

PARTISAN USE OF HOUSE SPECIAL RULES IN FOREIGN AND DEFENSE
LEGISLATION

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Doctor of Philosophy

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The undersigned, appointed by the dean of the Graduate School,
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LEGISLATION

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To my parents, Wang, Yijiao and Shufang Yuan, my brother, Wang, Jianyu and sister-in-law, Chang, Qing, and my nephew, Wang, Lezhi (Arnan):
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PARTISAN USE OF HOUSE SPECIAL RULES IN FOREIGN AND DEFENSE LEGISLATION

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ABSTRACT

At the heart of resurgent Congresses is resurgent partisanship in foreign policies. In order to confront this complex political context, the House majority leadership, both Democratic and Republican, has strategically manipulated the design of special rules to control the legislative agenda in foreign and defense legislation since the mid-1970s. In this research, I use the conditional party government (CPG) model to explain how the House majority leadership has changed its use of special rules in foreign policy bills. To consistently examine the chronicled changes of special rules in three decades (from 1975 to 2004), I forsake traditional typologies and construct a continuous “privilege index” of special rules based on factor analyses. The basic idea of this scale is that special rules provide privileges to bills by interrupting the regular order of business on the House floor. The major empirical result shows a strong support for the CPG thesis: as party polarization increases in the House, the majority leadership grants more privileged rules to foreign and defense bills in order to tighten agenda control for party benefits. A more nuanced exploration in defense spending bills finds that while the CPG theory provides the major explanatory framework, the political trend of defense budget explains the change of special rules in this area, conditioned by partisan control of the legislative and executive branches.

CHAPTER ONE

INTRODUCTION

The House majority party leadership has played an important role in foreign policy-making in resurgent Congresses (Sinclair 1994; Rhode 1991). “Resurgent Congresses” denotes a period since 1970s when Congress becomes assertive in influencing foreign and defense policies. At the heart of resurgent Congresses is partisan resurgence in foreign policy making; because partisan division on foreign and defense issues has become more pronounced since 1970s, a partisan Congress has become more willing to challenge the president of the opposite party in foreign policy-making (Rohde 1991; Sinclair 1995). It is in this context that the House majority party leadership has taken a more active role in the legislative process of foreign and defense policies (Smith 1991). This role was strengthened by congressional reforms of the mid 1970s and grew more pronounced when electoral developments made policy preferences more homogeneous within parties and more heterogeneous across party lines (Rohde 1991).

Although scholars have discussed the role of the House majority party leadership in foreign and defense legislation (Rohde 1991; Sinclair 1994), existing research has left many important questions unanswered. For example, we are not certain how the House majority party leadership has commanded influence through procedural tools in substantive legislation on foreign and defense issues. Substantive legislation on international matters, especially trade relations, defense appropriations, and war declaration, is an area where Congress can have important influence (Lindsay 1994). They are also the major vehicle through which the House majority party leadership inputs partisan perspectives into foreign and defense policies. However, related research has

only lightly touched on the use of procedural tools by the House majority party leadership in regards to substantive legislation. Use of special rules is worthy of special attention.

Special rules is an important agenda tool in the House of Representatives. The Rules Committee reports special rules, subject to acceptance of a House majority, in order to regulate the traffic of legislation and grant privileges to major bills on the House floor. By granting or denying a special rule to a bill, the Rules Committee can decide whether the bill goes through the legislative process or dies in the committee, and in turn, how many bills can reach the House floor. Most major bills, except for those selected from five standing committees,¹ must reach the floor with a special rule. Special rules accord major bills privileged access to the floor by interrupting the regular order of House business. A special rule typically specifies whether and how many amendments are allowed; how to order the offering of amendments; whether points of order against the underlying bill on the ground of the House rules are waived; and how long the debate should last on the House floor.² Thus, a special rule can influence the substance of a bill during the amendment process in the House chamber. An example of a special rule for a foreign policy bill is presented below: H. Res. 430, 1998,³

Providing for consideration of the bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

¹ The five standing committees are the Appropriations Committee, the Budget Committee, the House Administration Committee, The Rules Committee and the Committee on the Standards of Official Conduct. Selected bills of these committees have direct access to the House floor. They may be called up when other matters are not already pending on the House floor. See: Oleszek 2011 *congressional Procedures and the Policy Process*. Pp. 142.

² http://www.rules.house.gov/lpp/specialrule_func.htm This was the webpage URL in existence when Democrats controlled the majority of the House in 2010. It is no longer available in the 112th Congress.

³ See: *United States House of Representatives Legislative Calendar*, Committee on Rules. 1998, Pp. 51, the U.S. Government Printing Office, Washington, D.C. 20402.

Granted a rule providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on International Relations. The rule makes in order as an original bill for amendment purposes an amendment in the nature of a substitute consisting of the text of H.R. 3806, as modified by the amendments printed in part 1 of the report of the Committee on Rules. The rule provides that the amendment in the nature of a substitute shall be considered as read. The rule makes in order only those amendments printed in part 2 of the report of the Committee on Rules. The rule provides that amendments will be considered in the order specified in the report, may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and an opponent and are not subject to amendment or a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in the Rules Committee report. Finally, the rule provides one motion to recommit, with or without instructions.

Since congressional reform in the mid-1970s, the House majority leadership has firmly controlled the Rules Committee and has used special rules as one of its major procedural tools to attain partisan benefits in substantive legislation. Foreign and defense legislation is one area influenced by such partisan operation. Several cases may provide us some initial sense of the importance of special rules in foreign and defense policy. During the Reagan administration, facing bloody fights on defense-spending bills, the Democratic leadership frequently specified king-of-the-hill provisions in special rules for these bills. This provision helped the majority leadership structure choices for their members, allowing them to vote for their own legislative preferences, as well as to come back to vote for the partisan positions in final versions of these bills (Sinclair 1995; Lindsay 1994; Rohde 1991). In 1983, when the administration and the House Republicans tried to amend a nuclear freeze resolution until it became meaningless, the Democratic leadership in the House obtained a second rule from the Rules Committee to restrict amendments (Sinclair 1995). These snapshots remind us that special rules have become an important procedural tool for the House majority party leadership to influence foreign

and defense legislation. Yet we still do not know how the majority party leadership has changed its use of special rules to cope with political contexts in resurgent Congresses over the past three decades. Moreover, what theories can most convincingly explain the relevant phenomena? These are the questions I want to answer in this dissertation.

Existing literature in related areas may lend us a hand in answering these questions. Several generations of institutional study have added to our understanding of the Rules Committee and the role of special rules in the House legislative process. There are, however, at least three anomalies in the existing literature worthy of further examination.

First, empirical examinations and theories have not been integrated very well in this area. Pioneer researchers, from Robinson (1963), to Matsunaga and Chen (1976), and then to Bach and Smith (1988), have provided excellent descriptions on how the Rules Committee is run and how political battles in the House have influenced the making of special rules. However, they have not developed theoretical approaches to understand the operation of the Rules Committee.

Some theorists have tried to address this problem by employing mainstream institutional theories to explain the making of special rules. Partisan theorists are one major group in this area. They understand the making of special rules as one of the majority party's agenda setting powers in the House. But these theorists differ in perspectives and show different limitations. Rohde and Aldrich (2001) offer the model of conditional party government (CPG). This model stresses that the control over special rules is largely a positive agenda power, pushing bills through the legislative process for a final passage vote to help the party caucus attain favorite policies. But research applying this model has provided thin empirical examination of partisan use of special

rules. Cox and McCubbins (2005) distance themselves from the CPG model and argue for the party cartel model (PCM). They understand the making of special rules from a more negative perspective, namely, that the majority party leadership uses special rules to block bills not favored by the party caucus reaching the final vote stage. Their exploration of special rules, however, is very limited. They focused on the roll rate of the majority party on special rules, not digging into more details, such as types of special rules and strategies of the majority party leadership in using them.⁴ Marshall (2005) offers a focal study on special rules through partisan theory. He does not constrain this study within existing perspectives, but develops a principal-agent partisan model and provides systematic statistics analysis of special rules. But I do not think this principle-agent partisan model is genuinely new compared to the existing perspectives. Outside of the partisan theory realm, Krehbiel (1991) has applied information theory to study special rules. In the empirical examination of this theory, however, his categorization of special rules is problematic and thus undermines the strength of informational theory on special rules. Reflecting the existing literature, I think it is essential for students of congressional institutions to take efforts to fuse more effectively empirical examinations and theoretical perspectives in research on special rules.

The second problem of existing research lies in the typologies of special rules. Scholars apply different typologies to categorize special rules in their studies. Bach and Smith (1988) distinguished three types of special rules: open, restrictive, and closed rules. Krehbiel (1991) and Sinclair (1994) just distinguish between open and closed rules. Still others apply four types: open, closed, modified open, and modified closed rules (Marshall

⁴ Roll rate: if a bill passes when the majority of the majority party opposes a bill or resolution on the floor, the majority party is “rolled.”

2005). The inconsistency in typologies makes it hard to make comparisons across different studies. A larger problem is that even the practice of the Rules Committee is not consistent in labeling different categories of special rules across Congresses. Although categories such as “modified open” and “modified closed” rules were used in Congresses in the 1980s and 1990s, they have almost disappeared in Congresses in the 21st century. Meanwhile, more “structured rules” are applied in recent Congresses. In particular, although the Rules Committee of the 111th Congress published the standards for four categories of special rules on its website, it used several “structured rules.” Because traditional typologies of special rules have consistency problems, a better strategy in defining different types of special rules in scientific study has to be developed.

The third problem of related research is a lack of analysis that marries special rules with policy contexts. On one side, general studies of special rules have paid attention to the influence of institutional forces, such as party leadership, on the making of special rules. Yet they have seldom systematically examined the implications of policy context for special rules, though there are some descriptions of anecdotal cases. Scholars may not be satisfied with current explanations of special rules. For the subject covered in this study, we may want to know more about the implication of changes in foreign policy-making since the mid-1970s to House special rules in this area. On the other side, policy studies have scarcely talked about importance of House special rules to policy substance in legislation. We may keep questioning how those policies are made or how politics have come into those policies through the legislative process. These weaknesses can only be overcome by bridging general studies of special rules and policy concerns through a systematic approach.

This study will contribute to the study of special rules in three aspects. First, it extends the scope of “big” theories on congressional institutions to the making of special rules. I accomplish this by applying the conditional party government model to explain the chronicled changes of special rules. I test this model in an extensive statistical analysis of special rules in foreign and defense policy in a 30-year period in resurgent Congresses (from 1975 to 2004). Second, this study adds the political context of foreign and defense policy in resurgent Congresses to the study of special rules. I apply influential factors in foreign policy-making process, such as divided government and partisan division, in statistical analyses; I also explain how specific contextual factors influence rules-making in descriptive studies of cases. Third, this study improves the accuracy and efficiency of quantitative analysis on special rules. The measurement of special rules codes each meaningful provision and calculates them into a continuous “privilege” index for special rules, in which “privilege” scores range from 0 to 1. This method helps compare special rules over three decades. Meanwhile, I criticize and forsake traditional typologies as specified in the practice of the Rules committee and existing literature.

Before proceeding to the subsequent chapters, I briefly explain the historical background in regards to how the House Democrat majority attained control of the Rules Committee. The Rules Committee started reporting special rules in 1883 and had acquired authority over the House’s agenda during 1880s. In the history after that, the Rules Committee had helped the House majority leadership to attain control over the flow of legislation reaching the floor. In the last half of the 20th century, three institutional changes advanced by the liberal coalition of the Democrats in Congress made the Committee an arm of the majority party leadership. The first change happened

in the 81st Congress. Before that Congress, the Rules Committee had been used to opposing the liberal policies of the president, thus exercising independent influence over the legislative process. In the 81st Congress (1947-1948), however, the passage of the 21-day rule limited the power of the Rules Committee. This rule allowed committee chairs to extract bills held hostage by the Rules Committee. But this change did not give the Democratic majority solid control over Rules. The 21-day rule was voted down twice after its passage. The second change happened in the 88th Congress (1963-1964). The Democratic majority enlarged the size of the Rules Committee from twelve to fifteen members, adding two more majority party members and one minority party member to the Committee. This expansion of membership gave the liberal coalition of Democrats the leverage to place loyal members into the Committee, which helped the party caucus to solidify its control over the behaviors of the Committee. More significant change occurred in the 94th Congress (1975-1976). The House Democratic caucus granted to the Speaker the power to choose the majority party members and the chair of the Rules Committee. The majority party membership of the Rules Committee began to rely on the majority party leadership, instead of the seniority rule. This institutional change helped ensure that the Rules Committee would work on the behalf of the party caucus (Oppenheimer 1977). A firmer control of the Democratic majority leadership over the Rules was attained when Democratic gains in the House seats in 1982 increased the party's ideological homogeneity, solidifying the leadership's practical control (Rohde 1991).

Because the Rules Committee has become an important agenda tool for the majority party leadership, especially the Speaker of the House, under both Republican and

Democratic majority, since the mid-1970s, insiders in congressional politics call the Rules Committee the Speaker's Committee (Davidson and Oleszek 2003). This historical record justifies party theory as the primary perspective for explaining special rules in foreign and defense policy. All chapters that follow are organized around this point.

Chapter 2 addresses debates between two versions of party theories on special rules and singles out the conditional party government model as the best fit in understanding the chronicled changes of special rules in foreign policy-making in resurgent Congresses. I then briefly examine two institutional theories, information theory and distributive theory. This chapter also explains a common defect in previous literature about special rules: the typologies they used to describe and analyze special rules are oversimplified and misguided. This not only calls into doubt the reliability of previous research, but also weakens the explanatory power of theories.

Chapter 3 introduces a "privilege" index of special rules, which takes into account each meaningful provision that may provide privileges to underlying bills. The calculation of the index is based on two analyses: exploratory factor analysis and Cronbach's Alpha. This "privilege" index allows me to consistently examine the chronicle change of the rule-making and partisan influence on it.

Chapter 4 develops major hypotheses about the use of special rules from the conditional party government model. It finds a strong support for the conditional party government model in empirical results. This chapter also presents descriptive analysis on floor actions on these special rules and finds strong partisan pattern in roll-call votes on special rules in foreign and defense legislation.

Chapter 5 explores one sub-area of foreign and defense policy, defense spending, because the making of defense spending bills has changed the most in comparison to other foreign policies in resurgent Congresses. The conditional party government model is still the major explanatory framework for special rules in this area. Meanwhile, I find that political trends in the defense budget can explain well the partisan use of special rules in this area. But this effect is conditioned by the partisan control of the presidency and the House of Representatives.

My concluding chapter summarizes the major findings of this research. I then discuss the contribution of this research to the literature on the majority party's agenda power and foreign and defense policy-making in resurgent Congresses as well. I also reflect on the limitations of this study and future direction of related research.

CHAPTER TWO

THE THEORETICAL UNDERSTANDING OF SPECIAL RULES

Given that the majority party leadership has attained firm control of the Rules Committee after the 1970s congressional reform, partisan theory is the best lens to observe special rules for foreign and defense legislation. We cannot, however, expect partisan theory to address all theoretical and empirical puzzles in this area. Special rules are made in the complicated political context of Congress. Reelection concerns of individual legislators and informational worries of the House floor may also have strength in explaining special rules. Thus, we still need a crosscheck of special rules in light of multiple theories.

In this chapter, I examine three major theories of congressional institutions and their implications for the making of special rules, applying them specifically to foreign and defense legislation. The three theories--partisan theories, information theories, and distributive theories--will be discussed separately, but they are not as distinct from one another as is generally believed. Ultimately, they agree that institutions of Congress are used to address collective action problems in Congress and that special rules are one of the institutional arrangements. But they understand the collective action problem from different perspectives and offer different solutions. Whereas partisan theories focus on parties as the major institution for addressing collective action problems, both distributive theories and information theories focus on the committee system of Congress, though they have different views about committees.

Partisan Theory

There are two major partisan theories that explain party institutions of Congress, the conditional party government thesis (CPG, hereafter) and the party cartel model (PCT, hereafter). I argue that CPG is of greater value to the study of chronicled changes in special rules.

To understand the differences between CPG and PCT on special rules, I will trace them back to the two theories' basic arguments about parties. First, the two theories understand the collective action problem similarly, though with different articulations. Both think that the main problem is that it is hard for individualistic legislators to work out bills that are collectively beneficial to members of the legislature. Their arguments on the reasons behind this problem are similar, too. The CPG thesis believes that it is the rational calculations of legislators that lead to the defeat of beneficial bills, an outcome that is Pareto inferior (Aldrich 1995). PCT model stresses that the true reason is that single-minded, reelection-seeking legislators working in an unorganized legislature are not willing to burden the costs of drafting and logrolling legislation that is electorally efficient (Cox and McCubbins 1993). Both theories believe that parties and their leaders are the major institutions that help resolve the collective action dilemma in legislatures. Cox and McCubbins (1993) argue that parties and their leaders can address this dilemma because they have strong incentives for internal advancement, which means a party may be advanced to the majority status and individual members may be advanced to leadership. The party leaders would then promote the bills that help their parties to attain the majority status and also help their own reelections. This is the so-called internalization argument. The CPG thesis largely agrees on this internalization logic and

adds that parties are a long term coalition to ensure commitment of members and that members can be better off in a party than otherwise (Aldrich 1995).

On the question of how parties address the collective action problem, the two models agree that basic approaches include the agreement to vote together, partisan discipline such as rewards and punishments, and agenda setting (Cox and McCubbins 1993; Rohde 1991; Aldrich and Rohde 2000a). However, the two theories depart from each other on the nature of the majority party's agenda power. CPG stresses that the majority party largely exercises agenda power to push bills through the legislative process for a final passage vote on the floor and that such agenda control are “opportunities” for the majority party to pass bills close to the party's ideal point, which individual actions would otherwise fail to realize (Aldrich 1995). This kind of agenda control, in PCT's view, is “positive agenda power.” In contrast, PCT focuses on the so-called negative agenda power, the ability of the majority party leadership to block bills not favored by the party caucus from reaching the final vote stage. Committee chairs' and the speaker's authorities to keep some issues off the table are such examples (Cox and McCubbins 2005).

The two models even disagree on their understanding of the nature of parties as legislative coalitions; PCT stresses that parties are more of a procedural coalition than a floor voting coalition, as CPG argues (Cox and McCubbins 2005). They do not agree on the substance of CPG's argument that party influence is most visible when the party leadership builds voting coalition on the floor to attain the policy position close to the party median. PCT argues that the majority party leadership does not always intend to drag the policy position to the party median; what concerns the majority is the use of agenda power to keep policy positions not favorable to their party caucus off of the table,

and as a result, making the output of the legislative process advantageous to the party (Cox and McCubbins 2005).

Related to their distinct views on party nature are the two models' different understandings of the effect of partisan policy cohesion on party leadership strength. CPG believes that the primary determinant of party strength in Congress is the policy preference cohesion within parties and gap between parties, which originate in the district-level preferences (Aldrich and Rohde 2001). When the level of preference agreement within parties increases, members of the majority party become more willing to grant power to their leaders and support them to exercise power on both coalition building and agenda setting, because doing so is in the collective interests of the majority party; and these reelection-seeking members will be less worried that the party leaders could force them into supporting policies that would make them vulnerable (Rohde 1991; Aldrich 1995; Aldrich and Rohde 2001; Sinclair 1993).

PCT claims that CPG is unclear about what will happen when policy preference of party members becomes more heterogeneous. PCT argues that the distribution of policy preference within and across parties does not impact party strength the way CPG describes. PCT articulates this in a different way: the more homogeneous the policy preference within parties, the more likely the majority party caucus delegates positive agenda power to their party leaders, which entails more strength in pushing issues through legislation process; however, the more heterogeneous the policy preference within parties, the more likely the majority party grants negative agenda power to their leaders, which entails more strength to veto, to preserve what they already had. In other words, PCT does not think that the strength of the majority party is conditional on the

distribution of policy preference within the party. Whether homogeneous or heterogeneous, the majority party will delegate considerable agenda powers to their leaders to attain or maintain their policy positions. Even when the policy preference within parties is severely heterogeneous, the majority party caucus may still pressure its leaders to employ negative agenda power to protect status quo policies and keep some issues off of the table (Cox and McCubbins 2005).

Based on different ideas about the nature of parties, the majority's agenda control and the influence of policy cohesion on party strength, the two models develop distinctive views on special rules and partisan effect on it. PCT views the authority of the Rules Committee to craft special rules as negative agenda power because it prevents legislation against the aims of most members of the majority party from reaching the floor. This model's major observation on special rules is the roll rate of the majority party on the floor vote on rule-adoption. Cox and McCubbins (2005) find that in the history of the Rules Committee, the roll rate for the majority party is pretty low: only 1.2% from the 54th through 105th Congress. In other words, the Rules Committee seldom reported special rules that rolled the majority party. This finding suggests that the Rules Committee rarely pushed legislation against the wishes of the majority party. This provides strong support for the "negative agenda power" argument. Nonetheless, the PCT's observation is limited; while focusing on the roll rate, PCT has largely ignored the specific designs of special rules, e.g., the categories of special rules. This ignorance makes PCT impotent to explain how, when, and where the majority leadership may manipulate special rules to push issues to the floor or keep issues from the floor, which are the questions I want to answer in this research. Therefore, the PCT model is not

appropriate for this study.

