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Parliaments and Legislatures Series

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Hitching a Ride

*Omnibus Legislating
in the U.S. Congress*

GLEN S. KRUTZ



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For Julie, Matthew, Ryan, and Rachel

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Foreword

The United States Congress engages resolutely and routinely in the fashioning and enactment of laws. It is in the primacy of its lawmaking role that the U.S. Congress is distinguishable from most other national parliaments. Because Congress is, first and foremost, a lawmaking body, its legislative workload and performance are of prime significance in coming to understand the institution. Moreover, the congressional workload is relatively quite large in volume and complexity. In the 1990s several thousand bills and resolutions were introduced in the average Congress (for instance, 7,532 bills and 200 joint resolutions were introduced in the 105th Congress, which sat from 1997 to 1999). And, on the average in the 1990s, each Congress, in its two-year lifetime, enacted about four hundred public bills.

In short, the congressional agenda of legislative work is somewhat daunting in scope. As the demand for legislative productivity has expanded, congressional leaders have adopted a variety of strategies to cope with the escalating workload. One strategy entails merging a number of legislative proposals that otherwise might be considered independently into a single, overarching bill, aptly called “omnibus legislation.” This practice of “packaging” or “bundling” a number of legislative proposals into one large legislative measure has been engaged in for about half a century. Dubbed “mega-bills” by congressional scholar Roger Davidson, the first significant omnibus bill was the Omnibus Appropriation Act of 1950, which at the time was the largest appropriation bill in the history of the Republic. Since then, omnibus bills frequently have concerned financial legislation—budgeting, appropriations, taxing—but other issue areas have experienced omnibus legislating as well. An early instance was President Jimmy Carter’s 1977 national energy plan, considered by Congress in the form of an omnibus package. This energy package came to be considered by nineteen committees of the House of Representatives, epitomizing the growing practice of “multiple referral” of bills to committees and precipitating the emergence of leadership mechanisms designed to coordinate congressional handling of complex legislation.

As Glen Krutz carefully demonstrates, omnibus legislating has grown in use, apparently peaking in the 1980s at about one-fifth of all major legislation. Although only a minority of congressional bills are of the omnibus type, some of the most important legislation of the contemporary era have taken the form of omnibus measures. Since the passage of the Congressional Budget and Impoundment Control Act of 1974, which reshaped the congressional budget process, most omnibus bills have involved budget legislation. Because of the centrality of budget issues to the national policy debate today, omnibus legislation has become a highly important congressional practice. Yet mega-bill processing by Congress has heretofore been only rarely studied systematically. Accordingly, Krutz's seminal, meticulous, and wide-ranging analysis of omnibus legislating makes a very significant contribution to understanding the legislative process in Congress.

Krutz develops empirical desiderata for identifying omnibus bills in Congress, and then carefully assays the historical development of omnibus legislating. Having established the incidence of mega-bills, Krutz brings down upon this growing congressional practice the impressive armamentarium of modern empirical research technology: computer database development and multivariate analytical procedures. The upshot is a highly original and probing examination of omnibus legislating, suffused with savvy of congressional politics and procedures, sensitive theoretical insights, and pertinent historical grounding. The author delineates the development of legislative packaging and explains why congressional leaders have come to employ mega-bills for important legislation.

The complexity of modern public policy issues, especially those arising in the budgetary process, and the intricacy of contemporary congressional politics, have given rise to omnibus legislating. Krutz's trenchant analysis focuses on how omnibus legislating is invoked to confront problems of policy gridlock in order to enhance Congress's legislative productivity, and how mega-bills reflect and influence relations between Congress and the president. In the end, he observes, "Much major lawmaking is undertaken with this method, and a significant proportion of legislative initiatives in Congress see the light at the end of the legislative process because they become attached to omnibus bills." It is, therefore, the case that "omnibus bills alter the traditional lawmaking process in many ways."

Finally, Krutz draws upon his extensive research, including interviews with congressional "insiders," to take stock of the modern U.S. Congress complete with its omnibus lawmaking ways. Weighing the shortcomings and benefits of omnibus legislating, at the end of the day Krutz concludes

that “omnibus bills . . . are good for legislative institutions and have value for democratic politics.” His rigorous theoretical and analytical journey to this affirmative conclusion is, needless to say, laid out so that his readers can assay policy-making change in Congress for themselves.

SAMUEL C. PATTERSON

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Speaking of roses, this book is dedicated to my family. Matthew, Ryan, and Rachel provided a constant stream of “high-fives” and put up with Dad being distracted from time to time. The biggest thank-you of all goes to Julie, my wife. I am truly lucky to be dancing through life with her. Our last seven years have included two cross-country moves and a variety of job status changes. The initial and daunting step for us both was to go from being gainfully employed professionals to full-time graduate students. Thanks to Julie, however, these challenging years have been wonderful. Her encouragement and love have inspired me all along the way.

Focusing Attention on Omnibus Legislation

Once upon a time, Congress made health policy one bill at a time. Then came the 1980s and legislating “by the numbers.”

—Julie Rovner, *Congressional Quarterly Weekly Report*

The methodology sags somewhat in addressing the 1980s, when omnibus budgetary acts came to be vehicles for many items of substantive legislation. The model of major free-standing enactments that are specific to policy areas applies less well after the 1970s.

—David Mayhew, *Divided We Govern*

Over 40 years ago, E.E. Schattschneider (1960) placed a theoretical premium on the scope of conflict determining political outcomes. One of the most powerful strategies by actors in the game of politics, he argued, is expanding or contracting the scope of debate. Advocates of the existing order want to keep things quiet. Those seeking change try to socialize the conflict and get others to pay attention to it and join in the fight. Once things become overly controversial, those actors seeking to squelch the conflict are limited in what they can do. Hence, Schattschneider argued that the best approach for those favoring the status quo is to keep things quiet in the first place. “The best point at which to manage conflict is before it starts” (15). That holds unless you are a party leader in Congress with the potent power to assemble an omnibus bill, an agenda control strategy that has proliferated in the post-World War II period but that we know little about.

Omnibus legislating is the practice of combining numerous measures from disparate policy areas in one massive bill.¹ Several scholars conclude that one of the most major recent changes in the legislative process is the

development of omnibus legislation (Baumgartner, Jones, Krutz, and Rosenstiehl 1997; Browne 1995; Cameron, Howell, Adler, and Riemann 2000; R.H. Davidson and Oleszek 1994, 1998; Mayhew 1991; Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989).² David Mayhew (1991) in a study of 267 landmark enactments from 1946 to 1990 and Frank Baumgartner et al. (1997) in an analysis of all 15,850 statutes from 1949 to 1994 both showed a decrease in statutory output beginning after the Great Society, juxtaposed with an increased propensity to pass larger, bundled bills into law.³

Omnibus packages are considered “must-pass” bills because they typically contain a nucleus that has widespread support in Congress (Sinclair 1992, 668). The interesting part, however, and where the power exists for congressional leaders, is deciding what gets packed in with the nucleus. Bills that become overly controversial, have too much attention paid to them, and therefore are likely to fail alone can be tucked away in an omnibus bill. There they are overshadowed by the larger issue of the omnibus nucleus, which draws the most controversy and attention. Once assembled, the nucleus is what is debated, not the attachments.

Members at large, busy people with too much to do (Hall 1996; Kingdon 1981), pay attention to the main part of the bill as it is processed through Congress. They are seldom aware of the minutiae of omnibus packages (Oleszek 1989; Smith 1989; Staff Interviews 2000). When asked about the contents of the October 1998 omnibus funds package, Senator Robert Byrd (D-WV) replied, “Do I know what’s in this bill? Are you kidding? No. Only God knows what’s in this monstrosity” (Hager 1998, A1). It is unclear whether Senator Byrd was referring to a religious God or the Republican leadership.

To employ Schattschneider’s scope of conflict theory most fully, therefore, it is important to introduce a role for institutions and institutional procedures. Bryan Jones (1994) asked the important question: “How do the structure and organization of democratic institutions direct the attention of policymakers to issues?” (7). Shifting attentiveness can dramatically affect political choices and outcomes. Omnibus legislating is just such a technique for directing the attention of policy makers to certain things and away from others.⁴ Members do not pay full attention to the attachments, which are safe in the friendly confines of an omnibus bill. The omnibus strategy affects outcomes because omnibus bills (consisting of the nucleus plus previously controversial attachments) produce a different set of outputs than would be achieved if all the bills were processed sequentially.

Yet while institutional mechanisms like the omnibus method affect

how political issues are attended to and thus subsequent political outcomes, understanding that is only half of the theoretical picture. Institutions are not simple *ex ante* bargains struck before the game begins. Institutions change. When this development is studied across time, we gain important and interesting insights (Baumgartner and Jones 1993; Baumgartner, Jones, and MacLeod 2000; Binder 1997; Bosso 1987; Cooper and Young 1989; Dion 1997; Gamm and Shepsle 1989; Jenkins 1998; B. Jones, Baumgartner, and Talbert 1993; King 1997; Schickler 1998).

In the case of omnibus legislating, the technique affects the policy process and outcomes now, but how did we get here? Why did Congress move to omnibus bills during the post-World War II period? My first purpose in writing this book is venturing an answer to this question. While scholars have commented in general on this important development, we know little about the causes and effects of the rise of omnibus legislation. Further, "there is no technical definition of what constitutes an omnibus bill" (Sinclair 1997, 64). Simply put, systematic research on omnibus bills is nonexistent. Hence, in addition to answering the "Why omnibus?" question, a second purpose of this book is to provide a definition of omnibus legislation (which is no easy task) and to gain a full descriptive understanding of omnibus legislation.

The Concept of Omnibus Legislating

Barbara Sinclair (1997, 64) defined omnibus legislation as follows: "Legislation that addresses numerous and not necessarily related subjects, issues, and programs, and therefore is usually highly complex and long, is referred to as omnibus legislation." This concept has been presented in similar fashion by other scholars (Baumgartner et al. 1997; Browne 1995; Cox and McCubbins 1993; R.H. Davidson and Oleszek 1994, 1998; Oleszek 1989; Sinclair 1997; Smith 1989). Omnibus bills take several forms, including program reauthorizations, budget reconciliation bills, continuing appropriations legislation, and original bills.

Omnibus legislating represents a significant departure from traditional lawmaking in two main ways. First, omnibus bills alter the time-honored legislative process. Omnibus bills are often fast-tracked through committees with less consideration than typical bills (Sinclair 1997; Smith 1989; Tate 1982). In some cases, there is no committee consideration at all. For example, Senator Joseph Biden (D-DE) bypassed the Judiciary Committee in assembling the omnibus crime bill in 1993 (Congressional Quarterly Inc.

1994). Similarly, Barbara Sinclair (1997) demonstrated that the Senate completely bypassed committee consideration of the Omnibus Drug Initiative Act of 1988.

Once assembled by leaders in the prefloor process, omnibus bills are treated as one piece of legislation, thus seriously restricting the choices available to members on the floor (Browne 1995; Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989; Tate 1982). Rather than opting to accept or reject individual parts of the legislation, members must take or leave the entire package. "Large, complex bills, with many provisions . . . also put rank-and-file members on the floor at a severe informational disadvantage" (Smith 1989, 56; see also Sinclair 1997, 229). Senator John McCain (R-AZ) revealed that the fall 1998 omnibus budget bill was available for member review only the day before the final vote and was "scattered in pieces around the Republican cloakroom" (Will 1998, C7).

Leaders, on the other hand, possess the critical and complex information on these measures. Omnibus bills empower leaders (Browne 1995; Oleszek 1989; Sinclair 1992, 1995, 1997, 1998). "These are must-pass bills and only the party leadership possess the coordination capacity required to put together and pass such legislation" (Sinclair 1992, 668; see also Cox and McCubbins 1993, 248–49).

Environmental policy provides a great example of the power of omnibus bills for party leader agenda setting and power. The Democrats used omnibus bills in the 1980s and early 1990s to incorporate controversial environmental protection items that faced opposition from the Republican minority. Once in control of the Congress in 1995, the Republicans used the same technique to move environmental policy in the opposite direction over the protests of a Democratic minority (Congressional Quarterly, Inc., 1986–1997).

Omnibus bills also obscure the pathways of representation and affect democratic accountability. They make it less clear to constituents where members of Congress stand on the important issues of the day. They potentially dissolve what R. Douglas Arnold (1990) called the "causal chain" between members and constituents (13). Members can choose to call attention to many parts of an omnibus bill in order to explain their vote. Challengers, too, can focus on particular parts of omnibus bills to hammer their election opponent.

Second, omnibus packages present a viable alternative legislative route for policy entrepreneurs pushing legislation. Legislative leaders behave strategically. They attempt to assemble omnibus bills that will succeed.

Evidence suggests that they are close to perfectly strategic in constructing omnibus bills; nearly all of the omnibus bills identified in this study were enacted. Hence, measures that become attached to them almost always become law. In contrast, the overwhelming majority of standard bills fail at some point in the legislative process (Oleszek 1989). In sum, there is essentially no variation to be explained between successful and unsuccessful omnibus bills. The important question is what gets attached. Along these lines, William Browne (1995) documented the efforts members put into incorporating their desires in omnibus packages. Hence, omnibus legislating in effect inserts an important decision about policy outcomes (what will be incorporated into a must-pass bill) into the prefloor legislative process.

How Omnibus Legislating Differs from Other Legislative Procedures

Comprehensive bills unifying diverse topics are not entirely new and have always been subject to agenda manipulation. Traditionally, leaders used riders to move controversial proposals through the legislative process while avoiding the need to construct coalitions in favor of the particular measures.⁵ By combining measures, the legislative leadership can force members to accept a measure that might not survive alone because they want the entire bill (or another part of it) to pass.

In recent times, however, rolling many measures into one bill has become more common, the resulting bills span a greater number of diverse policy areas, and significant policy change occurs through omnibus bills (Baumgartner et al. 1997; Mayhew 1991; Oleszek 1989; Sinclair 1997; Smith 1989). Further, while riders are often attempted by members to kill legislative initiatives, omnibus bills are pursued in order to get something passed (Browne 1995; Cox and McCubbins 1993; Sinclair 1997; Smith 1989). The bigger bill has its own locus (or multiple loci) of attention and is more likely to have the broad support needed for passage. Omnibus bills are powerful for focusing attention away from controversial items to other main items that enjoy widespread support and/or are seen as necessary (like the budget).

There is another critical difference between traditional agenda control methods and omnibus bills. Other procedures, such as the ordering of alternatives and closed rules, are strategies aimed at building a coalition within Congress and feature a dynamic between leaders and members. But

omnibus bills also introduce a second legislative dynamic between Congress and the president. Omnibus packages typically attract the president's interest because of their prominence (Sinclair 1997). Omnibus legislation can be a congressional tool used to discourage presidential vetoes (Oleszek 1989; Sinclair 1995, 1997; Smith 1989).

Presidents who favor one part of an omnibus bill are forced to sign a larger bill that includes provisions they find distasteful. These two dynamics (between members and leaders and between Congress and the president) reflect the two major hurdles that bills must clear to be enacted as designed in the Constitution.⁶

Omnibus bills provide one way to enact policies whose outcome in one or both of these two steps is doubtful or unclear. That is, the mechanism provides a way to manage uncertainty in the legislative process (Bach and Smith 1988; Browne 1995; Oleszek 1989; Smith 1989). The following instances of omnibus packaging illustrate these dual purposes of getting through the Congress and getting by the president.

Getting through the Congress

In the 97th Congress, House leaders, Banking Committee leaders and members, and the president all favored approval of U.S. contributions to four international development banks. However, funding for the development banks was a very controversial issue on Capitol Hill. Several previous attempts had failed. Realizing these realities, the leaders attached this funding to the omnibus reconciliation bill. "Banking Committee members argued that bank funding—always an unpopular item on Capitol Hill—might not pass as separate legislation. Committee members argued, successfully, that the only way to get the bank measure through Congress was to attach it to legislation that was certain to be passed" (Congressional Quarterly, Inc. 1982, 142). The reconciliation bill (a major, required step of the annual budget process) subsequently passed overwhelmingly in both chambers, and the president signed it into law.

Getting by the President

In 1985–86, both the House and Senate favored several items that President Reagan publicly opposed (Congressional Quarterly, Inc. 1987). These measures included the reauthorization of the Small Business Administration, which Reagan had long sought to abolish. In the 99th Congress, leaders pursued another reauthorization of the Small Business Adminis-

tration. Reagan almost immediately promised to veto the bill. To get around the specter of the presidential veto, congressional leaders in both chambers included a multiyear reauthorization of the Small Business Administration in an omnibus bill. Reagan favored other major components of the omnibus bill and therefore signed the bill into law, even though it contained the Small Business Administration measure he so strongly opposed.

As these two case examples bear out, there are strong opinions by lawmakers (and presidents!) for and against the use of omnibus bills in lawmaking. In fact, the same lawmaker (and president) may despise omnibus use at one point in time and be thankful for the omnibus method at another point. Proponents talk about omnibus bills as the only means to get things done. According to Rep. Edward Kruse (D-IN), “The new (omnibus) procedure offers hope in our efforts to promote efficiency and economy in government” (Congressional Quarterly, Inc. 1951, 129).

Opponents talk about the breakdown in democratic deliberation. “Others—generally those who disagree with the result—say no goal is important enough to shatter the time-honored regular legislative process” (Tate 1982, 2379). Sen. Kenneth McKellar (D-TN) stated that “so far as I know, it [the omnibus procedure] is the most terrible experience I have had in my whole life” (Congressional Quarterly, Inc. 1951, 130).

Research Questions

Despite the proliferation of omnibus legislation, the way it alters the coalition-building process, and the controversy that surrounds it on Capitol Hill, political scientists have said little about its causes and effects. In this book, I shed light on these causes and effects by developing answers to several research questions:

1. *Why omnibus bills?* What factors explain the move to omnibus legislating? Why may some bills “hitch a ride on the omnibus” while most must go it alone in the legislative process? What factors led to Congress’s first modern use of the mega-bill technique in the 81st Congress (1949–50)? Why are omnibus bills so much utilized in the health care policy domain?
2. *What are the effects of omnibus bills?*⁷ Does omnibus usage make our lawmaking apparatus more productive? Which branch benefits more from omnibus bill usage, the president or Congress?

Answering the Questions: Theories of Congressional Change

Omnibus legislating provides a very powerful tool for majority party leaders. Moreover, omnibus legislating affects policy outcomes because omnibus bills contain provisions that might not pass if considered sequentially. Additionally, omnibus use alters the traditional lawmaking process in less than ideal ways from the standpoint of representation. Members participate little on these bills and are often unaware of what they are voting for on the floor. Therefore, understanding why omnibus bills are used (why leaders are empowered with the technique) is a critical question. In the language of David Rohde and John Aldrich (1998), what conditions led to this increased party leader power?

Answering the “why?” question can teach us a great deal about legislative institutions, congressional change, and public policy making. Additionally, understanding what motivates omnibus legislating may inform our prescriptions about its use in the future. If omnibus bills serve purely political goals (e.g., by distributing power to some members over others), then the sacrifices made in the representative process may not be worth it, and the omnibus technique should perhaps be reformed. Alternatively, if omnibus legislating improves in some way the capability of Congress as an institution, then there may be good reason to use the technique, even if some tenets of representation are compromised. This quandary is another form of the old legislative trade-off between representativeness and responsiveness (Shepsle 1988).

Opinions on Capitol Hill differ along similar lines. Some decry the use of omnibus bills. “It [omnibus legislating] is a sad way to do business,” said Rep. Jamie L. Whitten (D-MS) (Tate 1982, 2381). Former Sen. Howard Cannon (D-NV), in discussing the use of the omnibus method to enact a bill that he adamantly opposed, argued: “This maneuver is simply an effort to avoid open debate and fair consideration of this legislation” (Sarasohn 1982, 2382). In discussing the 1998 omnibus budget bill, political columnist George F. Will (1998) likened omnibus bills to “garbage pails” with too much refuse thrown in by the time the measures are enacted (C7).

Others see omnibus bills in a positive light. Proponents argue that omnibus bills are a way to get things done in an otherwise impossible legislative process. “The only way you can get things through is to package them,” said Rep. Barber B. Conable, Jr. (R-NY) (Tate 1982, 2383). Legislative scholar Walter Oleszek (1989) has argued that packaged bills are one way Congress “can develop coherent responses to public problems” (285;

see also Sinclair 1997, 233). Congressman J. D. Hayworth (R-AZ), whose bill to convey a parcel of U.S. National Forest land to the small Arizona community of Alpine for a new school was enacted via an omnibus bill, offered a helpful analogy: "The legislative process is incredibly busy, particularly at the end of the year. It is a lot like the end of the semester in college when you know you have to get your homework turned in *somehow*. When we [members of Congress] have to get something done, omnibus bills help us get our homework turned in" (Member Remarks 1999).

From this perspective, omnibus bills are indicative of the adaptability of congressional institutions to governing circumstances. Omnibus bills have made it possible to address tough national issues like deficit reduction while shielding individual members from blame (Arnold 1990). "I would not recommend a steady diet of big packages," commented former House Budget Committee Chair James R. Jones (D-OK). "But if we had not had reconciliation we would not have made the budget cuts" (Tate 1982, 2383).

These two views concerning the underlying purpose of omnibus legislating (politics or institutional efficiency) parallel a debate among scholars about congressional change. Scholars tend to pick one category of explanation over another, change being driven either by politics *or* by collective institutional concerns (David King's 1997 study of committee turf wars is a notable exception). Traditionally, organizational theorists of Congress sought to explain changes in legislative rules and norms as congressional adaptations to a changing environment (Cooper 1977; Cooper and Brady 1981; Cooper and Young 1989; Polsby 1968). In this way of thinking, institutions adapt to external changes in order to endure. For example, Joseph Cooper and Cheryl Young (1989) posited that the House gradually changed rules pertaining to bill introductions in the nineteenth century largely in response to changes in the size and complexity of the House legislative agenda. Nelson Polsby (1968) argued that as the responsibilities of the national government increased and as career paths led to longer terms of service, the House developed an organizational structure that emphasized a division of labor, routine modes of procedure, and respect for seniority.

The intellectual core of the organizational approach to congressional change is reflected in Keith Krehbiel's (1991) prominent information theory of congressional committees. The informational perspective views the committee system in Congress as a solution to the collective institution's dire need for information with which to make educated policy choices. While Krehbiel used a cross-sectional approach to test his theory and assumed institutional structures to be exogenous to policy making, his logic applies (under the auspices of the organizational approach) to institutional

change. In sum, organizational theorists of Congress and information theorists of committees view collective institutional concerns as paramount explanations of congressional behavior and change.

In contrast, recent studies of legislative development tend to eschew the organizational/informational approach based on collective institutional concerns and instead envision changes in procedures more as pure political struggles (Binder 1996, 1997; Binder and Smith 1997; Dion 1997; Gamm and Shepsle 1989; Katz and Sala 1996; Schickler 1998; Stewart 1989).⁸ “Rational decision-making by institutional actors is of paramount importance, as the structure of institutions and the types of institutional change undertaken are means by which actors achieve particular ends” (Jenkins 1998, 494). In this way of thinking, institutional changes serve to distribute power more to one group of legislators than to another. For example, Sarah Binder (1996) posited that short-term partisan goals—not secular trends, as suggested by many (Cooper 1977)—shape both the creation and suppression of rights for partisan and political minorities in the House from 1789 to 1990. Gerald Gamm and Kenneth Shepsle (1989) argued that Speaker Henry Clay worked for the development of a standing committee system in the House in an effort to hold together a coalition after the War of 1812.

Which factors drive the omnibus change? In the chapters that follow, readers will certainly see that there is some element of micro-level politicking present in omnibus legislating as decisions are made about what provisions get to be incorporated into a “must-pass” bill. Even a cursory reader of the *Washington Post* or *New York Times* could reach that conclusion. As a means of coalition building, omnibus bills provide an effective way to enact party agenda items and distributive measures that would be likely to fail alone.

What really come through in the chapters that follow, however, are collective institutional concerns—that is, how omnibus legislating improves congressional capability. At the level of the institution, omnibus bills provide a way around tough governing circumstances like deficit politics and increasing issue complexity, and they improve productivity on major policy outputs. At the micro level, omnibus bills provide an efficient way around the politics of jurisdictional gridlock in the committee system and a powerful means of averting the threat of the presidential veto. Hence, while omnibus packaging in any single circumstance conjures up images of political deal making, from a broader perspective the technique may be seen as successful congressional adaptation to a changing environment across the latter half of the twentieth century.

What this book suggests for theory building on congressional change is that the collective institutional concerns approach needs to be more fully incorporated into recent theoretical frameworks of institutional change that focus solely on the political struggles. If political scientists want to offer prescriptions about policy making and institutions to actors in the political arena, we need to develop full explanations of changes that provide full answers.

Rather than identifying with one theoretical approach to understanding Congress (e.g., informational, partisan, distributive), this study suggests an important role for multiple theoretical perspectives and develops an integrated framework for understanding the omnibus change. This integrated approach could be fruitfully applied to research on other institutional changes and could produce more fully informed scholarly discussions about congressional procedures. Political and institutional explanations of congressional change are both important and relevant; they reflect key features and behaviors of the Congress.

Summary of the Book

Ten chapters make up the remainder of the book. Chapter 2, "The Nature of Congressional Change," discusses the nature of institutional change by critically reviewing the two previously discussed competing viewpoints on how congressional institutions develop. I argue that these are not competing explanations but two parts of a larger picture of institutional change.

Chapter 3, "The Logic of Omnibus Legislation," presents a theoretical framework for understanding why omnibus legislation is used. I adopt an evolutionary approach that envisions institutions as being adaptive to (1) the political game among actors and (2) the broader political environment. At the micro level, I theorize that omnibus bills involve two games of bargaining that reflect the two steps that bills must go through to become law (i.e., assembling a coalition within Congress to pass legislation and averting a presidential veto). Games are thus played between (1) party leaders and members and (2) Congress and the president. The bargain between those with the resources to package bills (party leaders) and members is mutually beneficial.

