19.1% | 80.9% | 100.0% |
| More dominance | 4 | Count | 0 | 9 | 9 |
| | | Row % | 0.0% | 100.0% | 100.0% |
| Total | | Count | 38 | 81 | 119 |
| | | Row % | 31.9% | 68.1% | 100.0% |

The Senate conference delegations are smaller and of more constant size than the House delegations: 48.8 percent of them have ten to twenty members, 99 percent less than thirty members. In addition, the delegation size is less dependent on the chamber-interne committee action than in the House, floor action has nearly the same relevance. The number of Senate conferees is significantly larger if the Senators has passed an own version of the bill—including Senate committee action most of the time—or if they added many amendments to the House version (see table 8). These “Senate bills” are often passed by large majorities (90 percent agreement and more) or per voice vote on the Senate floor²⁴ indicating a quite consensual way of decision making. The Senate floor instructs the conferees very seldom, there is only one bill with an instructed Senate delegation in our sample.

²⁴ This Senate consensus is true for 70.9 percent of the Senate bills.

Table 8: Senate Conference Delegation Size in House and Senate Bills²⁵

| | N | Min | Max | Mean | Std. Dev. |
|---|----------|------------|------------|-------------|------------------|
| House versions with fewer Senate actions | 59 | 3 | 29 | 10.75 | 5.64 |
| Senate versions and multiply amended House versions | 60 | 5 | 50 | 14.35 | 7.97 |
| Total | 119 | 3 | 50 | 12.56 | 7.12 |

Finally, we will look at the procedural attribute of starting Congressional conferences: Which of the two chambers requested the conference? Although the agreement of the other house is a formality, the initiating act is not meaningless. It determines who decides last, that is the voting sequence about the conference solution in the houses. Often the Senate initiates the procedure (84 percent of our sample cases), this is especially true for appropriations issues (98.5 percent of them). It is partly due to time-saving to start the procedure as soon as it becomes obvious that the Senators will not pass the House version of the bill. However, policy interests may play a role, too, because the Senate requests a conference after changing the House version substantially or formulating an own version of the bill.²⁶ If the Senators just amended the House version without taking committee action, then it is more often up to the House to ask for a conference.²⁷

The motions to recommit the conference report in the House seem to be used irrespective of the type of conference: No matter how large and homogeneous the delegations, such a motion is introduced in round about 30 percent of the bills (agreed only in 7.5 percent of the sample). Reports of instructed conferences are criticized in this way by such a motion somewhat more often, and bills with more House amendments have a higher risk to get such a motion.

²⁵ The index is defined by Senate actions: “Senate versions” = a Senate version of the bill is decided instead of the House version or combined with it, or the House version is amended by more than thirty agreed amendments.

²⁶ The Senate passed an own version in 79.5 percent of the bills. The second chamber then replaces the House version by it and requests a conference in the same session. The conference procedure is started by the Senate for 95.2 percent of the bills with Senate committee actions.

²⁷ 53.8 percent of those bills end with House requests for a conference.

3 COMBING BILL TRACKING, ROLL-CALL AND COMMITTEE DATA

3.1 Roll-call Votes of Committee and Floor Members: Different Votes in Different Procedures?

As a result of our bill tracking analysis, different types of House and Senate procedures lead to different types of conferences. Committee dominated House procedures and less Senate actions are followed by committee dominated conferences. Now we will analyze the representatives' preferences in the different types of procedures. Like many other authors, I use roll-call votes of committee members as preference data. I segregated the bills according to committee dominance in the House in chapter 2.2 and will now compare the recorded votes of the members of the responsible committee, the conferees and all other floor members (the so-called floor or non-committee members) in the various types of processes. Do non-committee members agree less often to the conference reports of dominant committees? Do conferees reduce their support for reports of more heterogeneous conferences? Already during the data collection I realized how often the House passes the final version of a bill or a conference report per voice vote. In the modern Congress this indicates either unimportant issues or consensual decisions or both.

The following analysis takes into account only the registered roll-call votes on the final House version of the bill and the conference report in the House—we will analyze them separately.²⁸ Altogether, committee members and non-committee members vote differently in decisions on House bills or conference reports, that is, their voting behavior differs over these votes in a systematic way: The percentage of committee members voting “yes” is higher on average than the percentage of agreeing floor members, conferees are most likely to support the House bill and the conference report—considering the standard deviations, however, the group differences are relatively small (see table 9). In addition, they are partly due to the different group sizes because in small groups homogeneous preferences are more probable by chance. The percentages of positive votes for House bill and conference report are nearly constant in the three groups, just the mean agreement of the conferees rises a little in the second vote.