The CPG model provides a more nuanced analysis of the drafting of special rules. CPG theorists observe that in practice, the use of special rules inherently involve both positive and negative agenda control. Special rules are “negative” when they prevent bills and amendments against the majority benefits from reaching the floor but “positive” when they help pass bills the majority favors through structuring procedures to the advantage of the bill's proponents. But this model stresses the positive aspects of special rules, because positive agenda control is far more important than negative control since the majority leadership was empowered in the mid-1970s. Theorists further argue that the changing party polarization in Congress conditions the majority party's ability to control the special-rules process and its ability to exploit rules to the disadvantage of the minority party (Finocchiaro and Rohde 2008).

CPG has also tried to connect the design of special rules to the strength of party leadership and the party division behind it. Aldrich and Rohde (2000a) have found that once the homogenous Republican Party in the House had won the majority in 1995, the party members enhanced their party leaders' power and allowed them to take firm control over the legislative agenda. The Republican leadership started to use restrictive rules more frequently to advance appropriation bills on the Republicans' behalf from the 104th Congress. The finding of this study is limited because the cases under study are just appropriation bills across four Congresses. But it suggests a pragmatic approach to explain the use of special rules by the majority party leadership: with the increase of policy cohesion among party members, the majority party leadership is more likely to use restrictive rules to attain party interests in legislation. In the following paragraphs, I

extend the CPG's rationale to the making of special rules in foreign and defense legislation in resurgent Congresses.

The key to extending CPG's theoretical argument to foreign and defense legislation is to understand party division in this area. With the end of the Vietnam War and the breakdown of the so-called Cold War consensus in Washington, foreign and defense issues became more partisan in Congress. During the Nixon administration, although the President could still rally the support of Republicans and Southern Democrats for his foreign and defense policies, Northern Democrats in Congress usually opposed the President on these matters. Prolonged divided government also intensified partisan motivations in regards to foreign and defense policies (Smith 1994). These policies frequently divided the liberal coalition of Democrats in Congress and Republican Presidents, and Democrats and Republicans in Congress as well (McCormick and Wittkopf 1990; Lindsay 1994; Sinclair 1993). It is very important to recognize that the policy division across party lines in foreign and defense policies did not happen outside of mainstream of congressional politics (Sinclair 1994). In the same period, foreign policy preferences in the mass public and policy elite began to align with domestic policy attitudes, which gave the preference division on international affairs a clearer partisan cast (Smith 1994). The party division on foreign policy actually became a part of general policy division across party lines.

Due to the partisan realignment of the white South, congressional party division expanded on both domestic and international affairs from the early 1980s (Rhode 1991, Jacobson 2004). In this context, Democratic members of Congress increasingly pressured their party leaders to assist them to pass their favorite bills. But this did not happen

automatically. After the congressional reforms of the mid-1970s, House Democrats obtained more opportunities to pursue their own policy initiatives and even challenge party leadership in policy-making process. But they gradually recognized the importance of party leadership in the complicated post-reform Congress (Sinclair 1994). Democrat members became more willing to support their leadership to use institutional resources in helping them in the legislative process (Rohde 1991). The Democratic majority leadership in turn became more active in the legislative process and increasingly resorted to agenda power to harvest party benefits (Sinclair 1994). Rohde has shown in a descriptive statistical analysis that while party polarization increases in the House from the early 1980s to early 1990s, the percentage of partisan votes on special rules also increases in foreign and defense bills (Rohde 1994). This finding suggests that on the one hand, with the increased level of party division in Congress, House Democratic members became more supportive to their leaders in foreign and defense legislation; on the other hand, the Democratic majority leadership increasingly answered their members' calls to use agenda power to harvest party benefits in foreign and defense legislation. Following this reasoning, I expect that with the increase of party division in the House, the majority party leadership is more likely to use restrictive rules to advance party interests in foreign and defense legislation.

In addition to the effect of party cohesion on the use of special rules, CPG has also developed an insight about “where” the majority party has strategically used special rules to advance party interests. Aldrich and Rohde (2000b, 30) argue that party effects are “expected to [be found] on that subset of legislation that is important to the majority party, and where party action is necessary to achieve success.” Their empirical support

comes from Sinclair's study (1998). Sinclair reports that among major legislation from the 100th to the 104th Congress, restrictive rules (aggregating closed rules and modified-closed rules) were more likely to apply to bills that were reported with a committee partisan vote and where there was majority party leadership involvement. In other words, major bills of important party interests are more likely to take advantage of restrictive rules. Technically speaking, however, Sinclair's study does not confirm Aldrich and Rohde's argument (2000b). She excludes non-major legislation from the test, presuming that party effects only happen in major legislation. This arbitrary precondition may have prejudiced her against so-called non-major legislation, thus undermining the reliability of her empirical test. There are no universal divisions between major and non-major legislation in contemporary studies and they are still subject to debate. A narrow focus on major legislation may produce a biased picture of party effects on special rules. But I agree with the basic logic of Aldrich and Rohde that party effects should be more pronounced in legislation concerning important party interests. Two empirical pieces have provided some support for this argument. Thorson and Nitzschke (1998) find that bills reported with a committee partisan vote are more likely to receive a restrictive rule. Marshall (2005) finds that restrictive rules tend to be used on bills that have more majority party co-sponsors, where the majority party's preferred policy is more vulnerable to moderating amendments than others, and where the median of the reporting committee is closer to the ideal point of the majority party. I would extend the argument of CPG to foreign and defense legislation and expect that we may find stronger party effects on special rules for foreign bills of more pronounced party interests.

Informational Theory

The informational model tends to ignore the influence of party organization on institutions of Congress. The model defines legislatures as institutions that allocate resources and assign parliamentary rights to individual legislators or groups of legislators. The collective action problem in a legislature involves how to share the informational expertise of legislators in the whole chamber while protecting the floor majority-preferred policies. Legislatures have this informational problem because legislators long for informational expertise on policies that can help them to play a substantive role in the policy-making process independently of the executive branch's encroachment. In order to solve the collective action problem, legislatures have allocated resources and granted parliamentary rights to legislators so that they can develop and apply expertise in legislation process. The institutional features that meet this demand include standing committees, special rules, conference committees, and alternative institutional arrangements (Krehbiel 1991).

Krehbiel's informational model views special rules (orders) in the House of Representatives as a procedural device that entices informational expertise in the legislative process. These rules restrict amendments to bills and increase the probability of a bill passed on the floor with its original intent. Through such processes, special rules can induce legislators to take efforts to develop their expertise in standing committees and the legislature can benefit from this expertise. Krehbiel finds confirmations for his theory in empirical tests; when a House committee has a greater level of specialization, or members of the committee entertain a preference distribution closer to the floor, or the

members' preferences are more heterogeneous, or the committee bills enjoy a high level of minority support, the committee is more likely to receive a restrictive rule (Krehbiel 1991 1997).

The institutional rationale offered in the informational model has won applause across academic perspectives (Krishna and Morgan 2001; Sinclair 1993; Marshall 2005). But the informational model has both empirical and theoretical limitations in explaining special rules.

The informational model has some problems in its empirical tests. Krehbiel's dichotomous typology, e.g. open and restrictive rules, oversimplifies sophisticated features of special rules in practice. As a result, Krehbiel's conclusion may lack reliability and validity. Marshall (2005) examined informational theory on special rules in a related study. When he included the same independent variables of informational concerns specified by Krehbiel, only one or two of them attained small marginal effects. Krishna and Morgan (2001) even found contradictory results when examining informational theory on special rules. They changed the measurement of special rules to three-categories: open rules, restrictive modified rules, and closed rules. Their findings point in the opposite direction from Krehbiel's arguments; in heterogeneous committees, fewer restrictive rules (open rules and restrictive modified rules) can attain a high level of information efficiency for the House floor, and in homogeneous committees, closed rules attain a higher level of informational efficiency than open rules.

The informational model also lacks some theoretical persuasiveness on special rules. Krehbiel did not take party seriously in informational studies of special rules. Although he agrees that the Rules Committee becomes an arm of the majority party leadership

(Krehbiel 1991), he never tried to genuinely operationalize the influence of the majority party leadership in empirical models. The only indicator of partisanship in his first informational model (1991) is the number of Democratic co-sponsors. This is not a strong indicator of partisanship. If the Rules Committee is the arm of the majority leadership, the influence of partisanship should go far beyond the number of Democratic co-sponsors in a bill. Krehbiel (1997) did not adjust this misspecification in his second study in his debate with Dion and Huber (1996) over special rules.

Although the informational model is not strong in explaining special rules, I still apply its rationale to this study to observe the effect of informational pulse on the making of special rules.

Distributive Theory

Distribution theory is mainly concerned about the geographic distribution of policy benefits among members of Congress (MCs hereafter). The collective action problem in distributional theory is how MCs can cooperate with one another to attain the geographic distribution of benefits for their constituencies. This problem stems from the assumption that members are single-minded, re-election seekers and that their legislative behaviors are solely shaped by constituency interests (Mayhew 1974). For these legislators, cooperation in the legislative process is a problem because the interests of different constituencies may contradict one another. The committee system in Congress is the major institution that helps address the cooperation problem. It allows MCs through a self-selection process to seek a seat on committees with jurisdictions relevant to special concerns of members' districts (Shepsle 1978; Weingast and Marshall 1988; Endersby

and McCurdy 1996). MCs can rely on these committees to bring policy benefits back to their constituencies and to develop specialties in these policy areas. The committee system also provides opportunities for MCs to trade support for each others' policy proposals. This is the so-called “gains from trade” hypothesis.

Distributive theory also helps us in understanding special rules. Distributive concerns of legislators may shape special rules. There are two arguments concerning this effect.¹ Some scholars argue that restrictive rules constrain members' opportunities of offering amendments and logrolling, while open rules allow MCs to have more chances to logroll on amendments for their local interests (Bach and Smith 1988). Recognizing different influences of open and restrictive rules on distributive interests, Shapiro (1987) and Robinson (1963) suggest that restrictive rules should be included to protect national interests from amendments on behalf of local and constituent interests. Another argument is that restrictive rules are used to induce the stability of logrolls and protect “gains from trade,” because these rules limit the ability of factions from tempting one of the parties to defect and support a new amendment (Weingast 1989; Krehbiel 1991).² They predicted that distributive concerns solicit restrictive rules (Krehbiel 1991; Marshall 2005). Both arguments highlight the fact that restrictive rules constrain amendments. But the second argument is more to the point: the effect of restrictive rules is not just to put a limit on the ability of MCs to offer amendments, but to stabilize logrolling among members, within and across committees, and to protect certain balances of interests that have been

¹ Baron and Ferejohn (1989) argued that restrictive rules can be used to process the distribution of interests among MCs. But they were not really talking about distributive theories. Especially, they did not include committees as an variable in their game theory model of rules granting.

² Fiorina (1981) also argued that “procedure-constrained majority rule” can be used to induce stability of logrolling arrangement. He actually was not just talking about restrictive rules as Krehbiel and Weingast understood; instead, his discussion is in a broader view and goes beyond the so-called “restrictive rules.”

reached. However, the second argument has to address a challenge. The argument focuses on the “type” of special rules: “restrictive rules” may help stabilize logrolling among legislators (Weingast 1989; Weingast and Marshall 1988). What makes a true difference in this process is not any arbitrary type of special rules, but specific provisions in special rules, especially restrictive provisions. Restrictive provisions may even be included in open rules to stabilize legislative logrolling. The second argument overlooks this fact.

I will still take the second distributive rationale to observe special rules for foreign bills. The rationale is that electoral considerations have substantive influence on the legislative process of foreign and defense policies in Congress (Lindsay 1994; Ripley and Lindsay 1994). For instance, during the Reagan years, creative rules such as the king-of-the-hill were used by the House Democrat leadership to allow their members to cast votes on defense budget bills that were easy to defend to their constituents (Lindsay 1994; Towell 1992).

A Common Defect in the Existing Literature

Although the substantial literature applying the above three theories has provided us a profound understanding of special rules, there is a common defect in its theoretical elaboration. In the literature, scholars use some arbitrary typologies based on the degree of restriction on amendments to analyze the political implications of special rules. These typologies, however, have some problems and are ineffective in revealing the rich political implications of special rules, particularly in foreign policy-making.

The traditional typologies usually include two, three, or four categories of special rules. The four-category typology names open, modified open, modified closed, and closed rules (Marshall 2005),³ with the lowest level of restriction in open rules and the highest in closed rules; the three-category typology has open, restrictive, and closed rules (Bach and Smith 1988); and the two-category typology allows only open and closed rules, usually compounding modified closed rules with closed rules and modified open rules with open rules (Krehbiel 1991 and 1997; Sinclair 1994 and 1998; Marshall 2005). Applying these typologies in analysis, scholars find that restrictive rules (restrictive or/and modified close or/and closed rule) can be used for political advantage; the majority party leadership could use them to pull policies toward the preferred position of party caucus (Marshall 2005), or the chamber could use them to achieve informational benefits (Krehbiel 1991), through constraining the ability of members of Congress to offer amendments, or by accommodating members' wishes through organizing and defining the boundaries of amendment process (Bach and Smith 1988).

One problem with the traditional typologies is that they do not allow enough flexibility in the restriction level of special rules. In the typologies, there are just up to four levels of amendment restriction: open, modified open, modified closed, and closed rules. But provisions of special rules suggest a lot more fluctuations in the restriction level than the existing scales. Among the so-called restrictive rules, for example, some are virtually open, allowing a large number of amendments. Others impose some limits, allowing a couple of amendments, and still others are almost closed (Tiefer 1989). Another example is the modified closed rules defined by the Rules Committee (they use the four-level

³ <http://www.rules.house.gov/lpP/pop31599.htm>. The Rules Committee of the 111th Congress specified the criteria of the four categories of special rules.

scale). This kind of rule may sometimes “preclude amendments to a particular portion of the bill, although the remainder of the bill may be completely open to amendment” (see footnote 3). It may in other occasions permit only amendments that are specified by the Rules Committee. There can be a large gap in restriction level with different provisions in modified restrictive rules. Therefore, even the four-category scale used by the Rules Committee may have overlooked a lot of variation in the restriction level of special rules. Needless to say, when scholars use the two-category typology, more flexibilities are sacrificed.

A larger problem is that the existing typologies have not taken into account all of the provisions that may provide political advantage through restricting amendments or the set orders of offering amendments. Provisions that have been included in the typologies are as follows: time cap on the floor debate on the whole bill or certain amendments; the requirement that amendments be germane to the bill under consideration; only amendments that are pre-printed in the Congressional Record or the report accompanying the resolution be considered; only certain amendments whose name or even number are specified in the rule be considered; second-degree amendments are precluded on certain amendments; and the requirement that certain sections of a bill are not subject to amendments while the rest of the bill is open for any amendments (Marshall 2005; Bach and Smith 1988; also see footnote 3). In addition to these provisions, what has been overlooked by traditional scales are waivers; provisions that identify the legislative committee(s) substitute as an original bill for the purpose of amendment; provisions that authorize the chair of the legislative committee or his designee to offer amendments en bloc; provisions that specify the order of consideration of amendments, in which

amendments of legislative committees are usually granted priority; provisions that make in order no intervening motions to final adoption; provisions that authorize the Chair of the Committee of the Whole to postpone or to recognize the consideration of certain amendments; self-executing provisions; and creative provisions. The political implications of these provisions have been discussed in some descriptive studies, but never calculated into the typologies of special rules (Bach and Smith 1988, Marshall 2005). The exclusion of these provisions makes the typologies less accurate.

Another problem with typologies of special rules is that the Rules Committee itself has not used typologies consistently. The four-category typology was applied from the 94th to the 101st Congress. After that, the use of modified-type of special rules has been rare, while open and closed categories have survived. Since the 110th Congress, the Rules Committee has used a new type called structured rules. Meanwhile, not every special rule comes with a clearly defined category; there are no such labels such as “open,” “closed,” “modified-open,” or such in some special rules, even when they have provisions relative to these categories. It is hard for scholars to do longitudinal research on special rules when the typologies of special rules are not consistent in the practice of the Rules Committee.

To give a more accurate analysis on special rules across time, it is time to move away from the problematic typologies and have a more theoretically sound scale of special rules. In the next chapter, I will calculate a “privilege” index that counts all political-biased provisions of special rules, based on factor analysis. This scale intends to accomplish two tasks. First, it broadens our conception of special rules from restriction of amendments to privilege status. Specifically, the new scale will indicate how privileged a

bill could be made on the House floor by provisions of a special rule. Second, it provides more accuracy. Because all political-biased provisions are counted, it allows more variations on the index of special rules, which goes far beyond traditional typologies. Therefore, the new scale broadens and deepens our understanding of special rules.

CHAPTER THREE

AN INDEX OF SPECIAL RULES

The previous chapter singles out the conditional party government model as the best theoretical perspective for this dissertation. It also gives a challenge for the following empirical test: how can we test the chronicled changes of special rules as implied by the conditional party government model? This question is difficult to answer if we follow the traditional typologies of special rules, because even the categories named by the Rules Committee are inconsistent across years. In this chapter, I construct a privilege index to consistently measure all years' special rules.

The basic idea of this scale is that special rules provide privileges to bills by interrupting the regular order of business on the House floor and that the privileges can be calculated by taking into account each meaningful provision in special rules. I will first number provisions of special rules under study and then apply exploratory factor analysis (EFA) and Cronbach's Alpha to these numbers to examine the internal structure of these rules. The privilege index is established on the basis of these analyses. Before proceeding to the statistical calculations, I examine the general structure of the content of special rules. This is a necessary prerequisite for the statistical analysis.

The Structure of Special Rules

The Rules Committee specifies five functions or features of a special rule (from the former web site for the Rules Committee). The five features are: 1) making a bill in order for floor consideration, through setting a cap on debate time, resolving the House into the Committee of the Whole, and dispensing with the first reading; 2) managing debate and

the amendment process, through restricting amendments and setting order of offering amendments; 3) setting aside house rules (waiving points of order) to protect a bill or amendment from being blocked on the House floor if a point of order is raised against it; 4) completing passage in the full House, through ordering the previous question, asking separate votes on amendments, and endorsing motion to recommit; and 5) resolving differences with the Senate, by taking a bill from the speaker's table, waiving points of order. Each feature incorporates a number of provisions. For the purpose of this study, however, not each feature and each provision will be counted. As designed, a special rule is an interruption of the regular order of business on the House floor. It can grant *privileges* to major bills by giving them provisions (procedural resolutions) in the legislative process (Oleszek 2011). But not every privilege provided by these provisions is related to House politics in foreign policy-making, which is the focus of this study. Therefore, I only include provisions and features that are sensitive to the changing politics of foreign policy-making in the House.

I exclude from this research two kinds of provisions (features).¹ One is the fifth feature, that is, resolving differences with the Senate. Provisions in this feature expedite the convening of a conference committee, or make in order amendments to Senate-passed bills or Senate amendments to House-passed bills, or waive reading of conference reports. These provisions appeared in some of the special rules under study. Because they are not used to address matters about House bills themselves, I will not include them into the analysis.

¹ There are some provisions that the current Rules Committee mentions on their website, but did not appear in special rules under study. These are relevancy of debate, dispensing with the first reading, engrossment and separate votes on amendments. They are also excluded.

Second, I exclude provisions that have routinely been provided. The Rules Committee has specified the following provisions as regularly (automatically) provided: in Feature 1, resolving the House into Committee of the Whole; in Feature 2, reading for amendment and the five minute rule; and in Feature 4, rise and report, separate votes on amendments, ordering the previous question,² motion to recommit, engrossment, and laying on the table. As these provisions are regularly provided in special rules (some of them are required by the House rules), they may not be sensitive to changing political environment related to specific bills. They are inappropriate for this study.

Thus, only the first three features (and not all of their provisions) of special rules are included in this study (See Table 3.1).

Provisions That Are Included

Provisions (features) that I include in this analysis are as follows (Table 3.1):

Table 3.1 Provisions Included in Factor Analysis

Title of Provision	Descriptions of Provision	Effect on Legislation	Code
<i>Feature 1 Making A Bill In Order For Floor Consideration</i>			
F101 ³ -Debate in the full House 1	The cap on hours allowed for general debate.	Preclude or restrict amendments	1
F102-Debate in the full House 2	The cap on hours allowed for debate on certain amendment(s).	Preclude or restrict amendments	1
<i>Feature 2 Managing Debate And The Amendment Process</i>			
F201-Amendment in	“Make in order an amendment in the nature of a substitute an original bill for the purpose of amendment.”	Restriction on amendments; avoiding inter-	1

² For instance, special rules automatically impose the previous question on a measure reported from the Committee of the Whole.