Leaders gain more power in enacting legislation amidst uncertainty. Members gain two benefits as they delegate power to leaders and sacrifice legislative participation. First, they gain the potential to have distributive measures included in omnibus bills. Second, majority members (to whom

majority leaders are beholden) get a chance to get their most treasured items incorporated. By helping members at large, leaders aid member reelection, which helps ensure continuing majority status.

The Congress-president omnibus game is also a bargain in which both sides benefit. Congressional leaders incorporate items that might be vetoed by the president if considered sequentially. In exchange, the president sometimes benefits by gaining an opportunity to have presidential agenda measures incorporated.

If leaders, members, and the president all receive some benefit in omnibus packaging, why not use omnibus bills all the time? Why not combine all policy and budget outcomes into one gigantic omnibus bill each year? While members and the president may obtain certain benefits from omnibus bills, they see omnibus legislating as a necessary evil. Omnibus packaging sacrifices individual member participation and influence and dilutes the power of the presidential veto. Because omnibus packages represent fragile bargains, the bill designers (party leaders) are careful not to abuse the omnibus method. If they abuse the omnibus technique, members may vote the leaders out of their positions, or the president may exercise the veto. Hence, the party leaders keep the use of the omnibus method within certain limits.

I also consider the effect of macro-level political context factors that might increase uncertainty in lawmaking and thereby encourage omnibus use. These factors include deficit politics, divided government, bicameral differences, a more partisan legislative arena, the increasing complexity of the policy agenda, and committee jurisdictional fragmentation. This level of explanation helps us to understand the institutional incentives for omnibus usage.

One hurdle to research on the omnibus change is the lack of a precise operational definition of omnibus legislation (Sinclair 1997, 64). I develop a measure of omnibus legislation that captures the essence of the concept in chapter 4, "Studying Omnibus Lawmaking Systematically." To be designated omnibus measures, bills must cross a threshold of scope (spanning different policy areas) and size (length). I use the new definition to develop and plot quantitative indicators of omnibus use. These aggregate indicators demonstrate that omnibus usage originated in the 81st Congress (1949–50), increased gradually in the 1950s and 1960s, and finally proliferated greatly in recent decades. Chapter 4 also develops a method for determining which bills are attached to omnibus bills. The results of this process demonstrate that 16 percent of 3,190 seriously considered bills from 1979 through 1994 were attached to omnibus bills while the remaining 84 percent were not.

It is one thing to describe an institutional change like the rise of omnibus legislation and quite another thing to explain it (Mezey 1993). Therefore, in chapters 5 through 8, I move from description to explanation. In chapter 5, "Hitching a Ride on the Omnibus," I test the reasons why a few select bills are incorporated into omnibus measures while most are not through a multivariate analysis of 3,190 bills from 1979 through 1994. In chapter 6, "Explaining the Move to Omnibus Legislating," I examine the factors that explain the aggregate trends in omnibus legislating through a multivariate analysis of 1,180 major bills from 1949 to 1994. The explanatory tests in both chapters support the theoretical framework developed in chapter 3, which is based on expectations of success within Congress and at the president's desk, together with contextual factors. These empirical results suggest that omnibus legislation is a way to manage uncertainty in legislative institutions in order to get things done. Leaders, members, and the president all gain something from striking omnibus bargains. Omnibus legislation is assembled within certain limits observed by the actors. It is not used all the time, and particularly prominent attachments are unlikely. Finally, omnibus use is more likely under particular contextual circumstances. Consistent with scholars' arguments, a tough budgetary situation and divided government increase the likelihood of omnibus usage. The strongest contextual impact, however, is that of increasing issue agenda complexity and committee fragmentation. In sum, the omnibus change appears to have occurred in a way that benefits the actors politically and helps legislative institutions adapt to challenging governing circumstances.

Once institutions start down a particular path, they tend to stay on it. The very essence of path dependency is that subsequent decisions about institutional design are constrained by previous ones (Binder 1997; King 1997). What started Congress down the path of omnibus use? In chapter 7, "The Birth of Omnibus Legislating," I examine closely the first modern use of the mega-bill procedure in 1949–50 to venture an answer to this question. The findings suggest that collective institutional concerns—not politics—underlay the genesis of omnibus legislating. The discussions on the use of the first omnibus bill resemble the arguments on "improving congressional capability" that were advanced in deliberations on the 1946 reorganization of Congress. In his classic work *The Legislative Process in Congress*, George Galloway (1953) summarized the efficiency logic for the new method nicely: "This big money bill represents a forward step in appropriation procedure in that, by bringing all the general supply bills together into a single measure, it gives Congress and the country a picture

of the total outlay contemplated for the coming fiscal year. The new procedure also permits a comparison of total proposed appropriations with the latest available estimates of total Treasury receipts" (619–20).

In chapter 8, "Getting around Gridlock I: Making Health Care Policy through Omnibus Bills," I study the increasing trend toward making much of our nation's health care policy through attachments to omnibus measures, especially budget reconciliation bills (Congressional Quarterly, Inc., 1980–1997). I argue that the principal reason for this trend is the jurisdictional quagmire concerning health care on Capitol Hill. Some 22 congressional committees have a slice of the health care agenda. It is a formidable task to gain agreement among a large number of committees who guard their turf with jealousy and venom (King 1997). As a way to get things done in fragmented institutions, therefore, health care policy is increasingly made as attachments to "must-pass" omnibus packages. I discuss as well the positive and negative aspects of this trend for making substantial change in health care policy.

In chapters 9 and 10, I move from the "Why omnibus?" question to an examination of two potential implications of omnibus legislating: the effects of the omnibus change on legislative productivity and on presidential-congressional relations. In chapter 9, "Getting around Gridlock II: The Effect of Omnibus Utilization on Legislative Productivity," I examine whether the omnibus method positively affects legislative productivity in our system of shared powers, as suggested by proponents of the technique in Washington and academia. I find omnibus legislation to be a way to gain theoretical leverage on a perplexing question of lawmaking in American politics. If the system produces roughly equivalent raw numbers of landmark enactments regardless of party control (Mayhew 1991) yet many more important failures occur in divided than in unified government (Edwards, Barrett, and Peake 1997), what evens things out and brings constancy in lawmaking? Because omnibus bills are a way to get things done amidst legislative uncertainty (gridlock), I argue that they provide part of the answer. To test this hypothesis, I replicate both Mayhew's (1991, 1995) prominent analysis of landmark enactments and George Edwards, Andrew Barrett, and Jeffrey Peake's (1997) broader ratio measure that considers failures as well as enactments, and I introduce an independent variable for omnibus utilization. I find omnibus usage to be a positive and significant independent influence on legislative productivity.

Scholars have long analyzed the impact of various institutional changes in our national government on presidential-congressional relations, including the growth of government since the New Deal (e.g., Sundquist 1981)

and the congressional reforms of the 1970s (e.g., Kinney 1995). What effect does the omnibus change have on presidential-congressional power? My theoretical framework suggests that omnibus usage engages the Congress and the president in a legislative game in which both may gain some benefit. This argument leads to empirical expectations that are strongly supported in chapter 5's analysis of the omnibus attachment process. However, an important question remains for further analysis: Do omnibus bills strengthen the Congress's hand vis-à-vis the president compared to typical major bills? I turn my focus to this question in chapter 10, "The Omnibus Change and Presidential-Congressional Relations."

The conventional wisdom suggests that presidents lead on omnibus bills—a conclusion reached from President Reagan's legislative success when Congress employed the method in the 97th Congress (1981–82). In contrast, I argue that theory leads us to expect Congress to dominate more on omnibus bills than the president. To test this hypothesis, I analyze branch preponderance on all 87 omnibus bills from 1979 through 1994 and on a control group of 263 typical major bills. I find that Congress dominates more than the president on omnibus bills as compared to a control group of typical major bills.

Chapter 11, "Evaluating Omnibus Legislating," presents conclusions of the book, including a broad discussion of the nature of institutional change in light of the findings of the previous chapters. I argue that any overarching theory of institutional change must include both strategic behavior on the part of political actors and institutional adaptation to a changing political environment. Congress, like other social systems, adapts to the needs of its members *and* to the governing environment. It is thus both representative and responsive.

I also discuss the value of omnibus legislating. Omnibus bills alter traditional lawmaking and the representative process in important ways. Are they good for democratic legislative institutions? I argue that if used in moderation, omnibus legislating improves congressional capability. While omnibus legislating has its drawbacks as far as democratic deliberation is concerned, it also has value because it allows our lawmaking institutions to accomplish things that would not be possible through traditional methods in an increasingly complex political environment, and in a system that allows for fragmentation by constitutional design.

The Nature of Congressional Change: Literature and Theory

Studying Institutional Dynamics

The study of institutional arrangements in Congress is an “on-again, off-again” enterprise. Several early studies examined institutional change, including research on committees (McConachie 1898), legislative methods (Harlow 1917), and party government (Hasbrouck 1927). These works probed important questions with detailed description but did not identify and explain with theory the broad patterns of institutional change. An “off-again” period began after World War II. During this period, political scientists became more interested in explaining individual-level political behavior than institutions.

The last few decades are an “on-again” period, beginning with Polsby’s (1968) study of the institutionalization of the House and including many other scholarly works on the topic (Baumgartner, Jones, and MacLeod 2000; Binder 1997; Binder and Smith 1995; Binder, Smith, and Lawrence 1997; Cooper 1977; Cooper and Brady 1981; Cooper and Young 1989; Dion 1997; Dodd 1997; Gamm and Shepsle 1989; B. Jones, Baumgartner, and Talbert 1993; Katz and Sala 1996; King 1997; Sinclair 1997; Wright 1997). However, studies of institutions are still scarce in comparison to the volumes of research on individual member behavior.

While scholars consider them to be important determinants of policy outcomes, institutional arrangements are portrayed in two vastly different lights. To some, institutional arrangements are exogenous factors to congressional decision making that are determined a priori (e.g., Krehbiel 1991; Shepsle and Weingast 1987). In contrast, this book follows the lead of recent research that considers institutional arrangements and mecha-

nisms—while not easily changed—to be endogenous potential objects of choice. This literature asks why we have the institutional arrangements that we do and how they change.

To illustrate the distinction between these two views of institutional arrangements, let us consider committee jurisdictions. The “exogenous institutions” proponents consider committee jurisdictions to be rigid. In contrast, King (1994) conceived of jurisdictions as “turbulent battle grounds on which policy entrepreneurs seek to expand their turf” and as “heavy with policy consequence” (48). In a study that pertained to omnibus legislation, Sinclair (1997) found that many successful bills do not follow the textbook bill-becomes-a-law diagram. She emphasized the increasing importance of special rules—what she termed “unorthodox lawmaking.” If institutional arrangements were entirely exogenous, all bills would be treated the same once the legislative game began. Sinclair showed that this increasingly is not the case.

Once we accept institutional change as an important topic of research, we must consider which changes are the most important and worthy of our attention as scholars.

Which Changes Should We Study?

King (1994) drew a distinction between formal institutional reforms and more informal, incremental changes. Formal changes, such as the Legislative Reorganization Act of 1946 (e.g., R.H. Davidson 1990; Perkins 1944), the 1970s reforms (e.g., R.H. Davidson 1992; Rieselbach 1994; Rohde 1991), and the Republican reforms in the 104th Congress (e.g., R.H. Davidson 1995; Evans and Oleszek 1995), have received much attention from political scientists. But informal and incremental changes, such as changes in committee issue jurisdictions (King 1994), changes in rules pertaining to bill introductions (Cooper and Young 1989), and the development of minority rights (Binder 1996; Dion 1997), are less scrutinized.

Writing within an edited volume entitled *Remaking Congress*, which probed the reforms that followed the 1994 election, Leroy Rieselbach (1995) stated that

contrary to its critics' charges, Congress changes constantly. Change usually comes quietly, noticed only by the closest observers of the legislature: a rules change here, a new precedent there, the gradual erosion of customary ways of conducting business. . . . *Reform*—intentional efforts to

reshape institutional structures and processes—is not the only, and perhaps not the most significant, type of organizational change. *Change*, a broader notion, can affect basic institutional patterns. . . . Of the two, change appears more pervasive and fundamental. (9–10, italics in original)

To illustrate Rieselbach's point, again consider committee jurisdictions. Scholars traditionally presumed that they were determined infrequently when the Congress was reformed, as in the 1940s reorganization and the 1970s reforms (see, e.g., Smith and Deering 1990). Using a longitudinal design, King (1997) presented evidence that the more infrequent and perhaps more salient formal changes in committee jurisdictions mostly formalize what has already been happening incrementally through day-to-day bill referral precedents: "The overwhelming tendency is for institutional reforms to codify common law claims to turf that build up between the sporadic reforms" (57).

In a study of the development of minority rights in the House and Senate across the history of the chambers, Binder (1996) presented evidence that institutional change occurs gradually with the institution's path being a major factor. Binder and Smith (1995) reviewed the reforms adopted by the House and Senate in the Republican-controlled 104th Congress. They found that "both houses acted in a manner consistent with their acquired procedural tendencies" developed over respective, unique histories. "The House remains strongly majoritarian, and the Senate remains individualistic" (71).

Richard Hall and Gary McKissick (1997) presented evidence that committee reforms implemented by the new Republican majority, which were targeted to increase committee participation, did not produce the desired effect. "The behavioral change we might reasonably attribute to institutional reform is not trivial, but neither is it dramatic or profound. When set against the claims of reformers and close observers, in fact, the practical effects appear underwhelming" (26).

In sum, the literature suggests that institutions do not typically change in one big leap at a time. Yet political scientists tend to focus on such changes. The more frequent—and more important—changes are the informal and incremental, including the move across the latter half of the twentieth century to omnibus legislating. This discussion suggests that researchers should not study institutional changes in quick snapshots; rather, they should employ a longitudinal approach to attain the most accurate portrait of institutional change. "[Diachronic analysis] provides a basis for understanding congressional change and for building more general theories of legislative change" (Cooper and Brady 1981, 988).

Hence, the “Why omnibus legislating?” question should be examined across time. A snapshot of omnibus legislating will provide an incomplete picture of the move to omnibus legislating.

Which Factors Explain Institutional Change?

Describing institutional change is one thing. Explaining change, on the other hand, is much more difficult and controversial (Mezey 1993). Most previous work has been labeled descriptive by critics, lacking precision in explanation (Cooper and Brady 1981; Hibbing 1988). When explanation has been attempted, it has often been in the form of anecdotal discussion rather than generalizable evidence. Despite this state of affairs, explanations of institutional change have developed, and several recent works have begun to systematically link explanations with changes (Baumgartner, Jones, and MacLeod 2000; Binder 1997; Binder, Smith, and Lawrence 1997; Cooper and Young 1989; Hibbing 1988; Katz and Sala 1996; King 1997).

Scholarly opinions differ sharply on how institutional change occurs. Two schools of thought have developed. One of these approaches—the organizational theory of institutional change—holds that changes result from macro-level strains on the institution that require an adaptive response for the good of the institution to make it more efficient (Cooper 1977; Cooper and Brady 1981; Cooper and Young 1989; Polsby 1968). A second school of thought—the purposive theory of institutional change—posits that institutional changes are the result of short-term actions of purposive and goal-oriented individuals (Binder 1997; Binder and Smith 1997; Gamm and Shepsle 1989; Katz and Sala 1996; Mayhew 1974; Stewart 1989). In one approach, environmental factors lead to change based on institutional concerns. In the other, changes originate from the political actions of goal-oriented persons within the institutions.

The Organizational Perspective on Institutional Change

Organizational theory has its roots in studies of public bureaucracies and corporate firms (e.g., Haas and Drabek 1973). This approach focuses on demand and structural strains producing institutional changes that are necessary to improve the productive capacity of an organization. According to Cooper (1977), who applied organizational theory to Congress, “Strain may be conceived as weaknesses or discrepancies in an organization’s productive capacity relative to its role in its environment. . . . Strain is an endemic feature of organizational life” (154).

There are two types of strain: demand and structural. “Demand strain pertains to the pressure that environmental expectations exert on productive capacity, to gaps between environmental expectations and organizational outputs that derive from the stringency of environmental demands” (Cooper 1977, 153–54). Stress is an advanced form of strain, and organizations adapt to it by changing to improve their productive capacity.

Cooper (1977) argued that congressional vulnerability to demand strain and stress, to discrepancies between productive capacity and environmental expectations, is high:

Demand strain can easily intensify, given the broad and multi-faceted nature of Congress's role. . . . Congress is charged with making the basic or determining decisions on governmental policy and with serving as a prime guardian of executive performance. . . . Congress not only must determine where collective action is needed and define and control the content of such action, but must also perform these functions through collegial decision-making and majority rule. It must provide for both consent and action. This is no easy task. (155)

Several trends in this century have exerted stress on Congress, particularly “the huge expansion in the scope of national responsibilities and federal activities since 1901 and especially since 1932. [This] has multiplied the qualitative and quantitative burdens of congressional work” (Cooper 1977, 156). Congress adapted to this stress by expanding its productive capacity, including a reorganization of the committee system, the introduction of subcommittees, and staff augmentation. In addition, Congress moved to limit opportunities for minority obstructionism (Cooper 1977).

Structural strain, the second type, is internal strain that results in part from demand strain. It too may lead to stress and institutional adaptation. To illustrate, the expansion of workload and issue complexity in Congress is a demand strain. Increasing partisanship in Congress is a structural strain that partly results from the external strains of workload and complexity, which create a more complicated policy-making milieu where party unity and leadership are needed to get things done.¹

A handful of scholars have employed an organizational perspective in their work. Nelson Polsby (1968) studied the institutionalization of the House of Representatives and conceived of Congress as an adaptable institution. In particular, he discussed changes in the broader society driving change within the institution. He argued that as the responsibilities of the national government increased and as career paths led to longer terms of service, the House developed an organizational structure that

emphasized a division of labor, routine modes of procedure, and respect for seniority. This new institutionalization served to make things more predictable.

Cooper and Young (1989) studied changes in House rules regarding bill introduction in the nineteenth century. Free introduction of bills in the House in the contemporary period was not an original feature of the House. The authors studied this change and found that “current practice was neither originally intended nor quickly attained. It was rather something that took a century to emerge and to be formally enshrined in the rules” (67). Such a gradual change “requires a more sophisticated treatment than simply positing some direct and immediate relationship between preferences and structure” (68). The authors presented evidence that the House gradually changed these rules partly because of the self-interest of members but largely in response to changes in the size of the House agenda.

The above works embrace the external strain of size/workload but give only perfunctory treatment to the degree of issue agenda complexity as a separate strain. Baumgartner, Jones, and MacLeod (2000) studied the coevolution of issues and structures in Congress from World War II to the present. They argued that organizations tend toward entropy, specifically a more complex issue agenda with new issues and redefined old issues.² This situation puts strain on legislative institutions designed in an earlier era. Congress adapts to this demand of increasing issue complexity through a malleable and changing system of committee jurisdictions. The authors presented evidence from all congressional hearings by issue area from 1947 to 1994. They found a strong relationship, controlling for the alternative explanations of workload and staff size, between complexity of the congressional agenda and the overlap of congressional committee jurisdictions.

Eric Uslaner (1993) studied the decline of comity in Congress. *Comity* refers to adherence to the norms of courtesy and reciprocity within a “regular order.” Such norms were very apparent in the work of Donald Matthews (1963) on the 1950s Senate. However, civility and reciprocity have declined and bickering and rudeness have increased since that time. This trend can have negative implications for policy making, including stalemate and bad compromises. Uslaner (1991) addressed and dismissed three alternative explanations of the decline of comity mainly because their application is not generalizable beyond a single case: the 1970s reforms, the media factor, and an influx of new members. He then focused on trends in the country generally, stating that “the decline of comity in Congress reflects the decline of comity in the country. Congress is first and foremost an institution of interest representation” (59).

In a book exploring the causes and cures for gridlock, David Brady and Craig Volden (1998) touched on what was then the growing stress brought on government by the terrible budgetary situation of the 1980s and 1990s. Deficit politics presented an additional stress on legislative institutions struggling to get things done. The authors argued that understanding budget pressures and the preferences of members of Congress (and the supermajority requirements of the filibuster and veto) produces a better framework for explaining policy outputs than a party control framework (divided or unified).

Summary. The organizational approach, despite its theoretical potential for explaining congressional change and for evaluating the performance of Congress across time, has not really caught on. Little work has followed in this tradition. This lack of research may result from the same forces that led to little work on institutional change: the level of analysis is the institution, rather than individual members, the behavior of whom scholars may think more interesting.³

Some consider organizational theory an awkward intellectual fit for Congress because it requires thinking of it as one monotonic being (Patterson 1981). In addition, while some of the above works consider individual-level behaviors as alternative explanations (e.g., Cooper and Young 1989), most works exclude such an explanation. To think of Congress as being caused by its environment requires to some degree a leap of faith because it leaves out lower levels of analysis and explanation, such as individual purpose.

Purposive Explanations of Institutional Change

Purposive scholars argue that institutions reflect more the political calculations of individual members and parties than the demands of the external environment. “[Institutions] are chosen by individuals to accomplish particular purposes” (Gamm and Shepsle 1989, 40). Purposive explanations are of two varieties: (1) pertaining to the politics of partisan advantage (e.g., Binder 1997) and (2) pertaining to the reelection motivation in the distributive tradition (Katz and Sala 1996; Mayhew 1974; Stewart 1989).⁴

Partisan Theories. Do environmental factors, as envisioned in organizational theory, drive institutional change? Binder (1997) asked the truly insightful question: If workload drives change (Cooper and Young 1989), and workloads increased in a similar manner in both chambers in the nineteenth century, why did the House develop into a majoritarian institution while the Senate grew into an institution in which individuals and the minority called the shots? Binder was clearly onto something. She elabo-

rated an alternative, partisan explanation positing that changes in the rules pertaining to minority rights in the House and Senate from 1789 to the early 1990s reflect mostly the politics of partisan advantage. "Rules, in other words, may be said to reflect the prevailing balance of forces within an institution" (8). Her empirical evidence supported this partisan theory of procedural choice. Collective institutional concerns, which were tested through the use of a workload variable, received little support.

Binder put forth a powerful alternative explanation for congressional change, and her evidence was wide-ranging in scope and impressive. However, her test of the rival hypothesis (the organizational explanation) had shortcomings. First, she reduced the organizational explanation to "workload" alone, even though several other potential external or demand strains may drive change, such as complexity apart from workload (Baumgartner, Jones, and MacLeod 2000; Cooper 1977; Cooper and Brady 1981).

Second, Binder's workload measures were less than ideal, something she acknowledged: "A single perfect measure of the level of demands on Congress over time does not exist" (218). The author was hindered in trying to develop a measure of size of the agenda for the entire history of the Congress, from 1789 to 1990. She produced a measure that tapped into the number of days in the session and the number of public laws produced. Of course, counting public laws in recent times understates the actual workload because Congress has resorted to passing fewer, but larger, bills into law (hence this book). Additionally, counting laws does not capture the oversight activities that take up a great deal of the agenda (Aberbach 1990). This may be viewed as stringent criticism given the obstacles that the author overcame to produce any measure at all. However, it is an important criticism because the resulting measures for Binder's partisan variables are quite sound and are in the same equations with the less-than-ideal workload measure. This leaves open the question of the impact of organizational explanations on the development of minority rights.

Binder, Smith, and Lawrence (1997) attempted to explain the rise in Senate filibustering from 1917 through 1996. Many works have offered loose explanations for filibuster trends. However, none has pitted the rival explanations against one another in a multivariate fashion. The authors attempted to do this by considering an organizational explanation (external demands and time constraints), a partisan explanation, and a spatial explanation for the likelihood of filibustering. They found rather balanced support for the effect of organizational explanations and the strategic context of the Senate on the propensity to filibuster. The authors, however, gave several caveats in the conclusion of the paper for why their results might

not be quite right. It appears that they had not anticipated a significant finding for the organizational variables. They went to some length to criticize their measure of external demands (growth in government) and a short time series (1917–1996) as possible reasons for these findings and for a weaker-than-anticipated finding for the spatial perspective.

Distributive Explanations. The second variety of purposive explanations is distributive, following in the tradition of Mayhew's (1974) parsimonious theory of Congress. Mayhew's simplifying assumption was that members of Congress are single-minded seekers of reelection. In reviewing the institutional structure he observed as an American Political Science Association Congressional Fellow in the early 1970s, Mayhew wrote, "The organization of Congress meets remarkably well the electoral needs of its members. To put it another way, if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving members' electoral needs year in and year out, they would be hard pressed to improve on what exists" (81–82).

While Mayhew (1974) did not test his theory of institutional design beyond extended theoretical discussion, others have applied his assumptions to how institutions evolve. Gamm and Shepsle (1989) sought explanations of the emergence of the standing committee system in the House and Senate from 1810 through 1825. It was in this period of time that the two chambers "underwent dramatic and lasting transformations in their organizational arrangements. . . . By 1825 each chamber had a fully developed system of standing committees" (39). The authors considered a rationalist approach and an organizational imperatives approach. Utilizing historical evidence that they described as incomplete, they found some support for both. The authors were most forceful, however, in advancing the rationalist perspective. They described in some detail the potential role of Henry Clay in the committee system's development, arguing that he probably sought the committee changes in the House in an effort to hold together a coalition after the War of 1812. "Despite our lack of success in rummaging through the past—we uncovered no diary confession, no clinching newspaper account, nor any evidence from congressional records—we find it implausible that Clay did not figure prominently in the transformation of the organization of the House" (61).

Jonathan Katz and Brian Sala (1996) studied the development of committee seniority norms from 1874 through 1928. They developed and tested an electoral rationale for the norm of committee assignment property rights. Their assumption, based on the reelection motive, implied that members of Congress develop institutions and norms of behavior that serve their

electoral interests. They found that Australian ballot changes “induced new ‘personal vote’ electoral incentives, which contributed to the adoption of ‘modern’ congressional institutions such as property rights to committee assignments” (21).