²⁸ In this chapter we always look at the percentage of representatives voting “yes” divided by the number of all members of the group (not the percentage of the participating members). That is, we include non-voting and abstention as possible indicators for disagreement. Though, using the percentages of voting representatives causes small differences in the results. Voice votes are coded as missing values.

Table 9: House Roll Calls of Committee Members and Floor Members on the House Bill and the Conference Report

| | N | Mean | Std. Dev. |
|----------------------------------|----------|-------------|------------------|
| House bills | | | |
| Positive committees votes (%) | 111 | .78 | .13 |
| Positive conference votes (%) | 208 | .82 | .15 |
| Positive tally votes | 112 | .73 | .15 |
| Positive non-committee votes (%) | 110 | .71 | .23 |
| Conference reports | | | |
| Positive committee votes (%) | 99 | .79 | .15 |
| Positive conference votes (%) | 96 | .84 | .15 |
| Positive tally votes (%) | 100 | .72 | .19 |
| Positive non-committee votes (%) | 98 | .71 | .16 |

Considering the House-interne process first, it proves to be difficult to find systematic effects of the bill tracking variables on the roll-call votes. This is true for the single variables of the House procedures, and even our index of committee dominance seems to be too simple to distinguish bills in which committee members have special or other preferences than the floor. As we will show, this is not a matter of considering the wrong variables, but due to interdependent committee and floor actions.

For example, the House rules do not discriminate in the proposed way: The proportion of committee members voting “yes” is not systematically higher under closed rule, the mean agreement of non-committee members decreases just a little. In procedures with suspended rules almost always consensual decisions follow in both groups.²⁹ Therefore, bills without any amendments are passed by higher percentages than amended bills. The bills with suspended rules are one reason why the number of amendments do not discriminate committee and floor members’ voting behavior. Yet, single referred bills get systematically more support from committee members than multiple referred ones.³⁰ Taking into account the decision making process inside the committee, you can segregate the bills with homogeneous committee preferences: If the committee report does not include dissenting or minority views,³¹ a higher percentage of committee members votes for the bill, on average. On the

²⁹ Voice votes are not included here. They are very probable under suspension of the rules, too: The House passed the House version of the bill per voice vote in round about half of the bills with suspended rules.

³⁰ Single referrals: mean = .78, std.dev = .13; multiple referrals (votes of reporting committee(s) only): mean = .72, std.dev = .14.

³¹ Explanation of the indicator see below, p. 22.

other hand, the level of agreement rises even under the non-committee members.³² Said the other way round, dissenting views in the committee are a good indicator for later bare majorities in the final vote on the House floor.³³

You can find more significant effects for the bill tracking variables of the conference phase. Procedures with small (ten members and less) and large conference delegations (more than twenty persons) produce bare majorities in all groups.³⁴ Large delegations have again a higher natural probability for disagreement, but the delegation size has the same effect for committee and floor members. You get a similar result for the roll-call votes on the conference report, that is, the larger the delegation the less the committee-interne support for the compromise. As the theories assume, additional conferees have a special effect in this respect: Conference delegations with additional members have significantly less homogeneous preferences than conferences without such members.³⁵ Naturally, mixed conferences are larger on average, but there is an additional effect to explain. The instruction of conferees is not caused—as one could assume perhaps—by the consensual decision of floor members, on the contrary, relatively bare majorities of them voted for the House bill when such a motion was approved later. The variable of instruction has no effect on the final House vote, the non-committee members are as satisfied with the decisions of instructed conferences as with that of non-instructed ones. Dissenting views in conference³⁶ can be predicted by the recorded vote on the House version of the bill: Fewer conferees agree to this version, which corresponds to the fact that the Speaker appoints less homogeneous delegations. And the conferees do not change their opinion during the conference procedure because their agreement with the conference report decreases compared to the House version. When, on the contrary, all conferees sign the report, 90 percent of them vote for the compromise in the final roll-call on average.³⁷ In summary, missing signatures seem to be a good indicator for disagreeing conferees.

³² Mean percentage of committee members voting “yes” on the House bill without any dissenting view: mean = .81 std.dev = .11; with dissenting members: mean = .72, std.dev = .13.

³³ Forty and one-half percent of the bills with dissenting views in the committee report are decided with less than 60 percent positive votes (measurement includes voice votes). The same is true for the votes on the conference report.