³ I impose a label to each provision include in this table so that readers can tell them quickly. “F,” means feature; the first digit following F says which feature this provision belongs to; the last two digits suggest the order of the provisions within a feature. The order is randomly assigned, [random? I think not, just in no particular order] without substantive meaning.

the nature of a substitute as an original bill for purpose of amendment		committee conflict.	
F202-Self-executing provisions.	“The amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the resolution shall be considered as adopted.”	If specified, the House’s adoption of a special rule may have the effect of amending the underlying bill.	1
F203-Only Amendments 1	“Provide for consideration only the amendments pre-printed in the Congressional Record,” or “the amendments printed in the bill,” or “amendments printed in the report accompanying this resolution,” or “the amendments contained in certain sections of this resolution.”	Restrictions on amendments.	1
F204-Only Amendments 2	Provide for consideration only the amendments by certain members of Congress, usually from the reporting committee, names specified or not.	Restrictions on amendments.	1
F205-Restriction of amendments 1	Restrictions on amendments to certain sections of a bill.	Restrictions on amendments.	1
F206-Restriction of amendments 2	Restriction on amendments to amendments.	Restrictions on amendments.	1
F207-Non-division of question	The amendments made in order “not subject to a demand for division of the question.”	Prevent separate votes.	1
F208-En Bloc Amendments	The rule authorizes the chairman of the legislative committee (such as the Committee on International Relations) or her designee to offer amendments en bloc consisting of amendments printed in report of the Committee on Rules or germane modifications of any such amendment.	Prevent separate votes and protect amendments reported by the legislative committee.	1
F209-Germane	Amendments must be germane.	Restriction on amendments.	1
F210-Most Votes Win	King-of-the-hill; Queen-of-the-hill: the Committee of the Whole only reports the last version of bill that gets the majority votes.	Structure the voting procedure.	1
F211-Order of offering amendments	“Amendments made in order may be offered only in the order printed in the report.”	Structure the order of offering amendments	1
F212-Priority Recognition	Authorizes the Chair in the Committee of the Whole to recognize the priority to members who have pre-printed the amendments in the congressional record or the priority to members who pre-print amendment somewhere else.	Recognition of priority to certain amendments.	1
F213-Postpone	A special rule may permit the chairman of the	Structure the	1

Votes	Committee of the Whole to postpone consideration of a request for a recorded vote to a later time.	voting procedure.	
<i>Feature 3 Setting Aside House Rules (Waiving Points Of Order)</i>			
F301-Blank Waiver 1	Waive all points of order against a bill.	Protect bill from points of order.	2
F302-Blank Waiver 2	Waive all points of order against an amendment or certain amendments.	Protect amendments from points of order.	2
F303-Budget Waiver	Waive certain points of order from the Budget Act. For instance, prohibiting consideration of budgetary legislation prior to the adoption of the budget resolution; credit authority not subject to appropriation in advance.	Protect bill or amendments from points of order.	1
F304-Nongermane Waiver	Waive the order that amendments must be germane.	Protect bill or amendments from points of order.	1
F305-Layover Waiver	Waive the points related to layover, based on the House rules.	Protect bill or amendments from points of order.	1
F306-Appropriations Waiver	Waive the points related to appropriation issues, such as non-appropriation, re-appropriation, etc., based on the House rules.	Protect bill or amendments from points of order.	1
F307-Procedure waiver	Waive the points related to procedure requirements, such as a publication of roll-call votes, based on the House rules.	Protect bill or amendments from points of order.	1
F308-Report wavier	Waive the points related to requirements for committee reports, such as the motion to discharge, based on the House rules.	Protect bill or amendments from points of order.	1

All provisions in this table are cited from special rules under study. Most of them have been discussed and assigned to the three features in the original table by the Rules Committee.⁴ There are some exceptions in Feature 2 and 3 in the current table. In Feature 2, there are several provisions that exist in special rules under study but were not discussed in the original table.⁵ I follow the logic of the original table to assign them to

⁴ http://www.rules.house.gov/lpp/specialrule_func.htm.

⁵ The original document of the Rules Committee does not provide an exhaustive description of all provisions that appear in special rules they made. For reasons I am unsure of, the original table has overlooked some very important provisions that have important functions and political implications, such

this feature. They are F203-Only Amendments 1, F204-Only Amendments 2, F205-Restriction of amendments 1, F206-Restriction of amendments 2, F207-Non-division of question, and F211-Order of offering amendments. In Feature 3, while the original file from the Rules Committee specifies six categories of waivers, I specify eight categories. I agree on four categories in the original file: F303-Budget Waiver, F305-Layover Waiver, F307-Procedure waiver, and F308-Report wavier. I differ from the Rules Committee's file on the other four categories: F301-Blank Waiver 1, F302-Blank Waiver 2, F304-Germane Waiver, and F306-Appropriation Waiver. Blank Waiver 1 (F301) waives all points of order against a bill, and Blank Waiver 2 (F302) all points of order against related amendments. The two blank waivers are strong impediments to voicing floor opposition to a bill and frequently appear in special rules under study. This is why I include them, though the Rules Committee's file did not discuss them. Appropriation Waiver (F306) is close to the category "Concerning the Substance of Measures" in the original file. The original category "Concerning the Substance of Measures" includes all waivers that are related to appropriation matters, plus waivers on non-germane amendments. F306 takes only the waivers that are related to appropriation matters and adds to them those that address tax or tariff measures, which is an independent category in the original file. All waivers in this new category are based on House Rule XXI. Meanwhile, I separate waivers on non-germane amendments from the category of concerning the substance of measures to code them as an independent category. These waivers are in essence very different from waivers on appropriation matters and are based on a different House rule, Rule XVI. The following table illustrates the similarities and

as the provision that specifies the order of offering amendment, the provision that provide consideration of only amendment pre-printed in the Congressional Record, etc.

differences between the current categories of waivers with the Rules Committee's file (Table 3.2).

Table 3.2 Categories of Waivers

Current Table	Original Table
F301-Blank Waiver 1	N/A
F302-Blank Waiver 2	N/A
F303-Budget Waiver	Budget Act Waivers
F304-Nongermane Waiver	Concerning the Substance of Measures: Nongermane Waivers Appropriation waivers
F305-Layover Waiver	Layover Requirement
F306-Appropriation Waiver	Tax or Tariff Measures
F307-Procedure Waiver	Requirements involving Committee Procedures
F308-Report Waiver	Requirements for Committee Reports on Measures

The provisions included in the current scale have gone far beyond previous studies. Previous studies only include some restrictive provisions in traditional typologies of special rules.⁶ Their logic is that those provisions are restrictive and so can be used for advantageous purpose (Marshall 2005; Bach and Smith 1988).⁷ Careful reading provisions of special rules, however, shows that the contents of special rules are not just

⁶ I have mentioned the provisions in Chapter 2. Just to cite them here: time cap on the floor debate on the whole bill or certain amendments (F101; F102), only amendments that are pre-printed in the Congressional Record or the report accompanying the resolution be considered (F203), only certain amendments whose name or even number are specified in the rule be considered (F204), the requirement that certain section of a bill are not subject to amendments while the rest of the bill is open for any amendments (F205), second-degree amendments are precluded on certain amendments (F206), the requirement that amendment be germane to the bill under consideration (F209).

⁷ Actually, the Rules Committee also uses this rationale. See the web of the Rules: <http://www.rules.house.gov/lpp/pop31599.htm>

about restriction on amendments. While some provisions are restrictive, others are expansive (waivers), or set the order of offering amendments. All of these provisions work together to define the sequence and boundaries of the amendments offered and voted on (Oleszek 2011), and more to the point, to serve the privilege of a bill on the House floor. I argue that the privilege has been used for political advantages, especially those of the majority party. Therefore, I include not just provisions that are restrictive, but also the ones that are expansive or structure the order of offering amendments. I then explain how the provisions newly included can serve the privilege of a bill on the House floor.

Waivers (F301-F308). This is the expansive feature of special rules. Under waiver provisions, House procedures or points of order are suspended temporarily for the bill under consideration. If a bill or an amendment has some provisions in technical violation of House procedures or points of order, waivers can protect the bill or amendment from being blocked by relevant procedures or points of order (Oleszek 2011). This privilege has frequently been manipulated for political interests of the majority party caucus or the legislative committees dominated by the majority party (Robinson 1965; Marshall 2005; Oleszek 2011). Meanwhile, the Rules Committee generally does not grant waivers to protect minority amendments from points of order (Aldrich and Rohde 2000). For instance, a general open rule without any waiver for a budget bill may suggest a hiding restriction; under this rule, if there is no additional waiver on the Federal Budget Act, it is difficult for minority members to offer an amendment that exceeds the budget authority allocated to the legislative committee under the Budget Act (Aldrich and Rohde 1996). Such an open rule without any waiver implies a deliberate majority party manipulation of

the agenda. Because the use of waivers is so sensitive to the majority party interest, Republicans strongly opposed the use of waivers in legislation when they were in minority; but after they obtained the majority status in the House, they maximized the usage of waivers to advance their own agenda (Oleszek 2011).⁸

Provision that identifies the legislative committee(s) substitute as an original bill for the purpose of amendment (F201). According to the Rules Committee, this is offered to allow first and second degree amendments on the substitute. Otherwise, the substitute would be considered a first degree amendment on the original bill, and only one more degree of amendments would be permitted. This provision, however, is not used to encourage amendment, but in most occasions, to encourage compromise among legislative committees responsible for multi-referral bills. The reason is that when the legislative committee's substitute (compromise) is offered as an original bill, it can help avoid publicizing the differences among committees. This provision can also put minority members who would like to offer amendments or debate on the floor in a disadvantageous position because a substitute usually does not come with a committee report explaining the text. Thus, by granting the multi-committee substitute the status of an original bill, the Rules Committee actually conveys advantages to the majority party (Bach and Smith 1988). Sometimes, the provision is also granted to a single-referred bill. The substitute usually comes from the single-referral committee, and it is the committee's recommendations for amendments. In such occasions, the provision may help the legislative committee avoid widespread public opposition to the substitute (Bach 1981).

⁸ Sometimes, a waiver can be used to allow for consideration of one or more non-committee amendments, but this usually happened when the majority leaders and floor managers are confident that they have the votes to defeat the minority substitute (Bach and Smith 1989).

Thus, the provision becomes a procedural tool for the majority party leadership to manipulate the legislation process to attain partisan benefits.

There are also some other provisions that frequently appear in special rules to structure the amendment process: provisions specifying the amendments made in order are “not subject to a demand for division of the question” (F207); provisions that authorize the chair of the legislative committee or his designee to offer amendments en bloc (F208); provisions that specify the order of consideration of amendments, in which amendments of legislative committees are usually granted priorities (F211, F212); and provisions that authorize the chair of the Committee of the Whole to postpone or recognize the consideration of certain amendments (F313). These provisions assist the Rules majority and the floor managers and actually restrict members' general right to offer floor amendments; and thus they can be used to the advantage of the reporting committee(s) or to advance the majority party programs (Oleszek 2011). Some of these provisions may be specified to provide minority members opportunities to insert their ideas, but this usually happens when the majority party leadership was confident that the partisan position would win (Bach and Smith 1988).

Some other provisions that are occasionally specified in special rules may also serve the privilege of the underlying bill, i.e. self-executing provisions (F202) and creative provisions (F210). In practice, they have strong partisan bias. Self-executing provisions usually state that certain amendments stipulated in the special rule will be considered as adopted in the House and in the Committee of the Whole. This provision expedites the legislation process by avoiding uncertain votes on a controversial issue. It also helps the majority party leaders to construct voting coalition on bills. The creative provisions are

the “king-of-the-hill” and “queen-of-the-hill” rules. The “king-of-the-hill” rule specifies that a series of amendments or substitutes can be voted on but only the last one that receives a majority prevails. This provision was created by the Democrat majority in the House. Democrats frequently used this device to deal with Republicans over defense spending during Reagan years. The version of bills preferred by the Democratic leaders was usually put at the last position, which is advantageous. This rule was attacked by Republicans for the party bias on its usage. But when Republicans grasped the House majority in 1995, they created a similar device called the “queen-of-the-hill” rule. This rule specifies that in the sequence of voting, the version with the largest majority prevails. This rule benefited legislative committees, because it usually posited the committee version of substitute at the last, which is also an advantageous position (Sinclair 2000).

Factor Analyses of Special Rules Provisions

As the provisions (features) discussed above serve the privilege of underlying bills on the House floor, I will calculate them into a privilege index for special rules. To do so, I will first introduce the criteria for choosing cases.

This study covers the period from the 94th to the 108th Congress. All rules selected for this study are for foreign and defense bills during this period. The rules are compiled from *United States House of Representatives Legislative Calendar* by Committee on Rules. The criteria I use to identify foreign or defense bills is the authority of the committee or the subcommittee that drafts and reports a bill. These are bills that are reported from the committees that have focal authority on foreign or defense issues such as International Relations (now “Foreign Affairs”) and Armed Services; and bills

reported from the subcommittees that have authorities on foreign or defense issues including the Defense Subcommittee of the Appropriations Committee, Trade Subcommittee in Ways and Means Committee, the Subcommittee on Immigration Policy and Enforcement in Judiciary Committee. Some bills are reported from more than one committee as the result of multiple referral. I take the primary referral as the criterion.⁹ Whether the rule is approved by the floor is not a standard of its inclusion because the aim of this study is to explore the influence of the majority leadership over the rule-making, not the procedural choice of the House floor. Meanwhile, rules selected in this study are those for initial consideration because they substantively shape the process on the floor and policy outcome. Those for conference reports and adjournment resolution are of minor policy outcome and so I exclude them from this study. The existing literature blazed this path (Krehbiel 1991; Bach and Smith 1988; Sinclair 1999; Marshall 2005); and I follow it so that the results may provide a comparison with earlier studies of House special rules. After applying the standards above, there are 436 cases in the data.

To develop a “privilege” index for these rules, one basic question must be addressed: can the concept of “privilege” explain features (provisions) of special rules in the data of this study? Although features of special rules are designed to interrupt the regular order of House business and can provide privilege to underling bills on the House floor, these features do not look very similar. Feature 1 and 2 are closer to each other, basically restricting the debate and amendment process; but Feature 3 is expansive enough to protect bills and amendments from being blocked. Do these features reflect separate

⁹ To be consistent with the “authority” criteria, I exclude bills that might be related to foreign affairs but are not reported from the committee(s) that have authorities on foreign and defense issues. For instance, the Committee on Resources reported a bill that permits exports of certain domestically produced crude oil (H.R.70, 1995). This is a trade issue, but the Resources committee does not have authority on foreign affairs. Two such bills are excluded.

subdimensions of the function of special rules? Or do they just reflect the single dimension, privilege, as the rules were originally designed? Also, there could be some uncertainties about the interrelation among the three features of special rules introduced by sampling and measurement error. I will use two analyses to address these problems. Specifically, I will apply exploratory factor analysis and compute Cronbach's Alpha value to check out the meaning of the three observed features of the special rules, revealing whether they reflect one underlying dimension, "privilege", or other subdimensions. The privilege index will then be created and calculated based on this examination.

To apply factor analyses to these rules, the three original features are coded into three observed variables. The three features are essentially three latent variables because there are at least two indicators (provisions) for each feature (variable). There is, however, one barrier in using factor analysis to measure the three latent variables. Factor analysis is generally conducted using maximum likelihood (ML) estimation. ML rests on several key assumptions, among which is the use of indicators that approximate interval-level scales. Indicators of the three features of special rules are mostly individual provisions, which can only be constructed as categorical variables (binary). Thus, the precondition of doing factor analysis for the three latent variables is hard to meet. Therefore, I focus on the construction of the three features as observed variables. The first step of the coding is to code the original provisions of each feature as dummies. All provisions in Feature 1 and 2 are directly coded as binary variables: 1 if there is such provision in a special rule, 0 otherwise (Table 1). The coding for provisions of Feature 3 follows a similar pattern. As specified above, there are eight categories of waivers. In each category, there can be

several similar waivers. For instance, F306 – “appropriations waiver” summarizes waivers of unauthorized appropriations (Rule XXI, clause 2(a)(1)), waivers of legislation in general appropriations bills (Rule XXI, clause 2(b)), waivers of reappropriations (Rule XXI, clause 2(a)(2)), waivers of tax or tariff matter not reported by Ways and Means (Rule XXI, clause 5(a)), etc. To simplify the statistical analysis, I do not code each of the specific waivers as a dummy variable. Instead, I code one category of waivers as one dummy variable; as any number of waivers from one category appear, I code it as 1, or 0 otherwise. In addition, I give weights to two blank waivers. F301 - blank waiver for the underlying bill is coded 2, or 0 otherwise. Compared to other specific waivers, this blank waiver provides strong protection for a bill, because no points of order can be raised against the bill. F302 - blank waiver for certain amendments is coded in the same way: 2 if there is such a waiver, 0 otherwise.

The next step is to calculate the value of each observed variable (one feature). This value is the sum of dummies divided by the number of all possible provisions in one feature. The range of such value is 0 to 1, though most of them are less than 1. Use Feature 2 as an example: if a special rule specifies 6 provisions in Feature 2, the value of Feature 2 is $6/13=0.46$. Certain special rules may lack some features. The value for the lacking feature is 0. Thus, there are three values for three observed variables (three features of each special rule), which will be used to do factor analyses. Worthy of special notice is that closed rules stipulated by the Rules Committee do not have provisions for Feature 2 (managing debate and amendment process), but they actually restrict amendment process the most. There are a total of seven closed rules in the dataset. For

these cases, I impose the value 1 for feature 2, which signals the most restrictive debate and amendment process for underlying bills.

I apply the exploratory factor analysis (EFA) to the three observed variables. This procedure will reveal how many significant factors can explain the covariance of the three variables. The results of EFA are reported in Table 3.3:

Table 3.3 Exploratory Factor Analysis: Total Variance Explained

Component	Initial Eigenvalues		Analysis N
	Total	% of Variance	
1	1.931	64.36	436
2	.752	25.08	436
3	.317	10.56	436

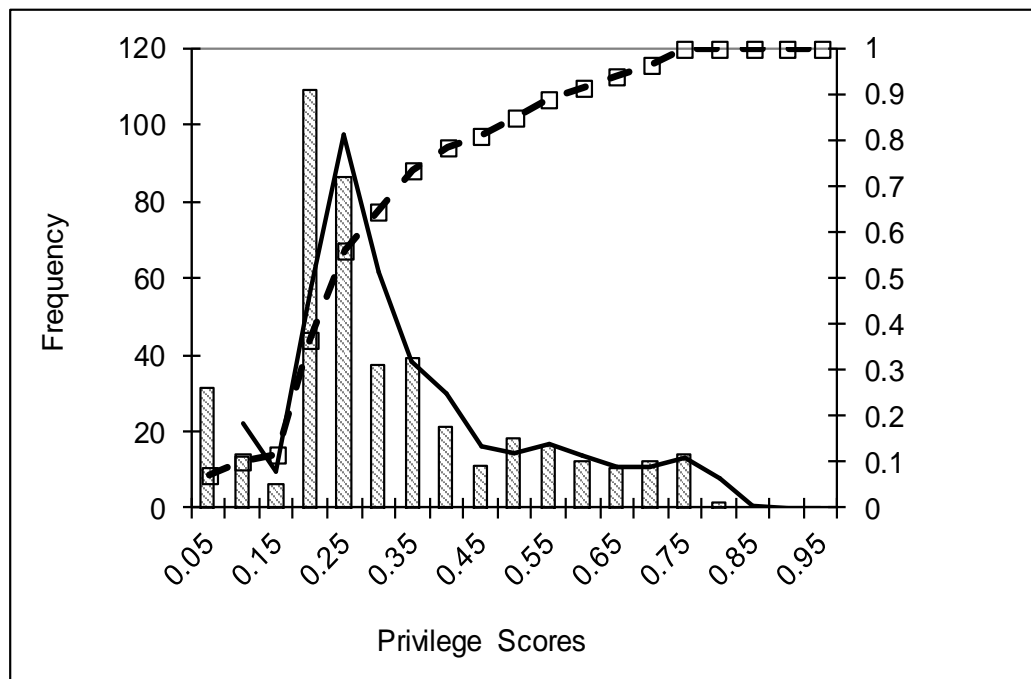
There is only one eigenvalue greater than 1.0, which suggests that there is only one underlying dimension (factor) to explain the three variables. That one dimension accounts for 64% of the variance in the three measures. The scree plot (Appendix 3.A.) also suggests one factor: only one plot is located to the left of the flat elbow. I define this factor as the privilege provided by special rules for bills. This suggests that although the three features function in different ways, they serve the same purpose: privilege of a bill on the House floor. Another measure of consistency, Cronbach's Alpha, produces a similar result. The value of Cronbach's Alpha for the same dataset is .691 (greater than the general criterion .65), which suggests that the three observed variables are reasonably consistent with one another to measure one factor, defined as privilege.

Because both analyses agree that the three observed features consistently measure a common dimension, privilege, I can calculate the privilege index based on the values of the three features of special rules.