Katz and Sala’s analysis shared with Binder’s (1997) the shortcoming of a lack of a good test of the rival organizational perspective. To test the organizational perspective, they suggested that change should have occurred after the revolt against Speaker Cannon in 1910–11 because “institutionalists place considerable emphasis on the revolt” (26). Hence, to take the authors’ argument to its logical conclusion, any event given attention by scholars who embrace an organizational theory perspective is by definition a rival organizational explanation. Yet organizational explanations by definition are carried out across time and hence do not lead to an exogenous shock explanation of change like the Cannon revolt dummy variable employed by Katz and Sala.

Charles Stewart (1989) sought explanations of House budgeting reforms from 1865 to 1921. The author creatively merged quantitative measures with historical evidence in building rational choice models of the reforms. He found two motivations at work. First, he found a distributive situation not unlike that described by Mayhew (1974) for the 1970s Congress. According to the author, members in the late 1800s (like those in the Mayhew model) also preferred localistic policy and benefits over policy making for the common good. This desire affected the budget reforms, many of which had the aim of decentralizing the budgeting process. At the same time, the author ascribed a supporting role for broader social and economic changes, which increased the demand for spending. While a mix of these factors were offered, Stewart, like Gamm and Shepsle (1989), was most forceful in discussing the influence of the distributive motivations of members of Congress on budgeting process changes.

Summary. The recently developed purposive approach to institutional change has added a critical dimension to the body of theory on institutional change. Many scholars have sensed that when institutional studies focus only on aggregate dynamics, something is being left out—human agency (Gamm and Shepsle 1989). However, these scholars have not explained away the organizational approach. Many of these works give short shrift to the organizational explanation.

Moreover, there are limits to the argument that organizational behavior is the simple sum of purposive, lower-level behavior. To illustrate, if congressional structures were simple aggregations of individual behavior, why would the majority party give the minority party any rights at all? If

members were utility maximizers, then the majority party would simply ignore the minority party, give them no rights at all, entirely exclude them from the legislative process, and give them no money for constituent service and perquisites. Of course, this does not happen in congressional institutions, which makes us turn to alternative explanations, including the path of the institution (Binder 1997), tradition (Matthews 1963), and external explanations. This discussion suggests that both organizational and purposive explanations are probably at work in institutional change.

Toward a Broader Conception of Institutional Change

While organizational and purposive theories are traditionally considered to be competing approaches, I posit that organizational and purposive factors together drive institutional change. This is not an entirely original point. Some scholars have stated that institutional change results from a combination of organizational and purposive factors (Cooper and Young 1989; Gamm and Shepsle 1989; R.H. Davidson 1995; Smith 1989; Stewart 1989). However, stating that both explanations have a role and carefully attempting to integrate the two are different things indeed.

In a broader conception, then, organizational explanations—in addition to contributing to institutional change directly—operate as a context in which the purposive explanations influence congressional evolution. This is not unlike the evolutionary science perspective, in which species change is partially a product of the environment (analogous to organizational explanations) *in addition to and interacting with* contact with others and day-to-day behavior (analogous to purposive explanations). There is not—and ought not to be—a school of thought that says the evolution of a species is driven by the environment and a rival school of thought saying it is the product of day-to-day contact and behavior. Perhaps there should not be this debate over congressional change either. Yet there seems to be.

Purposive scholars maintain that institutional changes are the simple result of purposive behavior rather than—or more than—the result of secular trends (Binder 1996; Mayhew 1974). Organizational scholars allow for what they call “internal factors.” However, these factors are not as well conceived as the external factors and certainly not as well envisioned as the internal explanations developed by the purposive scholars.

What form would an integrated theory of competing explanations take? The missing link is the relationship between the organizational factors and the purposive factors. As in the case of evolution, they do not exist in isolation. It is fruitful at this juncture to return to Cooper’s (1977) mostly

overlooked conception of structural strain in the organizational theory framework. Structural strain occurs within the institution and may result from demand (or external) strain. Structural strain can lead to stress and then change. However, since it is partially the result of external factors, it indirectly carries the potential additional impact of the external factors.

In summary, environmental factors, in addition to affecting institutional change directly, affect the internal or purposive factors. In studies of congressional partisanship and party leadership, for example, scholars have found that external forces (such as electoral factors) directly affect partisanship levels and the strength of party leadership. Further, the electoral factors indirectly affect partisanship through various internal factors (Brady, Cooper, and Hurley 1979; Cooper and Brady 1981; Hurley and Wilson 1989). This logic suggests that partisanship, which is considered by purposive scholars to be independent (Binder 1997), is partially the result of external factors.

Other scholars have hinted at this potential relationship without explicitly testing it. In their study of the effect of issue complexity on jurisdictional dynamics at the committee system level of analysis, Baumgartner, Jones, and MacLeod (2000) suggested that such a relationship is one step back in the causal diagram from the micro-level decisions about committee referrals. Binder (1997) suggested a conditional relationship between workload and partisan policy preferences in affecting the establishment or suppression of minority rights. "The influence of changes in external demands on minority rights might . . . be conditional on underlying political conditions" (8). However, the relationship is not empirically tested.

Sinclair (1997) documented the increasing number of bills with multiple referral to committees and special rules, which she termed "unorthodox lawmaking." While she primarily sought to document this trend, she offered some suggestions about what might be driving the change, including both political and environmental factors. On the political side, she argued that the House Democrats in the 1980s were so far across the ideological spectrum from conservative President Ronald Reagan that gridlock was a natural consequence. Something was needed—unorthodox lawmaking—to get items passed into law over Reagan's veto. The author also pointed to an environmental rationale for the change, specifically a confluence of demands for policy change and the growing threat of deficit politics. "Unorthodox lawmaking represents successful adaptation to a tough environment" (233).

Larry Dodd (1997) employed Allison's (1971) models of the Cuban missile crisis to discuss congressional change, specifically the Republican

takeover of both Houses of Congress in the 1994 election. Dodd asked how we can have such major change when many of our theories tell us that Congress has evolved to perpetuate itself (hence, a Democratic majority should have persisted). In employing one of Allison's models (the social learning model), the author envisioned the change as one of social learning of broader societal changes. In this way of thinking, purposive behavior is grounded in broader and changing contexts.

Fiona Wright (1997) took Brady and Volden's (1998) deficit politics context one step further. She argued that broad changes in the 1970s gradually altered the calculations of members as they struggled to adapt to the new deficit politics. In studying the House budget process, she found that increased partisanship could be at least partly explained by the responses of politicians to the pressures and dilemmas of deficit politics.

This discussion suggests that scholars ought to incorporate micro-level politics and macro-level environmental factors into a broader, evolutionary model of institutional change. Congress, like other political institutions and social systems, adapts to multiple and competing forces from within (members, interests) and without the institution (the governing environment). Further, this discussion suggests that scholars ought to look for the independent effects of external factors and interactive effects with internal factors.

Conclusion

The literature on congressional change considers institutional arrangements as more than *ex ante* agreements struck before the policy-making game begins. Institutions change, and since institutional arrangements affect public policies, we need to understand how they change. Early in the chapter, I distinguished between gradual changes and less frequent, more salient changes (reforms). Political scientists tend to study the reforms when the more important type of change may be the gradual change that occurs between reforms (Binder 1997; King 1997; Rieselbach 1995). Therefore, studies of institutional change ought to include a longitudinal component.

Next, I presented and critiqued the organizational (efficiency) and purposive (redistributive) explanations of institutional change, which scholars tend to pit against one another. The literature suggests that both types of explanations have a role in explaining institutional change.

Finally, I argued that the competing organizational and purposive explanations work in tandem to drive institutional change. Scholars have too often considered these competing, independent explanations instead of examin-

ing an indirect link between the two. One purpose of this book is to add to this scholarly literature by examining the move to omnibus legislating. As the discussion above suggests, it will do this by including a longitudinal design as part of the test, by carefully examining the effect of both organizational and purposive explanations on the omnibus change, and by exploring how the two explanations work together in a broader conception of institutional change. I will now fill out that conceptualization of the move to omnibus legislating.

The Logic of Omnibus Legislation: An Integrated Theoretical Framework

As chapter 2 made clear, two schools of thought have developed on how institutions change in American politics. One group of scholars emphasizes micro-level explanations of institutional change that are rooted in human agency and activity. Another emphasizes macro-level factors in explaining institutional change.

A major shortcoming of the literature on congressional change is the fact that these two approaches have proceeded somewhat separately. Studies looking to one type of explanation over another are oversimplified and under-specified; they lack the appropriate rival hypotheses. If political scientists want to offer prescriptions about policy making and institutions to actors in the political arena, we need to develop full explanations of changes that provide full answers.

This study includes an important role for multiple theoretical perspectives and develops an integrated framework for understanding the omnibus change. This approach could fruitfully be applied to research on other institutional changes and could produce more fully informed scholarly discussions about congressional procedures.

Institutional developments, such as the increasing use of omnibus legislation, are partly the result of the behavior of political actors aiming to carry out their goals. However, political actors do not operate in a vacuum; they participate in a unique and potentially changing environment. Hence, it is vital to place actors in their political context, a context that can affect and condition the actors' behaviors and incentives. Congress (like other social systems) evolves and endures by adapting to competing demands, including the internal balance of forces *and* the governing environment.

In this chapter, I develop an evolutionary theoretical framework for explaining omnibus usage that includes a micro-level and macro-level

conceptualization. Including a political actor focus (micro level) and an institutional focus (macro level) in the framework will help us to understand the individual and institutional incentives for the omnibus change.

My general theoretical approach is to treat the rise of omnibus use as an institutional change to be explained by individual incentives of coalition building at the micro level, environmental constraints on congressional institutions at the macro level, and interaction between the micro and macro levels. At the micro level, it is critical to consider the expectations of success for bills in the legislative process. Two steps must be cleared to enact policy. First, a coalition must be assembled within Congress to pass legislation. Second, a presidential veto must be averted.¹ The logic of packaging bills flows from expectations of success for bills in each of these two essential steps and requires my framework to consider the party leader-member relationship and the congressional-presidential relationship. How does omnibus lawmaking help these actors in achieving their goals?

I also place these two relationships or dynamics in a proper context by giving careful thought to the potential impact of political context factors, such as deficit politics, divided government, partisanship, bicameral differences, issue complexity, and workload, on omnibus usage. These contexts may affect omnibus usage directly and condition the effect of the micro-level dynamics between members and leaders and Congress and the president on omnibus usage. Such macro-level contexts represent a group of explanations that scholars have considered the most with regard to omnibus legislation (Baumgartner et al. 1997; R.H. Davidson and Oleszek 1998; Oleszek 1989; Sinclair 1997; Smith 1989). In contrast, explanations of omnibus use have lacked a precise micro-level basis.

Figure 3.1 presents a graphical outline of this basic framework. Incorporating both micro and macro levels into my framework (and linking them)

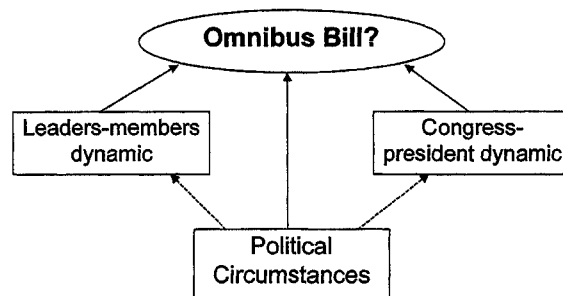


Figure 3.1 Theoretical framework

represents an advancement in the theoretical development of explaining institutional change in the legislative studies subfield of the discipline. Linking these two approaches also provides the fullest explanation of the rise of omnibus legislation.

The Micro Level: Two Institutional Dynamics

Omnibus bills involve two political actor dynamics that correspond to the two-step process that bills must go through to become law: one dynamic between congressional leaders and members and the other between Congress and the president. Omnibus bills provide a way to enact policies whose outcome in one or both of these two steps is doubtful or unclear. That is, the mechanism provides a way to manage uncertainty in the legislative process (Bach and Smith 1988; Browne 1995; Oleszek 1989; Smith 1989). Therefore, at the very least, we expect bills in the process that face opposition within Congress or at the president's desk to become attached to omnibus bills.²

Leaders and Members

I discuss first the relationship between those with the resources to package bills (congressional leaders) and members at large. What do leaders and members have to gain from omnibus legislation? How are their goals advanced? Leaders accrue certain benefits from omnibus use. They gain more power with omnibus bills and, because they assemble omnibus bills, are afforded the opportunity to advance party agenda items. Both of these (more power and pushing an agenda) are principal goals of party leaders (Cox and McCubbins 1993; R.H. Davidson and Oleszek 1998; Sinclair 1995).

Why do members allow leaders to package bills? Members surrender the right to consider items one at a time so leaders can get legislative items passed that face uncertainty in the very busy legislative process. In allowing packaging to occur, members are disadvantaged in three main ways. First, they are giving the leaders a powerful means of enacting items. This tool undoubtedly strengthens the position of leaders in the legislative process (Sinclair 1992, 1998).

Second, in allowing leaders to package bills, members are giving up traditional channels of deliberation. On omnibus items, rank-and-file members seldom are included in the minutiae of lawmaking (Smith 1989), and they have a severe informational disadvantage on the floor (Oleszek 1989; Sinclair 1997; Smith 1989).

Third, omnibus bills are so vast that election opponents may pick whatever part of an omnibus bill they want to hammer the incumbent with in a campaign. Sinclair (1997) documented the role of Rep. Marjorie Margolies-Mezvinsky (D-PA) in helping pass the 1993 Budget Reconciliation package critical to the Democrats and President Clinton. The final vote was 218 to 216. Congresswoman Margolies-Mezvinsky was a “pocket vote” only to be used if absolutely needed. She favored the legislation personally, but her district was heavily Republican. She promised to oppose tax increases in any form. Her vote was ultimately needed, and she cast the vote that tipped the scales. However, her challenger hammered away at this vote in the 1996 campaign, and she was defeated.³

What do members gain while they are disadvantaged? After all, a bargain suggests that both sides benefit; what incentives do members have to allow omnibus packaging by leaders? Members are driven by many goals, but primarily by reelection (Fenno 1973; Hall 1996; Mayhew 1974) and the desire to enact their policy preferences (Fenno 1973; Hall 1996). In exchange for allowing packaged bills by leaders, members obtain two major benefits that aid in achieving these overarching goals of reelection and making public policy. These benefits help us to see why members accept the costs associated with omnibus use.

First, omnibus bills aid members’ reelection chances; they provide a way to create distributive logrolls to secure particularized benefits. Mayhew (1974), Fiorina (1977), and Arnold (1979) have discussed the many features of congressional institutions that contribute to reelection of incumbents. The omnibus mechanism partly serves the needs of incumbents through the use of distributive or pork barrel politics. Members may put up with omnibus bills if the mechanism provides some distributive benefit that will aid reelection. Because omnibus bills nearly always succeed, members get a surefire way to get distributive items that might be opposed if pursued sequentially incorporated into omnibus bills.

Why are omnibus bills needed to generate such logrolls? Nearly all members of Congress seek pork barrel items. Yet there is not universal support for all such measures. There is always the potential in the legislative game for a low-demand majority to defeat a distributive measure pushed by a high-demand minority. Hence, distributive logrolls are susceptible to renegeing hazards (Weingast and Marshall 1988). One way around this enforcement problem is to package distributive items into a massive omnibus bill (Masten 1997). Leaders do this because member reelection, which is aided by distributive successes, ensures continuing majority status.

Second, through the omnibus bill attachment process, majority members

obtain a potential vehicle for enacting policies they care about. Among other things (position taking and credit claiming; see Mayhew 1974), members want to enact their bills. In institutions with large continuing agendas and therefore a scarcity of attention, members find it difficult to get their bills noticed and moved forward. The overwhelming majority of bills fail before getting a hearing (Ornstein, Mann, and Malbin 1996). One way to get around the traditional and extremely challenging typical legislative channels is to get your provision included in an omnibus bill. Leaders are elected by majority members and hence are willing to provide this benefit to majority members more than to minority members.

The electoral benefit for members associated with getting distributive projects for their district and for majority members in getting their bills moved forward outweighs the one main electoral cost of omnibus bills (having future opponents hammer the member on one part of the omnibus bill). These “goodies” also provide a potential rebuttal to charges raised about other parts of the omnibus bill.

Leaders have another main goal that is served in their bargain with members on omnibus legislation. That is, leaders want to stay leaders. They are elected by members in their party and ultimately derive their power from them. Because of this arrangement, power is tenuous for leaders. A leader who is powerful one year may find a challenge to that power in another year.

Speaker Newt Gingrich (R-GA) provides an excellent case in point. Regarded by many as an important factor in the Republican takeover of Congress in the 1994 elections, Gingrich rode a wave of enthusiasm into the speakership. The Contract With America provided an identifiable policy agenda for his party, and he enjoyed high party unity. In 1995 and 1996, he was regarded as one of the most powerful Speakers in recent memory (R.H. Davidson and Oleszek 1998). However, by 1997, his leadership was called into question by fellow Republicans, and he was nearly the target of a coup. By 1997, he was seen by some as too dictatorial a speaker and too willing to cave in to the centrist demands of President Clinton. A scandal involving improper receipt of book royalties confounded problems for the Speaker. The final factor that led to his demise was the poor showing by Republicans in the 1998 elections. In the course of three years, Gingrich went from being one of the most powerful Speakers of our time to giving up his office. When it was clear he would be defeated in the House Speaker election by Congressman Livingston (D-LA), Gingrich resigned the speakership and his seat in the House of Representatives. Legislative leadership power is tenuous.

Because of this situation, leaders approach the omnibus bargain with members carefully. If they abuse the bargain, members may vote them out of their positions. It is not surprising, then, that members at large in the majority party gain the legislative goodies mentioned above in omnibus bills. Giving members what they want helps members' reelection chances, which promotes the leaders' goal of retaining majority status.

Congress and the President

A second omnibus bargain occurs between Congress and the president (really between congressional leaders and the president). Congress may include measures that the president opposes in order to avert a veto. What does the president gain in this game? Why does the president participate in omnibus bargains? Why hold his nose and sign these measures into law? Why not just veto everything?

Scholars of presidential-congressional relations assume that presidents, like members of Congress, want to enact their policy preferences (e.g., Bond and Fleisher 1990; Edwards 1989). Beyond that assumption, the motivations of presidents in policy making are less studied than the much-discussed motivations of members of Congress. First-term presidents surely want to get reelected. Getting something done in policy making may aid a president's reelection prospects (in the case of first-term presidents). There is also some indication that presidents care about their historical legacy. Enacting policies they prefer and promises they make may lead to a favorable historical rating of their presidency.

Presidents understand that our legislative institutions were designed to block items rather than enact policy. One important thing presidents can gain from omnibus bills is the possibility of having their own agenda items made attachments to omnibus bills. This alternate route gets the president around having his bills go it alone in the legislative process and perhaps get blocked. The president, like members of Congress, faces a presumption of failure for bills introduced in Congress (Krutz, Fleisher, and Bond 1998). While the president is more likely to succeed in the legislative process than a typical member of Congress, only one-fourth of presidential proposals are enacted into law in a form still recognizable to the president (Peterson 1990). In congressional committees, presidential drafts are less successful than legislation pushed by the given committee and subcommittee leaders (Larocca 1995). Presidents therefore have something potentially very helpful to gain in omnibus bargains if they can bargain to have their own agenda items incorporated.

Congress (in the form of the leaders and their members), on the other hand, is willing on occasion to incorporate the president's legislative items in order to avert a veto of items Congress wants that are contained in omnibus bills.⁴

Why Not Use Omnibus Bills All the Time?

If leaders, members, and the president all receive some benefit in omnibus packaging, why not use omnibus bills all the time? Why not combine all policy and budget items into one gigantic omnibus bill each year? While members and the president obtain certain benefits from omnibus bills, they see omnibus legislating as a necessary evil. When packaging occurs, individual member participation and influence are lost and the power of the presidential veto is diluted. Because omnibus packages represent fragile bargains, the bill designers (party leaders) are careful not to abuse the omnibus method. If they abuse it, members may vote the leaders out of their positions or the president may exercise the veto. Hence, the party leaders keep the omnibus method within certain bounds. The fear of retaliation suggests that there will be some limit to the overall amount of omnibus packaging that occurs. Leaders are not likely to package bills all the time.

Omnibus bills incorporate attachments that might not survive the legislative process alone. There may also be a limit to how large an attachment may be before members retaliate or the president exercises the veto. On particularly prominent bills, members want to have the opportunity to participate in the process and understand the policy content. Omnibus bills are typically fast-tracked and do not allow for meaningful member participation. Further, the details of omnibus bills are typically not understood by members. If large-scale policy changes were incorporated into omnibus bills regularly, members would miss opportunities to participate. Similarly, presidents want to see large-scale policy changes considered sequentially so that they can consider them carefully and use the veto most effectively. There is probably some limit to how large omnibus attachments may be before members or presidents retaliate. Leaders thus are less likely to incorporate mammoth measures into omnibus packages because members and the president will want traditional input on such items.

Summary

At the political actor or micro level, my framework includes two institutional dynamics or games that help us understand why omnibus utilization

occurs. The bargain between those with the resources to package bills (leaders) and members at large is mutually beneficial. Leaders gain more power in enacting legislation amidst uncertainty and may advance party agenda items through omnibus bills. Members gain two main benefits. First, they get a chance to have distributive measures included in omnibus bills. Second, majority members get a chance to get their most valued items incorporated. By helping members at large, leaders aid member reelection, which helps ensure continuing majority party status.

The omnibus dynamic between Congress and the president also produces a bargain in which both sides benefit. Congressional leaders incorporate items that might be vetoed by the president if considered sequentially. In exchange, the president benefits by gaining an opportunity to have measures incorporated.

If all parties benefit to some degree (even while they give up something in the bargains), why not use the omnibus method all the time? Because these are fragile bargains, the bill builders (party leaders) are careful not to abuse the omnibus method. If they do, either of the bargains may break down. Party leaders may be removed from office by members or see a veto by the president. Omnibus bills almost never fail; the bargains get worked out. The party leaders keep the omnibus method within certain bounds by not overusing it and by resisting the incorporation as attachments of very prominent measures that members and the president wish to consider sequentially. I shall now place these two institutional dynamics in a proper and changing political context.

The Macro Level: Contextual Factors That May Affect Omnibus Usage and Condition the Micro-Level Effects

It is important to consider the political context in a theoretical framework of omnibus usage because political actors do not operate in a vacuum. Our analysis of the two micro-level dynamics does not tell us why omnibus use is higher today than in 1955. The micro-level dynamics operate—and political actors participate—in a particular and changing environment. This point brings us to the second component of the theoretical framework, the macro-level analysis, which will help us understand the institutional incentives that drive omnibus use.

Certain contextual circumstances complicate the legislative process, placing strain on congressional institutions and making it more likely that actors will turn to nontraditional tools such as omnibus legislating to make policy. Circumstances that challenge the capabilities of our legislative

institutions include deficit politics, divided party control, bicameral differences, partisanship, issue complexity and committee fragmentation, and burgeoning congressional workloads. At the level of the institution, changes such as omnibus legislation are needed to adapt to such challenges so that institutions may endure. To date, contextual circumstances—not strategic-level bargains—have been most mentioned by scholars as causes of the omnibus revolution (Baumgartner et al. 1997; R.H. Davidson and Oleszek 1998; Oleszek 1989; Sinclair 1997; Smith 1989). These five factors can be categorized as political explanations (divided government, bicameral differences, partisanship [minority obstructionism]), institutional concerns explanations (issue complexity, workload), or a hybrid of the two (deficit politics).

However, just as political actors do not exist in a vacuum, environmental constraints are not separate from micro-level political activity. Including both levels of explanation and linking them is critical. They are linked in that the environmental circumstances mentioned by scholars may condition the micro-level explanations of institutional change. In such challenging environmental scenarios, bargains are more likely to be struck between leaders and members and between Congress and the president to get things done. Thus, omnibus usage becomes more likely through an interaction of contextual and micro-level factors.

Deficit Politics

At the top of almost everyone's list as a cause of the omnibus revolution is budget deficit politics (R.H. Davidson and Oleszek 1998; Oleszek 1989; Sinclair 1997; Smith 1989). Indeed, an examination of deficit trends shows spikes in deficit spending at the beginning of the 1970s and again at the start of the 1980s, periods of time when omnibus use climbed.

How does deficit politics strain congressional institutions? In the face of large budget deficits, it becomes quite difficult to get anything new done (Brady and Volden 1998; C. Jones 1994; Sinclair 1995, 1997; Wright 1997). Any single new initiative that requires funding faces a "we cannot afford it" response. The proponents have a higher threshold to clear in demonstrating the importance of a program if it will contribute to an even higher deficit. Alternatively, the proponents can try the unpopular strategy of suggesting cuts elsewhere that would pay for the new program.

One way for the players (leaders and members, Congress and the president) to conduct business in such a challenging environment is to use omnibus bills. "The need for omnibus measures in the first place is the result of

a spending policy gridlock and highly constrained spending choices” (Smith 1989, 57). When an individual initiative is tacked onto an omnibus bill, the scrutiny on it decreases dramatically as policy makers focus on the core issue of the entire package.

Therefore, we expect more omnibus use in periods of tight financial resources and less omnibus use in periods of slack resources. Is deficit politics a political or an efficiency explanation of omnibus use? I believe it could be either. Using omnibus bills in periods of high deficits may be a way to make tough choices about spending (Oleszek 1989). Alternatively, omnibus use in deficit periods provides a way to create distributive logrolls—alliances that might fall apart if bills were considered sequentially.

Divided Government

Another challenging contextual circumstance for lawmaking arises from divided government (Sinclair 1997). When the president is from the opposition party of the majority party in Congress, it is likely that the president (who typically comes from the ideological mainstream of his party; see Bond and Fleisher 1990) will oppose many of the initiatives forwarded from the majority party and veto them. Moreover, presidential items are more likely to be blocked in Congress, since the opposition party controls the institutional levers of power. This predicament presents a particularly heightened sense of uncertainty for both branches and increases the likelihood that omnibus bargains will be struck. Table 3.1 shows the incidence of unified and divided government during the period of this study. Divided party control occurs more regularly later in the series (from 1970 to the present), the period of time in which omnibus use climbed ever higher.