³⁴ This is true for the number of House conferees, and the Senate delegation size has a similar effect on the House votes, too. The Speakers usually appoint middle sized delegations for appropriations issues; in summary, the whole Congressional decision making seems to be more consensual in these issues.

³⁵ Mean proportion of positive votes of conferees in the final vote on the conference report—without additional conferees: mean = .87, std.dev = .14; with additional conferees: mean = .76, std.dev = .14.

³⁶ Explanation of the indicator see below, p. 22.

³⁷ Mean proportion of positive votes of conferees in the roll-call vote on the House version of the bill without dissenting views in conference: mean = .84, std.dev = .13; with dissenting views in conference: mean = .78, std.dev = .13. Mean percentage of conferees voting for the conference report without dissenting views in conference: mean = .90, std.dev = .12;

3.2 Floor Actions of Committee Members and Homogeneous Committee Preferences

Legislative studies of committee influence seldom deal with the issue of homogeneous preferences inside the committees; exemptions are the empirical study of Unekis (1978), who compares committee and floor votes of committee members, or Rundquist's and Strom's (1987) case studies about the preparation of committee bills. We do not want to exclude the possibility of committee-interne conflicts—either due to party or other differences—because it weakens the assumption of unitary committee actions. In addition, we are especially interested in the consequences the dissent of committee members has for the conference procedures. We use a simple but quite predicating indicator in the bill tracking data: the so-called **additional and dissenting views**. The members of the House committees publish these statements at the end of the committee reports to express their points of view if they differ from the committee decision. They are a good measure for the members' issue preferences since it is quite common for House committee members to state such opinions: 39.3 percent of our bills with a published committee report include dissenting views, 55.6 percent of them either additional or dissenting statements. And they vary with the roll-call votes of committee members: The percentage of committee members approving the House bill is considerably lower when dissenting views are published in the committee report than for harmonious committee decisions.³⁸ Although those differing opinions are not reported in conference committees, we use an almost similar indicator: We record for every bill how many and which conferees did not sign the conference report. This is a common practice for both House and Senate conferees: In 50.5 percent of our conference bills one signature of an appointed House representative is missing (Senate delegations: 38.3 percent). This can be shown to be relevant for the conferees' voting behavior.³⁹

Finally, we ask what consequences the committee-interne dissent has for the legislative processes. Usually all legislative actions on the floor are interpreted as non-committee actions and are assumed to reduce the committee power. This is not done here, and it is easy to show that the House floor plays a more active role in procedures with committee-interne differences. We can combine this information with an issue seldom mentioned in Congressional studies: the floor actions

with dissenting views in conference: mean = .78, std.dev = .15.

³⁸ Mean percentage of committee members voting "yes" on the House bill without any dissenting view: mean = .81 std.dev = .11; with dissenting members: mean = .72, std.dev = .13.

³⁹ Mean percentage of conferees voting for the conference report without dissenting views in conference: mean = .90, std.dev = .12; with dissenting views in conference: mean = .78, std.dev = .15.

of committee members. Theories of committee dominance deny that there is any reason for a committee member to submit amendments or motions on the floor in order to change the committee version of the bill. Therefore, only a few empirical studies ask whether amendment motions are only proposed by non-committee members as the theories assume.⁴⁰ In addition, there are diverse types of motions restricting the committee dominance on the floor and in conference, e.g., the motion to refer the committee report or conference report back with instructions or the motion to instruct the conferees.

As far as the amending activity of committee members on the House floor is concerned, it is a common practice of committee members to participate in the amending process of conference bills although it might be easier for them to influence the bill on the committee level.⁴¹ To be accurate, we are not talking about amendments designated as committee amendments, but we controlled for the committee memberships of the representatives who submitted amendments. Neglecting the content of the amendments, we cannot exclude the possibility that they submit them to change the floor version of the bill back to a committee preferred alternative. Though, if we take into account the existence of additional and dissenting views in the committee report, it becomes more probable for committee members to act on the floor (in 83.3 percent of the bills with these comments in the report, see table 10) and they submit more amendments on average (4.2 instead of 2.2 amendments per bill). Nevertheless, they do not tend to be more successful, the percentages of agreed amendments vary very much over the bills and are nearly of the same size for both groups, on average.⁴² Therefore, one can assume with some plausibility that dissenting members act on their own instead of the committee's behalf.

⁴⁰ An exemption is Bach (1986), who studied the amendment activity of committee and non-committee members in the general appropriations bills 1963-82.

⁴¹ Committee members proposed amendments on the House floor in 73.1 percent of the conference bill, non-committee members in 79 percent of the bills.