The Privilege index of Special Rules

The privilege index is the factor score of the privilege, calculated as the average value of the three observed features. The range of the index is from 0 to 1. The distribution of privilege scores follows in Figure 3.1:

Figure 3.1 Histogram and Cumulative Percentage of Privilege Scores¹⁰



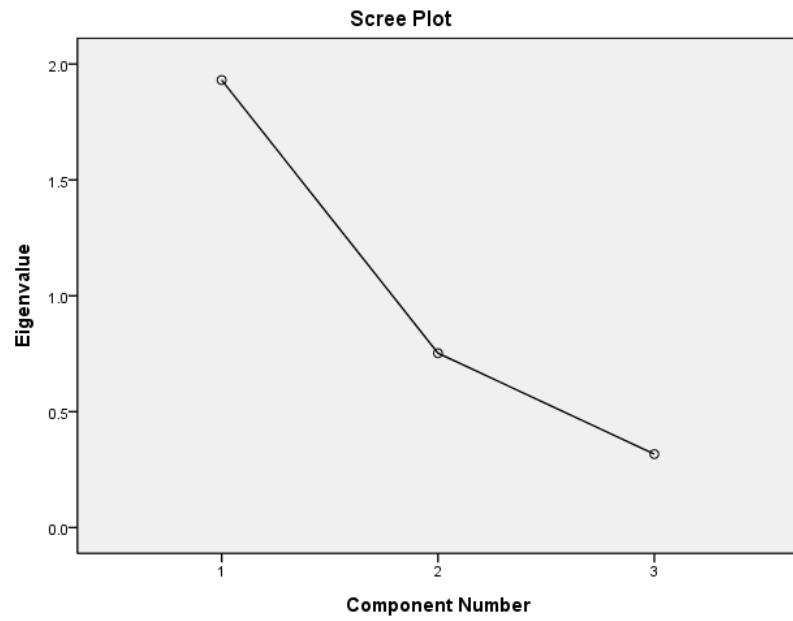
The distribution of the privilege scores skews to the right. While the mean value is low, 0.29, three quarters of the privilege scores are less than 0.4. The mode, or the most frequent score, is 0.167; 18.8% of all cases, e.g., 82 rules, get this score. These rules usually restrict general debate, without other restrictions and waivers. The minimum privilege score is 0, which is given for two bills. Both bills are House Joint Resolutions (H. J. Res. 589, 1980; H. J. Res. 601, 1980) and reported from the Appropriations Committees; and for both bills, the special rules provide for consideration in the House as

¹⁰ To make the shape of the distribution clearer, I calculate the moving average. It is marked as the skewed dark line.

in the Committee of the Whole, without any restriction or waivers. The maximum score is 0.772, which happens on H. R. 5006, 1992. The Committee on Armed Services reported this bill to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such department. For this bill, the special rule restricts times for both general and amendments debates, designates amendments for debate, specifies the order of offering these amendments, prevents further amendments, and provides extensive waivers, thus making this bill highly privileged on the House floor.

In the next chapter, I regress privilege scores on a set of contextual factors to explore political influence on the making of special rules for foreign bills. More descriptive analyses of privilege scores related to political environment will be included.

APPENDIX 3.A. EFA: the underlying dimension explaining features of special rules



CHAPTER FOUR

EXAMINING SPECIAL RULES IN FOREIGN AND DEFENSE POLICY

The privilege index provides a new approach to measure the design of special rules. More important, because of its consistency, it allows us to observe the chronicled changes of special rules influenced by political contexts in resurgent Congresses. In this chapter, I operationalize the contextual factors as suggested by the conditional government model and statistically analyze their influences on special rules in foreign policy bills.

Hypotheses

To address the research question of how the House majority party has changed its use of special rules to attain benefits in foreign policy bills in the past decades, I follow partisan theory to argue three hypotheses:

***Hypothesis 1:** When the ideological polarization of parties increases in the House, the Rules Committee tends to grant more privileged special rules to foreign policy bills.*

The conditional party government thesis has suggested that with the growth of policy polarization across parties, the majority party leadership is more likely to use restrictive rules to advance party interests in foreign and defense policies. As Chapter 3 has changed the measurement from restrictive rules to privileged rules, I substitute “restrictive” with “privileged” in the statement. The two “measures” of special rules are positively correlated in quantity. While a special rule is more restrictive, it is more privileged. Privilege scores, however, are more accurate than “restrictive” levels in measuring

special rules. The “privilege” score takes into account not just restriction, but also waivers. The following hypotheses use the same term.

***Hypothesis 2:** The Rules Committee tends to grant more privileged special rules to foreign policy bills that come closer to the ideal point of the majority party.*

CPG thesis has suggested that stronger party effects on special rules can be found on bills of more pronounced party interests. Party interests can be operationalized in different ways. In this test, the majority party interest is measured as the policy distance between a bill sponsor and the ideal point of the Majority Leader.

***Hypothesis 3:** The Rules Committee tends to grant more privileged special rules to key issues in foreign and defense policies.*

Party effects are usually more pronounced on key issues. Findings have shown that there is an extra party influence on key votes (Hager and Talbert 2000). This is because party leadership works harder to build voting coalition on key issues. Similarly, the majority party leaders may also work harder on agenda control on key issues, including rule-making in the House (Sinclair 1998; Aldrich and Rohde 2000b). I apply this rationale to foreign policy-making to derive Hypothesis 3.

Variables in the Statistical Model

Each special rule is the unit of analysis. The dependent variable is the privilege score of the special rule, as calculated by the procedure developed in Chapter 3. Because the privilege score is a proportion (lasting from 0 to 1), the dependent variable is a censored

continuous variable.¹ This variable warrants a left-limit Tobit model to explain the change of privilege scores of special rules (Long 1997).² This approach is better than two other alternatives. One is ordinary linear regression; the normal distribution assumption of this model is violated in my data. Another approach is to treat the percentage as a binary response, then run a logistic or probit regression. This will only work if this is a normal percentage data and the researcher knows the number of successes and the total number of trials. My data is an average of three percentages and violates this prerequisite. The model specification is as follows (Table 4.1):

Table 4.1 Special Rules in Foreign Policy bills Explained by Political Context

Explanatory Variables	Privilege Scores
<i>Party Theory</i>	
Party Unity of Congress	+
Policy Distance	-
Key Issues	+
<i>Informational Theory</i>	
Minority Cosponsors	+
Multiple Referral	+
<i>Distributive Theory</i>	
Sponsors and Cosponsors	+
Constituency Committees	+
<i>Other Control Variables</i>	
Divided Government	+
Presidential Position	+

The independent variables are party unity, policy distance, and key issues. Party unity scores measure the condition of party polarization in the House. The party unity score is the annual percentage of party unity votes in the House, as developed by Poole and Rosenthal (2009). Party unity votes are the votes where at least 50% of majority party

¹ The censoring means that I do not have information below 0 or above 1.

² See: <http://www.theanalysisfactor.com/proportions-as-dependent-variable-in-regression-which-type-of-model/>

members vote with their party and at least 50% of minority party members vote with their party.³ These votes reflect the extent to which Democrats and Republicans unite within their parties but distance themselves from each other in legislation, which is one of the major indicators of party polarization (Collie 1988, Bond and Fleshier 2000). In addition to party unity scores, there are other traditional measures of party polarization: the percentage of party votes (Coleman 1997 and Stonecash et al. 2003), interest group ratings of voting records of members of Congress (Taylor 1996, Collie and Mason 2000), and measures of congressional member ideology referred to as D-NOMINATE scores (Poole and Rosenthal 1997). There is also some new scholarship on polarization, such as the conditional party government measure calculated by Aldrich, Rohde, and Tofias (2007), which estimates the parties' internal homogeneity and external distinctiveness over time, as well as a similar measure by Miller and Overby (2010). I choose party unity scores, because the data have been repeatedly used in scholarly research (Coleman 1997, Rohde 1991, and Stonecash et al. 2003) and the analysis using this measure are generally agreeable with related studies (see Theriault 2005).

Policy distance is the ideological distance between the House Majority Leader and the bill sponsor. It is calculated as the absolute difference of DW-NOMINATE scores⁴ of the majority leader and the bill sponsor. While there are two dimensions in DW-NOMINATE scores, I use the first dimension for both bill sponsors and majority leaders. A similar measurement was used by Marshall (2005) to test the effect of party leadership on the rule-making of the Rules Committee. It is the absolute distance of ideology scores between the majority party median and legislative committee median. This measurement

³ The party unity score is at http://www.voteview.com/Party_Unity.htm by Poole and Rosenthal (2009).

⁴ The DW-NOMINATE score is at <http://voteview.com/default.htm>, by Poole and Rosenthal.

attained its significance in that study. But it has some limitations. First, using the legislative committee median to represent a bill's policy position may impose limited variance in data. The reason is that committees' medians do not change within a single Congress, whereas each bill's policy position may change. The limited variance in committees' medians may underrepresent actual changes in bills' policy positions. The current measure is an improvement in this aspect, because it considers each bill's policy position. Second, Marshall (2005) used the party median to calculate policy distance, assuming that the majority leadership always looks to the party median's position to decide what special rules to grant; in other words, the majority leadership always uses the party median as a standard to judge bills. This assumption is more agreeable with Cooper and Brady's argument about the majority party leadership (1981). They argue that legislators only grant their leaders what they need to achieve legislative goals but no more (see also Smith and Gamm 2009). Therefore, the majority party leadership does not have much liberty in using their power in the areas such as agenda control. But these arguments or observations may not be accurate considering actual situations. The majority leadership has liberty in agenda control. The Speaker may sometimes direct the Rules Committee to free the restriction on amendment process when dissatisfied with a committee bill; the Speaker may also show deference to committee bills and protect them by granting restrictive rules, even when the bills are not personal favorites.⁵ The conditional government model also argues that legislators trust their leaders and allow them to have some discretion to help create a favorable image for the party and to make trade-offs between the policy and electoral goals (Sinclair 1983). This is especially the

⁵ From congressional staff, Drew Cannon, see:
<http://www.thepresidency.org/storage/documents/Fellows2008/Cannon.pdf>

case when the level of party unity is high in Congress (Smith and Gramm 2009). Thus, the majority leadership may not always hold on the party median to make judgments on bills. In this study, I choose not to use the ideal point of party median, but the Majority Leader's ideology score to calculate distance scores. The Speaker's score could be better, but there is no calculation for the Speaker in the dataset by Poole and Rosenthal because the Speaker rarely cast votes on the House floor. The ideology score of the Majority Leader is a reasonable substitute; the Majority Leader is close to the Speaker and is a core member of the House majority leadership team.

Key issues (1 if key issues; 0 if not) are compiled from the *CQ Almanac*. As specified in *CQ Almanac*, a key vote “represents one or more of the following: A matter of major controversy. A matter of presidential or political power. A decision of potentially great impact on the nation and lives of Americans” (*CQ Almanac* 1987, 4-C).

Other variables may also influence special rules. Important control variables follow.

Divided Government (1 if divided government; 0 if not). The dummy variable for divided government denotes the control of the presidency and the majority of the House by different parties.⁶ Divided government is believed to be associated with political dissensus in federal government because the two parties controlling different government branches may have conflicting political goals (Mayhew, 1991; Jones, True and Baumgartner, 1997). There is a consistent finding that divided government is still productive, not generating fewer acts than unified government (Mayhew 1991; Kelly 1994; Jones, True, and Baumgartner, 1997). This finding, however, applies to general bills, not particularly to foreign affairs. In foreign policy-making, there are some different

⁶ “Divided government” suggests the divided control of the presidency and chambers of Congress, including the presidency and the House of Representatives, the presidency and the Senate, and the presidency and both houses of Congress. See, Mayhew 1991.

findings. Prins and Marshall (2001) find that divided government negatively influences presidential success in defense issues and that defense legislation is less productive under divided government. This may imply that foreign policy bills are sensitive to the contentious politics of divided government and that the legislative process of foreign or defense bills is difficult to control. Under this condition, the majority leadership of the House may tend to tighten the agenda control to ensure the fluidity of the legislative process and help the majority party to realize its legislative agenda in foreign policies. I would follow this implication and argue that the Rules Committee may grant more privileged special rules to foreign policy bills under divided government.

Presidential position (dummy: 1 if the president takes a position on a bill; 0 if not). The president has predominant influence in foreign policy-making. He may take positions on some issues to influence the legislative process in Congress. But House members may also want to challenge him on foreign issues. This is especially true in resurgent Congresses. However, whether members can have the opportunities on the House floor is up to the Rules Committee. I include the position variable to test whether the House majority leadership is willing to accommodate members' liberty when the president took a position on foreign and defense issues. I expect that in resurgent Congresses, the House majority leadership, both Democratic and Republican, generally grants more privileged special rules to foreign policy bills where the president took a position, whether it is positive or negative, to make the legislative process more organized.⁷

⁷ Presidents' positive or negative attitudes toward bills may also have important suggestions to the making of special rules. Some sources have provided data on this. However, I do not consider this factor in this study. A simple regression analysis of privilege scores of special rules on presidential specific position suggests that the latter is not a good explanatory factor for the former (R-Square is pretty small).

In addition to partisan theory, informational theory and distributive theory also suggest some rationales in observing the use of special rules in foreign policy-making. I operationalize each theory as two control variables, respectively.

Informational concerns are represented by two variables. One is the percentage of minority co-sponsors of all sponsors and co-sponsors. This variable suggests the diversity of sponsors and co-sponsors. More diverse co-sponsorship may suggest that legislators more focused on professional aspects of the underlying bill.⁸ The informational model has used a similar variable, the number of minority co-sponsors, to indicate committee specialization, and this model predicts that bills with higher level of committee specialization receive restrictive rules (Krehbiel 1991). I would apply this rationale to the current study and expect that when the informational concern (the percentage of minority cosponsor) increases for a bill, the special rule for the bill should be more privileged.

The other indicator of informational rationale is multiple referral. Informational model (Krehbiel 1991) argues that when a bill is referred to multiple committees, it should reflect greater heterogeneity and provide more informational advantage to the House floor. This kind of bill is more likely to receive restrictive rules than bills of single referral (Marshall 2005). I would take this rationale, but make a small adjustment to the measurement of bill referral. Existing literature generally codes a dummy variable for bill referral: 1 for multiple referral; 0 for single. I would rather code it as a count variable and argue that the number of referred committees can more accurately measure the informational advantage of multiple referrals. I expect that privilege scores of special rules increase with the number of referred committees.

⁸ The diversity of cosponsors may also suggest the effort needed to overcome political controversies to pass a bill. The more diverse the co-sponsorship, the less controversial the bill (Koger 2003).

Distributive concerns are also indicated by two variables. One is the number of sponsors and cosponsors for a foreign bill. The reason is when a bill has greater potential constituency effect, there will be more legislators motivated by reelection related interests to support the bill. I expect that when the number of sponsors and co-sponsors increases, the special rule of a bill should be more privileged.

The other indicator of distributive concerns is constituency committee. It is widely accepted that there are three types of standing committees: prestige, policy, and constituency (Smith 1989). Following distributive theory, bills from constituency committees come up with intense distributive concerns and may solicit privileged special rules (Krehbiel 1991). I create a dummy variable for constituency committees in foreign policy-making (1 if constituency committee; 0 if not). Specifically, there is one such kind committee: Armed Services (national security) Committee. Bills from this committee usually come with strong distributive concerns, such as weapon research, military construction, procurement of aircraft, missiles, naval vessels, combat vehicles, and appropriation for the Department of Energy for national security programs. These bills may influence benefits of congressional districts across the country.

Time Factors

In addition to the independent and control variables above, time effects may also make a difference in privilege scores of special rules. Time effects can be twofold. One is the effect of aging. In this study, it suggests that the House majority leadership may become more and more skillful in manipulating special rules throughout years or Congresses. The other time effect is the historical context of a given period (in this study, it is a Congress).

This effect is comprehensive; the influential factors in the context may include not just those operationalized as independent and control variables above, but also some other conditions that may influence the making of special rules for foreign policy bills, for instance, economic conditions, international environment, and etc. To test the two kinds of time effects, the first step is to find an eligible model. Particularly, to test the effect of the historical context of a given period is to find whether the intra-class correlation of the dependent variable (privilege scores) due to the period (a Congress) is big enough--in other words, whether there are random effects due to Congresses. An eligible model should be able to calculate this effect. Therefore, I apply a simplified Xttobit model to measure only the random effects of Congresses on privilege scores. The results are shown in Appendix 4.A. The value of Sigma_u for Congresses is small but significant (the p-value is less than 0.001). There are significant random effects on the dependent variable due to Congresses. We cannot go back to the Tobit model, which cannot address random effects, but stick to the Xttobit model to test the major hypotheses of this study as well as time effects. To the simplified Xttobit model I add all the independent and control variables above. Meanwhile, I add the time factor (Congresses) as a covariate to see whether there is an aging effect of time.⁹

Results and Analysis

Table 4.2 presents the results of three related models. Model 1 is a basic model. Model 2 adds two meaningful interactions to the basic model. Both interactions are between partisan variables, that is, the interaction between key issues and party unity of Congresses and between key issues and policy distance. Model 3 reruns Model 2 without

⁹ Correlation Tables: see Appendix 4.B.

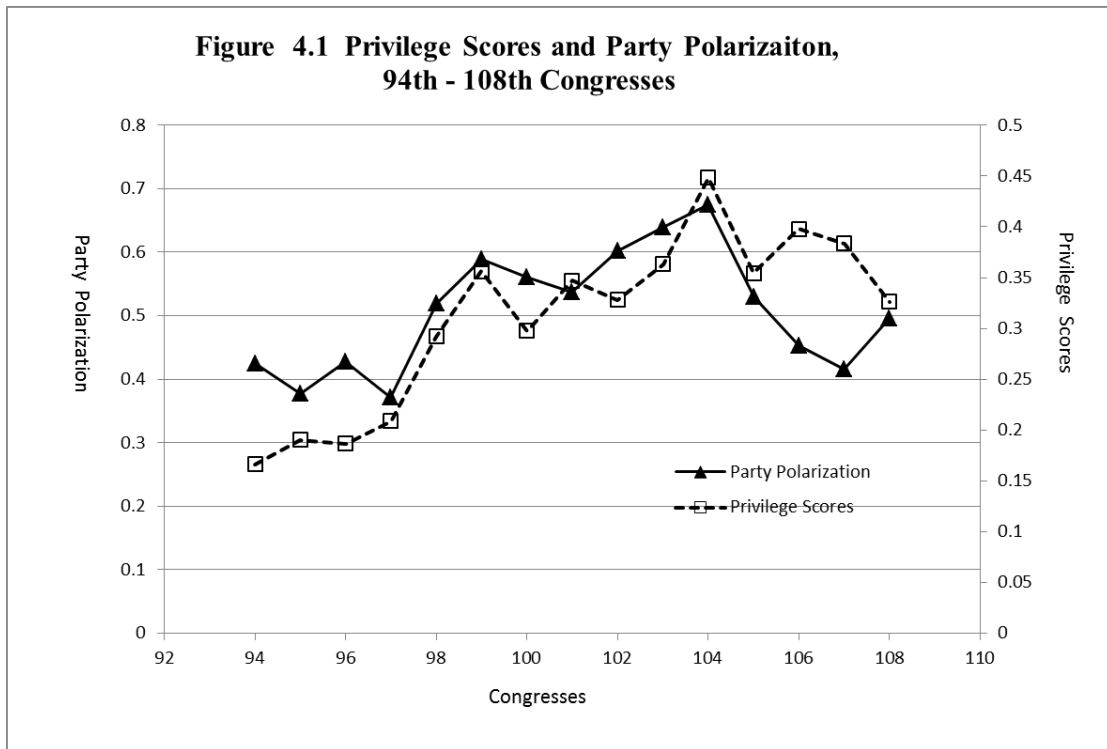
closed rules to downplay the influence of outliers.¹⁰ One salient feature of the results is that all three partisan variables consistently show significant influence on changes of privilege scores of special rules in all three models. Partisan interaction terms are also significant. Variables for informational theory and distributive theory only show modest results.

Table 4.2 Xttobit Models on Privilege Scores of Special Rules in Foreign Policy Bills

Explanatory Variables	D.V.: Privilege Scores of Special Rules		
	Model 1	Model 2	Model 3 (without Closed Rules)
<i>Party Theory</i>			
Party Unity of Congress	.239*	.095	.109
Policy Distance	-0.123*	-.078	-.113*
Key Issues	.069***	-.316**	-.310***
<i>Informational Theory</i>			
Minority Cosponsors	.0006	.002*	.00003
Multiple Referral	.020**	.018**	.019**
<i>Distributive Theory</i>			
Sponsors and Cosponsors	-.0001	-.0002	.00004
Constituency Committees	.080***	.074***	.074***
<i>Other Control Variables</i>			
Divided Government	.042**	.038*	.036*
Presidential Position	.040*	.028	.025
Key Issues x Party Unity	N/A	.854***	.810***
Key Issues x Policy	N/A	-.306*	-.134
Distance			
<i>Aging Effects</i>			
Congress	0.015***	.016***	.015***
<i>Random Effects</i>			
Congress	3.93e-19	1.59e-18	.004
Constant	-1.413***	-1.403***	-1.335***
# of Observations	436	436	429
Log Likelihood	229.39	239.63	267.89
Wald Chi2(11)	228.96	260.93	281.87
Prob. > Chi2	.000	.000	.000

¹⁰ Most outliers in the data are closed rules because I imposed extreme values on feature 2 of their privilege scores in Chapter 3. As these cases are theoretically important, I want to keep them. In order to soften their “extreme” influence on the whole regression, I use robust regression command, which is one option to downweight the influence of outliers.