Bicameral Differences

Congress consists of two legislative chambers. Yet another challenging situation confronts policy makers when the House and Senate have differences over policy (Hammond and Miller 1987; Riker 1992; Tsabelis 1995; Tsabelis and Money 1997). When the chambers are divided over policy preferences, legislative disagreement and ultimately gridlock can result. In a study of policy stalemate from 1947 through 1996, Binder (1999) found that the distribution of policy preferences between the chambers was a major determinant of gridlock (and therefore a lack of innovation). As a means of bargaining, omnibus bills might be employed in such a challenging

Table 3.1
Incidence of Unified and Divided Party Control, 1949–1994

<i>Congress</i>	<i>Years</i>	<i>Party Division</i>
81st	1949–50	Unified
82nd	1951–52	Unified
83rd	1953–54	Unified
84th	1955–56	Divided
85th	1957–58	Divided
86th	1959–60	Divided
87th	1961–62	Unified
88th	1963–64	Unified
89th	1965–66	Unified
90th	1967–68	Unified
91st	1969–70	Divided
92nd	1971–72	Divided
93rd	1973–74	Divided
94th	1975–76	Divided
95th	1977–78	Unified
96th	1979–80	Unified
97th	1981–82	Divided
98th	1983–84	Divided
99th	1985–86	Divided
100th	1987–88	Divided
101st	1989–90	Divided
102nd	1991–92	Divided
103rd	1993–94	Unified
104th	1995–96	Divided
105th	1997–98	Divided
106th	1999–00	Divided

situation. Each chamber could potentially get what it wanted in omnibus bills, but each would also have to accept some of the other chamber's initiatives.

Partisanship: Ripe Conditions for Minority Obstructionism

Minority obstructionism provides a challenging governing situation for legislative institutions. Certain governing conditions are riper for minority obstructionism than others. The most ideal conditions for the majority party are when it is large and cohesive and the minority is small and heterogeneous, as is the case during realignments (Brady 1988). Under such circumstances, the majority party can use traditional legislative channels to push through their favored policies. In contrast, a more daunting legisla-

tive task faces the majority party when the majority party is small (a narrow majority) and less unified and the minority is larger and unified. In these times we expect the majority party to look for special legislative procedures for moving their agenda by an obstructive minority. Indeed, partisanship has increased markedly in the 1980s and 1990s (Fleisher, Bond, Krutz, and Hanna 2000; Rohde 1991), the same period of time in which omnibus use soared. Hence, unified minorities now march in lockstep to block majority party policy making.

Issue Complexity and Fragmentation

Deficit politics, divided government, and the recent upswing in partisanship on Capitol Hill are topics discussed by political pundits and scholars alike. The increasing complexity of the national policy agenda is a less studied and understood phenomenon. *Issue complexity* refers to the degree of concentration of congressional attention to particular issues. An issue agenda is more complex when attention is dispersed across many issues and less complex when attention is devoted to a few main issues.

In their studies of congressional hearings, Baumgartner, Jones, and MacLeod (1998) demonstrated the increase in issue complexity that had occurred in Congress since 1947. They found that “legislative activity was concentrated in a smaller number of issue-areas in the early post-war period. Increasingly, congressional attention has become spread thinner among a wider range of topics than in the past, suggesting greater competition for access to the congressional agenda” (13). In a study of legislative production, Baumgartner et al. (1997) showed an increase in omnibus use across the same time period. They suggested that the increasing complexity of the issue agenda since World War II was related to the rise of omnibus usage, arguing that “omnibus bills provide a way to get things done in an increasingly complex issue environment” (1).

Increased issue complexity manifests itself in committee fragmentation. The basic setup of the congressional committee system was developed in the 1946 reorganization of Congress, when, as Baumgartner et al. (1997) showed, just a few main issues were on the agenda. Since that time, several new issues have appeared on the agenda that do not fit into one committee’s jurisdiction. These issues include health care and environmental policy. As a result, issues are increasingly considered in more than one principal committee. Issues increasingly “spill over” several committees. This jurisdictional fragmentation becomes a structural strain on the institution. While sharing issues between committees allows institutions the flexibility

to address new and expanding issues (Baumgartner and Jones 1993; King 1997; Talbert, Jones, and Baumgartner 1995), it also makes coordination a big challenge.

When a member pushes a bill in a fragmented issue area (with jurisdiction spread across several committees), it is likely that one of the committees weighing in will oppose it, a common by-product of jurisdictional wrangling. In a highly fragmented committee system, omnibus bills are a way to make policy because they centralize authority, getting party leaders away from the committee bickering. As King (1997) argued, "One cannot come to terms with the reasons for crafting these 'mega bills' without addressing the jurisdiction game and its impact on the institution" (139).

Workload

An increasing workload is a final potential strain on a lawmaking institution that may introduce uncertainty into lawmaking. An increased workload creates more pressure through increased demands on time. Members find it harder and harder to accomplish their own work and the work of the institution.

According to many scholars in the congressional organizational theory tradition (Cooper 1977; Cooper and Young 1989), this state of affairs creates a situation where a legislative technique is needed to make lawmaking more efficient. Omnibus bills are larger and processed more quickly than traditional bills; thus, they may be a more efficient way to conduct legislative business. According to this logic, we expect higher levels of omnibus use when the congressional workload increases.

A caveat is in order regarding these workload expectations. One way of dealing with the challenges of increased workload might be simply to increase staff support on Capitol Hill overall and/or in a particular issue area with greater workload. But the deficit, partisanship, and issue complexity challenges do not lend themselves to any similarly straightforward response. Therefore, while organizational theorists provide sufficient argument to examine the potential relationship between omnibus use and workload, I suspect the relationship to be weaker than for the other contextual circumstances.

Conclusion

This chapter developed a theoretical framework for understanding omnibus use that includes and links the micro level and the macro level and both

politics and efficiency dimensions. The micro-level logic flows from the two-step process that bills must go through to become laws: passing Congress and the president's desk. This two-step process led me to consider carefully two bargains that take place in omnibus legislation, one between leaders and members and the other between Congress and the president. I also incorporated several contextual circumstances on omnibus usage: deficit politics, divided government, a more partisan legislative arena, issue complexity, and an increasing workload. In its entirety, this framework leads to several empirical expectations that are more carefully stated and tested in chapters 5 and 6. Next, I develop a definition of omnibus legislation and systematic indicators with which to test the logic of omnibus use and some of the effects of omnibus legislation in later chapters of the book.

Studying Omnibus Lawmaking Systematically

omnibus: (1) a usually automotive public vehicle designed to carry a large number of passengers; (2) a book containing reprints of a number of works; (3) of, relating to, or providing for many things at once; (4) containing or including many items.

—Merriam-Webster (1993, p. 811)

Studying omnibus legislation systematically requires an operational definition and measure of omnibus legislation. This chapter does three things. First, I provide a definition of omnibus bill and identify all such packages since the 81st Congress (1949–50). I begin with the 81st Congress because it included the first such “mega-bill” (Chamberlain 1946; Congressional Quarterly, Inc. 1951; Nelson 1953). Second, I develop two quantitative indicators of omnibus use across time in order to show the longitudinal trends in omnibus use. Third, I employ a method to identify the attachments to omnibus bills for the period from 1979 to 1994. The 1979–1994 time period allows the use of many outstanding on-line data sources, such as LEGI-SLATE.

The trend data demonstrate that omnibus lawmaking started at mid-century and increased in recent decades. The omnibus attachment data show that a significant number of bills get through the typical gauntlet of lawmaking on Capitol Hill by becoming attached to omnibus bills. These trends suggest the need for examination of the causes and effects of omnibus legislation, which will be pursued in subsequent chapters.

This chapter is quite detailed, but it is among the most important in the book. Therefore, I ask the reader to indulge me. This chapter is critical because a precise definition of omnibus legislation has eluded political sci-

entists (and congressional staffers and researchers), even though many distinguished scholars in American politics argue that the development of omnibus legislation is one of the most important recent changes in the legislative process.¹

What Is an Omnibus Bill?

Scholars have offered similar ideas of what constitutes “omnibus legislation.” Sinclair (1997) summarized the general concept well: “Legislation that addresses numerous and not necessarily related subjects, issues, and programs, and therefore is usually highly complex and long, is referred to as omnibus legislation” (64). Quite similar statements are offered by many other legislative scholars (Baumgartner et al. 1997; Cameron et al. 2000; R.H. Davidson and Oleszek 1994, 1998; Mayhew 1991; Oleszek 1989; Smith 1989). As discussed above in chapter 1, omnibus bills are typically assembled to get something passed. The big bill has its own locus of attention (nucleus) and is more likely to have the support of important players in the legislative process. Omnibus bills are powerful in that they divert attention from controversial items of certain substantive policy areas to other main items that enjoy widespread support or are necessary or both. The controversial items, if considered alone, would face opposition within Congress or at the president’s desk. Omnibus bills provide a way to evade this opposition and enact the policies; they provide greater certainty (Bach and Smith 1988).

What are the options for defining *omnibus bill*? One option is to use the name of the bill. However, this straightforward approach is problematic. The term *omnibus* can be used arbitrarily. At the introduction stage of the process, members of Congress may call a bill whatever they choose. Members may simply label a bill “omnibus” to make it sound more important. Moreover, several omnibus bills, like certain budget reconciliation bills and continuing appropriations measures, do not have the word *omnibus* in their title.

Because of this situation, it is not wise to rely on news services to identify omnibus bills, since they report what the bill was called rather than relying on a precise definition. I checked several bills with the label *omnibus* in annual editions of *Congressional Quarterly (CQ) Almanac* and on LEGISLATE, an on-line service used by many scholars. Some such bills are omnibus in the sense scholars intend above (large and spanning many policy areas), while other bills are quite specific to one narrow policy area.

This state of affairs poses a challenge. Relying on political observers to

identify omnibus use could lead to substantial error, since they report what the bill was called rather than relying on a precise definition. It also points to the need for the development of a reliable measure of omnibus legislation. Accordingly, my goal is to take an alternative route to simply using the name of the bill by providing a behavioral definition of omnibus legislation that follows from the concept.²

Omnibus bills differ from typical major bills in their *scope* (number of substantive policy areas spanned), their *size*, and, following from scope and size, their *complexity*. Sinclair (1997) has emphasized scope and size, while Roger H. Davidson and Walter Oleszek (1998) have focused on size. Complexity is a characteristic that follows from the other two. My definition captures these key attributes of scope and size. I define omnibus bill as any piece of major legislation that (1) spans three or more major topic policy areas *or* 10 or more subtopic policy areas *and* (2) is greater than the mean plus one standard deviation of major bills in words. Several elements of this definition require further explanation. What is major legislation? What is a major topic policy area? What is a subtopic policy area? Defining major legislation provides a group of bills from which to isolate the omnibus bills. Defining *major topic policy area* and *subtopic policy area* provides one of the tools to distinguish omnibus bills from other major bills by ascertaining how many policy areas they span. The other tool for distinguishing omnibus bills from other major bills is the size of the bill as measured in words.

Defining Major Bill

The term *major* is inherently subjective, varying by what people deem to be important. Nonetheless, political scientists have found fairly objective means of identifying categories of major bills considered.

Mayhew (1991) undertook two sweeps (one of congressional wrap-ups in the *New York Times* and *Washington Post* and one of retrospective judgments of policy analysts) to determine landmark enactments, resulting in about 12 bills per Congress from 1947 through 1990. Casting a broader net than Mayhew, Sinclair (1997, 8) defined *major* on the basis of a list of important legislation provided by the *CQ Weekly Report*, resulting in roughly 50 bills per two-year Congress. In a recent work on domestic agenda setting that examined whether the president or party leaders get more of their items on the legislative agenda, Taylor (1998) employed a definition of *major* quite similar to Sinclair through *CQ* sources. This process resulted in numbers of cases per Congress that were similar to Sinclair's, but for a longer time series. In an even more ambitious undertaking, Edwards, Bar-

rett, and Peake (1997) identified all failed bills reported in the *CQ Almanac* (about 86 per two-year Congress) before paring them down to a smaller list of roughly 13 important failures comparable to Mayhew's landmark successes. Employing the largest of nets, Baumgartner et al. (1997) studied all statutes and, relying on *CQ Almanac*, other legislation covered; they came up with some 520 cases per Congress.

How should one define *major* to get an appropriate list of important bills that would include all omnibus bills? Although all omnibus bills may not be landmark enactments in a Mayhew sense, omnibus bills are quite prominent (R.H. Davidson and Oleszek 1998; Oleszek 1989; Sinclair 1992, 1997; Smith 1989). Hence, we would expect them to be found in a list of important bills compiled in the *CQ Weekly Report* and to receive prominent coverage in the *CQ Almanac*. Several scholars have used these sources to identify samples of important bills for analysis (Baumgartner et al. 1997; Cameron et al. 2000; Edwards, Barrett, and Peake 1997; Sinclair 1997; Taylor 1998). The *CQ Almanac* has featured somewhat consistent coverage since 1948 (Baumgartner et al. 1997; Cameron et al. 2000). The *CQ Weekly Report*, on the other hand, has varied in its title and its length.

I used a two-pronged approach to get a list of major bills from which to classify omnibus bills. First, I used the top 10 percent of covered bills in *CQ Almanac* from Baumgartner and Jones's Policy Agendas Project data set.³ Second, I checked that list of bills against the same list from *CQ Weekly Report* that Sinclair (1997) used to identify major bills in her study of unorthodox lawmaking (about 50 per Congress). If the *CQ Weekly Report* contained bills not in the top 10 percent of *CQ Almanac* bills, I also included those bills (only a few such cases). This procedure yielded 1,180 major bills from 1949 through 1994 (an average of 51 major bills per Congress).

Defining Major Topics and Subtopics

Now that we have identified the major bills, we need to figure out which ones are omnibus measures. According to my definition, this first requires a determination of how many policy areas each bill spans. What is a major policy area? Several different topic-coding schemes have been developed by political scientists to classify legislation and, more recently, congressional hearings, ranging from the general to the highly specific (Baumgartner and Jones 1993; Baumgartner et al. 1997; Clausen 1973; Sinclair 1977, 1982; Wildavsky 1966). The most general of classifications is that used by

Table 4.1
Major Topic Areas of Public Policy

Macroeconomics
 Civil rights, minority issues, and civil liberties
 Health
 Agriculture
 Labor, employment, and immigration
 Education
 Environment
 Energy
 Transportation
 Law, crime, and family issues
 Social welfare
 Community development and housing issues
 Banking, finance, and domestic commerce
 Defense
 Space, science, technology, and communication
 Foreign trade
 International affairs and foreign aid
 Government operations
 Public lands and water management

Table 4.2
Subtopics of Health Care

General (includes combinations of subtopics)
 Health care reform, health care costs, insurance costs, and availability
 Medicare and medicaid
 Regulation of prescription drugs, medical devices, and medical procedures
 Health facilities construction and regulation, public health service issues
 Mental illness and mental retardation
 Medical fraud, malpractice, and physician licensing
 Elderly health issues
 Infants, children, and immunization
 Health manpower needs and training programs
 Military health care
 Alcohol abuse and treatment
 Tobacco abuse, treatment, and education
 Illegal drug abuse, treatment, and education
 Specific diseases
 Research and development
 Other

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 Infants, children, and immunization
 Health manpower needs and training programs
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 Alcohol abuse and treatment
 Tobacco abuse, treatment, and education
 Illegal drug abuse, treatment, and education
 Specific diseases
 Research and development
 Other

a selection of entries. The trade-off, then, is between heterogeneity of topic categories on the one hand, and the multiplication of thousands of code categories, each of which might have so few entries that no analysis at that level of specificity would be possible. (Baumgartner, Jones, and MacLeod 1998, 3)

Hence, the underlying criterion is to group substantively similar items together, while avoiding having so many different categories that the system becomes unhelpful for analysis.

Baumgartner and Jones initiated the topic-coding system by having two different coders assign topic codes to the same set of congressional hearings (and later legislative stories). Problem areas were discussed and worked out, which enabled intercoder reliabilities to rise to over 95 percent at the topic level and 90 percent at the subtopic level. Shortly after the coding process was established, I joined the project and began topic-coding *CQ* stories and statutes using the same system. Intercoder reliabilities on those data sets were even higher than on the hearings. A second process was undertaken on the congressional hearings, *CQ* stories, and U.S. statutes data sets to ensure validity of the topic-coding system. After each data set was completed, the entire data matrix was sorted by topic and subtopic, and the topic coders, along with Baumgartner and Jones, reviewed all entries for topic codes against the textual summary provided on each case. This process was a way to make certain that each subtopic was homogenous. “After coding over 28,000 cases from 46 annual editions of the *CQ Almanacs* (and 70,000 hearings in a previous project), we are confident that our topic and subtopic codes produce useful and homogenous groupings” (Baumgartner, Jones, and MacLeod 1998, 6).

Once again, the underlying criterion was to place substantively similar items together. The main topic areas contain items that are generally similar, while the subtopic areas contain items that are specifically similar. Hence, the degree of homogeneity is greater at the subtopic level than the major topic level.

The topic categories in Table 4.1 place some categories together in broad topics that some might argue should be separated from one another. For example, “foreign affairs” and “foreign aid” (i.e., war and peace) are together in a topic category. War and peace are generally similar because both are foreign matters. However, they cover specifically different aspects of a more general area of public policy. Thus, they are separated at the subtopic level. Hence, the true homogeneity is at the subtopic level. To ensure homogeneity, therefore, I used the subtopics as well as the topics

to determine how many policy areas a bill spans. This approach made it possible for me to code the presence of disparate policy areas in a way that was consistent with the conceptual definition of omnibus legislation.

This important discussion goes to the heart of the trade-off between creating a manageable number of policy categories while retaining some degree of homogeneity. Any scholar attempting to develop policy categories faces this challenge. The Baumgartner-Jones scheme of 19 major topics and 224 subtopics handles this trade-off better than the other available topic-coding systems, such as the Clausen five-area topic scheme, which are lower in numbers of policy categories and thus contain higher degrees of heterogeneity within the categories.

In sum, the next step in the coding process was to determine how many different substantive major policy areas and subtopic areas each of the 1,180 major bills spanned. To accomplish this step, I carefully read legislative summaries and histories of each bill from the Congressional Information Service and the *CQ Almanac*. I looked for the number of different substantive major policy areas and subtopic areas that the bills spanned. Those bills that in my judgment spanned three or more major policy areas or 10 or more subtopic policy areas met one of the necessary conditions for being included in my population of omnibus bills.⁴ Appendix 2 lists the topic and subtopic categories from which I worked. Appendix 2 will aid scholars hoping to use this topic-coding scheme for replication of the current study or for their own research.

To summarize thus far, I identified the top 10 percent of the most-covered bills in *CQ Almanac* (double-checked with the *CQ Weekly Report's* list of important legislation). From those 1,180 bills, I carefully read legislative summaries to determine how many major topic and subtopic policy areas the bills spanned. Those spanning three or more major policy areas or 10 or more subtopic policy areas met one of the necessary conditions to be included in my population of omnibus bills.

Measuring Size

The second condition to be met for omnibus classification was size. I measured size as the number of words in each of the bills. From 1979 through 1994, this information was easily obtained from the on-line service LEGISLATE. I used the count of words in the last version of the legislation. For earlier years, I did one of two things to get the length of the bill in words. For those bills that became law, I identified the sections in the U.S. Code containing the bill and counted the words therein (also done on line). For

the major bills that did not become law, I consulted *CQ Almanac*, which contained word for word the language of many major bills like these. Major bills clearing one standard deviation above the mean length of major bills met the size requirement. This entire procedure yielded 242 omnibus bills of the 1,180 major bills from 1949 through 1994.

A Word about Regular Appropriations Bills

Congress is required to complete action each year on 13 regular appropriations bills to formally enact the budget. Many of these bills include budgets for programs and areas that span many topical areas. However, these bills in their regular form do not represent a change in lawmaking that I am attempting to explain through definition of omnibus bills. Still, there is the potential that leaders will incorporate major policy enactments in regular appropriations bills, thereby reflecting a change along the lines of omnibus legislation. While such attachments are more common on reconciliation and continuing appropriations bills (of which there are many in the population of omnibus bills) than on the 13 regular appropriations bills, I also examined in detail these bills, and if policy attachments distinct from the budget aspects met the “span” requirement and the entire bill met the size requirement, then the bill was designated omnibus. This designation was necessary for several defense appropriations bills in the 1980s and an energy and water development appropriations bill in the 1990s.

Of the 1,180 major bills, 242 qualified as omnibus by the above definition. In addition, 40 more major bills were attached to one of the 242 omnibus bills. More precisely, these 40 bills were by themselves major (top 10 percent of *CQ Almanac* coverage), and they were subsequently attached to an omnibus measure. In total, 282 major bills were omnibus related—either an omnibus measure or an attachment.

Next, I used this operational definition to develop two indicators of aggregate omnibus usage per two-year Congress from 1949 through 1994. The first was a raw count of omnibus bills per Congress. However, this measure did not take into account the amount of other major legislative activity undertaken (the denominator). Therefore, a second variable was the proportion of major bills that were omnibus bills per Congress.

Documenting the Omnibus Change since World War II

In chapter 2, I followed King (1994, 1997) in drawing a conceptual distinction between formal institutional reforms and more informal, incremental

changes. Formal changes receive much attention from political scientists, including the Legislative Reorganization Act of 1946 (e.g., R.H. Davidson 1990; Perkins 1944), the 1970s reforms (e.g., R.H. Davidson 1992; Rieselbach 1994; Rohde 1991), and the Republican reforms in the 104th Congress (R.H. Davidson 1995; Evans and Oleszek 1995). Less studied are informal and incremental changes, including changes in committee issue jurisdictions (King 1994), rule changes pertaining to bill introductions (Cooper and Young 1989), and the development of minority rights (Binder 1996; Binder and Smith 1995). I reviewed several pieces of recent literature that suggest that while reforms have impact, the more common, fundamental, and lasting changes may take place gradually over time (Binder 1997; Binder and Smith 1995; Hall and McKissick 1997; King 1994, 1997; Rieselbach 1995). Such literature suggests that institutions do not typically change in major ways all at once. Yet political scientists tend to focus on the sudden, large-scale changes.

What is the conventional wisdom on the nature of the omnibus change? Scholars have similarly focused on seemingly dramatic omnibus change in the 1980s (Mayhew 1991; Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989). Conventional accounts point to 1980 (Smith 1989) or 1981 (Oleszek 1989) as the breakthrough year of omnibus usage. In those years (and particularly in 1981), the budget reconciliation bill became a mammoth piece of legislation with dozens of component measures (Congressional Quarterly, Inc. 1981, 1982). Scholars' explanations of the omnibus change have likewise focused on potential factors of those times. These explanations include the budget deficit situation and divided party control (Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989).

What do the descriptive data from this project show us when we look across time and employ a technical definition of omnibus legislation? First, our examination of lawmaking over a longer period shows us that, in sharp contrast to the conventional wisdom (Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989), omnibus legislation did not begin in the 1980s. Its use was not initiated suddenly, like a reform; rather, it developed gradually over several decades. This finding supports King's (1997) and Binder's (1997) argument that institutional change does not typically happen all at once in reform periods. Certainly, some periods are marked by more large-scale change than others (King 1997), but the nature of the institutional omnibus change appears to be more evolutionary.

Figure 4.1 demonstrates the move to omnibus legislating across the post-World War II period. It displays the number of omnibus bills per Congress from 1949 through 1994. As these data bear out, there has been

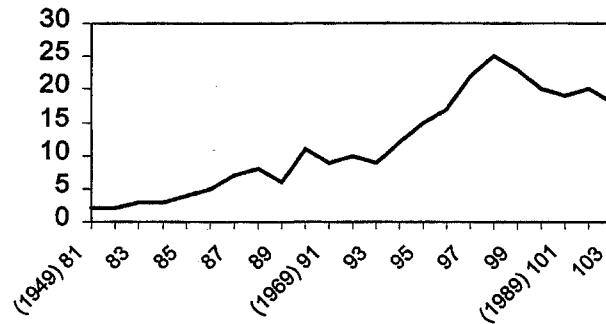


Figure 4.1 Number of omnibus bills per Congress, 1949–1994

an increase in the use of omnibus packages.⁵ The first modern use of the omnibus procedure was in 1950 (Congressional Quarterly, Inc. 1951), and the omnibus technique was employed on a regular basis leading up to 1981. Thus, it was already a proven method and available for use in 1981. There was a very slight decline and leveling off after the 101st Congress, but the omnibus technique is still employed more now than it was in the post-World War II period. It is also important to note that this slight decline is misleading because omnibus bills have been larger since 1985 than before.

Figure 4.2 displays the proportion of major bills that were omnibus in each Congress from 1949 (81st Congress) to 1994 (103rd Congress). The trend is very similar to that exhibited in Figure 4.1, a more or less gradual increase in the use of omnibus legislation across most of the postwar period.

It is important to weight for the prominence of legislation because omnibus bills are typically much larger than other major bills. Hence, Figure 4.2's depiction of the proportion of major bills that were omnibus bills, based on simple numbers of bills, probably understates the proportionate *role* of omnibus legislating. When legislation is roughly weighted for importance, omnibus usage may be even greater. To roughly weight for the importance of the legislation, I measured the column-line coverage in *CQ Almanac* dedicated to each of the major bills (omnibus and nonomnibus alike).⁶ The proportionate contribution of omnibus bill legislation to lawmaking, by this measure, is the total number of *CQ Almanac* column lines dedicated to omnibus bills as a proportion of the total column lines dedicated to all major bills. With this weighted measure, there is still an increase in omnibus use from 1949 through 1994, and omnibus legislation takes on a greater role in major lawmaking than that suggested by Figure 4.2.