⁴² Over the whole sample, the House agreed to 56.8 percent of the committee members' amendments motions (std.dev = .33) and to 59 percent (std.dev = .28) of the amendments submitted by non-committee members, on average.

Table 10: Amendments Motions of Committee Members—if Committee Members Published Additional or Dissenting Views in the Committee Report

| Number of amendment motions of committee members | | Additional or dissenting views of committee members | | Total |
|--|-------|---|--------|--------|
| | | No | Yes | |
| 0 | Count | 20 | 10 | 30 |
| | Col % | 41.7% | 16.7% | 27.8% |
| 1-5 | Count | 24 | 32 | 56 |
| | Col % | 50.0% | 53.3% | 51.9% |
| 6-10 | Count | 3 | 14 | 17 |
| | Col % | 6.3% | 23.3% | 15.7% |
| >10 | Count | 1 | 4 | 5 |
| | Col % | 2.1% | 6.7% | 4.6% |
| Total | Count | 48 | 60 | 108 |
| | Col % | 100.0% | 100.0% | 100.0% |

As mentioned above, we use missing signatures of conferees in the conference report as an indicator for their dissenting views according to the final compromise of the conference which is published in the conference report and voted on in both houses. As we saw in chapter 3.1, rejecting votes of committee members are less probable under consensual committee decisions. Keeping in mind that conference delegation have fewer members than House committee most of the time, there are often and relatively many signatures missing. This indicates that the Speakers tend to appoint delegations which include the different opinions in the House—contrary to that, the conferees are often said to defend the House version of the bill. However, there may be other reasons for the members’ absence in the final sessions of the conference. Earlier withdrawals or exclusions are considered here if mentioned in the bill tracking report. And we concentrate on the existence of missing signatures, do not stress the number of missing names. Comparing the dissent in the House committee and later in the delegation, the conflicts persist in conference (see table 11): 70 percent of the cases with committee-interne dissenting views have disagreeing House conferees, too.⁴³

⁴³ Often the dissent is expressed by the same representatives, e.g., the opposing ranking minority member, who is always appointed as conferee.

Table 11: Dissenting Views in the Committee and in Conference

| Dissenting views of Committee members | | Dissenting views in conference | | Total |
|--|-------|-----------------------------------|-------|--------|
| | | No | Yes | |
| No | Count | 37 | 24 | 61 |
| | Col % | 60.7% | 39.3% | 100.0% |
| Yes | Count | 12 | 28 | 40 |
| | Col % | 30.0% | 70.0% | 100.0% |
| Total | Count | 49 | 52 | 101 |
| | Col % | 48.5% | 51.1% | 100.0% |

The other motions in both House procedures (decision of the House version and the conference report) turn out to be dominated by committee members. They are used to continue the factional or party conflict which existed inside the committee: Motions to recommit the House bill back to the responsible committee are usually submitted right before the final vote on the bill and are proposed by committee members most of the time.⁴⁴ The motions to instruct the conferees are a good example for party politics in the House since such proposals are quite frequent and often submitted by a committee member, especially by the ranking minority member.⁴⁵ Only the motions to recommit the conference report back to the conference can be interpreted in parts as an instrument of non-committee members against a dominant committee, but it is used by committee members for party politics at the same time. Seventy-two percent of these motions are submitted by conference committee members, most of the time members of the minority party. Just very few (three of thirty-three) motions are lead by representatives who are neither a member of the conference delegation nor of the responsible House committee.

We can conclude from this results that you have to mistrust the general assumption of committee-interne homogenous preferences, at least as far as conference bills are concerned. Combined with the fact that the dissenting members act on the floor in behalf of their own interest—that is, against the committee—weakens the argument of committee power. And this is true for the powerful conference committees, too.

⁴⁴ This is true for 90.1 percent of all successful instruction motions (committee and conference committee members of the minority party), only 8.6 percent of the successful motions are promoted by non-committee members who do not belong to the conference delegation, too. If committee members publish their dissenting views, it becomes more probable that they submit such a motion.

⁴⁵ The floor accepts such a motion in 47.1 percent of our bills, but only 10.7 percent of these motions are submitted by non-committee members. However, the instructions are just somewhat more probable with dissenting view in the committee. In the analysis we take into account only successful motions.