PARTY UNITY Comparing the three partisan variables, party unity shows the strongest influence on privilege scores. The parameters for party unity variable in basic models suggest that 0.1 increase in party unity leads to 0.025 increase in privilege scores of special rules. This effect is especially strong in key bills. The models with interaction variables suggest that 0.1 increase in party unity leads to almost 0.1 increase in privilege scores of special rules. This confirms the basic hypothesis from the conditional party government model: with the increasing policy cohesion among party members, the majority party leadership tends to use more privileged rules to advance party interests in foreign and defense policies. We can intuitively tell the effect of party unity on the making of special rules from line charts of the two variables (Figure 4.1).¹¹



¹¹ See: APPENDIX 4.C.

The dash line connects plots of mean privilege scores for each Congress. The mean scores are calculated from the sum of privilege scores of all special rules in each Congress divided by the number of rules. The solid line represents the trend of party unity in Congress.¹² This Figure tells two features of the relationship between party unity and privilege scores of special rules. First, when party unity is at a relatively low level, mean privilege scores are low too. This trend is the most obvious during the 94th to 97th Congress, which is the late 1970s and early 1980s when the level of party polarization was generally low. It is only until party unity substantively increases in the 98th Congress that privilege scores rise up. Second, since the 98th Congress, the change of privilege scores has generally followed the trend of party unity. For instance, when the party unity comes down during Republican Congresses (from the 104th to 108th Congress), privilege scores also decline. These features suggest that the use of special rules in foreign policy bills is very sensitive to the trend of party unity in Congress. When party members were well united, the House majority leadership held tight the bridle on the Rules; when party members disagreed to a large extent, the majority leadership released the hold.

The 106th and 107th Congress show a violation of the general relationship between privilege scores and party unity scores; privilege scores are unusually high and party unity scores very low. This is debatable. The party polarization in the two Congresses may not be at the bottom, as the party unity scores suggest in here. The CPG scores calculated by Miller and Overby (2010) indicate that the party polarization in the two Congresses cooled down a little bit from the 105th Congress, but remained high compared to most previous years (Appendix 4.D.). Thus, the actual violation between privilege scores and party polarization of Congress may not be as severe as suggested in Figure

¹² The left axis is the index of privilege scores, whereas the right is that of party unity. (needs to be above)

4.1. Observing the whole period of GOP Congresses in the two Figures, we can see that the major pattern remains: privilege scores decline with party polarization.

We can also compare Democratic Congresses (the 94th to the 103rd Congress) and Republican Congresses (the 104th to the 108th Congress) from Figure 4.2. First, it is the Democratic majority leadership that had developed the use of special rules to a much higher level of sophistication from the 94th to the 103rd Congress; the average privilege score of special rules in the 103rd Congress (0.36) is twice of that in the 94th Congress (0.16). Second, the Republican majority leadership had maintained control of special rules more tightly than the previous Democratic one. The average privilege score of Republican Congresses (0.38) is much higher than that of Democratic Congresses (0.27).¹³ One reason is that the average level of party polarization of GOP Congresses is at a higher level than Democratic Congresses.¹⁴ The increased policy division across parties put a greater pressure on the Republican majority leaders to control the House agenda. There is also an institutional reason. The Republican majority reformed Congress in 1995. They granted the Speaker the authority to appoint all committee chairmen and weakened committees' autonomy by reducing the number of professional staff and placing six year term limits on committee chairmen. This reform widened the door for the majority leadership to control standing committees (including the Rules) and legislative processes as well (Aldrich and Rohde 2005). Accordingly, the Republican majority leadership obtained more leverage in controlling special rules. Although they promised to

¹³ This pattern is still clear if we only compare Democratic Congresses from 98th to 103rd and Republican Congresses. The average privilege score of the later period of Democratic Congresses (0.33) is still lower than that of Republican Congresses.

¹⁴ The average score of party unity for Democratic Congresses (50.5%) is lower than that Republican Congresses (51.4%). CPG scores show a similar pattern. The average CPG scores for Democratic Congresses (-1.44) is lower than that of Republican Congresses (0.56).

reduce the number of closed and restrictive rules before they took the House in 1995, their intentions did not last long.¹⁵ The Democratic minority complained a lot about the lack of openness to floor amendments during GOP Congresses (Oleszek 2011). Research has shown that the percentage of closed rules increased under GOP leadership by 17% during the Bush administration.¹⁶ The pattern of special rules in foreign policy bills presented here agrees with this general trend of special rules during GOP Congresses. A third reason for the privilege of the Republican majority leadership in using special rules is maturation effect. The Republican majority leadership has become more skilled in manipulating special rules than its predecessor. They have learned to use more structured rules to control legislative agenda in recent Congresses (Oleszek 2011).

TIME EFFECTS The time factor, Congresses, shows consistent aging effects on privilege scores of special rules in all three models. This suggests that the maturation effect manifests in the whole period under study; the majority leadership, both Democratic and Republican, has learned skills of using special rules through time and tend to grant more privileged special rules later than earlier. A further data mining shows that later Congresses had used more creative provisions in the design of special rules in foreign and defense legislation. As shown in Table 4.3, while the 94th Congress used ten kinds of provisions in the design of special rules in foreign and defense policy, later Congresses had added more and more new provisions to special rules as time passed by. In particular, the Democratic majority leadership had been very creative in using new provisions in special rules. All the new provisions in Table 4.3 were added by the Rules

¹⁵ There were some signs that the Republican leaders made the House floor more open to amendments in 1995, the 1st year of the Republican majority in the House. See Owens 1997.

¹⁶ See the information on 110th Congress by Woodrow Wilson International Center, http://www.wilsoncenter.org/topics/docs/profile_110th.pdf

Committee under the Democratic majority leadership (94th to 103rd Congress). The Republican majority leadership had been creative too if we observed cases in domestic policies (not counted in Table 4.3). The use of “Queen-of-the-Hill” is such an example. The Democratic majority leadership had continually used the “King-of-the-Hill” provision (F210 as in Table 4.3) from the 98th to the 103rd Congress. After Republicans obtained the House majority in 1994, their leadership transformed the design of the “King-of-the-Hill” to the “Queen-of-the-Hill” provision, whose partisan effect is not very different from its predecessor (Sinclair 2000), and started to use it from the 104th Congress.

Table 4.3 Provisions Used in the Design of Special Rules in Foreign and Defense Policy, Congresses 94-108

Congresses	Provisions that Appeared at the 1st Time in that Congress
94 ¹⁷	F101, ¹⁸ F201, F203, F206, F211, F301, F303, F304, F306, F307
95	F205, F308
96	F204, F209
97	F102, F208, F305
98	F202, F207, F210
99	F302
100	N/A
101	N/A
102	F213
103	F212
104	N/A
105	N/A
106	N/A
107	N/A
108	N/A

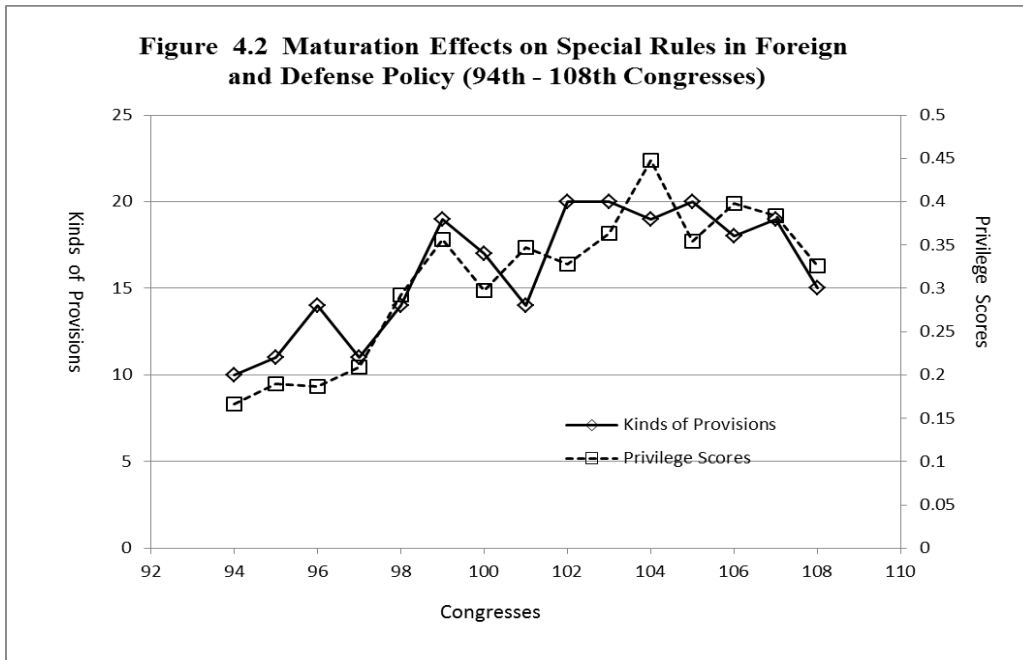
¹⁷ Provisions that are included in the cell of the 94th Congress in the table actually appeared earlier than or from the 94th Congress.

¹⁸ The labels of the provisions refer to Table 3.1.

Because the House majority leadership added more creative provisions in later Congresses, the kind of provisions used in special rules increased. This is another indicator of the maturation effect on special rules. In Figure 4.2, the solid line chronicles the change of the kinds of provisions used in special rules in foreign and defense legislation across Congresses.¹⁹ The solid line shows that the kinds of provisions increase in later Congresses. Notably, there is a large increase in the kind of provisions under the Democratic majority leadership from the 94th to the 100th Congress. Meanwhile, this trend comfortably accompanies the increase of privilege scores of special rules of the same period (as indicated by the dash line). After this period, the kind of provisions generally remains at a high level and accompanies the change of privilege scores as well. The increased kind of provisions in special rule in foreign and defense policy across Congresses agrees with Oleszek's general observations (2011). He argued that in response to the substantive and procedural complex in the working of the House that began during the 1970s and continued into the 2000s, the House majority leadership has used more creative rules to control the legislative agenda.

The time factor does not show random effects in the three models. The result does not mean that we should not use Xtobit model; rather, it suggests that most of the random effects in the simplified Xtobit models have been explained away by the independent and control variables.

¹⁹ The specific provisions that were added in Congresses: please see Appendix.



POLICY DISTANCE Besides party polarization, policy distance claims a significant influence on designs of special rules. In the basic model (Model 1), the parameters for the variable of policy distance suggest that when policy distance decreases by 0.1, there is an increase in privilege scores by 0.01. Taking into account interaction terms (Model 2), the effect of policy distance is more pronounced for key bills; when policy distance decreases by 0.1, there is an increase in privilege scores by 0.03. This effect is congruent with existing literature; major bills of important party interests are more likely to take advantages of restrictive rules (Sinclair 1998; Marshall 2005). An interesting contrast appears when closed rules are excluded from the test. Model 3 shows that the effect of policy distance is more pronounced in non-key bills. The main reason is that the seven closed rules are for key bills and account for the difference between the models.

In addition, these results may suggest a meaningful contrast between different measurements of policy distance. Using the ideal point of the majority leader to calculate

the policy distance has its reliability and validity. This measurement could serve as a supplement of the old one.

KEY ISSUES The parameters of key issues in all six models suggest significant influence of these issues on privilege scores of special rules for foreign policy bills. The result of Model 1 (no interaction term) shows that special rules for key bills are on average 10% more privileged than non-key bills.²⁰ If we take into account interaction effects, key issues significantly intervene the effect of both party unity and policy distance on privilege scores of special rules. This finding confirms the CPG argument that party effects are “expected to find on the subset of legislation that is important to the majority party, and where party action is necessary to achieve success.” Looking closer into the data, we can find that three fourths of key bills (55 out of 75) are authorization or appropriation programs, whereas non-key issues have a far lower portion of these programs. Considering the controversial nature of authorization and appropriation programs, this pattern provides a reasonable explanation for why special rules for key issues are more privileged than general issues. The majority party leadership wanted more privileged special rules to control the usually noisy amendment process of authorization and appropriation bills.

PRESIDENT’S POSITION The statistic results for the presidential position in the three models show a modest but inconsistent effect of presidents’ policy positions on special rules; while the result in the basic model shows significance, others do not.²¹ Still, these

²⁰ This finding is based on the comparison of key votes with general bills. General bills include not just general votes, but also the bills that received special rules but did not make into the floor.

²¹ There could be some suspicions that the designs of special rules are contingent on the specific positions of the president on the underlying bill. There are some relevant observations: one observation suggests that if the Speaker is from the president’s party, he or she more commonly directed the Rules Committee to grant restrictive rules to bills where the president took positive position; in some occasions, when the president is not pleased with a committee bill, the Speaker may direct the Rules Committee to relax the

results may have suggested an important aspect of legislative process in the House, that is, the House majority leadership's determinedness of organizing the House floor (Bach and Smith 1988). Even though members of Congress have become more willing and able to challenge presidents' positions on foreign policies in Resurgent Congresses,²² the House majority leadership does not generally allow them to have such liberty. When members' challenges to the presidential position on a bill makes the legislative process hard to progress, the majority leadership may practice their authority of organizing the House floor by granting privileged rules because they have been trusted by their members with the authority and members want them to do so when needed (Bach and Smith 1988; Sinclair 1994).

DIVIDED GOVERNMENT The parameters of the variable divided government do not change much across the six models and show significance; special rules for divided government are averagely 0.04 more privileged than united government. This suggests that political dissensus between the president and the Congress under divided government has modest influence on the design of special rules for foreign and defense bills. The House majority leadership is more likely to grant privileged special rules to protect foreign and defense bills from the hostile environment of divided government. This finding adds a new dimension to the debate about the effect of divided government on legislation. Previous studies usually focus on whether divided government makes a

restriction of special rules to allow amendments on the bill (Drew Cannon, see: <http://www.thepresidency.org/storage/documents/Fellows2008/Cannon.pdf>). I run the models with the specific positions of the president as an explanatory variable. But the results did not confirm that the specific position of the president is a significant explainer. There could also be suspicions that the effect of presidential position is contingent on the party identification of the president (opposite party). I interact the presidential position with divided government. There is no interaction effect in statistical results.

²² Members of Congress have far more professional assistance on foreign and defense issues than before. For instance, in the current Congress, each Senator has at least one, usually more staff member specialized in foreign policies; each Congressman also have one or more staff members to help him or her on foreign policy bills.

difference in policy output, scarcely shedding light on the legislative process. This study suggests that divided government may shape actions of the House majority leadership in agenda control in foreign and defense legislation.

INFORMATIONAL THEORY Only one informational variable shows significant results. The parameters for multiple referrals suggest that when a bill is referred to one more legislative committee, the privilege score of its special rule increases by 2%. This is a modest effect. But it indicates that the majority leadership does cater to legislators' informational concern in making foreign policy bills. We could explain this in the historical context of resurgent Congresses. Members of Congress have improved their access to expertise in foreign and defense issues since the late 1970s, but they are generally uncertain about causes and consequences of foreign issues (Brady and Volden 2006). They usually appreciate more informative legislation in this area. Thus, the majority leadership is willing to grant more privileged rules to award foreign policy bills with greater informational advantage.

Another informational indicator, the ratio of minority co-sponsors, does not turn out consistent results; four out of six parameters for this variable do not attain significance. These results contradict relevant literature. They used a similar measurement for information perspective and obtained significant results for it (Krehbiel 1991; Marshall 2005). The reason for the inconsistent results of this measurement could be substantive; it may not be a good indicator of informational concerns. This is especially true for defense bills. The legislative process for some defense bills is very closed within relevant legislative committee(s) (the Committee on Armed Services, especially) because of security concerns. Legislators outside of the committee(s) may not be able to get access

to co-sponsor the bill.²³ In this situation, the ratio of minority co-sponsors cannot reflect informational concerns of the House chamber very well. By the same token, the number of all sponsors and co-sponsors cannot reflect the House chamber's distributive concerns very well. This explains why the variable of sponsors and co-sponsors does not show any significance in all six models.

DISTRIBUTIVE CONCERN The indicator of constituency committee shows relatively strong effect on privilege scores in all six models. The results for this variable in basic models indicate that the special rules for bills from constituency committee (the Committee on Armed Services, specifically) is 8% more privileged than other bills. This suggests that the House majority party leadership takes into account distributive concerns of legislators in making special rules for defense bills. These bills usually come with high constituency demands, such as base closing, weapon contracts to certain congressional districts, etc.

Compared to partisan interests, the influence of distributive concerns is more limited. The reason for this is that the making of special rules usually takes place backstage and does not attract much public attention. The House majority leadership may feel greater pressure in translating partisan bias into special rules than in caring about constituency interests.

Summing up, the overall regression analysis shows a strong support for partisan hypotheses developed in this study. These results suggest that the conditional party government model is an effective perspective in explaining how the majority party leadership has changed its use of special rules in foreign policy bills in resurgent

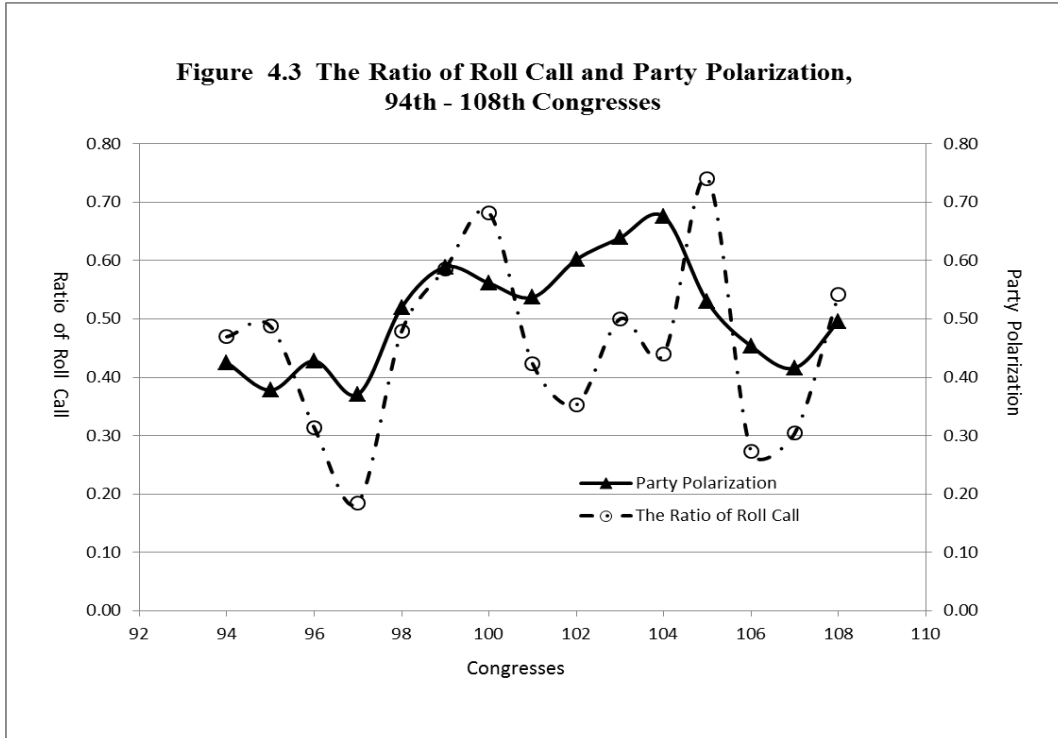
²³ According to my interview with a congressional staff member with defense specialty in September of 2010.

Congresses. Other contextual factors also had modest influence on designs of special rules. But their effects are secondary to partisan factors. Meanwhile, as time passes, the House majority leadership has become more and more skillful in using special rules in resurgent Congresses.

Adoption of Special Rules

The analysis above has shown strong partisan effects on the design of special rules for foreign policy bills in resurgent Congresses. As the design of special rules is just one part of agenda control by the majority party leadership, partisan effects may not just stop at this stage, but well extend to the next stage: floor actions on proposed special rules for relevant bills. There is ample evidence that floor actions on the adoption of special rules for general bills reflect a strong partisan pattern in the House of Representatives. For instance, Cox and McCubbins (2005) find that among all roll call votes on special rules adoption, the roll rate for majority party was just 0.4% between the 94th and 105th Congress (also see: Sinclair 2002; Cox and Poole 2002).²⁴ In this section, I show evidence that floor actions on special rules for foreign policy bills are not an exception to this general pattern; furthermore, the changing party unity in Congress can explain trends of the adoption of special rules well. But the approach I use to examine the evidence is different from previous studies. I first explore the ratio of roll calls and then focus on the relationship between partisanship of roll-call votes and party unity in resurgent Congresses.

²⁴ Roll rate for majority party: the rate of roll calls in which the majority party lost.