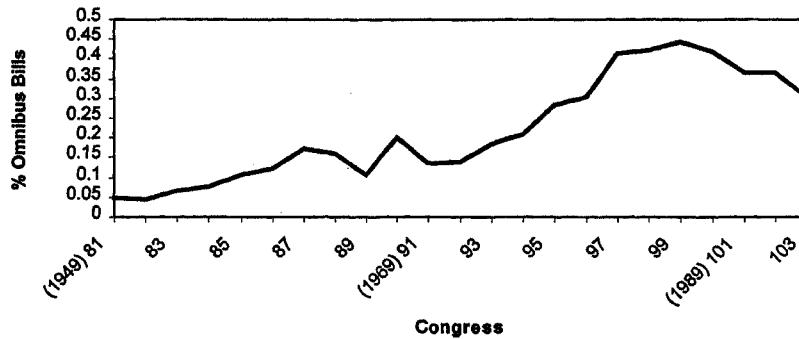


Figure 4.2 Percentage of major bills that were omnibus per Congress, 1949–1994

In Figure 4.2, the proportion of omnibus bills to major bills in general in the last few decades is between 15 and 30 percent. But if we weight for importance of the legislation, omnibus bills for that same period constitute 20 to 40 percent of major lawmaking. From 1949 through 1980, about 15 percent of the *CQ Almanac* coverage of major bills was omnibus bill coverage. From 1981 through 1994, 39 percent of the coverage of major bills was omnibus bill coverage. The dramatic gains in omnibus use in the 1980s suggest that scholars were at least half right in pointing to the 1980s in that new levels were reached.

Legislative scholars have suggested that the use of these large omnibus bills drives down the total number of statutes being enacted; our system produces fewer but bigger laws (R.H. Davidson and Oleszek 1998; Oleszek 1989; Ornstein, Mann, and Malbin 1996). Figure 4.3 demonstrates such an anticipated trend for statutory output. This count of statutes excludes commemorative legislation, such as proclamations declaring “National Cantaloupe Week,” in order to remove the many enactments that are not policy matters that have become more common in recent decades.⁷ During the 1980s, the total statute count per Congress was generally between 600 and 900. But since 1997, it has been about 400. Taken together, Figures 4.1 through 4.3 tell a story of a congressional trend toward enacting bigger, multi-issue bills.

Some might ask whether the existence of omnibus bills prior to 1981 is an artifact of my definition of *omnibus bill*. Such a critique would imply that three major areas or 10 subtopic areas lumped together was too low a threshold for designating a bill as omnibus. I would answer this concern with three points. First, because I required omnibus bills to clear a policy area threshold, some bills called omnibus did not meet the definition (e.g., many

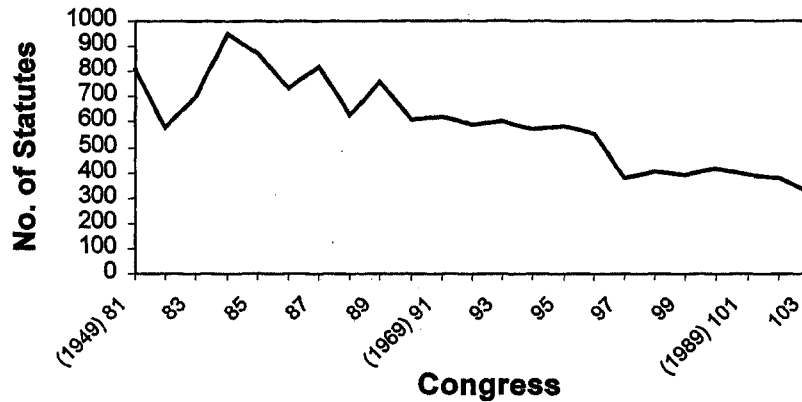


Figure 4.3 Number of statutes per Congress, 1949–1994

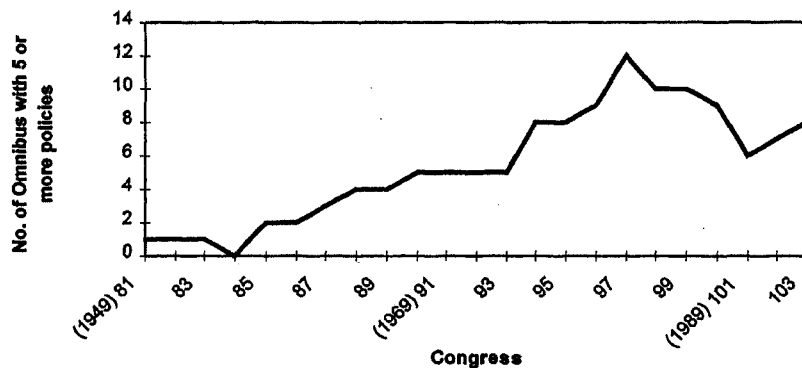


Figure 4.4 Number of omnibus bills meeting threshold of five policy areas, 1949–1994

water projects bills and bundled private bills). Therefore, I have, if anything, understated rather than overstated the prevalence of the omnibus technique. Furthermore, the water projects bills and bundled sets of private bills occur across the entire time series.

Second, my definition requires bills to meet a size criterion in addition to a scope criterion. Third, most omnibus bills from 1949 through 1979 comfortably cleared the policy areas threshold. The proportion of omnibus bills comprising only three policy areas was 21 of 84, or 25 percent, from 1949 to 1980 and 18 of 80, or 23 percent, from 1981 to 1994. Figure 4.4 shows the number of omnibus bills per Congress as defined by a higher threshold of five major policy areas. This trend is quite similar to the

trend in Figures 4.1 and 4.2. The one difference is that there is less of a drop-off in omnibus usage at the end of the period. This exercise demonstrates that omnibus bills early in the period are not an artifact of my omnibus definition.

Hitching a Ride on the Omnibus, 1979 to 1994

How many bills become attached to omnibus bills? To answer this question, it is necessary to isolate a group of bills that receive enough serious consideration so that they might become attached to omnibus bills. What is the proper population of bills that are candidates for attachment to omnibus packages? Most bills are never seriously pushed or considered in Congress (R.H. Davidson and Oleszek 1998; Oleszek 1989). Including all of the thousands of bills introduced in a Congress in the sample of potential omnibus attachments will distort the results. On the other hand, considering only the most major of bills (such as the 1,180 major bills for the period 1949 through 1994 that we studied to isolate the omnibus bills) misses many of the bills that are attached to omnibus bills. What is needed is a subset of bills that are “seriously considered” and hence are potential candidates for inclusion as an attachment on an omnibus bill.

Fortunately, *CQ* has identified in its annual editions of the *Almanac* a subset of seriously considered bills from which potential omnibus attachments will emerge. From 1949 through 1994, *CQ* had over 12,000 write-ups on legislation and other congressional matters in the *Almanacs* (Baumgartner et al. 1997). As I discussed above, several other scholars have used *CQ* to focus on different subsets of bills that receive serious consideration in Congress (Bader 1997; Baumgartner et al. 1997; Cameron et al. 2000; Edwards, Barrett, and Peake 1997; Sinclair 1992, 1995, 1997; Taylor 1998).

My first coding task, which I have already described above, was to determine which major bills qualified as omnibus bills (required to meet a dual threshold of scope and size). The next task was sorting out which bills were attached to these omnibus bills—to “unpack” the omnibus bills. To determine which bills were attached to the omnibus bills, I looked in two places in the same data source. For each bill receiving a separate *CQ Almanac* story from 1979 to 1994, I reviewed the written summary or summaries to determine whether the measure was attached to an omnibus bill.⁸ Second, I carefully studied the lengthy *CQ Almanac* stories of the omnibus bills themselves to make certain each of the bills discussed there was in my population of “seriously considered” legislation. Examining in detail the *CQ* omnibus bill summary was important because some of the omnibus bill

Table 4.3
Bills Hitching a Ride on the Omnibus, 1979–1994

<i>Attached to Omnibus</i>		<i>Unattached</i>		<i>Total Bills</i>	
<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
511	16.0	2,679	84.0	3,190	100

attachments did not receive separate write-ups in the *CQ Almanac*.⁹ For the period from 1979 to 1994, this process yielded 3,190 seriously considered bills.

To illustrate this attachment-coding process, let us consider the 1992 Urban Aid Tax Bill. I found in initial coding of the bill that the bill met the size requirement and spanned five major policy areas and 29 subtopic policy areas within those five major areas. To code attachments for that Congress, I read summaries of every bill that received a separate *CQ Almanac* story and found that four such bills were incorporated into the Urban Aid Tax Bill. I then looked in detail at the *CQ Almanac* summary of the Urban Aid Tax Bill and found two other bills that became attached. In total, six attachments are in the data set for the Urban Aid Tax Bill.

Table 4.3 shows the breakdown on bill attachments to omnibus bills from 1979 to 1994. We see that about 16 percent of 3,190 bills considered got to “hitch a ride on the omnibus.”¹⁰ Because omnibus bills typically succeed, 98 percent of bills attached to omnibus bills became law. It appears that omnibus bills provide a viable and important alternative route to enactment for bills introduced in Congress. This finding is important because entrepreneurs pushing the other 84 percent of bills have to overcome a presumption of failure for bills introduced (Krutz, Fleisher, and Bond 1998). The vast majority of these bills will not survive the legislative gauntlet; only 28 percent become law.

Because scholars have noticed a prevalence in omnibus usage in recent decades, the longitudinal trends displayed in Figures 4.1 through 4.4 make sense and were anticipated. Frankly, however, I did not expect to find such a high proportion of bills that become attached to omnibus bills. Therefore, when tabulating these results, I was further convinced of the importance of shedding light on the topic of omnibus legislation.

Which policy areas are most prevalent in omnibus attachments? Table 4.4 displays the principal policy areas from which omnibus attachments emanate. This table shows substantial variation across topics. The largest pro-

Table 4.4
Omnibus Attachments by Policy Topic Area, 1979–1994

<i>Major Topic Name</i>	<i>N</i>	<i>%</i>
Health	66	12.9
Defense	54	10.5
Government operations	43	8.3
Macroeconomics	38	7.5
Law, crime, and family issues	38	7.5
International affairs and foreign aid	33	6.4
Social welfare	32	6.2
Transportation	30	5.9
Agriculture	26	5.1
Environment and energy	26	5.1
Banking and domestic commerce	26	5.1
Labor and employment	19	3.8
Community development and housing	19	3.8
Education	16	3.2
Foreign trade	15	3.0
Space, science, and technology	14	2.7
Public lands and water management	14	2.7
Civil rights, civil liberties, and minority issues	2	0.3
Totals	511	100

portion of omnibus attachments is in health policy. Nearly 13 percent of the attachments, or 66 of 511, were health items. The next largest category is defense. Over 10 percent of the attachments, or 54 of 511, were defense measures. Other categories with many attachments are government operations, macroeconomics, and law/crime issues.

The use of omnibus legislation in these high-attachment areas has as much to do with legislative strategy as it does with the nature of the topics. Health care policy is the most fragmented policy area on Capitol Hill (Baumgartner et al. 1998). Hence, insulating health items in “must-pass” omnibus measures provides a way around committee turf battles (King 1997). I consider the case of health care policy in more detail in chapter 8. The macroeconomics and government operations categories include items pertaining to the federal budget that are typically presented to members in the form of omnibus budget bills. Defense (and transportation and agriculture) are distributive policy areas in which members seek to gain particularized benefits for their districts. These “pork” items are bundled in omnibus bills to prevent specific defense contracts, agricultural subsidies,

or public works projects from being defeated or eliminated. The use of omnibus legislation to move distributive items guarantees logrolling (please see chapter 3 for more discussion of a distributive logic of omnibus use).

Conclusion

In this chapter, I developed an original definition of omnibus legislation that follows from the conceptual discussion of omnibus legislation by other scholars. I then used the definition to develop systematic indicators of omnibus usage from which to display trends in omnibus usage since World War II.

Next, I showed the basic trends of omnibus lawmaking in the period since World War II. The trend data suggest that the omnibus change took place over several decades, more gradually than scholars have assumed. While the 1980s saw new peaks of omnibus usage, that decade was a continuation of a trend that began in the 1949–50 Congress. Since most scholars have looked to the 1980s as the origination of the omnibus change, their explanations of the omnibus change have likewise focused on potential factors of those times (e.g., deficits and divided government). An omnibus upswing did occur in the 1980s, and thus such factors should be examined, but it is important to think about other factors since World War II (like issue complexity and committee fragmentation) and to focus upon the first use of omnibus legislating in the 81st Congress (to be explored in chapter 7).

I also developed a method for identifying the attachments to omnibus bills from 1979 to 1994. The attachment data demonstrate that a significant proportion of bills (16 percent) get around the typical gauntlet of lawmaking on Capitol Hill by becoming attached to omnibus bills. We also see that more omnibus attachments come from health care policy than from any other policy area (more focus on the health care case follows in chapter 8). These descriptive data suggest the need for a closer look at the causes and effects of omnibus legislation, to which I turn in the following chapters.

Hitching a Ride on the Omnibus

In 1982, several members of Congress and leaders sought to revive a dormant airport development program that had failed to be reauthorized in the previous Congress. The previous act had expired in 1980. Lawmakers had failed in numerous prior attempts to bring the airport improvement act to the floor for two reasons. First, there was controversy over the program's direction (Sarasohn 1982). Second, if considered alone, the bill was required to take a circuitous route through the committee system. Five House and four Senate committees had to be coordinated to secure such an airport development program.

To get the bill through the legislative process, Senate Majority Leader Robert Dole (R-KS), together with Commerce Committee Chairman Bob Packwood (R-OR), attached the measure to an omnibus tax bill with widespread support making its way through Congress. Norman Mineta (D-CA), chairman of the House Public Works Aviation Subcommittee, said the procedure helped insulate the controversial airport measure: "Frankly, it was a good way to do it. We would otherwise have had contentious amendments offered" (Sarasohn 1982, 2382).

Three years later, in the 99th Congress (1985–86), congressional leaders and the president deadlocked on health care policy. President Ronald Reagan promised vetoes of several individual bills related to child vaccinations and the Medicare program, while favoring other established programs in the health care policy domain that were being considered in the legislative process. To get the opposed programs by the president, leaders packaged numerous bills into a large and complex omnibus health measure. Expressing major reservations about provisions in the bill, the president nevertheless signed it (Congressional Quarterly, Inc. 1987).

These cases illustrate how omnibus bills provide congressional leaders with a tool to enact policies whose outcome in one or both of the lawmaking

steps (passing the Congress, as in the first example, or the president, as in the second) are doubtful or unclear. Scores of other such examples greet readers weekly in the national media and in publications produced by “Congress watchers” such as *Congressional Quarterly (CQ)*. There is much uncertainty in a legislative process that involves (among other challenges) thousands of bill introductions, a sizable existing agenda, political egos, turf battles, and ideological bickering.

Indeed, congressional leaders assemble legislative coalitions in the face of legislators’ multidimensional preferences and challenging institutional arrangements. Leaders employ a number of strategies to gain approval of measures whose support on an up-or-down basis may be questionable. Three key tactics are (1) the ordering of alternatives in committee and on the floor; (2) in the House, the use of closed rules limiting the acceptance of amendments once the legislation leaves the committee; and (3) the unification of diverse measures within a single large bill, or omnibus legislating. While significant bodies of literature exist on leadership use of the ordering of alternatives (Bach 1990; Baron and Ferejohn 1989; Denzau and Mackay 1983; McKelvey 1976; Romer and Rosenthal 1978; Wilkerson 1990) and the closed rule (Bach 1981, 1990; Bach and Smith 1988; Baron 1991; Baron and Ferejohn 1989; Beth 1994; Binder 1997; Cox and McCubbins 1997; Dion 1997; Dion and Huber 1996; Fiorina 1987; Schickler and Rich 1997; Sinclair 1995; Weingast 1989), we have next to no systematic studies of the omnibus strategy.

Legislative leaders behave strategically and attempt to assemble legislative coalitions that will succeed. Leaders are more successful in some cases than others. Evidence suggests that they are close to perfectly strategic in constructing omnibus bills; over 98 percent of the 242 omnibus bills identified from 1949 to 1994 were enacted. Hence, measures that become attached to them almost always become law. In contrast, the overwhelming majority of standard bills fail at some point in the legislative process (Oleszek 1989). In sum, there is essentially no variation to be explained between successful and unsuccessful omnibus bills. The important question is what gets attached—the focus of this chapter. Why may some bills circumvent the legislative gauntlet by being incorporated into omnibus packages?

The cases at the beginning of this chapter offer principal reasons why some bills are incorporated by leaders into omnibus packages. These illustrations also suggest dual motives that may underlie omnibus usage. The airport development program was bundled with the tax bill to squelch controversy. However, the tactic also was a way around having nine different committees

in two different chambers weigh in on it. The first rationale suggests politics, the second efficiency. The health care omnibus bill was indeed a way to get by the president—again politics. Health care, however, is the most fragmented of issues on Capitol Hill, with scores of committees having a claim to jurisdiction (Baumgartner, Jones, and MacLeod 1999). Bundling health care policies centrally and moving them to the floor suggests an efficient alternative to jurisdictional wrangling. These differing political and efficiency rationales exemplify two schools of thought that have developed on the nature of congressional change and legislative organization, one emphasizing efficiency and the other politics. Both of these approaches inform my theoretical framework of omnibus usage.

The balance of this chapter includes three sections. I next develop empirical expectations from the theoretical framework of chapter 3. The measures and methods are described in the subsequent section. I then test the hypotheses with logit analyses of the omnibus attachment process from 1979 to 1994. The results suggest a mix of political and collective institutional concerns underlying the omnibus assembly process.

Empirical Expectations of Omnibus Packaging

Recall that my general theoretical approach is to treat the rise of omnibus legislation as an institutional change to be explained by individual incentives of coalition building at the micro level and environmental constraints on congressional institutions at the macro level. At the micro level, omnibus bills involve two dynamics or bargains, one between leaders and members and the other between Congress and the president. These two dynamics, interaction among leaders and members and between Congress and the president, are associated with the two major hurdles that bills must clear to be enacted. Omnibus bills provide a technique to clear both hurdles. To provide logic for why certain bills are attached to omnibus measures and others are not, I develop alternative explanations of omnibus packaging based on these two steps and environmental factors.

Leaders and Members

I focus first on the relationship between party leaders and members-at-large. This discussion yields four distinct expectations for omnibus packaging. What do leaders and members gain from omnibus legislation? How are their goals advanced? Congressional leaders—charged with making the

lawmaking process work—use omnibus packages to move forward bills that face opposition. *Hence, bills facing opposition in Congress are more likely than other bills to be attached to omnibus packages.*

The other principal goals of party leaders are gaining power and pushing a policy agenda (Bader 1997; Cox and McCubbins 1993; Sinclair 1995). With this tool, leaders are afforded an opportunity to advance party agenda items. *Therefore, party agenda items are more likely to be attached to omnibus bills than other bills.*

Members' primary goals are reelection (Arnold 1990; Fenno 1973; Hall 1996; Mayhew 1974) and the desire to enact their policy preferences (Fenno 1973; Hall 1996). In exchange for allowing packaged bills by leaders, members obtain two major benefits in omnibus bills that aid in achieving these goals.

First, omnibus bills provide a means of distributive logrolling to secure particularized benefits. There is the potential in the legislative game for a low-demand majority to defeat a distributive measure pushed by a high-demand minority. One way around this is to package distributive items into a massive omnibus bill. Leaders do this because member reelection, which is aided by distributive successes, ensures continuing majority status. *Hence, distributive items are more likely than other bills to be attached to omnibus bills.*

Second, through the omnibus bill attachment process, majority members obtain a vehicle for enacting policies they care about. Members want to get their bills passed and find this difficult in busy institutions. If they can get their bills attached to an omnibus package, they sidestep the traditional legislative channels. Leaders are elected by majority members and hence are willing to provide this benefit to majority members more than to minority members. *Therefore, bills sponsored by majority members are more likely to be attached to omnibus bills than measures introduced by minority members.*

Congress and the President

A second bargain occurs between Congress and the president. This discussion yields two distinct expectations for omnibus packaging. In order to avert a veto, Congress may include in omnibus bills measures that the president opposes. What does the president gain? One important thing presidents can gain from omnibus bills is the possibility of having their own agenda items incorporated as attachments to omnibus bills. This alternate route enables the president to get around having his bills go it alone in the

legislative process, perhaps getting blocked. Presidents, therefore, have something to gain in omnibus bargains if they can bargain to have their own agenda items incorporated.

Congress is willing on occasion to incorporate the president's legislative items in order to avert a veto of items Congress wants that are contained in omnibus bills. Therefore, we have two seemingly contradictory expectations for omnibus attachments. *First, bills opposed by the president are more likely to become attached to omnibus bills than other bills. Second, presidential agenda items are more likely to be attached to omnibus bills than other bills.*

If everyone benefits, why not use omnibus bills all the time? Why not combine all policy and budget outcomes into one gigantic omnibus bill each year? Although members and the president may benefit from their use, they see omnibus legislating as a necessary evil. When packaging occurs, members lose opportunities for participation and the power of the presidential veto is diluted. A limit may exist on how large attachments can be before members retaliate or the president exercises the veto. On particularly prominent bills, members want the opportunity to participate in the process and to understand the policy content. If large-scale policy changes were incorporated into omnibus bills regularly, members would miss opportunities to participate. Similarly, presidents want large-scale policy changes to be considered sequentially so that they can use the veto most effectively. Hence, leaders are unlikely to incorporate mammoth measures because members and the president will want traditional input on such items. *Hence, the more prominent the bill, the less likely it is to be attached to an omnibus bill.*

Governing Circumstances

Leaders, members, and the president do not interact in a vacuum. Certain contextual circumstances complicate the legislative process. In such scenarios, it becomes necessary to find creative ways to make policy, thus making omnibus use more likely. Circumstances that challenge the capabilities of our legislative institutions include deficit politics, divided party control, ripe conditions for minority obstructionism, issue fragmentation in the committee system, and burgeoning congressional workloads. The discussion of the theoretical framework in chapter 3 yields the following six expectations for omnibus packaging.

Bills considered in periods of tight financial resources are more likely to be attached to omnibus bills than bills considered in periods of slack resources.

Bills considered in divided government are more likely to be attached to omnibus bills than bills considered in unified government.

Bills considered in Congresses in which the policy distance between the House and Senate is great are more likely to be attached to omnibus packages than bills considered when the policy distance between the chambers is small.

Bills considered when the majority is narrow and heterogeneous and the minority is large and unified are more likely to be attached to omnibus bills than bills considered when the majority is large and unified and its minority is small and heterogeneous.

Bills from more fragmented issue areas are more likely to be attached to omnibus bills than bills from less fragmented areas.

Bills from issue areas with large workloads are more likely to become attached to omnibus bills than bills from issue areas with small workloads.

Data and Method

Dependent Variable

The dependent variable is whether the 3,190 bills seriously considered in Congress from 1979 to 1994 were attached to an omnibus bill (coded 1) or not (coded 0). The dependent variable was aggregated by Congress; I did not conduct separate House and Senate analyses. These data were aggregated because I found it impossible to break them down to distinct House and Senate attachment processes. At this level of analysis and stage of the process (in contrast to clearly delineated units of analysis like hearings and floor votes), lawmaking is a rather tangled business. There are several different ways in which leaders attach bills to omnibus packages, and separate attachment need not occur in both chambers. For example, Senate leaders may attach a bill to a House omnibus measure when the Senate is considering the House version, and vice versa. Lawmaking is not confined to the component institutions for neat, clean analysis to be followed by a conference committee (Edwards, Barrett, and Peake 1997, 552). Various types and sequences of legislative construction within and between chambers are possible (C. Jones 1995; Rogers 1998). This point is especially valid for omnibus bills because they are prone to revision through the stages of the legislative process (Sinclair 1997).

Independent Variables

Leaders-Members Dynamic. For coding several independent variables (“opposed in Congress,” “party agenda item,” “presidential agenda item,”

“president opposed,” and “distributive measure”), I used the *CQ Almanac* write-ups of bills. *CQ* provides in-depth information about the substance of legislation, bill proponents and opponents, who will benefit from the bill, and detailed chronologies of the process that bills followed. Several scholars have used these summaries to code a variety of variables for bills (Bader 1997; Edwards, Barrett, and Peake 1997; Sinclair 1997; Taylor 1998). These variables require some judgment on the part of the coder (based on a careful reading of the *CQ* write-up) to discern which value a particular variable should take for a given bill. *CQ*'s accessible, detailed, and clear summaries make such judgments less subjective.

Omnibus legislating provides a way to enact bills that will fail alone in the legislative process. Bills that face opposition in Congress are more likely to be attached to an omnibus package than other bills. To code the “opposed in Congress” variable, I read the *CQ* write-up for each bill carefully. I coded 1 for those bills whose write-ups indicated a locus of opposition and 0 otherwise. Party leaders assemble omnibus bills and are expected to incorporate items on the party agenda. I coded the “party agenda item” variable as 1 if the bill was a majority party agenda item and as 0 otherwise from a careful reading of the *CQ* write-up (Congressional Quarterly, Inc. 1980–1995). There were only a few such items per Congress that met this criterion. In contrast, a larger proportion of bills were sponsored by a majority member. Leaders are also expected to incorporate majority member bills. I coded the “sponsor majority” variable as 1 if the sponsor of the bill was a majority member and as 0 otherwise. I obtained this measure from the Library of Congress Thomas database. For some two dozen cases not listing a sponsor, I checked LEGI-SLATE.

Omnibus bills may provide a mechanism for enforcing distributive log-rolls. For an indicator of “Distributive Measure,” bills distributive in nature were coded as 1 and others were coded as 0 from a close reading of the *CQ* write-ups (Congressional Quarterly, Inc. 1980–1995). These measures typically consisted of traditionally distributive items like defense, transportation, science, and water projects.

I argue that leaders will not abuse the omnibus method for fear of retaliation. Participation-deprived members might protest the incorporation of very large policy items into omnibus bills. In acting strategically to maintain their positions and the omnibus tool, leaders are less likely to attach very prominent bills to omnibus packages and more likely to attach smaller items. I measured the bill prominence variable by determining the number of column lines dedicated to the bill in annual *CQ Almanacs* (Congressional

Quarterly, Inc. 1980–1995). The number of column lines was coded for each *CQ* story as part of Baumgartner and Jones’s Policy Agendas Project (Baumgartner et al. 1997).