3.3 Parties as Corporate Actors in Congress

Bill tracking data is almost never used to analyze parties as Congressional corporate actors, and this can be explained by the fact that parties are seldom mentioned in bill tracking or committee reports. Even if many members of a faction support an amendment or motion, just one representative introduces it on the floor. How to compare the Congressional procedures with a parliament of a parliamentary system which is dominated by parties? We can analyze the party memberships of the acting representatives and ask whether more members of the minority parties propose more amendments, do not agree in committee-internal decisions more often. The quantitative analysis is not finished yet, but I can state already that many explicit “contra-committee” actions on the House floor are sponsored by the ranking minority member of the responsible committee. This is true for example for motions to recommit the report back to the committee or for motions to instruct the conferees and is practiced especially in appropriations issues. Combining this data, I will introduce a variable of party conflict. As far as the voting behavior is concerned, I will test how homogenous the voting behavior of factional members is compared to the votes of the committee members.

4 CONCLUSIONS

This empirical study combines bill tracking data of Congressional conference bills for the different phases of the legislative process to draw conclusions about the structural or institutional causes of conferences. Conference procedures differ from one another, the type of large heterogeneous conferences—often described in case studies of omnibus bills—is just one of them. Using bill tracking variables of the House decision, you can show structural differences of the following conference procedure. Processes with dominant committees, characterized here as appropriations issues, dealt with under suspended rules or under procedures with less than ten approved amendments, are followed by committee dominated conferences. Their conference delegations are smaller and more homogenous, additional conferees are seldom appointed. While searching for the relevant procedural variables, we recognized that the distinction between open and closed rules has less effects than expected: Open and less restrictive rules dominate too much in our sample. This may be partly a problem of more exact coding, but is probably due to conference bills, too. On the other hand, the “Senate activity,” a simple indicator for measuring the differences between the House and the Senate version of the bill, turns out to be important for the procedural structure of the conference phase and especially for the House delegation. The House committee can preserve its dominant position only if the Senate did not change the House version of the bill too much. In case the Senate passed a separate version of the bill or has approved many amendments, then the House Speaker often appoints additional conferees. Instructions of the House conferees are not added to the other restrictions of the conferences; the House floor uses them as alternative instrument to influence the conference phase instead. Small and more homogenous conferences are instructed more often, the negotiations of the omnibus bills in conference may be too complex to consider floor instructions at the same time. Contrary to that, the floor does not instruct conferees if a pure committee bill has to be defended in conference. Then the pork barreling logic prevails and the floor does not intervene in these committee issues.

Combining the roll-call data of the final House vote on the House version of the bill and on the conference report did not provide much information about the preferential or behavioral differences between committee and non-committee members. The agreement proportions are systematically lower under non-committee members, which is almost partly caused by the larger group sizes, and the different House procedures do not change the results much. Nevertheless, a

positive vote on the House version is not necessary for being appointed as conferee—on the contrary, opposing committee members or those who submitted amendments on the floor are likely to be appointed today. The homogeneity of the conference delegation may influence their approval rates in the vote on the conference report, but you must take into account the effects of group size again.

I introduced variables of the committee level to deal with the assumption of homogenous committee preferences. Dissenting views of committee members combined with their actions on the floor are seldom studied in Congressional research. This may be because of the difficulties analyzing the bill tracking and committee reports. Both phenomena are more common in conference bills than the theories assume: In a relevant number of our bills some committee members publicly oppose the committee report and act on the floor against it. Further research must test whether this is true for all Congressional bills. Both facts make the relationship between committee and floor members more complex—the consequence is that indexes of committee power are incomplete and do not explain much. It is possible to combine the variables of committee dominance with the information about committee members' activity. However, such an index is difficult to proceed with a small data set because it produces more types of bills.

Can you use the same kind of data and methods to analyze the conference procedures in the German parliamentary system? Fewer and less standardized data bases with legislative data are available for the German *Bundestag* and *Bundesrat*. In addition, you have to deal with some systematical problems: You must include the government as legislative actors and this will reduce the relative importance of committees and floors. You have to build other indicators for the second chambers' influence because the *Bundesrat* do not have an interne structure like parliaments and does not have exactly the same legislative rights as the *Bundestag*. Finally, you have to take into account parties as the main actors in the *Bundestag* who structure even actions on the committee level.

This Congressional study is not complete or perfect, but a starting point for an empirical analysis of conference procedures with bill tracking data. The case selection is not a representative sample of conference bills. I did not analyze the Senate processes and Senate conference delegations in detail yet—in part a problem of data availability, in part a consequence of the complex chamber-interne structure. I did not take into account the party memberships of committee and conference committee members at length but the data is already available. However, this is another issue which we should analyze in detail separately. Summing up, I added to the discussion new data including

some methodological ideas and special empirical information about conference procedures in the contemporary Congress.

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