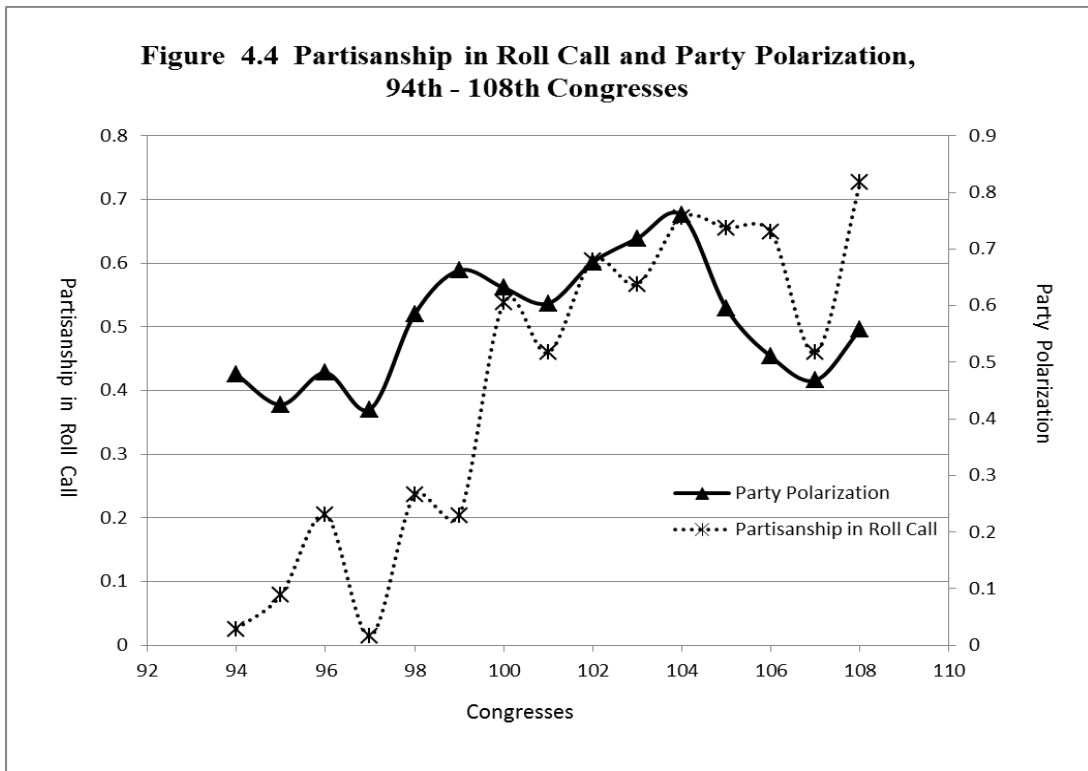


RATIO OF ROLL-CALLS Roll call votes are usually demanded for the adoption of special rules because of related political controversies in Congresses (Bach and Smith 1988). If there are not many underlining controversies, special rules will be adopted through voice vote on the House floor, which is easy for both sides of aisle. Thus, the frequency with which special rules are put into roll-calls for adoption may reflect party politics in Congress. Figure 4.3 describes the relationship between the ratio of roll-calls and party unity in resurgent Congresses (the solid line represents the trend of party unity in Congress and the dash line indicates the change in the ratio of roll-calls in each Congress).²⁵ As shown by the two lines, the ratio of roll calls on adoption generally follows he trend of party unity in Congress.²⁶ It climbed up when party unity scores of

²⁵ The ratio of roll calls on adoption is calculated as the number of roll call votes on adoption divided by the number of any votes (roll-call and voice votes) on adoption in each Congress.

²⁶ See: APPENDIX 4.E.

Congress increased, but came down when the party unity score decreased. A simple regression of percentages of roll-calls on party unity scores reveals that the ratio of the change is 0.7, which suggests that one unit change in party unit score leads to 0.7 positive change in the ratio of roll-calls.²⁷



PARTISANSHIP OF ROLL-CALLS Compared to the ratio of roll-calls on special rules, the partisanship of roll-calls may be a more delicate indicator of party politics (party unity) in Congress because it directly shows the partisan difference in votes. I follow the classic study of Bach and Smith (1988) to calculate the partisanship of roll-call votes, which is the mean of absolute values of the percentage of minority members voting nay to a rule minus that of majority members in each Congress. As Figure 4.4 shows,²⁸ the partisanship of roll-calls generally follows the change of party unity in Congress (the

²⁷ The equation of this simple regression is $y = 0.71x + 0.1$, R-Squared = 0.19.

²⁸ See APPENDIX 4.E.

solid line represents the trend of party unity in Congress, whereas the dash line indicates the mean partisanship of roll-calls in each Congress). When party unity scores suddenly increased in the mid 1980s, the partisanship of roll-calls also increased significantly. After that, the line of roll-call partisanship neatly follows the line of party unity; they even have a similar valley during the 107th Congress. A simple regression of the partisanship of roll-calls on the party unity of Congress shows a strong correlation between the two variables. As the party unity score changes by 0.1, the partisanship in roll-calls will change by 0.17 in the same direction.²⁹

The analyses of roll-call votes on special rules indicate that the trend of party unity in resurgent Congresses is a good explainer of the trends of House floor actions on special rules. They may further suggest that the increasing party unity in the House is a double-edge sword for the majority party in foreign policy-making process. On the one hand, it gives the House majority leadership more leverage to manipulate special rules to attain their favorites in foreign policy bills; on the other hand, it forces the House majority to face more floor challenges in these bills. As indicated by ratio and partisanship of roll-calls, oppositions from minority members increased to complicate the legislative process (sometimes, the majority party may even be rolled in the roll-calls for special rules because of partisan controversies).

Conclusion

What stands out after this chapter's examination is that party polarization of Congress is a major driving force behind the partisan use of special rules. While the party unity increases for Congress, party members look to their leaders for more forcible actions in

²⁹ The equation of this simple regression is $y = 1.68x - 0.41$, R-Square = 0.32.

foreign policy making and the House majority leadership feels greater pressure to exert agenda control; they have granted more privileged rules to foreign and defense bills for party benefits. This effect is especially strong for key bills. Meanwhile, the increasing partisan use of special rules has stipulated more party politics in floor actions on proposed special rules. Proposed rules are more frequently called for roll-call votes for adoption and more of these roll-calls end up with clear party line votes.

Party polarization is not the only partisan factor that influences the use of special rules in foreign legislation. In addition to the institutional environment created by the increased party polarization, the House majority leaders also care about the ideological stances of foreign policy bills. When sponsors of foreign policy bills come closer to the majority leader ideologically, they will be awarded more privileged rules.

The partisan findings suggest the strength of conditional party government model in explaining rule-making for foreign policy bills. But it is still far from indicating that the model is the best single explanation. Scholars have noted that major institutional change can rarely find a single explanation (Schickler 2001; also see: Roberts 2010). Even in the early era of their development in Congress, special rules promoted legislative efficiency, committee specialization, and party government (Roberts 2010). In this project, the House majority leadership also has informational and distributive incentives to grant privileged rules to certain foreign policy bills, though these incentives never surpassed their partisan instincts. Also, in order to protect bills from a controversial political environment, the House majority leadership grants more privileged rules under divided government and/or when the president took a position for the underlying bill. We should not ignore time effects. The House majority leadership in later Congresses has become

more sophisticated in using special rules and tended to grant more privileged rules to foreign policy bills.

The general pattern of special rules in foreign and defense bills provides the basis for further investigations on how the majority party leadership has manipulated rules-making in smaller areas. In the next chapter, I explore the partisan use of special rules for defense spending bills.

APPENDIX 4.A. Simplified Tobit Model to Calculate the Intra-class Correlation

	Congresses
Constant	.307***
sigma_u	.079***
sigma_e	.153***
Log Likelihood	179.36
Prob>=chibar2	0.000
# of cases	436

Significance Level: *: <0.05; **: <0.01; ***: <0.001

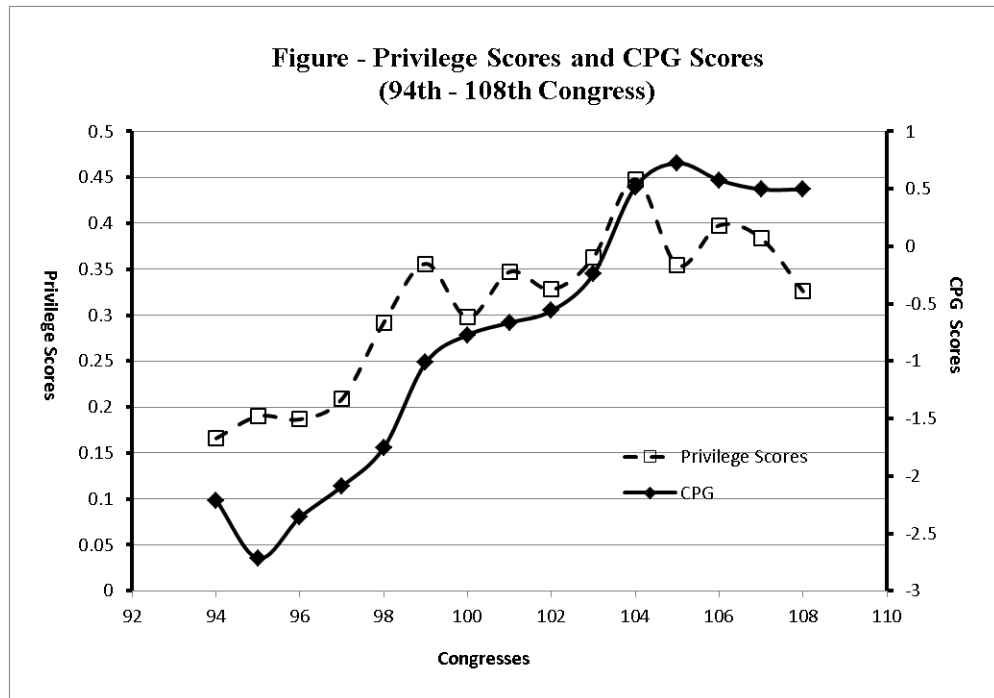
APPENDIX 4.B. Correlation between Variables

	Privilege Scores	Party Unity	Distance Scores	Constituency Committee	Sponsors & Cosponsors	# of Referral	# of Minority Cosponsors	Divided Government	Presidential Positions	Key Issues	Congresses
Privilege Scores	1										
Party Unity	0.3701	1									
Distance Scores	-0.0042	0.1219	1								
Constituency Committees	0.1478	-0.0789	0.0113	1							
Sponsors & Cosponsors	0.1363	0.1503	0.069	-0.0162	1						
# of Referral	0.2221	0.2258	-0.0603	-0.0012	0.2585	1					
# of Minority Cosponsors	0.0967	0.0174	0.2436	-0.0182	0.7118	0.1502	1				
Government	0.16	0.3642	0.1963	-0.0456	0.1363	0.0609	0.1074	1			
Presidential Positions	0.1875	0.1706	0.0493	-0.0745	0.2562	0.1255	0.2068	0.0455	1		
Key Issues	0.2423	0.1077	-0.042	0.167	0.0805	0.0989	0.0638	0.0118	0.1532	1	
Congresses	0.4436	0.4578	0.1587	-0.0937	0.0775	0.0922	0.0774	0.0416	0.0946	0.0506	1

APPENDIX 4.C. Average Privilege Scores of Special Rules for Foreign Policy bills and Party Unity Scores, Congresses 94-108

Congress	Party Unity	Privilege Scores (mean)
94	0.42498	0.1660396
95	0.37792	0.1900641
96	0.4279	0.1866836
97	0.37069	0.2087607
98	0.51987	0.2920228
99	0.58876	0.3560256
100	0.56124	0.297619
101	0.53697	0.3472222
102	0.60155	0.3278846
103	0.63894	0.3630342
104	0.67525	0.4480212
105	0.52916	0.3542899
106	0.45327	0.3978244
107	0.41616	0.3836032
108	0.49589	0.3259882

APPENDIX 4.D.



APPENDIX 4.E. Floor Actions on the Adoption of Special Rules, Congresses 94-108

Congress	Any Vote	Roll Call Vote	Percentage of Roll-Call	Percentage of Majority Members Voting Nay (mean)	Percentage of Minority Members Voting Nay (mean)	Partisanship of Roll-Call
94	46	21	0.456522	0.084191	0.112952	0.028762
95	37	18	0.486486	0.038333	0.127667	0.089333
96	46	15	0.326087	0.085733	0.315933	0.2302
97	25	5	0.2	0.0842	0.1004	0.0162
98	20	10	0.5	0.1	0.3663	0.2663
99	25	16	0.64	0.0662	0.295333	0.229133
100	19	13	0.684211	0.027462	0.632231	0.604769
101	23	10	0.434783	0.0237	0.5405	0.5168
102	29	10	0.344828	0.0232	0.703	0.6798
103	15	8	0.533333	0.092625	0.73075	0.638125
104	22	11	0.5	0.014364	0.769909	0.755546
105	26	20	0.769231	0.032944	0.7705	0.737556
106	31	9	0.290323	0.016111	0.746222	0.730111
107	19	4	0.210526	0.01275	0.5295	0.51675
108	23	12	0.521739	0.014583	0.831667	0.817083

CHAPTER FIVE

SPECIAL RULES FOR DEFENSE SPENDING BILLS

In this chapter, I explain the partisan use of special rules for defense spending bills. I inherit the explanatory model from the previous chapter, but now add the level of defense spending as an independent variable. I want to show that political trends in defense spending may change the dynamics of congressional politics on this issue and that the House majority leadership may respond with strategic agenda control (special rules). I also provide some descriptions of how the House majority leadership has used special rules for partisan benefits in some defense spending bills.

Partisan Politics and Defense Spending

Defense policy-making is the area that has changed the most in resurgent Congresses. In the mid-1970s, congressional reform and major legislation such as the War Power Act of 1973 created an institutional environment for members of Congress to challenge the executive branch's defense proposals (Blechman 1990; Haass 1979). Meanwhile, with the sense of "failure" in the Vietnam War, members of Congress became far more active in challenging the presidential primacy on defense policy. Since then, the defense policy-making in Congress has become more controversial and even more partisan. Although the aftermath of 9/11 witnessed a short period of a rally-around effect on defense policies within Congress, partisan controversies quickly returned.

Among all defense policies, partisan assertiveness is especially pronounced in the making of the defense budget. Throughout the 1980s, a recurring partisan conflict in budget-making concerned the level of defense spending and the trade-off between

domestic and defense spending (Sinclair 1994). Clear partisan contrast regularly manifested on the final passage of the House's initial version of the defense authorization bill. According to Rhode (1994), from 1985 through 1991, the rate of Northern Democrats supporting the bill never fell below 75 percent, while the rate for Republicans fell short 50% almost every year in the same period. The end of the Cold War did not bridge the partisan gap on defense spending. There was a clear partisan difference in Congress; whereas Democrats sought to transfer resources from defense budget to domestic social programs, Republicans opposed the effort and wanted to keep defense spending high (Sapolsky, *et. al.* 2009). The contrasting views remain in today's Congress (Adams and Williams 2009). The House majority leadership has been deeply involved in the partisan conflicts over the defense budget. In one observation, the House Democrats leadership actively employed procedural tools such as special rules to help their members to achieve their favorable results during 1980s (Sinclair 1994). What I do in this chapter is to systematically examine how the House majority leadership, whether Democratic or Republican, has changed its use of special rules in defense spending bills to attain partisan benefits in resurgent Congresses.

The Politics of the Defense Spending and Special Rules

To understand the partisan use of special rules for defense spending bills, it is important to take into account political trends of defense spending. Political trends of defense spending are substantially shaped by strategic environment and resource constraints (Adams 1992; O'Hanlon 1999; Carter 1994). The overall defense strategy of the U.S. may determine the baseline of the defense budget and thus the major theme of

defense spending politics. For instance, with the end of the Cold War and the disappearance of the biggest rivalry of the U.S., the Soviet Union, the major theme of defense spending politics in the U.S. Congress shifted to the reduction of annual defense budget. The status of state economy may also play a big role in setting political tones for defense budget-making (Genicot and Skaperdas 2002). Even during the height of the Cold War, the federal economic situation had influenced the levels of defense spending (Adam 1992); and beginning in the late years of the Cold War, budget balancing became a new emphasis in the politics of defense spending (Halperin and Lomasney 1999; Durr 1996).

When the major political themes of defense spending shifts, the political dynamics of this area will change in Congress accordingly. The president can usually set forth the major theme of the annual defense budget by requesting cuts or increases in the budget. When the president requests an increase in the defense budget, Congress may expend more effort on the reduction of the president's requests than anything else. One reason for this is that Congress has a long tradition of discouraging waste and increasing efficiency in defense spending; it cut the president's requests far more often than it increased them (Carter 1994; Fenno 1966; Korb 1973). Another reason is that the rise of defense budget means a further squeeze of discretionary spending for non-defense purposes. This is not acceptable to many members of Congress, especially Democrats, when the rise of mandatory spending has already squeezed a lot in discretionary spending in the later half of the 20th century (Brady and Volden 1998). The disagreement between Congress and the president over the rise of defense budget could easily become a partisan fight under divided government. The Reagan years is the period when the U.S. defense budget

experienced major increases in the post-Vietnam War years. President Reagan obtained some success in increasing defense budget to fight the perceived threat from the Soviet Union, but his requests to increase the defense budget encountered fierce opposition from the House Democratic majority during most of his two term. Partisan fights drove the defense budget process. The House Democrats were very assertive in arguing that the White House was misrepresenting U.S. defense strategy and producing waste in the defense budget (Carter 1994); they also claimed that the high defense budget exacerbated the national deficit problem (Durr 1996). The Democratic caucus realized the importance of their leadership team and urged their leadership to actively step in. The majority leadership thus tightly monitored the defense budget process through agenda control (Sinclair 1994). The partisan battle in the defense budget process is an important reason for why congressional reductions over Reagan's major defense spending requests from 1982 to 1987 are among the highest in the post-war period (Carter 1994: p.165). The partisan battle over the defense budget during the Reagan administration provides the background against which Sundquist raises the argument of "divided government." His major concern on this issue is that national defense could be threatened as it is subject to the logic of divided control of government (Sundquist 1988). This case suggests that under divided government, the increase of the defense budget can intensify partisan fights and in turn strengthen the role of the House majority leadership in the budget process.

The dynamics in the congressional defense budget process could be very different when the president requests a cut in the annual defense budget. Congress will turn to invest more energy on how to distribute the reduced-size pie of defense spending. A general concern of members of Congress in regards to the defense budget is how much

“pork barrel” they can carry to their home districts through the vehicle of defense spending bills, because this may substantively influence their fortune in re-election (Mayhew 1974). It is normal for members of Congress to spend much energy and time on line-items of defense spending bills, rather than defense strategies (Adams 1992). This is especially true when the major theme of defense spending politics shifts to “cutting.” The baseline is that a nation has limited resources for defense; thus, elected politicians have to compete for their constituents in the allocation of limited military resources (Garfinkel 1994). When available resources for defense decline, members of Congress may feel greater pressure in advancing defense dollars to their own districts and the level of competition among these politicians will increase. A good illustration of this point is the end of the Cold War. In the early post-Cold-War period, as Congress faced the task of reducing the defense budget, the competition over the distribution of defense benefits among congressional districts intensified when Congress shifted funding from expensive strategic weapon systems to conventional arms programs in order to save defense-related jobs in various districts (Halperin and Lomasney 1999; Adams 1992).

When controversies over the distribution of defense benefits intensify under the reduction theme of the defense budget, the defense spending politics will become more partisan within Congress. The reason is that party plays an important role in the distribution process. Both the distribution of military procurement expenditures and representation on congressional defense committees are skewed towards the majority party (Carsey and Rundquist 1999). Some scholars define this pattern as a version of party-centered distributive politics (Rundquist and Carsey 2002). This is more true under unified government. Unified government attains no party division across branches. Major

disagreements over defense budget do not occur across branches, but across parties within Congress. Distributive politics regarding defense spending can be very partisan within Congress under unified government. Therefore, unified government may observe more partisan politics when the reduction of defense budget intensifies controversies over the distribution of defense budget; and the role of the House majority leadership will become more important in the process.

One point that has stepped to the front of this discussion is that when political trends influence the legislative process of defense spending in Congress, the role of the House majority leadership in this process is conditioned by the partisan control of the presidency and Congress. Under divided government, the role of the House majority leadership will become more outspoken when the defense budget increases, because this is when more partisan controversies happen; by the same token, under unified government, the majority leadership will become more active in agenda control when the defense budget cuts. I will apply these observations to answer the research question of this chapter. Major hypotheses will be argued below.

Hypotheses and Measurements

The above discussion has suggested two hypotheses regarding special rules for defense spending bills.

***Hypothesis 4:** Under divided government, the Rules Committee grants more privileged special rules to defense spending bills when the level of defense spending increases.*

***Hypothesis 5:** Under unified government, the Rules Committee grants more privileged special rules to defense spending bills when the level of defense spending declines.*

Because I use partisan theory as discussed in the previous chapter, I will employ similar explanatory variables. I have hypotheses for these variables: party unity, key issues, and policy distance between the bill sponsor and the majority leadership.