I included a control for whether a bill was a regular appropriations measure (there are 13 of these annually) because there is some indication that regular appropriations bills have been especially likely to become attached to omnibus measures by budget process design in the period since 1975 (Oleszek 1996; Smith 1989). Congress packaged these bills on four occasions in the 16 years (eight Congresses) included in my analysis.¹ Regular appropriations bills constituted 10.1 percent of the 511 attachments to omnibus bills in my sample. For the appropriations variable, bills were coded 1 if they were regular appropriations measures and 0 otherwise.

Congress-President Dynamic. Congressional leaders may act strategically to veto-proof bills facing presidential opposition by attaching them to omnibus bills. I coded bills facing presidential opposition as 1 and the others as 0. While accepting certain items they dislike in omnibus packages, presidents bargain to have their own agenda items incorporated in the must-pass bill. I coded bills as 1 if they were presidential items and as 0 otherwise. Both variables (“presidential opposition” and “presidential item”) were coded from a careful reading of legislative summaries in *CQ Almanac* (Congressional Quarterly, Inc. 1980–1995). *CQ* provides great detail on the president’s dealings with Congress on specific pieces of legislation.

Governing Circumstances. I expected several governing circumstances to affect omnibus packaging. Bills considered in some periods are more likely to become attached to omnibus packages. My measure for the budget deficit was the average budget deficit or surplus, defined as a percentage of outlays for the two fiscal years of each Congress from the *Statistical Abstract of the United States, 1996* (U.S. Bureau of the Census 1996).

Unified government occurs when the houses of Congress and the president are controlled by the same political party. Divided government exists otherwise and was measured as a dummy variable (1 = *divided*, 0 = *unified*). To clarify, when the president’s party controls only one of the chambers of Congress, this case is coded as divided.

To measure the policy distance between the House and Senate, it is necessary to have measures of member ideology to compute a median for the chamber. Thankfully, Poole and Rosenthal (1997) have made their W-NOMINATE data publicly available. These data (the first dimension version) give a position for each member along a Left-Right continuum.

To measure the policy distance between the House and Senate per two-year Congress, I followed Binder (1999) in using the absolute distance between the House and Senate medians.

To operationalize legislative potential for minority obstructionism, I used a measure developed by Hurley, Brady, and Cooper (1977). The authors produced a statistical measure of “legislative potential for policy change” that took account of the size and cohesion of the majority and minority parties. I measured party size as the percentage of members in the chamber. Cohesion is average party unity on party votes (votes on which a majority of one party opposes a majority of the other party). The measure is:

$$(\text{Majority Size} \times \text{Majority Cohesion}) - (\text{Minority Size} \times \text{Minority Cohesion})$$

The measure assumes a high value when the majority is large and cohesive and the minority is small and heterogeneous. The measure assumes a low value when the majority is narrow and less unified and the minority is larger and unified. Conditions are ripe for policy change by the majority party in the former and ripe for minority obstructionism in the latter. Therefore, the lower the value of the variable, the more likely it is that bills will become attached to an omnibus bill (negative relationship).

I used Policy Agendas Project data sets to produce measures of issue area fragmentation and issue area workload. I hypothesized that bills from fragmented issue areas were more likely to be attached to omnibus packages than bills from concentrated areas. To operationalize this expectation, one must know the state of fragmentation in the various issue areas and under which issue category each of the 3,190 bills belongs. I used Baumgartner and Jones’s jurisdictional clarity index for each of 19 major topic areas to determine the degree of fragmentation.² The index score ranges from a high of 100 to a low of 0; high scores represent tight jurisdictions in one or a few committees, and low scores represent an issue spread across many committees. I subtracted these values from 100 so that more dispersed issue areas would take a higher value than concentrated areas. In sum, each bill takes one of 19 values for the issue area fragmentation variable based on the fragmentation of its issue area.

It is a challenge to identify a measure that fully taps the workload of Congress. An ideal measure of workload would include committee activity because committees are the workshops of Congress. I measured issue area workload as the number of committee hearings held in the issue area to which the bill belongs. This measure was produced from data in the Policy Agendas Project congressional hearings data set.

Methods

The dependent variable is dichotomous (attached to omnibus or not). The model, therefore, lends itself to logistic regression or probit analysis. Results with either logit or probit are essentially the same. I used logit analysis because of ease of computation and presentation of substantive probabilities. To show substantive effects, I present the change in probability of being attached to an omnibus bill under different values of the independent variables (Greene 1993, 638–41). For dummy variables (e.g., status of party affiliation of the bill sponsor), I report the change in probability from .5 if the variable goes from 0 to 1. For interval variables (e.g., bill prominence and committee fragmentation), I report the change in probability from .5 if these variables change one and two standard deviations. Since the logit curve is steepest at .5 probability, these estimates indicate the maximum impact these variables can have.

My data were time-series cross-sectional—one large data matrix with observations from all of the eight Congresses “pooled” together. It was, however, cross-sectionally dominant, containing nearly 400 observations for each of the eight time increments. The logit technique I used assumes temporal independence. To use a phrase from a recent statistical essay, I “took time seriously” to make sure that my findings were not the spurious result of hidden time variation (Beck, Katz, and Tucker 1998, 1260). Such hidden variation can drive up t scores, potentially leading to the acceptance of hypotheses that are not really supported. I checked for this potential problem by introducing, as Beck, Katz, and Tucker (1998) suggested, a dummy variable for each Congress. I found that no one Congress of the eight was significantly independent from the others.³

Findings

The first pair of columns (for model 1) in Table 5.1 present a logit analysis of the effects of independent variables on the omnibus attachment process. The results of the analysis support my empirical expectations about the two dynamics of omnibus legislation and contextual factors.

The base expectation that omnibus bills provide a way around opposition is strongly supported. Bills facing opposition in Congress are 30 percent more likely than other bills to be attached to an omnibus bill. Those facing presidential opposition are 39 percent more likely to gain attachment. These maximum impacts (β 's) are among the strongest in the model.

Other variables for party leader and member incentives for omnibus

Table 5.1
Logit Models of the Omnibus Attachment Process, 1979–94

Variable	Expected Direction	MODEL 1		MODEL 2	
		<i>b</i> (<i>t</i>)	Δp	<i>b</i> (<i>t</i>)	Δp
<i>Leader-Member Dynamic</i>					
Opposed in Congress	+	1.374*** (4.38)	.30	1.204** (2.96)	.26
Party agenda measure	+	1.253** (2.57)	.27	1.231** (2.71)	.26
Distributive measure	+	1.000*** (4.19)	.23	.965** (3.81)	.23
Sponsor majority?	+	.785*** (3.34)	.19	.786*** (3.74)	.19
Appropriations	+	2.079*** (6.40)	.39	2.054*** (6.73)	.39
<i>Congress-President Dynamic</i>					
President opposed	+	2.094*** (6.30)	.39	2.063*** (5.57)	.39
Presidential bill	+	1.065*** (3.93)	.24	1.078*** (3.89)	.25
<i>Boundary Effect</i>					
Prominence of bill	-	-.005* (-2.07)	-.44 (-.48)	-.004* (-2.17)	-.45 (-.49)
<i>Political Contexts</i>					
Deficit politics	+	.248* (2.08)	.13 (.20)	.236* (2.01)	.12 (.20)
Divided government	+	.684*** (4.18)	.17	.675*** (3.94)	.16
Bicameral differences	+	.736* (1.88)	.16	.750* (1.73)	.18
Legislative potential for minority obstructionism	-	-.017* (-2.97)	-.23 (-.28)	-.016* (-1.83)	-.23 (-.28)
Issue area fragmentation	+	.025** (2.87)	.36 (.41)	.027** (2.72)	.38 (.43)
Issue area workload	+	.002 (1.22)		.003 (1.24)	
<i>Interactive Effects</i>					
Distributive measure × Sponsor majority?	+	—	—	1.572** (2.54)	.33
Party agenda measure × President opposed	+	—	—	1.834** (2.71)	.37
Deficit politics × Bill opposed in Congress	+	—	—	.184* (2.06)	.19

Table 5.1
(continued)

Variable	Expected Direction	MODEL 1		MODEL 2	
		<i>b</i> (<i>t</i>)	Δp	<i>b</i> (<i>t</i>)	Δp
Deficit politics × President opposed	+	—	—	.056 (.86)	
Divided government × President opposed	+	—	—	.845** (2.77)	.19
Issue fragmentation × Bill opposed in Congress	+	—	—	.051* (2.19)	.28 (.35)
Issue area workload × Bill opposed in Congress	+	—	—	.039 (1.15)	
Deficit politics × Distributive measure	+	—	—	.349** (2.57)	.24 (.29)
Constant		−4.069*** (−5.97)		−3.723*** (−5.81)	
Percentage in modal category		83.98		83.98	
Percentage correctly predicted		89.08		89.79	
Proportional reduction in error		.32		.36	
Model X ²		469.3***		498.6***	
<i>N</i> of cases		3,190		3,190	

Note: The dependent variable was coded 1 if the bill was attached to an omnibus measure and 0 if not.

* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$, one-tailed; two-tailed test used for constant.

use also significantly increase the chances that a bill will be attached to an omnibus package. Party agenda designation increases the chances of attachment by over one-fourth. Distributive measures and majority member-sponsored bills are about one-fifth more likely to be attached to omnibus bills than other bills.

The results suggest that the president has an incentive to enter an omnibus bargain. Presidential draft designation increases the chances of attachment by about one-fourth. As expected, the control for appropriations bills is significant. General appropriations bills are 39 percent more likely to be attached to omnibus bills than other bills.

The results also suggest that omnibus employment operates within certain limits. The expectation that leaders will refrain from attaching particularly prominent bills to omnibus packages because of fear of member

and presidential retaliation is quite strongly supported. When the prominence of the bills moves from the mean to one standard deviation above, the probability of attachment is reduced 44 percent (48 percent from the mean to two standard deviations above). This substantive impact is the strongest in the model.

Political circumstances affect the probability that a bill will be attached to an omnibus package. When budget deficits increase from the mean to one and two standard deviations above it, bills are 13 percent and 20 percent more likely to gain attachment.⁴ This finding is consistent with scholars' arguments about the rise of omnibus legislation (Oleszek 1996; Sinclair 1997; Smith 1989). It is a significant finding, yet somewhat modest in impact compared to findings for other variables.

Issue fragmentation in committee provides the more substantial contextual finding. Bills from issue areas fragmented across many committees are significantly more likely to be attached to omnibus bills. When issue area fragmentation increases from the mean to one standard deviation above it, bills are 36 percent more likely to gain attachment (at two standard deviations, the odds increase an additional 5 percent).

As expected, divided government significantly affects omnibus usage. Bills considered in times of divided government are 17 percent more likely to be attached to omnibus bills than bills considered in times of unified government. Additionally, House and Senate differences (bicameral differences) increase the likelihood that bills will be attached to an omnibus bill by 14 percent. This finding is consistent with Binder's (1999) evidence that bicameral disagreements lead to legislative gridlock. Omnibus bills help congressional chambers avert such a stalemate.

The existence of conditions ripe for minority obstructionism also increases the chances of hitching a ride on the omnibus. When the "legislative potential for minority obstructionism" variable moves from the mean to one standard deviation below, bills are 23 percent more likely to be attached to omnibus bills. Finally, the issue area workload variable misses significance. Bills from issue areas with large workloads are no more likely to be attached to omnibus bills when other factors are considered.

Interactive Effects

Many readers have by now considered the possibility of interactive effects between independent variables in the model. When bills satisfy dual conditions, they might be especially likely to gain attachment to an omnibus

bill. To gauge this possibility, I ran a second omnibus attachment model and introduced several interactive terms into the analysis. I considered two types of interactions.

The first type of interaction I considered was between variables at the strategic or micro level of analysis (variables from the leader-member and Congress-president discussions). Two such interactions make omnibus attachment especially likely. First, party leaders have an incentive to help majority members bring pork projects to their district. Hence, *distributive bills sponsored by majority members are especially likely to be attached to omnibus bills*. Second, party leaders may include party agenda items in omnibus packages when the president opposes them. Therefore, *party agenda items that face presidential opposition are especially likely to be attached to omnibus packages*.

Second, I considered the linkage between the micro level (strategic or political actor level) and the macro level (political contexts). The two institutional dynamics and the contextual factors probably have joint impact. When certain micro-level *and* macro-level conditions exist, bills meeting both will be especially likely to be attached to omnibus bills. Given the number of variables in the baseline model, the number of micro-macro level interactions could be endless. Therefore, I chose a select few on the basis of the stage of lawmaking in which the contextual effects ought to exhibit an impact (the members-leaders stage or the Congress-president stage). Deficit politics manifests stress in all stages of lawmaking. Divided government strains relations between Congress and the president. Issue fragmentation and workload are congressional problems. Since omnibus bills at their base are a way to get around opposition, I linked the context variables with the appropriate opposition variable ("opposed in Congress" or "president opposed").⁵

I also included an interaction between the deficit politics and distributive item variables. Scholars have argued that the proliferation of deficits makes it harder to create distributive logrolls (e.g., Smith 1989). Congress has trouble defending particularistic items to the public while deficits climb ever higher. Omnibus legislating keeps distributive lawmaking alive by providing a way to hide such items behind the larger, more visible nucleus of the omnibus bill. Hence, *distributive bills considered in periods of high deficits are more likely to be attached to omnibus bills than other bills*.

The second pair of columns (for model 2) in Table 5.1 present the results. Overall, the interactions appear to help the robustness of the model. The proportional reduction in error increases from 32 percent to 36 percent and the model chi-square climbs from 469 to 499. The strategic-level interactions receive strong support. Distributive bills sponsored by majority

members are 33 percent more likely than other bills to gain incorporation into omnibus bills. Party agenda items that face presidential opposition are 37 percent more likely than other bills to be attached to omnibus packages. These maximum potential impacts are in addition to the increased probability produced by the individual variables that survives from the baseline model.

The expectation of additional interplay between contextual and micro-level factors receives some support. Some of the interactions of the contextual factors with the main bill opposition variables additionally affect the chances of becoming attached to an omnibus bill. When budget deficits worsen and bills are opposed by the president, bills are 19 percent more likely to gain attachment. When bills are opposed by the president in divided government, the chances of becoming attached to an omnibus bill increase 19 percent. When issue fragmentation increases from the mean to one standard deviation above it and bills are opposed in Congress, it is 28 percent more likely that they will hitch a ride. Moving the issue fragmentation value to two standard deviations increases the probability an additional 7 percent. Finally, when the deficit politics variable increases from the mean to one standard deviation above it and a bill is distributive, the bill is 24 percent more likely to become attached to an omnibus bill.

Two of the interactions do not reach standard levels of statistical significance. When budget deficits worsen and bills are opposed by the president, there appears to be no additional probability that bills will hitch a ride. When workload increases and bills are opposed in Congress, there appears to be no additional interactive effect either. Still, the significant interactive term findings suggest that some interplay exists between the micro- and macro-level components of the model.

Discussion

In this chapter, I sought to shed light on the use of omnibus legislation by investigating why some bills may circumvent the legislative gauntlet by gaining attachment to omnibus bills while most must “go it alone.” I developed alternative explanations of omnibus packaging based on the two steps of lawmaking (passing Congress and the president’s desk) and by considering the impact of environmental factors.

My analysis of the omnibus attachment process from 1979 to 1994 supported several of the empirical expectations developed from the theoretical framework of chapter 3. These results suggest that leaders, members, and the president all gain something in striking omnibus bargains. Omnibus

legislation is put together within some limits drawn by the actors; particularly prominent attachments are less likely to be attached. The actors also find omnibus bills more useful in particular contextual circumstances. Consistent with scholars' arguments, a tough budgetary situation and divided government increase the likelihood of omnibus usage. However, the strongest contextual impact is increasing issue fragmentation between committees, an explanation not much considered by scholars or political pundits.

These findings suggest two implications for our understanding of lawmaking and institutional change. First, they suggest that the use of omnibus legislation benefits actors in the process politically *and* permits our lawmaking institutions to adapt to tough governing circumstances. Scholars studying congressional change have tended to pick one category of explanation over another, either politics *or* institutional adaptation. The evidence in this chapter suggests an important role for multiple explanations. At the micro level, omnibus bills serve the goals of partisan politics (omnibus bills are a powerful tool of party leaders and the majority party), efficiency (omnibus legislating provides a way around jurisdictional gridlock), and logrolling (omnibus bills help create distributive logrolls). At the level of the institution, omnibus packaging provides a way to adapt to difficult governing circumstances like deficit politics and issue fragmentation. This study suggests that these competing explanations might be linked in a broader theory of institutional change.

Second, this chapter joins other studies that demonstrate the importance of studying lawmaking in Congress in stages before the floor (e.g., Hall and Wayman 1990; Krutz, Fleisher, and Bond 1998; Taylor 1998). Omnibus legislating in effect inserts an important decision about policy outcomes (what will be incorporated into a must-pass bill) into the prefloor legislative process. Once attached, a bill is almost certain to succeed; the floor vote on an omnibus bill is a formality. Despite recent advances by legislative scholars who are investigating the mysteries of prefloor policy making, floor vote studies continue to dominate legislative scholarship.

Given the on-line resources available today, researchers should focus more of their attention on prefloor lawmaking in Congress. For example, a staggering 86 percent of bills fail in the first step of the process, between committee referral and committee hearings (Oleszek 1996). Which theories of congressional organization best explain why 14 percent of bills move on to committee consideration and the others do not? We need to examine with more zeal questions such as this about the earlier stages of the legislative process to gain a fuller understanding of how policy is made in Congress.

Explaining the Move to Omnibus Legislation

In 1930, Congress passed the Smoot-Hawley Trade Act, a major piece of legislation that raised U.S. tariffs on over 20,000 durable items to record levels and lengthened the Great Depression.¹

The tariff legislation originated in the House as a single bill and was processed through a single standing committee, Ways and Means. Hearings were held for 43 days and five evenings in the period from January 7 until February 25, 1929. More than 1,100 witnesses appeared in all. Prior to full House approval on May 28, 1929, the legislation was debated on the floor for 19 hours and six minutes.²

Hearings on the Senate version of the bill were held by the Senate Finance Committee from June 13 through July 18, 1929. In addition to these hearings, executive sessions of the Finance Committee were held throughout the summer to discuss the tariff bill. Debate on the bill in the full Senate began on September 12, 1929. The final floor vote occurred several months later on March 24, 1930. By June 13, 1930, conference reports were approved by both chambers. The final House vote was 222 to 153. The final Senate vote was 44 to 42.

Fifty-eight years later, Congress enacted the massive Omnibus Trade and Competitiveness Act of 1988.³ “A dramatically worsening trade and investment deficit in the 1980s encouraged many in Congress to fashion a comprehensive policy to stabilize and improve the American position. . . . This was an issue requiring enormous scope since trading problems involve the nation’s economic, political, and social structure” (C. Jones 1994, 231).

In contrast to the 1930 trade act, which was processed as a single measure through a single standing committee, the 1988 measure was the result of bundling scores of different bills emanating from numerous different

House standing committees and many more subcommittees. In total, the omnibus trade bill spanned the jurisdictions of 14 House committees, 13 House subcommittees, and nine Senate committees.

While one has to look hard to find participation of party leaders in the 1930 act (see Schattschneider 1935; Chamberlain 1946 does not mention the role of party leaders), the majority party leadership ran the trade policy-making process in the 1980s. Coordination was necessary to guide the activities of the numerous committees involved and to bundle the bill between committee and the floor. While floor consideration lasted for weeks in the House and months in the Senate on the 1930 act and altered the bill in important ways, the 1988 omnibus trade bill was considered on the House floor for one day (under a special rule) and on the Senate floor (designed by the founders to be more deliberative than the House) for four weeks. Little changed in the 1988 omnibus trade bill on the floor; the prefloor process directed by the party leaders was where the important decisions were made about the content of policy.

A common feature of omnibus legislating is supermajority support on final floor passage. Such wide margins exist because so many actors favor at least some part of the grand compromise reflected in the omnibus package. The 1988 Omnibus Trade and Competitiveness Act was no different; both votes on final passage involved majorities approaching 90 percent. The final votes on the omnibus trade bill were 376 to 45 in the House and 85 to 11 in the Senate. These margins stand in sharp contrast to closer votes taken on the final versions of the 1930 trade bill (222 to 153 in the House and 44 to 42 in the Senate).

These brief case histories of two major trade acts set apart 58 years in time show how much the legislative process has changed. Why did it change? What occurred between 1930 and 1988 that changed so dramatically the process by which laws are made? I take up those questions in this chapter by exploring the factors that explain the aggregate trends in omnibus legislating from 1949 to 1994.

Scholars typically discuss the omnibus revolution and its causes from an aggregate or macro-level perspective (Baumgartner et al. 1997; R.H. Davidson and Oleszek 1994, 1998; Oleszek 1989; Smith 1989). The typical question raised is: Why have omnibus bills proliferated? The analysis in this chapter addresses this broad question directly and provides a second test of the theoretical framework of chapter 3. The micro-level incentives to package bills explored in chapter 5 in the "hitching-a-ride analysis" from 1979 to 1994 arguably hold across most of the twentieth century. That is,

the attachment focus is helpful for explaining why some bills were attached while most were not once omnibus use had proliferated. A longitudinal test, however, is definitely needed to isolate the factors that drove the move to omnibus legislating in the first place. Additionally, there is a strong relationship between this chapter and the previous one: factors that contribute to an increased use of omnibus legislation in the aggregate should also contribute to an increased likelihood that any one policy proposal will be incorporated into an omnibus bill.

I next review the empirical expectations from the theoretical framework as they relate to aggregate trends in omnibus use. Then I present the data, method, and findings.

Macro-Level Explanations of the Move to Omnibus Legislating

At any one point in time, the coalition-building process operates under a particular set of governing or contextual circumstances. Looking across time, we see that contextual circumstances change. Political actors seeking to build support for the trade legislation in 1930 faced a very different set of contextual circumstances than the actors did in 1988. In 1930, the policy agenda was comparatively small and simple, the committee system was set up parsimoniously to process such a comparatively simple agenda, unified government existed (Republicans controlled both branches), and deficits were not a pressing issue.

In contrast, the contextual circumstances in 1988 (divided government, an enormous and complex issue agenda, a fragmented committee system, and looming budget deficits) complicated the legislative process and made it particularly necessary for congressional institutions to find creative ways to make policy. Hence, changes such as omnibus legislation were needed to adapt to such tough circumstances so that institutions might endure. In such scenarios, the political actors have more to gain by striking omnibus bargains as a way to get what they want.

The budget situations in 1930 and 1988 were entirely different. Deficits were not an issue in 1930. In contrast, the 1980s were shadowed by looming deficits. Deficit politics severely constrains lawmaking and makes it harder to get anything done. This factor tops many scholars' lists as a cause of the omnibus revolution and represents one way that the contexts of the 1930 and 1988 trade acts were different. One way for the players (leaders-members, Congress-president) to conduct business in such an environment is to use omnibus bills.

Deficit Politics Hypothesis: Omnibus use will be higher in periods of tight financial resources than in periods of slack resources.⁴

Another challenging contextual circumstance for lawmaking arises when the branches of the national government exhibit divided party control. Such was the case in 1988 but not in 1930. Under divided government, Congress tends to oppose the president's initiatives and the president blocks the majority party's items. Omnibus bargains are expected to be struck in this environment of uncertainty.

Divided Government Hypothesis: Omnibus usage will be higher in periods of divided government than in periods of unified government.

A formidable governing situation occurs when the House and Senate differ in their policy preferences. When the chambers exhibit such disagreement, gridlock may result. Omnibus bills may be employed in such an arrangement as a means of bargaining. Each chamber can potentially get what it wants in omnibus bills, but it also has to accept some of the other chamber's initiatives.

Bicameral Differences Hypothesis: Omnibus use will be higher when the policy distance between the House and Senate is greater and will be lower when the policy distance between the chambers is small.

Minority obstructionism provides a challenging governing situation for legislative institutions. Certain governing conditions are riper for minority obstructionism than others. The most ideal conditions for the majority party are when the majority party is large and cohesive and the minority is small and heterogeneous. In that case, the majority party can push through its favored policies. In contrast, a more daunting task faces the majority party when the majority party is small and not unified and the minority is larger and unified. In these times we expect the majority party to look for special legislative procedures for moving their agenda by an obstructive minority.

Legislative Potential for Minority Obstructionism Hypothesis: Omnibus use will be higher when the majority is narrow and heterogeneous and the minority is large and will be lower when the majority is large and unified and the minority is small and heterogeneous.

A less studied but important contextual factor is the complexity of the policy agenda. *Issue complexity* refers to the degree of concentration of congressional attention to particular issues. An issue agenda is more complex when attention is dispersed across many issues (like the crowded policy agenda facing Congress in 1988) and less complex when attention is devoted to a few main issues (as in 1930, when trade and agriculture were the main issues; see Chamberlain 1946). A more complex issue agenda is more complicated to process as a whole than one focused on just a few issues.

The way increased issue complexity manifests itself is in committee fragmentation. The congressional committee system was developed in the 1946 reorganization of Congress, when, as Baumgartner, Jones, and MacLeod (2000) showed, just a few main issues were on the agenda. Since that time, several new issues have appeared on the agenda and do not fit into one committee's jurisdiction. These issues include health care and environmental policy. Moreover, certain established issues like trade policy have expanded and been redefined. As a result, issues have increasingly been considered in more than one principal committee. Issues increasingly "spill over" several committees. This jurisdictional fragmentation becomes a structural strain on the institution. While sharing issues between committees allows institutions the flexibility to address new and expanding issues (Baumgartner and Jones 1993; King 1997; Talbert, Jones, and Baumgartner 1995), it also makes coordination a big challenge. In a highly fragmented committee system, omnibus bills are a way to make policy because they centralize authority with party leaders. Hence, they provide a better way to coordinate legislative activities than traditional lawmaking in the face of increasing issue complexity and committee fragmentation.

Issue Complexity Hypothesis: Omnibus use will be higher when the agenda complexity is high and lower when it is low.

The congressional workload was decidedly lighter in 1930 than in 1988. Increasing workload is a final strain on a lawmaking institution that may introduce uncertainty into lawmaking, bringing more pressure through increased demands on time. This scenario creates a situation where a legislative technique is needed to make lawmaking more efficient. Omnibus bills are larger and are processed more quickly than traditional bills; thus, they may provide an efficient way to conduct legislative business.

Workload Hypothesis: Higher levels of omnibus use are expected when the congressional workload increases.

Data and Method

The dependent variable is the proportion of major bills that are omnibus bills per two-year Congress from 1949 to 1994 (see chapter 4 for details of measurement).

Level of Aggregation

I conducted separate analyses for the House and Senate even though the dependent-variable values varied little by chamber (most omnibus bills had companion measures). I did separate chamber runs for two reasons. First, the House and Senate have different rules (the House more majoritarian, the Senate more individual and minority rights oriented) that may yield different results. Second, the total number of cases was 23. Therefore, modeling the chambers separately helped reduce the total degrees of freedom because separate House and Senate values for an independent variable were not needed in the same model. I will now discuss the operationalization of the independent variables not already discussed in chapter 5.⁵

Issue Complexity

Issue complexity refers to the degree of concentration of congressional attention to particular issues. Using the Baumgartner and Jones topic categories, a measure of issue concentration by Congress can be computed on the basis of all congressional hearings that constitutes the measure for issue complexity in the longitudinal analysis (Baumgartner et al. 1997). Each congressional hearing was coded into a major issue topic category. The measure of topic concentration is a Herfindahl score (see Hardin 1998), based on the sum of squares of the proportions of statutes or stories or column lines in each topic area. A high score reflects congressional attention dedicated to a few topics, as was the case just after World War II. A low score indicates congressional attention spread more evenly across all topics. I subtracted these values from 100, so high scores reflect greater issue complexity.

Workload

My measure of House and Senate workload per two-year Congress taps committee activity as well as floor activity. The chief way that committees accomplish their consideration of policy is through committee hearings. I operationalized the House and Senate workload by a composite measure

of committee hearings and floor activity. The measure ranges from 0 to 1. Up to .5 is for floor activity, and up to .5 is for committee activity. Floor activity was measured as the number of floor votes in the House or Senate per Congress and committee activity as the number of committee hearings in a particular Congress in each chamber. The highest of the floor votes of the 23 Congresses from 1949 to 1994 received a full .5. The value from the other 22 Congresses was divided by the highest value to produce a proportion of the highest value (from 0 to 1). This proportion was then divided in half. The same procedure was used for the hearings for the other .5 of the composite. The two halves of the composite were added together for each Congress to produce the final value of the variable.

Methods

Since the dependent variable is continuous, the House and Senate models had the potential to be estimated with ordinary least squares (OLS) regression analysis. However, tests for serial autocorrelation in both the House and Senate models were positive and significant.⁶ Therefore, I used maximum-likelihood iterated generalized least squares. Advanced time-series methods (Box-Tiao and ARIMA models) were not advisable because the total number of observations was 23 (23 two-year Congresses, 1949–1994).

In addition to potential autocorrelation problems, it is important to check for heteroskedasticity and multicollinearity. As Peter Kennedy (1992) advised, I checked for the former through visual inspection by plotting the residuals on a graph. This plot revealed similar magnitudes of the residuals regardless of the values of different independent variables, indicating no problem of heteroskedasticity. I checked for problems of multicollinearity in two ways. First, I ran simple correlations between the variables. Damodar Gujarati (1995) pointed to a .8 correlation between two independent variables as a threshold above which collinearity becomes a particular problem (335). The highest pairwise correlation I have is less than .5.

As a second check for multicollinearity problems, I regressed each independent variable on the other independent variables, as suggested by Russell Davidson and James MacKinnon (1984). This exercise produced only one notable finding. Over half of the variance in the divided government variable is explained by the other variables in the model. However, this in no way approaches perfect multicollinearity (R. Davidson and MacKinnon 1984). Lawrence Klien's (1962) rule of thumb suggests that multicollinearity may be a troublesome problem only if the R^2 from an auxiliary regression

is greater than the overall R^2 of the model (.101). The highest R^2 I obtain in an auxiliary regression is .51. The model R^2 values shown below are greater than .80.

Findings

Table 6.1 presents the results of the second test of my theoretical framework—the House and Senate longitudinal analyses that seek explanations of aggregate omnibus usage per Congress from 1949 to 1994. The macro-level part of the theoretical model I developed in chapter 3 receives solid support. This particular test is an important one for gauging the impact of the contextual variables because we expect many of them to be time variant (the better tests of the dynamics between members-leaders and Congress-president are found in the omnibus attachment model in chapter 5).

All in all, these findings suggest that the changing political context is an important explanation of the move to omnibus legislation and deserves a place in the theoretical framework. Several of the contextual

Table 6.1
Models of House and Senate Omnibus Usage per Congress,
1949–1994

<i>Independent Variables</i>	<i>Expected Direction</i>	<i>House</i>		<i>Senate</i>	
		<i>B</i>	<i>t</i>	<i>B</i>	<i>t</i>
Budget deficit	–	.378**	–2.496	–.374**	–2.561
Divided government	+	.126	1.959	.110*	1.924
Legislative potential for minority obstructionism	–	–.384**	2.671	–.262*	2.234
Bicameral differences	+	.223*	1.754	.246*	1.863
Issue complexity	+	.365**	2.504	.395**	2.795
Workload	+	.131*	2.406	.118	1.528
(Constant)	–	–.227*	–2.176	–.194*	–2.276
R^2		.871		.846	
Adj. R^2		.858		.818	
F statistic		24.438	.000	23.097	.000
N of cases		23		23	

Note: The dependent variable in both models is the proportion of major bills per Congress that are omnibus bills (see chap. 4 for details of measurement). Models estimated with maximum-likelihood iterated generalized least squares.

* $p \leq .05$. ** $p \leq .01$. *** $p \leq .001$.

factors that we expected to affect omnibus lawmaking received support, including the budget deficit, divided government, bicameral differences, potential for minority obstructionism, and issue complexity. Additionally, the findings suggest a mix of politics explanations (change as a means of distributing power) and efficiency explanations (benefiting the operation of the institution).

However, the institutional explanations overall are stronger, especially the variable tapping into increasing issue complexity/committee fragmentation of congressional institutions. Issue complexity had a strong contextual coefficient in both of the longitudinal regression models. As the complexity of House and Senate issue agendas increases, omnibus bills are more likely to be used. This finding is consistent with Baumgartner et al.'s (1997) argument that the rise of omnibus legislation is related to the increasing issue complexity facing Congress in the post-World War II era.

As many legislative scholars have argued (R. H. Davidson and Oleszek 1998; Oleszek 1989; Sinclair 1997; Smith 1989), the specter of deficit politics appears to be part of the answer to the "Why omnibus?" question. As deficits climb, so too does omnibus use.

The variables concerning the legislative potential for minority obstructionism are also significant. The more challenging the coalitional circumstances for the majority party (i.e., a narrow and/or heterogeneous majority governing against a large and/or cohesive minority), the more likely it is that omnibus bills will be used as a way to get things done. This finding was stronger for the House than for the minority rights-oriented Senate. This difference may result from the fact that obstructionism in the Senate is less dependent on coalition size (any Senator may filibuster) than the House.

Statistically speaking, divided government is significantly more likely to result in omnibus use than unified government. However, the low values of the β 's suggest that the substantive effect is marginal. Finally, the congressional workload variable is significant in the House model but not in the Senate model. This finding makes sense because the House has more members and is a larger institution than the Senate. Various workload pressures—bill introductions, committee hearings, recorded roll call votes—are greater in the House than in the Senate (Ornstein, Mann, and Malbin 1996).

In summary, the findings support the contextual expectations of the theoretical framework. Omnibus bill use is related to several of the challenging contextual circumstances, and political as well as efficiency rationales for the change are supported. Since several such governing circumstances have confronted Congress, the political actors have found omnibus bills to be a useful tool for getting things done.

As scholars have suspected, deficit politics, divided government, and increased potential for minority obstructionism are all related to aggregate omnibus use. Issue complexity also exhibits a strong relationship with omnibus use. This finding, together with the strong issue fragmentation finding in the “hitching-a-ride” model (chapter 5), suggests that the increasing issue complexity of the congressional agenda is a strong influence on omnibus legislating.

Discussion

Omnibus legislating is a powerful legislative technique whose use has expanded on Capitol Hill in the post-World War II era. Several scholars argue that the rise of omnibus legislation is one of the most important changes in recent decades. Much major lawmaking is undertaken with this method, and a significant proportion of legislative initiatives in Congress see the light at the end of the legislative process because they become attached to omnibus bills. Omnibus bills alter the traditional lawmaking process in many ways, affect the processing of issues, and alter the set of policy outcomes produced. The purpose of this chapter was to explain the move across time to omnibus legislating. The findings of a longitudinal test support the framework and suggest dual motives driving omnibus use: politics and efficiency. Where does this leave us?

I think if we ponder in chronological order the unfolding of the omnibus change and the effects of that change to issue processing in Congress, a strong argument may be made for the coevolution of issues and institutional structures (Baumgartner, Jones, and MacLeod 2000). Institutional structures are not entirely exogenous. Important decisions about how institutions are set up are made endogenously. Similarly, issues are not entirely endogenous to institutions. The grouping of issues facing congressional institutions affects institutional development. That is, issues and institutions affect one another in a relationship that unfolds across time.

Issue complexity and the issue fragmentation that results when new issues and redefined old ones are again and again forced into the categories of a committee system that was developed in the 1940s (Baumgartner et al. 1997) have created a governing challenge for political actors in Congress. Omnibus legislation provides one way to more efficiently process legislation centrally with the party leaders rather than leaving some matters to be settled by scores of committee barons who guard their committee’s turf. Thus, the finding that the issue complexity variable was strongly significant in the longitudinal analysis should not surprise.

The second step is also consistent with the coevolution of issues and structures framework. Once adopted as a viable institutional mechanism, the omnibus method dramatically affects the processing of issues. Issues that have become too controversial and stand no chance in the legislative process may be veto-proofed in an omnibus bill. This changes the composition of policy outcomes from what would be produced if bills were processed sequentially.

Next in the temporal sequence, the entrenched new technique affects the balance of power in Congress. The omnibus technique empowers party leaders. Party leaders' ability to bundle bills is a powerful policy tool. Omnibus lawmaking is detrimental to the power of committee chairs. Omnibus bills rarely go through authorizing committees. Hence, the committee chairs never see omnibus provisions of policy that are pertinent to their committee's jurisdiction. Put another way, the tough governing circumstances increasingly present across the post-World War II period created institutional conditions requiring stronger central authority among party leaders. One of the tools needed to exercise this authority was omnibus legislating.

Rohde's (1991) theory of conditional party government (see also Rohde and Aldrich 1998) argues that stronger party leadership is needed more under certain conditions than others. In the case of omnibus legislation, the committee fragmentation that has increasingly characterized the congressional committee system (together with other factors like divided government) has created a situation where strong party leadership is needed by Congress.

The Birth of Omnibus Legislating: Why the 81st Congress Bundled the Budget

Once institutions start down a particular path, they tend to stay on it. The very essence of path dependency is that subsequent decisions about institutional design are constrained by previous ones (Aldrich 1995; Binder 1997; King 1997). Congressional development is no exception. Legislative scholars increasingly emphasize the importance of an institution's path.

Binder (1997) demonstrated the important effect of inherited procedures on the adoption of new rules of minority rights and majority rule across the history of the House and Senate. She documented the Senate's desire to become more majoritarian like its sister chamber (by seeking the adoption of chamber rules that would limit minority obstructionism) in the latter nineteenth century. However, Senators lacked a previous-question motion like that of the House with which to move such decisions through the process. Therefore, numerous Senate efforts failed. Many decades earlier, Senators, with little thought about future consequences, had removed the previous-question motion procedure from the Senate rules because it was being minimally used. Thus, a quickly made decision in the early 1800s affected Senate changes sought in the late 1800s. Inherited rules matter.

Along similar lines, King (1997) demonstrated that committee jurisdictional change is typically made through common-law advances (via bill referrals to committee) and not through exogenously determined reforms. More specifically, most new bill referrals are built off existing ones. Later, in formal reforms, the common-law changes are codified. By this same logic, the stage was set for further omnibus use once the first mega-bill was passed. Omnibus legislating was then seen as a viable method for moving policy through a difficult legislative process.

Public policy scholars also appreciate the importance of path depen-

dependency in policy decision making (Bosso 1987; Baumgartner and Jones 1993). For example, when a city initially decides to improve transportation policy through one method (e.g., more freeways or more mass transit), the city ventures down a path where more of the same is likely. Houston picked freeways and has continued that approach through a massive growth period. New York chose mass transit (first the subway and then buses as well) and has largely stayed on that path.

More specifically, path dependency occurs because the costs associated with creating a new method are too high to bear when a proven method already exists. Formal structures (as in the case of urban transportation or formal changes in minority rights in Congress; Binder 1997) and/or informal ones (as in the case of jurisdictional change in the congressional committee system; King 1997) are in place that increase the opportunity costs to veer from the path. If policy makers veered entirely off track in these areas, tremendous costs would be associated with new efforts. Urban policy makers would be required to recreate an urban transportation system from the ground up. Members of Congress would have to write a new book of rules. Congress would be required to formally adjust the jurisdictions of all committees.

The rise of omnibus legislating over the post-World War II period produced similar formal and informal structures that increased the opportunity costs to diverge from the technique. On the informal side, congressional chambers and their members have become accustomed to some bundling of bills in the legislative process as a means of getting something done in a chaotic political process. The omnibus technique helps Congress get some lawmaking done that might not otherwise get done, and players on the Hill now just see it as a part of what they do (Staff Interviews 2000).

This informal omnibus structure is not something you can pick up and look at, like a book of legislative rules or a master plan for urban transportation. In this regard, the informal structure on omnibus legislation is like the informal policy subsystems that abound in Washington. Subsystems are not formal structures. However, they are very powerful in the policy-making process. There are opportunity costs associated with leaving a subsystem because the entire process of gathering information, agreeing on strategy, making policy, and implementing it for the particular policy area would need to be redesigned. Such a scenario presents great risk to all involved, who are not sure whether they will fare as well in a new environment. Similarly, crime policy makers on the Hill, who have become increasingly reliant on the omnibus technique, are uncertain of how things would go if they proceeded with dozens of smaller component crime bills.

Formal structures also increase the opportunity costs of diverging from the omnibus technique. Some of the omnibus bills passed each year are required as part of the official congressional budget process, such as budget reconciliation. As chapter 8 will show for the case of health care policy, omnibus budget bills are important vehicles for significant policy change.

The importance of path dependency suggests a research agenda for the legislative studies subfield that includes the examination and explanation of initial institutional developments, both formal and informal (Gamm and Shepsle 1989; Jenkins 1998; Katz and Sala 1996; Polsby 1968; Schickler 1998). I add to such an agenda in this chapter by studying the initial congressional decision to employ an omnibus bill or mega-bill. The first mega-bill passed the 81st Congress of 1949–50 (Congressional Quarterly, Inc. 1983; Fisher 1993; Nelson 1953).¹

Many scholars point to the 1981 Omnibus Budget Reconciliation Act (OBRA) as the watershed omnibus event. While OBRA was created near the beginning of a period of high omnibus use and was itself longer than any other omnibus bill in the current study (perhaps the fall 1998 bundled appropriations bill was longer), it was by no means the start of omnibus legislating. As I show in chapter 4, after the initial mega-bill in 1949–50, the omnibus technique was employed on an increasing and regular basis up to 1981. Thus, omnibus legislating was already a proven method and available for use in 1981. Path dependency is further illustrated by the fact that omnibus use continues in our current years of budget surpluses at rates similar to those of omnibus use during the deficit-prone 1980s and early 1990s. As we saw in chapter 6, deficits (along with issue fragmentation and divided government) produced strains on Congress that required increased omnibus use. When one of these stresses subsides, path dependency suggests that omnibus use will not taper off, and indeed it has not.

Along these lines, William Riker (1980), a major proponent of conceiving of institutions as creatures of change, suggested that once an institution is operating on a certain path, change is not easy: “If institutions do generate an outcome in which everyone loses, it is reasonable to expect some new and less distasteful institutions—which is to say that even the most fundamental institutions lack equilibria, *although it may take generations to alter them* [italics in original]” (445).

Therefore, it is important to study the first omnibus bill because once omnibus use started and was successful, it set the stage for further use. From this perspective, the most important decision was in 1950 when the first omnibus bill was put together and passed. Understanding the “why” of omnibus legislating requires more than identifying the longitudinal trends across

the post–World War II period and the motivations that drive the contemporary omnibus bundling process. It requires an examination of the path initially taken.

Why did Congress opt for an omnibus bill in the 81st Congress? To answer this question, I display two levels of analysis for the reader that coincide with the theoretical framework presented in chapter 3. First, I focus on the micro level of lawmaking and discuss, from an individual-actor perspective, various reasons why the method was employed. Second, I consider the broad institutional context present in and around 1949–50. The findings and discussion that follow suggest that collective institutional concerns, rather than politics, underlay the use of the first mega-bill.

Legislative Background

The Omnibus Appropriations Act of 1950 was at the time the single largest money bill in American history.² The impetus for the omnibus budget procedure came in the Senate. On February 17, 1949, Senators Harry Flood Byrd of Virginia and Hugh Butler of Nebraska introduced Senate Concurrent Resolution 18 to amend the joint rules of Congress. The core of the brief resolution can be boiled down to the following phrase: “All appropriations for each fiscal year shall be consolidated in one general appropriation bill to be known as the ‘Consolidated General Appropriation Act of ____’ (the blank to be filled in with appropriate fiscal year)” (U.S. Senate 1949, 1).

According to committee testimony given by Senator Byrd, an omnibus budget plan was needed to improve in many ways the efficiency and economy of the process (U.S. Senate 1947). First, an omnibus budget bill would require the Congress to view the entire sphere of income and expenditures. This broader view would allow a matching up of the two sides of fiscal affairs and would be less likely to produce an annual budget deficit. The 1946 reorganization of Congress required an overall expenditure limit (much like present-day annual budget resolutions). Senator Byrd argued that keeping the budget under the mandated ceiling would be impossible unless the entire budget was viewed as one (rather than being dealt with in traditional piecemeal fashion through the consideration of twelve individual appropriations).³

Second, Senator Byrd argued that the omnibus method would prove to be faster than the traditional process. Congress typically finished its consideration of the 10 to 12 separate appropriations measures well after the fiscal year commenced (at that time July 1). The new method would

feature a great amount of deliberation as 10 different subcommittees considered individual chapters of the bill. The difference in time would come once the bill was bundled in full committee. At that juncture, discussions (both in committee and on the floor) would be fewer and from a broader perspective than the nit-picking that slowed down the traditional piecemeal process. On a related point, Senator Byrd suggested that consolidating the spending bills would reduce the duplication in the bills that led to the bulkiness of the individual appropriations.

Third, Senator Byrd argued that the omnibus budgeting plan would strengthen Congress in relation to the president. The existing budget process, he maintained, favored the president to the detriment of the Congress. There was no congressional means of assessing the big picture of the federal budget. According to Senator Byrd, there was no means to evaluate budget bills “by relative merits, importance, or cost in view of the whole fiscal situation” (U.S. Senate 1949, 11). “Under existing arrangements, Senator Byrd maintained, intelligent economizing was left to the executive branch” (Nelson 1953). Hence, when expenditures outpaced income in the individual appropriations bills, presidents were the ones to examine the big picture and decide where to cut. This *de facto* presidential authority did not sit well with congressional leaders, who were generally concerned with the abdication of congressional duties to the president in the years after President Franklin Delano Roosevelt considerably strengthened the presidency.⁴

Fourth, Senator Byrd posited that logrolling would be reduced. The omnibus plan would focus Congress’s and the public’s attention on the entire budget and would therefore reduce the influence of particularistic pressure groups on individual appropriations. “The new procedure also allows Congress to see the claims of spending pressure groups in relation to the total national fiscal picture and thus to appraise their relative worth” (Galloway 1953, 620). Finally, Senator Byrd argued that many other countries and American political institutions were effectively using a one-bill appropriation. The countries included England, France, and Sweden. The vast majority of American states used such a plan, and many governors supported the omnibus plan for the national government (U.S. Senate 1947, 1949).

The Push for an Omnibus Plan Resolution

Senators Byrd and Butler alone attempted the resolution in the 79th and 80th Congresses, but to no avail. “We knew the first measure was imperfect, but it served to stimulate thought on the subject,” said Senator Byrd at

hearings on Senate Concurrent Resolution 18 in May 1949 (U.S. Senate 1949, 9). In the 80th Congress (1947–48), a Senate Rules and Administration subcommittee held hearings on a revised version of the omnibus method joint resolution (S. Con. Res. 6). The amended resolution addressed the issue of deficiency appropriations (today called supplemental and sometimes emergency), a topic absent from the version considered in the 79th Congress. Senators wanted assurance that supporting the omnibus plan for general appropriations would not disallow deficiency appropriations if they were needed at year's end.

While the bill was not enacted in the 80th Congress, key strides were nonetheless made by Senators Byrd and Butler. The two Senators attended hearings on the resolution (S. Con. Res. 6) in March, May, and June 1947, with the important backing of several government agencies and political leaders. The Budget Bureau (now the Office of Management and Budget), the Department of the Treasury, and the General Accounting Office supported the omnibus plan and sent representatives to the hearing to answer questions from the Senators (U.S. Senate 1947). Moreover, "the consolidated approach to appropriations had several influential proponents outside of Congress, including George Galloway, the late Harold Smith, former director of the Budget, and Marcellus C. Shield, former clerk of the House Appropriations Committee" (Nelson 1953, 275). Subsequently, Senate Concurrent Resolution 6 was approved unanimously by both the subcommittee and the full Senate Rules and Administration Committee. However, the full Senate never took it up (U.S. Senate 1949).

In the 81st Congress, eight other Senators signed on and actively supported the resolution. The new cosponsors included Senator Kenneth Wherry (R-NE), chairman of the Senate Rules and Administration subcommittee that unanimously approved Senate Concurrent Resolution 6 in the 80th Congress when the Republicans controlled the Congress (Democratic control returned in 1949–50). Committee hearing testimony from 1947 shows an exchange between Senators Byrd and Wherry in which Byrd seemed to allay the concerns of Wherry and win his support and compliments for the omnibus budget plan (U.S. Senate 1947). Senator Wherry's chief concern pertained to deficiency appropriations; he wanted assurance that supplementals would be allowed under the new plan. Byrd assured him that the new plan did not outlaw them.

A subcommittee of the Senate Committee on Rules and Administration held hearings on May 23 and 26, 1949, on the new version of the omnibus plan (S. Con. Res. 18). Several supporters joined Senators Byrd and Butler at the hearing, including Senators Homer Ferguson of Michigan, Wherry,

Herbert O'Connor of Maryland, William Knowland of California, and Alexander Wiley of Wisconsin.⁵ While the Senators on the subcommittee asked many questions, the hearing transcript shows a constant stream of supporters for the omnibus plan, including many Senators and executive branch agency heads (U.S. Senate 1949). Prior to its first usage in 1950, there is no evidence of anyone's actively opposing the omnibus plan.

S. Con. Res. 18 passed the Senate on September 27, 1949. By that time, the fiscal year 1950 budget process was already well underway (although running way behind). Hence, the Senators hoped the method would be used in 1950 on the fiscal year 1951 budget (Nelson 1953).

Resolutions to change the joint rules of Congress require adoption by the House as well. However, the House never took up the Senate's resolution or any other similar omnibus resolution. "Representative (Clarence) Cannon (of Missouri, the chair of the Appropriations Committee) simply announced, on May 26, 1949, that the House Appropriations Committee would employ the consolidated procedure in the next session of Congress. Formal House action [via an authorization] was unnecessary, he said, since the Committee had authority to decide for itself upon the number and form of appropriations bills" (Nelson 1953, 275). Cannon argued that just as the House Appropriations Committee had varied the number of regular appropriations bills between 9 and 12 during the previous decades, the Committee could decide as well to have one big bill. Hence, the House impetus for the omnibus procedure was not based on a chamber-supported resolution.

For legislative scholars who assume that institutional structures and mechanisms are exogenous to policy making, this case of Representative Cannon's contributing to the start of the omnibus revolution without full House blessing provides ironclad evidence that institutions sometimes change through an endogenous process (Binder 1997; King 1997).⁶ Along these same lines, King (1997) documented the role of the unelected House parliamentarians to determine the contours of the committee system through bill referral precedents.

Using the Omnibus Plan in 1950

In 1950, the House Appropriations Committee bundled all the regular appropriations measures into an omnibus package. The bundling process undertaken by Chairman Cannon and the committee was quite similar to the procedure outlined in the Senate-supported omnibus resolution of 1949 (S. Con. Res. 18). The bill contained 10 separate chapters, which were

analogous to single regular appropriations bills from previous years. The House Appropriations committee divided itself into 10 subcommittees (with five members), each to focus on one of the chapters of the massive bill (Nelson 1953). "The breakdown was as follows: (1) District of Columbia; (2) Legislative Branch; (3) State, Justice, Commerce, and the Judiciary; (4) Treasury-Post Office; (5) Labor-Federal Security; (6) Agriculture Department; (7) Interior Department; (8) Independent Offices; (9) Army Civil Functions; (10) Defense Establishment" (Nelson 1953, 277-78). Clearly, this listing of areas and issues, representing all functions of the government at that time, meets the scope requirement (spanning three or more major areas or 10 or more subtopic areas) for an omnibus measure!

The 10 House Appropriations Subcommittees began hearings in earnest on January 5, 1950. Meanwhile, the Senate Appropriations Committee decided to give the new procedure being undertaken in the House a fair try in the Senate. Senate Appropriations Chairman Kenneth McKellar (D-TN) used committee procedures much like the House Appropriations approach. Further, "it was decided that the subcommittees would hold hearings simultaneously with those in the House Committee, instead of waiting (as usual) until the House had completed action" (Nelson 1953, 278). Senate Appropriations subcommittee hearings started on January 23, 1950.