Hypothesis 6: *When the ideological polarization increases across parties in the House, the Rules Committee tends to grant more privileged special rules to defense spending bills.*

Hypothesis 7: *The Rules Committee tends to grant more privileged special rules to key defense spending bills.*

Hypothesis 8: *The Rules Committee tends to grant more privileged special rules to defense spending bills that come closer to the ideal point of majority party.*

The “defense spending” bills are broadly defined in this study. They go beyond “defense budget” bills as narrowly defined. The usual defense budget bills are defense authorization bills and defense appropriation bills.¹ Defense authorization bills are those referred to the Armed Services committee (National Security Committee during Republican Congresses); defense appropriation bills are those referred to the appropriation committee (defense appropriation subcommittee). If we follow this general definition, however, we will leave aside some important defense spending bills. In addition to the Armed Services Committee and Appropriation Committee, some other committees such as the Select Committee on Intelligence, Merchant Marine and Fisheries, and Foreign Affairs may also be referred bills that handle defense spending. For instance, H.R. 5220, 1984, the authorization bill to protect the national defense shipyards of the U.S. was referred to the Committee on Merchant Marine and Fisheries; H.R. 7152, 1980, the bill to “authorize appropriation for the intelligence and intelligence

¹ The annual Concurrent Budget Resolution also deals with defense spending, but it is comprehensive. Although scholars discuss about Concurrent Budget Resolution as a step of defense budget process in Congress, I will not include it in this study because it is indirectly related to defense budget.

related activities of the U.S. government, for the intelligence community staff, and for the Central Intelligence Agency retirement and disability system” to the Select Committee on Intelligence; and H.R. 3100, 1987, the bill to authorize international security and development assistance programs and Peace Corps programs to the Committee on Foreign Affairs. These bills authorized a significant amount of money for defense purposes. To have a broader understanding of defense spending politics, I include these bills, in addition to the usually defined defense budget bills.

Three criteria screen defense spending bills. First, the committee (or its subcommittee) to which the bills were referred has authority in foreign policy-making. Thus, the committees included in this chapter are actually a subset of previous chapters. Second, there is a specific number of dollars authorized or appropriated in bills’ contents. Third and foremost, the money was authorized or appropriated for defense purposes. The “defense purposes” are defined as Department of Defense programs and a number of defense-related activities administered by other federal agencies: (1) atomic energy defense programs, administered by the Department of Energy (DOE); (2) civil defense programs, administered by the Federal Emergency Management Agency (FEMA); (3) draft registration and preparations to resume the draft, administered by the Selective Service System; and (4) defense-related activities of some other agencies, including the Coast Guard, the Maritime Administration, and the Federal Bureau of Investigation.²

In the period under discussion, there are a total of 182 special rules for defense spending bills, which is the largest chunk among all rules under study. Moreover, the distribution of these rules is relatively even across time. There are at least some special rules for defense spending bills each year (2 is the lowest number, for 2002). In other

² See the 1998 CRS report, *A Defense Budget Primer*, by Mary T. Tyszkiewicz and Stephen Daggett.

areas, such as trade and foreign aid, there is a lack of bills and special rules for certain years. Therefore, the data for defense spending bills is in good shape for this study to explain the influence of political context on rules-making in defense spending bills across Congresses.

Models and Analysis

To choose an appropriate model for analysis, I apply a simplified Xttobit model to measure only the random effects of Congresses on privilege scores. The results (See Appendix 5.A.) shows that the value of Sigma_u for Congresses is small but significant (the p-value is less than 0.001). There are significant random effects on the dependent variable due to Congresses. This suggests that I should still use Xttobit models in this study.

The Xttobit models are similar to those in Chapter 4: the dependent variable is the privilege scores of special rule, but only for defense spending bills; and most independent variables are the same. I made several changes above the previous models. First, the new models add annual defense spending as a new independent variable. This variable is calculated as annual defense outlay as percentage of GDP (1975 to 2004).³ Second, in order to measure major hypotheses of this chapter, I include an interaction between divided government and defense spending. Third, the new models cancel two control variables from the general model: one informational variable--percentage of minority co-sponsors among sponsors and co-sponsors, and one distributive variable--the number of sponsors and co-sponsors for a foreign bill. As the legislative process of defense spending

³ Source: <http://www.whitehouse.gov/omb/budget/Historicals/> Table 6.1—Composition of Outlays: 1940–2015.

bills is relatively closed, co-sponsorship may not be a good indicator of informational or distributive concerns.

Table 5.1 XTtobit Models on Special Rules for Defense Spending Bills

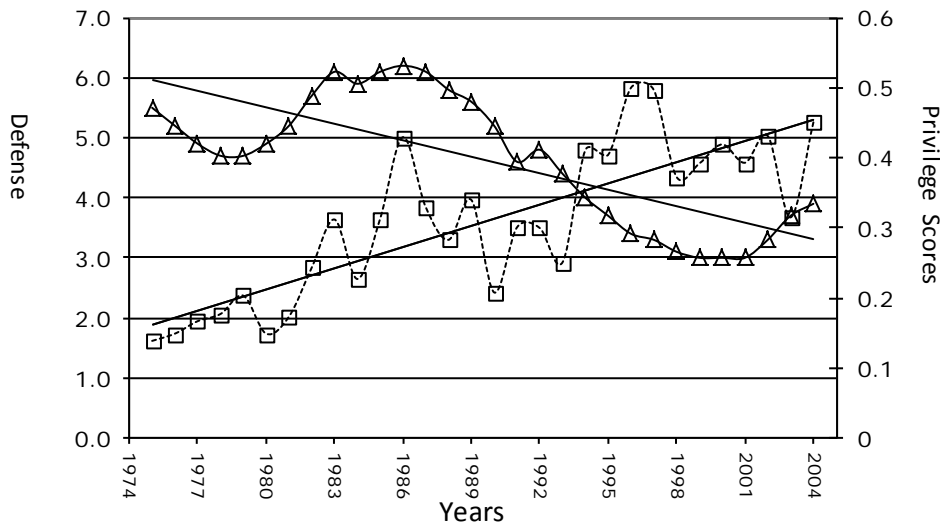
Explanatory Variables	D.V.: Privilege Scores of Special Rules		
	Model 4	Model 5	Model 6
<i>Party Theory</i>			
Party Unity	0.425*** ⁴	0.416***	0.209
Policy Distance	-0.225*	-0.251*	-0.286**
Key Issues	0.149***	0.146***	-0.281*
<i>Informational Theory</i>			
Multiple Referral	0.027	0.027*	0.025
<i>Distributive Theory</i>			
Constituency Committees	0.101***	0.102***	0.091***
<i>Other Control Variables</i>			
Divided Government	0.062*	-0.317**	-0.335**
Presidential Position	0.035	0.033	0.025
<i>Defense Politics</i>			
Defense Spending	-0.069***	-0.145***	-0.150***
<i>Interactions</i>			
Divided Gov't x Defense Spending	N/A	0.089***	0.093***
Key Issues x Party Unity	N/A	N/A	0.828***
<u>Random Effects</u>			
Congresses	.028	0.00	1.14e-18
<i>Constant</i>	0.297***	0.623***	0.753***
# of Observations	182	182	182
Log Likelihood	99.258	103.614	108.895
Wald Chi2(8)	121.06	156.76	177.00
Prob. > Chi2	0.000	.000	0.000

Results in Table 5.1 show a consistent influence of defense spending on privilege scores of special rules. The overall influence of defense spending on privilege scores is

⁴ Significance: *: at .05; **: at .01; ***: at .001.

significantly negative. This is largely because privilege scores of special rules increase while defense spending declines in the period under study (resurgent Congresses) (See Figure 5.1). After including the interaction term between defense spending and divided government, however, we can observe that the influence of defense spending is conditioned by institutional contexts. The parameter of the interaction term in Model 6 suggests a positive relationship between defense spending and privilege scores under divided government where the presidency and the House of Representatives are controlled by different parties; when the defense spending increases by 1 percentage (as the percentage of GDP), privilege scores of special rules increase by 0.1. Meanwhile, the parameter of defense spending suggests a negative relationship under unified government. When defense spending decreases by 1 percentage, privilege scores of special rules increase by 0.15. In addition, the parameter of divided government suggests that when the annual defense outlay as percentage of GDP is 0, divided government will attract fewer privileged special rules than unified government. But this percentage is not likely to be 0. When I input the actual values of annual defense outlay as percentage of GDP into the equation as suggested by Model 6, the results show that when the defense outlay increases, divided government attracts more privileged special rules than unified government. This result agrees with the interaction term between defense spending and divided government. Thus, the statistical results related to defense spending confirm major hypotheses about the effects of political trends of defense spending and divided government on partisan use of special rules in this chapter. We can intuitively observe these effects in the line chart of these variables (Figure 5.1).

Figure 5.1 Defense Spending and Privilege Scores Across Years (1975 - 2004)



In Figure 5.1,⁵ the solid line denotes the trend of defense spending and the dash line represents annual average privilege scores of special rules. We can observe the positive relationship between the defense spending and privilege scores under the divided government between 1980 and 1992 (Republican presidents and the House Democrats majority); the privilege score line generally accompanies the defense line, and both lines climb up from the early 1980s, arrive at a peak in the middle of 1980s (1986-1987) and then decline after that. This trend is supported by historical records. During the Reagan administration, the House Democratic majority leadership actively manipulated legislative agenda when President Reagan aggressively asked for increases in defense spending (Sinclair 1993). On the other side, we can also observe the negative relationship between defense spending and privilege scores under unified government from the first term of Bush Jr. administration (2001-2004) and the first two years of Clinton administration (1993-1994).

⁵ Data: See Appendix 5.B.

Partisan variables also show strong effects on privilege scores of special rules in these models. Similar to the general model in the previous chapter, party unity scores is one of the strongest predictors. The coefficient for the interaction term between party unity and key issues in Model 6 suggests that among key bills, when party unity scores increase by 0.1, privilege scores increase by 0.1 too. This is the strongest effect among all variables. The coefficient for key issues in Model 6 cannot be directly interpreted. I take centering calculations for party unity scores and run the regression again. The results suggests that when party unity scores are at its mean level, key defense spending bills attract more privileged special rules than non-key bills. The effect of policy distance on privilege scores is very strong, too. Its coefficient in Model 6 suggests that when the sponsor of a defense bill comes closer to the ideological point of the majority leader by 0.1, the privilege score of the special rule for this bill increases by 0.03.

The variable for distributive concerns, constituency committees, shows modest influence in the models. Bills from constituency committees (Armed Services Committee) usually come up with intense distributive concerns. These concerns may drive the majority leadership to grant more privileged special rules to defense spending bills so that party members are better off in these bills.

The informational variable, the referral of defense bills, does not show consistent influence on privilege scores. The major reason is that defense-spending bills are more of a distributive concern than a strategic concern. Members of Congress invest more time and energy on geographic distribution of defense spending than informational accuracy in these bills. There is also a technical reason. Most defense authorization bills are singly referred to the Armed Services Committee and defense appropriation bills to the

Appropriation Committee. The single referral of these bills cannot effectively suggest informational concerns in these bills.

The time factor, Congresses, does not show random effects in the three models. The major reason is that most of the random effects in the simplified Xttobit models have been explained away by the independent and control variables.⁶

Summing up, the major finding so far is that the House majority leadership manipulated special rules for defense spending bills in response to the shifting political trends of defense spending while the effects are conditioned by the partisan control of the presidency and the House of Representatives. This observation provides a further testimony for partisan influence on the designs of special rules. Because of the entrenched influence of party control, partisan factors again show the strongest results in the analysis of privilege scores of special rules.

Provision Analysis

The analysis on the overall patterns of special rules for defense spending bills only provides a big picture of partisan influence. It is always intriguing to explore how the House majority leadership has realized their influence in detailed designs of special rules. In this section, I provide some descriptive studies on provisions of special rules for defense spending bills. I will present some descriptive patterns in provisions and then explain how the majority party leadership has strategically designed provisions of special rules to attain partisan benefits in typical cases.

⁶ I did not include Congress as a covariate in the full models because the newest version of STATA cannot include panel data in XTTobit models. But this does not definitely suggest that there is no aging effect of Congresses on special rules for defense spending bills. The analysis in the previous chapter has already told that Congresses has aging effects on overall special rules for foreign and defense bills.

The regression analysis in the previous section has revealed that key bills do attract more privileged rules than non-key bills. The following discussion will reveal how provisions of special rules reflect comparative privileges of key bills. A simple calculation reveals that the mean privilege score of key bills (0.45) is a lot higher than that of non-key bills (0.25). The contrast is also pronounced in provisional analysis. Comparing three features of special rules for key and non-key bills, we can find that scores of the three features are substantively higher in key bills than non-key bills (Table 5.2). This suggests that the majority party leadership tends to impose more restrictions on debate time (Feature 1) and amendments (Feature 2) and grant more waivers (Feature 3) to protect the defense spending bills and/or amendments they think important to the party.

Table 5.2 Features Comparison of Special Rules for Defense Spending Bills

Provisions	Key Issues	Non-Key Issues
Feature 1	0.74	0.47
Feature 2	0.31	0.11
Feature 3	0.31	0.18
# of Cases	38	144

Table 5.3 shows a more thorough comparison of provisions for key and non-key defense spending bills. Overall, we can see from the comparison that key bills attract more privileged provisions of almost each kind than non-key bills. In Feature 1, special rules of key bills more frequently (89%) impose time limit on bill debate than those of non-key bills (78%)(F101), but they far more frequently (58%) impose time limit on amendment debate than non-key bills (15%)(F102).

Table 5.3 Provisions Comparison of Special Rules for Defense Spending Bills

Provisions	Key Issues # (Percentage)	Non-Key Issues # (Percentage)
<i>Feature 1 Making A Bill In Order For Floor Consideration</i>		
F101-Debate on bill	34 (89%)	112 (78%)
F102-Debate on amendments	22 (58%)	22(15%)
<i>Feature 2 Managing Debate And The Amendment Process</i>		
F201-Amendment in the nature of a substitute as an original bill.	18 (47%)	35 (24%)
F202-Self-executing provisions.	5 (13%)	6 (4%)
F203-Only Amendments 1	20 (53%)	36 (25%)
F204-Only Amendments 2	21 (55%)	33 (23%)
F205-Restriction of amendments 1	7 (18%)	1 (0.7%)
F206-Restriction of amendments 2	18 (47%)	18 (13%)
F207-Non-division of question	16 (42%)	11 (8%)
F208-En Bloc Amendments	9 (24%)	7 (5%)
F209-Germane	0 (0%)	0 (0.00%)
F210-Most Votes Win	2 (5%)	0 (0.00%)
F211-Order of offering amendments	20 (53%)	17 (12%)
F212-Priority Recognition	8 (21%)	25 (17%)
F213-Postpone Votes	7 (18%)	18 (13%)
<i>Feature 3 Setting Aside House Rules (Waiving Points Of Order)</i>		
F301-Blank Waiver for the whole bill	12 (34%)	22 (15%)
F302-Blank Waiver for certain amendments	10 (26%)	10 (7%)
F303-Budget Waiver	13 (34%)	34 (24%)
F304-Germane Waiver	10 (26%)	19 (13%)
F305-Layover Waiver	4 (11%)	10 (7%)
F306-Appropriation Waiver	20 (53%)	72 (50%)
F307-Procedure waiver	3 (8%)	10 (7%)
F308-Report wavier	1 (2%)	2 (1%)
Total # of Cases	38	144

In Feature 2, special rules of key bills perform a lot better than those of non-key bills in most provisions that restrict amendments. In particular, in each of the following provisions, the provision that allows amendment in the nature of a substitute as an

original bill (F201), the provisions that makes in order only those amendments that meet some prerequisites (F203 & F204), the provision that restricts amendments to amendments (F206), and the provision that sets up the order of offering amendments (F211), the frequency of key bills is usually two or even higher times of non-key bills. In Feature 3, although the contrast between the two kinds of bills is not as salient as in Feature 2, key bills attract more waivers in each kind. In particular, special rules of key bills more frequently impose blank waivers (F301 & F302), budget waivers (F303), and waiver of germane requirement (F304) than non-key bills.

The provision patterns presented here show that key bills are the winners at almost each aspect of special rules. This suggests that the House majority leadership tightly monitored the legislative process of key defense spending bills through special rules to protect party benefits. In the following section, I will analyze a couple of cases to reveal the process in which partisan concerns have driven the majority party leadership to design provisions of special rules in defense spending legislation.

The House majority leadership has been used to imposing restrictions on amendments to screen off amendments they do not want to consider, since 1980s (Aldrich and Rohde 2009). The Democratic-controlled Rules Committee turned to this provision on H.R. 4781 of 1988, the fiscal 1989 defense authorization bill. In 1988, Capitol Hill considered expanding the role of troops in fighting the traffic of illegal drugs into this country, but opponents cautioned giving military forces too much power in civilian missions. When the FS1989 defense authorization bill was reported to the Rules Committee, several amendments related to the war on drugs were proposed as additions to the bill. Republicans wanted to convey their strong commitment of using troops to stop drugs

through these amendments, but the leadership of House Armed Services committee signaled that they wanted to keep these controversial amendments off of the defense bill. The Chairman of the Rules Committee, Claude Pepper, D-Fl., seconded the stance by arguing that drug-control policy should be separated from the defense bill. The Rules Committee proposed a rule that makes in order only two amendments, totally excluding drug-related amendments: “Making in order the amendment printed in the report accompanying this resolution, if offered by Representative Roth of Wisconsin; ... making in order the amendment printed in the report accompanying this resolution...”⁷ Republicans, led by Robert S. Walker, Pa., and Newt Gingrich, Ga., strongly opposed the exclusion of amendments they favored. Gingrich claimed that the amendments allowed by these restrictive rules were parochial. Steve Gunderson, R-WI., aligning with Gingrich, ridiculed the House, claiming that it did “not have the courage to make the war on drugs a real war.”⁸ However, Democrats rallied against Republicans on the rule. The rule was finally passed on the floor along party lines, by 223-183.

There is not much difference between Democratic majority and Republican majority when they imposed restrictions of offering amendments in special rules to attain partisan benefits. Gene Taylor, D-Miss., once charged, “The Republican came to power promising change, open rules ... They are no more fair than the Democrats.”⁹ Consider this case--H. Res. 686 brought H.R. 4548 (Intelligence Authorization Act, Fiscal Year 2005)--before the House for consideration. Before the bill was reported to the Rules Committee, there had already been partisan battles on amendments. Democrats were not satisfied with the

⁷ *United States House of Representatives Legislative Calendar* by The Committee On Rules. 1988.

⁸ “Pentagon Anti-Drug Efforts.” *CQ Almanac* Online Edition. Originally published in *CQ Almanac 1988* (Washington: congressional Quarterly, 1989).

⁹ *Congressional Quarterly Weekly Report*, October 21, 1995, 3207.

funding level of the Intelligence Committee bill, complaining that the amount lagged far behind what was needed for anti-terrorism actions. Ultimately, Democrats' amending proposals were denied in the Republican-dominated committee. After the bill came to the Rules Committee, most Democrats' amendments were rejected again.¹⁰ The Rules Committee crafted a restrictive rule, featuring “the rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution.”¹¹

Most existing literature discusses the restriction of amendments as an effective device to structure the agenda to the advantage of the majority party. It seldom mentions examples of waivers as such a tool. Waivers can also be manipulated to deliver partisan benefits in defense spending legislation. Consider the special rule for the Defense Appropriations bill of Fiscal Year 1994 (H.R. 3116). In the version the House Appropriations Committee reported to the Rules Committee, the bill cut \$55 million from the \$448 million requested by the Clinton administration that was intended to cover some costs of unanticipated deployments for natural disaster relief or multilateral peacekeeping operations. Moreover, it barred the use of funds for humanitarian interventions, unless the president notified Congress 15 days in advance of the detailed plans of the mission. The Rules Committee reported a special rule (H. Res. 263) for this bill that provided several waivers related to appropriation languages and layover dates. But Republicans were unsatisfied with the lack of special waivers to protect the notification requirement for the president. The requirement itself violated the House rule barring legislation on an appropriations bill; if there were no waivers of the point of order on this ground, this

¹⁰ “Intelligence authorization, fiscal year 2005.” (2006). In *Congress and the Nation 2001-2004* (Vol. 11). Washington: CQ Press. Retrieved November 16, 2010, from CQ Press Electronic Library, CQ Congress Collection.

¹¹ *United States House of Representatives Legislative Calendar* by The Committee On Rules. 2005.

requirement would be eliminated from the bill on the House floor. Republicans argued that Congress would then not be able to prevent Clinton from committing U.S. forces in Bosnia.¹² Nevertheless, Democrats aligned to the defense of the special rule. The floor passed the rule along party lines by 254-176. When the bill was brought to the floor under this rule, the notification provision was dropped because of its violation of the House rule.

After Republicans won the House majority in 1995, their leadership turned to similar strategies in rule-making. Consider the special rule (H. Res. 205) for the FY 1996 Defense Appropriation bill (H.R. 2126). This is a key bill and attracted much controversy in the legislative process. In particular, the appropriation amount reported by the Defense Appropriation Subcommittee largely exceeded Clinton's goal for fiscal 1996 and so drew a veto threat from the administration. To avoid controversies in legislation, the House majority leaders warned members to not propose unrelated amendments to this bill. Representative Gary A. Franks, R-Conn., tried to insert an affirmative action amendment to the defense spending bill and sought a waiver from the Rules Committee to allow this amendment to eliminate all federal affirmative action programs. But this request was rejected by the Rules.¹³

The two examples suggest that the House majority leadership could artfully design waivers in special rules to attain their policy goals in defense spending bills. More generally, they may combine time caps on floor debate, restrictions on amendments, and waivers to reinforce partisan bias. In the following section, I discuss a special rule that

¹² *United States House of Representatives Legislative Calendar* by The Committee On Rules. 1993.

¹³ "Defense Bill Enacted Despite Objections." *CQ Almanac* Online Edition. Originally published in *CQ Almanac 1995* (Washington: congressional Quarterly, 1996).

combined time caps, sophisticated restrictions on amendments, and waivers to provide floor privileges to the majority leadership stance in a defense spending bill. .

H.R. 5006 of 1992, the Defense Authorization bill for FY1993, landed on the House chamber in the air of military spending cuts in the post-Cold-War period. Because it was in an election year, however, demands for cuts gave way to election pressure of saving defense-related jobs. Representative Wayne Owens, D-Utah, introduced several amendments to delete from the bill half of the spending recommended by the Armed Service Committee to develop the F-22 fighter and the entire spending for the development of a nuclear-powered aircraft carrier.¹⁴ But in making the special rule for this bill (H. Res. 474), the Rules Committee rejected these amendments and offered a restrictive provision that “makes in order only the amendments printed in the report to accompany the rule, certain amendments en bloc and pro forma amendments if offered by the chairman or ranking minority member of the Armed Services Committee.”¹⁵ Further amendments to these amendments are prohibited, too.

Above this restriction, the rule specified the order of offering amendments on the House floor. A “king-of-the-hill” procedure was granted to protect amendments favored by the Democratic leadership. Representative Richard J. Durbin, D-Ill., introduced an amendment to cut \$938 million from the Armed Services Committee's \$4.3 billion for the Strategic Defense Initiative (SDI). House Armed Services Chairman Les Aspin, D-Wis., then asked the Rules Committee to screen off the amendment. The House Democratic leaders did not restrictively follow the advice of Aspin, but specified a “king-of-the-hill” procedure that scheduled a series of amendments dealing with anti-missile funding to be

¹⁴ “Pentagon Gets Most of Its Wish List.” *CQ Almanac* Online Edition. Originally published in *CQ Almanac 1992* (Washington: congressional Quarterly, 1993).

¹⁵ *United States House of Representatives Legislative Calendar* by The Committee On Rules. 1992.

voted on the floor and put Aspin's amendment last. As the procedure requires that the last version that obtains majority votes prevails, Aspin's option that reaffirmed the committee's proposal was actually at an advantageous status. Finally, Aspin's version defeated Durbin's amendment on the floor.¹⁶

Worried about controversies in the legislative process, the Democratic majority leadership also provided a couple of waivers to protect the Armed Services Committee bill and amendments from points of order. A blank waiver was employed for amendments: "The rule waives all points of order against the amendments in the report,"¹⁷ and several budget waivers were used for the bill. Meanwhile, this rule imposed time caps on both bill and amendments debates. Therefore, the overall design of this special rule suggests that the Rules Committee carefully specified provisions to help the House majority leadership attain policy contents they favored in this bill.

The previous examples have so far focused on the use of special rules in addressing partisan controversies within Congress in defense spending. But there have been frequent inter-branch controversies in this policy area since the Vietnam War. It is intriguing to discuss cases in which the House majority leadership may have used special rules to deal with the president in defense spending-making. The regression analysis above did not confirm the influence of president's policy positions on special rules. But this may likely happen in some cases. Defense spending is one of the major areas in which Congress may exert substantive influence on foreign policy. Moreover, the assertive Congresses have been obsessed with challenging the president in this area since 1970s. Special rules may

¹⁶ "Scaled-Down Strategic Defense Initiative (SDI) Survives Its Critics." *CQ Almanac* Online Edition. Originally published in *CQ Almanac 1992* (Washington: congressional Quarterly, 1993).

¹⁷ See: footnote 12.

have served as a procedural tool for the House majority leadership to deal with the president during this period. The case below provides a confirmative answer.

H.R. 5422, FY1990 Intelligence Authorization Act, was brought to the House for consideration in August 1989. Before it landed on the House chamber, there was a Senate version of this bill (S. 2834). The Senate approved it by voice vote, with little controversy. The contents of the Senate bill, however, largely contradicted the administration's expectations. The bill cut financial aid to covert operations in Angola, Afghanistan, and Cambodia; and it added language demanding the administration to report covert operations to congressional Intelligence Committees. These provisions irritated the Bush administration. When the bill (H.R. 5422) came to the House, the intelligence panel shifted their position to continue funding for the covert operation assistance program because they were moved by the administration's diplomatic efforts in this area. However, the continual funding was very controversial among House members. With the end of the Cold War, the mainstream in the House is very suspect of covert operations oversea, especially those established in 1980s.¹⁸ Following the mainstream, the House majority leadership reported an open rule for this bill, which includes no restriction on amendments, but a blank waiver, waiving all points of order against the bill, to allow members to freely challenge funds for covert operation programs. This rule is unanimously supported by House members and passed by 418 to 0 on the House floor.

When the bill was debated on the House floor, the House Speaker, Thomas S. Foley, stepped in to resolve controversies in the process. An amendment that the covert aids

¹⁸ "Defense Policy, 1989-1992 Legislative Overview." (1993). In *Congress and the Nation, 1989-1992* (Vol. 8). Washington: CQ Press.

would be suspended pending the diplomatic progress of the administration was passed in the House. This amendment obviously did not match the Bush administration's expectations. After both houses passed the conference version of the bill, President Bush pocket vetoed it, which even surprised opponents of the bill.¹⁹

This case suggests that even an open rule could become a policy weapon when the House majority leadership stands against the president on a bill; and when the majority leadership manipulated the special rule, they were serving the position of the House majority. It is worthy of notice that this case happened in a very "partisan" context; it was under a Republican president (the Republican president and the House Democratic majority) who wanted to continue defense funding started during the Cold War, whereas the House Democrats strongly held the prevailing theme of cutting defense spending in the post-Cold-War period. This is a key bill catching broad attention and attracting lots of controversies. This context helps explain the partisan use of the open rule by the House majority leadership.

Conclusion

The House majority leadership has actively used special rules to structure the legislative agenda for defense spending to the advantage of the majority party in resurgent Congresses. This chapter has suggested that the specific context of defense spending politics can explain the partisan use of special rules well; the conditional party government model thus possesses much explanatory power.

¹⁹ "Bush Pocket-Vetoes Intelligence Bill." *CQ Almanac* Online Edition. Originally published in *CQ Almanac 1990* (Washington: congressional Quarterly, 1991).

Political trends of defense spending can effectively predict partisan use of special rules, and this effect is conditioned by the partisan control of the presidency and the House of Representatives. The increase of the defense budget will intensify controversies across the governmental branches, because they have contradictory goals in regards to the defense budget. Divided government enhances this effect because it inherently suggests partisan controversies across the branches. The House majority leadership will in turn tighten agenda control through special rules to the advantage of the majority party in defense spending bills. When the major theme of defense budget shifts to cutting, partisan controversies on how to divide the defense budget pie will increase within Congress, because members of Congress are concerned primarily about bringing more defense money back to their districts. Unified government heightens these partisan controversies because the House majority party spends more energy on the defense budget within the House chamber than across branches. The House majority leadership in turn exerts more aggressive agenda control (with more privileged special rules) to gain partisan benefits in related legislation.

In addition to the specific context of defense spending politics, general condition in the party politics of Congress drives the use of special rules in various ways. Party polarization put electoral pressure on the shoulder of the majority leadership. When party polarization increases in the House, the majority party leadership uses more privileged special rules to gain partisan benefits in defense spending bills. This effect is especially strong in key bills because they are more sensitive to party benefits. Provision analyses on special rules for key bills also show that the majority party leadership was clear about the importance of key bills to the party and that they imposed much more privileged

provisions for these bills than non-key. Meanwhile, the majority party leadership has micro concerns in assigning special rules. When bill sponsor's policy stance is closer to the majority leadership, the special rule assigned to the bill will be more privileged. This suggests that the majority party leadership had a keen sense of the ideological implications of specific defense spending bills.

The use of special rules may also be sensitive to the president's stance on defense spending bills. The executive branch reports the defense budget in the first place, but it is difficult to systematically identify the president's policy positions on defense budget bills. Still, when the president's position is clear, the House majority leadership will respond in the legislative process. Analysis on anecdotes shows that when the House majority and the president stood at opposite sites of a defense spending issue, the majority leadership may convey their disagreement through strategic designs of special rules for the bill.

Last, but not least, because defense spending politics is very distributive, special rules are used to answer House representatives' concerns over the distribution of defense budget benefits. This is particularly pronounced in defense budget bills reported from the Armed Services Committee.

APPENDIX.5.A. Simplified XTTOBIT Model to Calculate the Intra-class Correlation

	Congresses
Constant	.302***
sigma_u	.078***
sigma_e	.170***
Log Likelihood	52.341
Wald Chi2(0)	.
Prob>=chibar2	.
# of cases	182

Significance Level: ***: <0.001

APPENDIX 5.B. Privilege Scores of Special Rules and the Trend of Defense Spending

Years	Annual Defense Spend (as % of GDP)	Annual Average of Privilege Scores
1975	5.5	0.138
1976	5.2	0.149
1977	4.9	0.167
1978	4.7	0.177
1979	4.7	0.203
1980	4.9	0.149
1981	5.2	0.173
1982	5.7	0.243
1983	6.1	0.312
1984	5.9	0.227
1985	6.1	0.313
1986	6.2	0.429
1987	6.1	0.329
1988	5.8	0.283
1989	5.6	0.340
1990	5.2	0.208
1991	4.6	0.301
1992	4.8	0.300
1993	4.4	0.251
1994	4.0	0.411
1995	3.7	0.404
1996	3.4	0.500
1997	3.3	0.497
1998	3.1	0.373
1999	3.0	0.392
2000	3.0	0.419
2001	3.0	0.393
2002	3.3	0.431
2003	3.7	0.315
2004	3.9	0.451

CHAPTER SIX

CONCLUSION

Findings

This dissertation is a small attempt to explore the role of parties in American politics. In doing so, I have sided with partisan theorists to assume that “political parties lie at the heart of American politics” (Aldrich 1995). Particularly, I have examined how the House majority leadership has changed its use of special rules for foreign and defense bills in resurgent Congresses. This research basically adds to the understanding of both the majority party leadership’s agenda control and its implications to the foreign policy-making in Congress.

Generations of party studies have emphasized the importance of agenda control for the majority party in the U.S. legislatures. In particular, the two most influential party theories in the past two decades, the party cartel model (PCT) and the conditional party government model (CPG), have put parties’ agenda power at the core of their arguments. As the PCT has argued (Cox and McCubbins 2005), the key events of the legislative process do not occur on the House floor, but beforehand, when senior members of the majority party determine what appears on the legislative agenda. CPG has also stressed that the granting of agenda powers to party leaders and the exercise of those powers to obtain party advantage are central to the theory (Aldrich and Rohde 2000b; Finocchiaro and Rohde 2008). While exploring various kinds of agenda powers of the House majority party, both models have paid a good amount of attention to the use of special rules in the legislative process. PCT categorizes the making of special rules as a “negative agenda power” of the House majority leadership because the Rules Committee as controlled by

the speaker has usually reported rules that keep proposals unfavorable to the majority off the floor (Cox and McCubbins 2005). CPG model turns to focus on the “positive” aspects of rule-making, arguing that special rules crafted at the direction of the speaker help pass bills the majority favor through prohibiting undesirable amendments or structuring procedures to the advantage of the bill's proponents. This model further argues that the changing condition of party homogeneity in Congress drives agenda control through special rules (Finocchiaro and Rohde 2008).

While recognizing the value of the PCT in understanding special rules, I have stood more with the CPG model and extended its arguments to more sophisticated designs of special rules. I have argued that with the increase of party division in the House, the majority party leadership tends to use more “privileged” special rules to advance party interests in foreign and defense legislation. By this argument, on the one hand, I have accepted the major thesis of the CPG model that electoral division drives party polarization in Congress, which in turn influences the use of special rules by the House majority leadership; on the other hand, I have integrated different “positive” aspects of special rules to one package: “privileged” special rules. This theoretical articulation is based on a crucial methodological innovation of this research: a new method for coding special rules.

The coding of special rules follows the idea that special rules provide privileges to bills by interrupting the regular order of business on the House floor and that the privileges can be calculated by taking into account each meaningful provision in special rules. Based on factor analyses of the provisions, I construct a continuous scale of “privileges” of special rules that can indicate the sophisticated fluctuation of privileges. This scale

suggests a new approach to understanding special rules. Previous literature has used several kinds of arbitrary ordering of special rules, such as open, modified open, modified closed, and closed rules, which only catch partial provisions of special rules, leaving aside many rich contexts of political implications in special rules such as waivers. Overcoming this shortcoming, the new scale integrates all meaningful parts together, including those capping debate time, restricting the amendment process, and waiving points of order in House rules, to provide a comprehensive understanding of special rules. Practically, this scale allows me to describe, examine, and chronicle changes in special rules across Congresses, which is not feasible in the previous literature. It is this methodological innovation that makes the core argument of this dissertation possible.

The main purpose of my dissertation is to apply the general theory of the CPG model to the agenda power of the majority leadership in foreign and defense legislation. Specifically, I want to observe to what extent the theory muscle of the CPG model can enhance our understanding of the use of special rules by the House majority leadership in the foreign policy-making in resurgent Congresses. Previous literature has not done enough in this area, seldom systematically examining the strength of the CPG model in explaining special rules in the foreign policy-making. The few existing pieces on special rules have focused on descriptive narratives about cases in foreign and defense legislation (Sinclair 1994; Rohde 1994; Lindsay 1994; Krehbiel 1991 1997); only Rohde has presented descriptive statistics about the relationship between party polarization and floor votes on special rules in this area (1994). In the current research, I have examined a dataset of House special rules in foreign and defense legislation over three decades in resurgent Congresses and found that the CPG model can well explain the use of special

rules by the House majority leadership. The major findings are as follows: in the period from 1975 to 2004, as party polarization increased in the House, the majority leadership felt greater pressure from their party members in agenda control; they granted more privileged rules to foreign and defense bills for party benefits. This effect is especially strong for key bills because they are of more partisan interest. The effects of party polarization do not stop at the stage of designing special rules, but extend to floor actions on special rules. When the House of Representatives shows higher level of party polarization, proposed rules are more frequently called for roll-call votes for adoption and more of these roll-calls are decided along party lines. A related finding consistent with the CPG model is that when sponsors of foreign policy bills are ideologically closer to the House majority leader, they will be awarded more privileged rules.

The influence of party polarization on House special rules manifests not just in foreign policy bills generally, but also in defense spending bills particularly. In the period under study, I have found that the privilege level of special rules for defense spending bills fluctuates with party polarization in the House. Again, this effect is especially strong in key bills because they attract partisan interest. In the overall political environment set by party polarization in Congress, the specific context of defense budgets can also account for the use of special rules by the House majority leadership. Under divided government, when the president wants to increase defense budget, inter-branch conflict over military dollars will increase; the House majority leadership tends to use more privileged special rules to protect party stances in defense spending bills. Under unified government, when the president plans to cut defense budget, partisan controversies over the distribution of

military dollars will intensify within Congress. The House majority leadership uses more privileged special rules to win partisan benefits.

The major findings show strong support for the CPG argument on special rules in foreign and defense policy. They have specifically suggested that House majority party leaders have strategically used one of their major agenda-setting tools, special rules, for party purposes in foreign and defense legislation in response to the changing condition of party polarization. More broadly, these findings have suggested that foreign policy-making in Congress has been very different from “politics stopped at the water’s edge” as defined by Senator Arthur Vandenberg in 1947. The politics of foreign and defense legislation have changed gradually since then and more substantively in resurgent Congresses. Foreign policy is now full of complex, contending interests. Parties have become very active in this area. Because of the rising party polarization in Congress in recent decades, party members have pressured party leaders to take bold roles to win party benefits in the legislative process. This condition is more like “politics as usual” (Deese 1994), which means that parties fight in foreign policy-making for the interests and policy stances they represent, instead of following an overriding sense of national interest. In this sense, this dissertation extends the research on resurgent Congresses in the past three decades.

There has been continuing scholarship on resurgent Congresses since the late 1970s. A peak of publication of related research appears in the mid-1990s. Three important books in these areas came out simultaneously in 1994, including *Resurgent Congress: Foreign and Defense Policy on Capitol Hill*, edited by Ripley and Lindsay; *The New Politics of American Foreign Policy*, edited by Deese; and *Congress and The Politics of U.S.*

Foreign Policy, by Lindsay. The simultaneity of these publications in 1994 seems to be accidental, but I suspect that it reflects the keen sense of these scholars on key developments in foreign and defense policy. On the one hand, the mid-1990s is an appropriate time spot to observe congressional activism in foreign policy-making in two decades since the 1970s. On the other hand, it is essential to do this when politicians at the two ends of Pennsylvania Avenue were debating about the new direction of U.S. foreign policy after the end of the Cold War. There are some debates among scholars writing these books. But I would single out one of the agreements among them that has been echoed by later research: Congress's handling of foreign and defense legislation has become more much like its handling of domestic policy (Riply and Lindsay 1994; Deese 1994; Lindsay 1994; also see: Prins and Marshall 2001; Rundquist and Carsey 2002). In particular, party interests have fueled congressional activism in foreign and defense policy and party leaders have asserted themselves in this area.

My dissertation has extended the research of resurgent Congresses in this aspect. It goes to a new depth by exploring how the House majority leadership has manipulated the legislative agenda through the procedural tool of special rules for party benefits in foreign and defense policy. Also, it covers a long historical period, from the early stage of congressional activism to the end of the Cold War, then to the post-911 period. By doing so, it has added an important finding to the records of House partisanship in foreign and defense policy; since the mid-1970s, in response to the increased level of party polarization in Congress, the House majority leadership, both Democratic and Republican, has developed the level of sophistication in using special rules for party benefits and this trend has survived after the post-911 rally-around-the-flag effect.

Future Research

There are many questions about special rules in foreign policy bills left unanswered in this research. Future work could consider how the specific position of the president can influence the incentives of the House majority leadership in using special rules in foreign policy bills. For instance, could a negative attitude generally drive the House Speaker to grant a more privileged special rule, if he or she is the opposite party of the president? And could this be conditional on the party polarization, too? I have tried to include relative variables in the statistical analysis of Chapter 4 and 5, but the results do not show any significance. Case studies may provide better leverage. Research could also be pursued on the extent to which the House majority leadership enjoys liberty in granting special rules. The CPG model has stressed that the majority leadership has its liberty in agenda control when the level of party polarization is high (Smith and Gamm 2009). But it is not clear under what conditions the Speaker looks to the party median and under what condition he or she sticks to his or her own judgments. Spatial models could be designed to address this problem.

On the other side, there could be some straightforward expansions of this research to related areas. Although this dissertation focuses on foreign and defense legislation, its theoretical and methodological innovations can be applied to domestic policies. Researchers can use the conditional party government model and the same coding method to explore the partisan use of special rules in domestic policies since congressional reforms of the mid of 1970s. The CPG model may show stronger strength

in domestic policies because party polarization in the recent three decades is more about domestic than foreign issues. And the privilege index of special rules should apply to domestic legislation comfortably since these special rules have the same format of those in foreign and defense policy. Similarly, research can be done for state legislatures where there is clear evidence of party polarization and rules committees are controlled by the majority party leadership, such as California, Colorado and Texas (Birkhead 2011).

Methodology Relections

This dissertation has its methodological limitations. As I discussed in Chapter 3, the calculation of the privilege index of special rules is based on the justification offered by the exploratory factor analysis. But a confirmatory factor analysis could be more methodologically healthy because it can directly calculate privilege scores and assign weights to different dimensions of the privilege. I tried to apply this analysis to the dataset. While the model results came close to statistical significance, it never satisfied the usual standards. This does not mean that the method is not appropriate; it just does not work in this dataset. Although I have worked out a privilege index based on the exploratory factor analysis, I suspect this method may have sacrificed methodological reliability to some extent. But the confirmatory factor analysis may work in other similar datasets, for instance, that of domestic policy.

I have also arbitrarily calculated privilege scores for seven closed rules. As closed rules have no provisions for the second feature of general special rules, e.g., the management of the amendment process, I have imposed the possible highest scores for that feature to calculate privilege scores. Thus, the scores for closed rules are not directly calculated, but

simulated. More importantly, because their scores are much higher than other rules, the closed rules may have biased the statistical results of xttobit models. I have tried to overcome this problem by running the same models after excluding closed rules. The results show improvements over the old models.

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