When the subcommittees finished their scores of hearings, an executive subcommittee of the full committee consolidated the products into one measure, H.R. 7786. The full House Appropriations Committee approved the omnibus budget bill on March 21. At this juncture, H.R. 7786 was 431 pages long. Congressman Cannon sought and received unanimous consent to give the bill priority over all other House matters. General debate lasted from April 3 until April 6, at which time the omnibus measure was considered a chapter at a time (Nelson 1953). Many funds were added on the House floor through amendments. However, the last two amendments were economy measures that cut about \$1 billion. On May 10, the full House approved the omnibus bill.

Nearly two months elapsed before Senate Appropriations approved the Senate version on July 8, seven days after the new fiscal year started. The Senate process was held up because the committee had to decide whether to go ahead with its version or amend to bring the Senate version more in line with the House-approved version. The original intention was for the Appropriations Committees from both chambers to march in lockstep on the omnibus bill. Ultimately, however, the Senate committee decided to go its own way. The Senate version did not include the economy amendments

incorporated at the last minute in the House. About a month later, the full Senate approved the omnibus bill. A House-Senate conference committee ironed out differences in mid-August, and the conference report was approved by the House and Senate later that month. President Harry Truman signed the bill into law on September 6, 1950.

Member Concerns

As an idea, the omnibus plans (S. Con. Res. 6 in 1947–48 and S. Con. Res. 18 in 1949–50) faced no visible opposition. However, once they were implemented in 1950, several members raised questions about the omnibus budget technique. Typical objections pertained to the comparative lack of floor participation by members who did not serve on Appropriations between the traditional process (10 to 12 separate bills) and the new one. Under the traditional process, individual appropriations bills were debated (and nitpicked to protect pork barrel projects, the omnibus proponents argued) in great detail. This pattern of annual debate was one reason why appropriations always ran late.

In 1950, when the House and Senate omnibus budget bills were between the committee and floor stages of the process, and after final passage, complaints about fair consideration of the legislation were lodged. The following comment by Congressman Sidney Yates (D-IL), written in response to a *CQ* survey of members concerning the omnibus method, exemplifies opponents' concerns: "It [the omnibus budget bill] is too cumbersome. It receives less attention from the membership as a whole than the individual bills" (Congressional Quarterly Inc. 1951, 130). Indeed, House floor consideration of the omnibus bill in 1950 was much shorter than combined participation on individual appropriations in 1949 (Nelson 1953). Proponents argued that this was as intended.

Opposition complaints were not political charges against omnibus plan proponents. Rather, the comments concerned a negative consequence of the plan—the lack of member participation and the lack of member information when voting for the final plan. Concerns about participation underlay Senator Richard Russell's (D-GA) prospective concerns. Russell feared that in the future the method would become a vehicle for enacting distributive projects by tucking them away in a massive bill. "The omnibus plan does not promote economy and it does promote log rolling" (Congressional Quarterly Inc. 1951, 130). He did not assert that the omnibus bill leaders in 1950 used the technique in this manner. Rather, he feared this method's potential to be used for a select few over the objections of a majority. Chapter 5, which shows that distributive projects are often included in

omnibus packages in contemporary times, bears Senator Russell out. However, Congress uses omnibus bills in contemporary times to improve capability as well, as Senator Byrd and Congressman Cannon predicted.

Omnibus proponents responded vigorously to the concerns of Congressman Yates, Senator Russell, and others. Supporters argued that the omnibus method was economically effective. The data bear them out. The omnibus bill appropriated 4.6 percent below the budget requests, while the individual bill method of 1948 and 1949 appropriated 2.8 and 3.0 percent below the requests of those years, respectively (Nelson 1953, 282).

Proponents argued that the omnibus procedure forced members to make tough decisions about the entire budget, rather than being swayed one way or the other on the individual, more particularistic components of the package. Just prior to the final vote, Congressman Cannon stated that “in the fierce light of publicity which will be concentrated on that final vote, there will be no escape from responsibility. A clear, unequivocal record must be made. And public opinion will do the rest” (*U.S. News* 1950, 42). Indeed, on the House floor, the last two amendments (which slashed \$1 billion) became popular among members as a means of communicating to constituents that responsible fiscal decisions were being made. “Many Congressmen seemed to welcome a chance to go on record for economy on an across-the-board basis, without specifying cuts for projects that might influence votes” (Morris 1950, 2).

Supporters also stated that the method helped Congress finish the budget sooner than they would have with separate bills. Indeed, the omnibus bill was signed into law on September 6, 1950, even with the new Korean conflict confusing matters on Capitol Hill (Nelson 1953). In the previous year, several appropriations measures had been enacted in late October, three months after the fiscal year began on July 1. Hence, the new congressional budget process was completed about two months faster than the traditional process in 1949.

In response to *CQ*'s member survey on the omnibus method, Congressman Cannon argued forcefully: “No constructive criticism has been lodged against the adoption of the omnibus appropriation bill. It has vindicated every promise; it has justified every expectation. And no cogent reason has been advanced for a return to the old system” (Congressional Quarterly Inc. 1951, 129).

The Governing Context

Most scholars look to the 1980s for the origin of the omnibus revolution. Accordingly, their explanations of the rise of omnibus legislating focus on

potential factors of those times. These causes include budget deficits and divided government (Oleszek 1989; Sinclair 1997; Smith 1989). Indeed, strong omnibus trends exist in the 1980s. Therefore, such factors ought to be examined. We saw in chapter 6 that deficits and divided government (along with other factors like issue complexity and fragmentation) positively affect aggregate omnibus use in the period from 1949 to 1994.

For venturing contextual answers to why the 81st Congress enacted the initial omnibus act, however, we need to look beyond divided government and deficit politics. These particular attributes do not apply to that time period as well. The 81st Congress featured unified control of the chambers of Congress and the presidency. Moreover, the budget deficit was not the issue that it later became in the 1980s and 1990s. The average annual budget deficit in the several years surrounding the 81st Congress was a mere \$3 billion (U.S. Bureau of the Census 1996).

What contextual factors led to the first use of omnibus legislation in the 81st Congress? When we remove divided party control and deficit politics from the list of challenging governing circumstances developed in the theoretical framework of chapter 3, we are left with issue complexity and workload, party composition and unity (the legislative potential for minority obstructionism), and bicameral differences.

Analyzing bicameral differences does not take us very far. The overall ideological distance between the House and Senate chambers (both Democratic) in 1949–50 was practically nonexistent. The difference between Poole and Rosenthal's first-dimension *W-NOMINATE* scores for the House and Senate in the 81st Congress is .022 (on a scale from 0 to 1). This figure represents the second lowest such bicameral distance in the period from 1947 to 1996 (Binder 1999, 527). The 1949–50 chamber distance is also lower than the ideological distance figures for recent unified Congresses since the mid-1980s, in what has been called a period of increased party unity (Fleisher et al. 2000). Moreover, none of the case evidence amassed for this chapter makes mention of bicameral rivalry as a reason for employing the omnibus budget bill.

Explaining away bicameral differences leaves two explanations: issue complexity/workload and party composition conditions that foster minority obstructionism. I turn first to party composition factors. As Brady (1988) showed in his excellent study of electoral realignments and congressional public policy making, the New Deal realignment sent overwhelming and unified majorities to Congress. The large majority party margins made it possible to innovate dramatically through traditional legislative channels without much fear of minority obstructionism. However, party levels

eventually equilibrated, and party unity declined after the New Deal years (Brady, Cooper, and Hurley 1979; Hurley and Wilson 1989). Smaller majority party levels and decreased intraparty homogeneity increase the likelihood and effectiveness of minority obstructionism. Majority party leaders in such circumstances look for creative ways to enact their cherished policies.

The equilibration of party levels and the decline of unity suggest ripe conditions for omnibus use. However, these factors were lacking. Majority-minority party power differences and unity were low (and therefore minority obstructionism became more likely) in many other periods in American history, including periods following electoral realignments (Binder 1997; Cooper and Young 1997). Yet omnibus use did not begin at those times. Moreover, the omnibus plan enjoyed bipartisan support. Minority members did not complain that the omnibus plan was being shoved down their throats. In summary, partisan factors alone do not provide a full explanation of the first use of omnibus legislation in 1950.

What was different about the period in which omnibus use started? Issue complexity is the final factor on our list. Indeed, the complexity of the issue agenda in the years after the New Deal reached heights not comparable during any other period in our history up to that time. Prior to the New Deal, the issue agenda of the national government was considerably smaller and less complex than the myriad issues facing Washington and the Congress shortly thereafter. The major issues facing Congress after World War I and before the New Deal were government operations, agriculture (particularly as it related to the Great Depression), and trade (Chamberlain 1946).

Beginning with the New Deal years, the national government increased in size and entered various sectors of American society (Baumgartner, Jones, and MacLeod 2000; Polsby 1968). The major policy issue that was incorporated into the agenda at this time was social welfare. Social welfare was a multidimensional issue that cross-cut other topics like labor, business and banking, health, housing and community development, and energy (in the case of the Tennessee Valley Authority). Defense policy and foreign affairs matters further expanded the agenda with U.S. participation in World War II and later Korea.

The reasons supplied by omnibus supporters accord well with the increase in issue complexity. The national government had become too complex to justify a piecemeal budget process that prevented a broad view of inputs and outputs. Hence, members found the method helpful for simplifying a more complex legislative process always susceptible to stalemate.

At the macro and micro levels of analysis, then, this discussion suggests that collective institutional concerns best account for the first use of the mega-bill method. In this respect, the first use of an omnibus package constituted a missing chapter from the 1946 reorganization of Congress. The omnibus plan shares the tenor of the 1946 reforms aimed at improving the capability of congressional institutions. Of course, the omnibus method started quite differently than the 1946 act did. The 1946 reorganization was a public law enacted after Congress stood back and took a careful look at itself; it was an exogenous process (King 1997). In contrast, the omnibus method started endogenously in the House, with Congressman Cannon, as chairman of the Appropriations Committee, unilaterally ruling that the budget would be bundled. This account is consistent with recent work by Binder (1997) and King (1997), which envisions institutional change in Congress as an endogenous process.

After the Omnibus Appropriations Act of 1950

Interestingly, the House Appropriations Committee decided not to bundle the regular appropriations bills in 1951, thus abandoning the particular omnibus method used in the 81st Congress (Nelson 1953). Too many members complained about the massiveness of the bill and their inability to comprehend what they were voting for. As Louis Fisher (1993) cleverly stated, “It was comprehensive but also incomprehensible” (20).

Nevertheless, the packaging method had been used for an important test run. Consistent with the concept of path dependency, this initial usage set the stage for future omnibus employment. Senators and Representatives of the 81st Congress had no idea what they had started, just as Senators who abandoned the previous-question motion in the early 1800s could not fathom its necessity later in that century (Binder 1997).

Omnibus legislating was increasingly used in the 1950s and 1960s, but not for bundling *regular* appropriations bills, as was the case in the 1950 bill. Congress increased its use of large supplemental appropriations, which often began to include a variety of attached policy riders. These bills became the new “last train to the station” on Capitol Hill, the functional equivalent in some cases of the 1950 budget act. Omnibus bills also were used outside the budget process to package together items from such diverse policy areas as housing, social security, tax policy, and agriculture.

In the 1970s and 1980s, Congress returned to the 1949–50 technique of bundling items in the regular budget process. These more contemporary omnibus budget measures, which continue to the present day, include the

annual budget resolution, the budget reconciliation bill, and on occasion the bundling of some (as was the case in 1999 for the fiscal year 2000 budget) or all (as in 1998 for the fiscal year 1999 budget) of the 13 regular appropriations bills.

Additionally, continuing resolutions (CRs) have become a regular feature of the congressional budget process (Cranford 1989; Fisher 1993; Oleszek 1989; Sinclair 1997). CRs are typically enacted to continue current funding levels for a temporary period of time into the next fiscal year when the budget process is running late. These massive bills become vehicles for many other nonbudget items. Thus, permanent policy is made in temporary funding measures.

Discussion: Institutions Are Exogenous and Endogenous

Path dependency suggests that institutions tend to stay on a path once it is created. In this sense, institutions are exogenous; previous developments affect future ones (Riker 1980). Further, institutional arrangements affect how issues are processed, as I discussed in Chapter 6. However, one important point of this chapter (and the book generally) is that institutions also involve choices: that is, they are endogenous.

In a discipline that typically demands that research articles, for entry into top journals, contain clean, structural equations with left-hand-side dependent variables and right-hand-side independent variables, this reality certainly complicates things. Much like the relationship between people and their elected representatives, institutional change is a dynamic, interactive process.

Future research on institutional change should bear this in mind and consider the appropriate methods to test such a dynamic interplay. Perhaps scholars of institutional change could emulate the award-winning piece on dynamic representation by James Stimson, Michael MacKuen, and Robert Erikson (1995) in approach and methodology. In that article, the authors used several creative measures combined with advanced time series methods to make a complicated democratic relationship quite simple and elegant for analysis.

Getting around Gridlock I: Making Health Care Policy through Omnibus Bills

In 1994, Bill Clinton joined a long list of presidents (both Democratic and Republican) who, after pushing for lasting change in health care policy, ultimately saw their plans die a slow death on Capitol Hill. Health care overhauls were pushed unsuccessfully by Presidents Harry Truman, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, and Ronald Reagan (Congressional Quarterly, Inc. 1951–1989).¹

Also during the 103rd Congress, another notable trend continued alongside the line of failed large-scale health proposals. Congress enacted a cadre of omnibus bills (18 according to my tabulations), 16 of which contained health care provisions. In all, there were over 30 different health care bills and provisions attached to the omnibus bills.²

This chapter examines reasons for these trends in the health care policy domain and in so doing contributes a fourth perspective on the “Why omnibus?” question. I begin by focusing on a key institutional explanation of major health policy failures—jurisdictional gridlock in the congressional committee system. I demonstrate with a new data set of all congressional hearings held in the post-World War II period that health care is the most fragmented policy area in the committee system on Capitol Hill (Baumgartner, Jones, and MacLeod 1999). I then argue that omnibus bills allow a way around this problem for enacting some health care policies. I conclude the chapter with a discussion of the costs and benefits of this trend for making substantial change in health care policy.

A Jurisdictional Quagmire

Scholars have spilled a lot of ink in venturing reasons for the failure of meaningful health care reform in the latter half of the twentieth century. Health policy analysts offer a variety of traditional explanations for policy failure. These reasons include controversy, the power of opposition interest groups that favor the status quo, and a mismatch between the policy preferences of Senators and Representatives and the proposed reforms.

The three arguments unfold in chronological order as follows. Well-intentioned but massive health care solutions are proposed to alleviate problems of health care access and quality. Small businesses and the medical establishment effectively raise doubts about the workability of the solution (Alford 1975; Marmor 1973). Public opinion for the plan then plummets (Jacobs 1993). Ultimately, failure is blamed on a mismatch between the preferences of members of Congress (who serve as agents of the disenfranchised public) and the proposal (Brady and Buckley 1995).

This intertwined logic provides a helpful but incomplete explanation for failure, however. Major policy proposals in other issue areas in the 1990s (such as civil rights and college student financial aid) sparked controversy, ignited opposition from powerful interest groups, and activated conflicting preferences among members of Congress. Yet Congress passed major policy proposals in those areas, and the president signed them into public law. Moreover, these policy changes succeeded in periods of divided as well as unified control of the branches of Congress and the presidency.

In the civil rights policy domain, the Americans with Disabilities Act, a major step forward in providing rights for the handicapped, was enacted over the vociferous opposition of small businesses. In the postsecondary education domain, major amendments to the Higher Education Act were passed at two junctures. These reauthorizations included provisions for a pilot student loan program (and later a more sweeping change of direct lending). Under the new program, the federal government (not banks) gives loans to students. Direct lending provides lower interest rates to students and removes banks from the financial aid equation. The banking industry opposed this policy change. It is no secret that banks enjoyed an ongoing financial bonanza from the federally guaranteed loans. In the final analysis, the Higher Education Act amendments and the Americans with Disabilities Act were enacted in the face of controversy and powerful opposition.

Why were important changes delivered in education policy and civil rights policy and not in health care? What is the critical difference between

health care policy and education and civil rights policy that leads to change in the other areas and stalemate in health care policy? The key difference is the institutional structure that processes these issues on Capitol Hill. Higher education policy and civil rights policy are processed in primarily one committee in each chamber. Higher education legislation is, for the most part, considered in the House Education and Labor Committee and the Senate Labor and Human Resources Committee. Civil rights legislation is processed principally through the House and Senate Judiciary Committees. In addition to legislative jurisdiction in Judiciary, civil rights issue discussions (hearings) are often held in other committees, such as the House Commerce Committee and the Senate Commerce, Science, and Transportation Committee.³

In sharp contrast to the committee institutional arrangement in the areas of education and civil rights, scores of committees in both the House and Senate consider health care policy measures. "By the mid-1990s no less than five major congressional committees claimed authority over health care legislation" (Steinmo and Watts 1995, 363). Each of these standing committees contains numerous subcommittees. Dozens more bodies hold investigative or oversight hearings on health care matters. This decentralized and fragmented committee arrangement for health care frustrates health care reform efforts (Baumgartner, Jones, and MacLeod 1999; Steinmo and Watts 1995). While some sharing of issues between committees may lead to shared expertise and therefore better policy (Baumgartner and Jones 1993; King 1997), the extent of fragmentation in health care appears to cross a threshold from the sharing of ideas to fragmented chaos. The turf battles that come up over health care can be quite intense. Examples abound on the Hill.

To illustrate, in 1993, prior to the formal proposal of the Clinton health care plan, many in Washington (on Capitol Hill and in the White House) thought that policy makers should get a head start on health care reform. However, the two main committees that consider health care in the House (Ways and Means and Energy and Commerce) had very different opinions on whether and how to proceed. The Ways and Means and Energy and Commerce Committees share policy committee jurisdiction over the Medicare program. The Ways and Means Subcommittee on Health, chaired by Pete Stark (D-CA), wanted to do little to alter established programs like Medicare and Medicaid. His committee voted by voice vote to freeze the Medicare inflation adjustments for payments to physicians and health care organizations. It was intended as a placeholder bill for the forthcoming Clinton plan. "Why should we go through this [the effort at major reform] twice?" said Congressman Stark (Congressional Quarterly, Inc. 1994, 366).

The Energy and Commerce Committee had a very different opinion on how to proceed. The Subcommittee on Health and the Environment, chaired by Henry A. Waxman (D-CA), approved a package of Medicare cuts that were expected to save \$28 billion over five years. In the area of Medicaid, the subcommittee approved the expansion and entitlement of the childhood immunization program, a key Clinton administration priority. This example shows the disagreement that can arise between rival subcommittees, even those subcommittees chaired by members of Congress from the same party and the same state (California)!

In a recent paper, Baumgartner, Jones, and MacLeod (1999) systematically demonstrated the jurisdictional quagmire present in health care policy on Capitol Hill and compared health to all other major policy issues on the congressional agenda. As part of their massive Policy Agendas Project, Baumgartner and Jones coded every congressional hearing held from 1946 to the present. Over the course of several years, each hearing was assigned a unique policy topic code and the committee venue was noted. Hence, the hearings data set can be analyzed to view the extent to which hearings for a particular issue are held in one principal committee or perhaps across many more committees. Toward this end, Table 8.1 displays an index of jurisdictional clarity for every major policy topic in both the House and Senate for the time period from 1947 to 1993. This index ranges from a low of 0 to a high of 100. If all hearings in a given issue are held in one committee, the value of the index is 100.

Table 8.1 demonstrates an overall lack of jurisdictional clarity in Congress. Even traditional subsystem areas like agriculture and transportation are spread across more than one principal committee. Yet when we talk about these areas, we use the old “iron triangle” metaphor. In an iron triangle, one congressional committee quietly processes policy in concert with experts in the executive branch for the given policy and the appropriate interest groups (e.g., Ripley and Franklin 1991). The iron triangle concept is too simplistic a heuristic for the contemporary reality of congressional committee politics (see Browne 1995 for an elaboration of this argument). Hence, these results generally demonstrate the complexity of the congressional committee system. In the face of this complexity, congressional institutions look for creative ways to make policy, such as the use of omnibus bills.

Directly pertinent to our purpose in this chapter, Table 8.1 also shows that, of the 19 major topics, health care is the single most fragmented policy area in the House and the second most fragmented issue area in the Senate. In contrast, the other policy areas to which I have compared health

Table 8.1
Index of Jurisdictional Clarity by Topic Area, 1947–1993

<i>Topic Area</i>	<i>Senate</i>	<i>House</i>
Education	52	53
Agriculture	39	49
Space, science, technology	31	40
Foreign affairs and foreign aid	36	39
Defense	25	29
Public lands, indian affairs, water	43	25
Labor and employment	24	22
Macroeconomics	25	20
Law, crime, and family issues	37	20
Community development and housing	55	19
Civil rights, minority issues	33	19
Energy	28	18
Transportation	38	17
Social welfare	19	17
Government operations	9	17
Foreign trade	20	16
Banking, finance, and commerce	20	16
Environment	27	15
Health	20	13

N = 64,977

Source: Baumgartner, Jones, and MacLeod (1999).

care policy (education policy and civil rights policy) feature more concentrated jurisdictions. In both the House and Senate, education policy is the most clear issue jurisdiction (and the least fragmented). The broad Baumgartner and Jones topic of civil rights/civil liberties/minority issues is more fragmented than education but more concentrated than health care policy.

In summary, as they set out to make meaningful policy, health care policy makers and reformers face the worst set of jurisdictional circumstances among all policy issues considered on Capitol Hill. Given the situation, it is not surprising that turf battles and policy stalemate ensue. On the Clinton health care plan, one of the biggest battles was fought over whose bill would be the legislative vehicle and hence which committee in the House and the Senate would take the lead. In contrast, education and civil rights policy makers make policy amidst a less daunting set of institutional arrangements. This is not to say that making education and civil rights policy is easy. It is not. However, policy makers in health care do indeed face a much worse policy-making situation.

Dealing with Fragmentation

Not surprisingly, health care policy making regularly deadlocks in the decentralized chaos of committee jurisdictions on Capitol Hill. Even bipartisan proposals, like those pushed in recent Congresses by Senators Edward Kennedy (D-MA) and Orrin Hatch (R-UT), are stalled. Hence, health care policy makers are faced with a vexing dilemma. Health care is a pressing issue in American politics. A growing percentage of Americans are uninsured. Those Americans blessed with health insurance increasingly pay bigger proportions of their health care costs. In return, they receive a lower quality product (often offered to them through an inflexible health maintenance organization [HMO]).

Yet an institutional nightmare confronts policy makers when they attempt policy change on Capitol Hill. It is a formidable task to get rival committees with different perspectives on health care, who guard their turf with jealousy and venom (King 1994, 1997; Talbert, Jones, and Baumgartner 1995), to agree on policy. This is the key difference between health care policy and education and civil rights issues.

As a means of adapting to this situation and getting around the dilemmas, policy makers increasingly turn to omnibus bills to make health care policy. Omnibus bills take the health issue away from deadlocked committees and give it to the central party leaders. Thus, jurisdictional wrangling is sidestepped. As King (1997) contended, coming to grips with the rise of omnibus bills requires a careful look at turf battles.

The many different types of data that I gathered for this book bear this trend out empirically. Of the 87 omnibus bills I identified from 1979 to 1994, 81 of them (or 93 percent) contained health care policy. Moreover, and as I show in Table 4.5 (see chapter 4), health care policy makes up the single largest proportion of omnibus bill attachments among the 19 major policy topic areas in the period from 1979 to 1994. Health care policy accounts for 66 of 511 omnibus attachments (about 13 percent). In contrast, education policy accounts for just 16 of 511 omnibus attachments (3 percent). Civil rights/civil liberties/minority issues are represented only twice among the 511 omnibus attachments from 1979 to 1994 (less than 1 percent).

Of the different types of omnibuses moving through the Capitol Hill station, budget reconciliation bills are the most used for transporting health care policy items (Congressional Quarterly, Inc., 1980–1997). Of the 66 health policy attachments identified in my coding of the omnibus attachment process, I found that 40 of them were enacted through budget reconciliation bills.

Budget reconciliation is a required stage in the budget process (see Oleszek 1989 for a thorough description of the budget process). It occupies stage 3 of the five in the process. In stage 1, the president proposes a budget to Congress by early February. In stage 2, House and Senate budget committees produce a budget resolution, which is a blueprint that contains overall spending limits for the areas of the budget. The budget resolution must be approved by both the House and Senate. Budget reconciliation is step 3 in the process. In this stage, the authorizing and tax-writing committees produce legislation to meet the targets set in the budget resolution. The various bills are then bundled in one massive omnibus bill. When the bundling begins, things get interesting. Reconciliation is often used as a vehicle for policy riders, despite the existence of the Byrd rule in the Senate. The Byrd rule aims to limit extraneous amendments. If a provision is considered extraneous on reconciliation, a three-fifths vote of the Senate is required to keep it in. However, defining *extraneous* is difficult in the multi-dimensional reality of congressional politics. Moreover, one needs to find the extraneous matter to raise the Byrd rule. In bills that require two hands to hold and are several inches thick, it is not always easy to find the extraneous matter.

Every single budget reconciliation bill enacted from 1980 to 1994 contained health care policy provisions. Almost all reconciliation bills contained what many health policy experts would likely consider significant changes. Of course, it is difficult to define *significant* in any precise way. Nevertheless, to gain a rough measure of importance, I define a health care policy change on reconciliation as significant if the health item received its own separate story in annual editions of *CQ Almanac*. Using this definition, I find that significant health policy changes occurred through the reconciliation process in 10 of the 16 years from 1979 to 1994.

Table 8.2 summarizes the significant health care changes made through budget reconciliation. Many of these items were expansions or cuts in existing federal programs, such as Medicare and Medicaid. However, one would be incorrect to conclude that these were all incremental adjustments to the status quo. For example, a family living in poverty in the late 1980s and early 1990s saw a significant difference in their “health care reality” compared to the leaner offerings by federal programs in the early to mid-1980s. Significant changes in this regard were enacted in 1986 (pregnancy services), 1987 (extension of Medicaid to poor pregnant women and infants), 1990 (inclusion of mammograms and expansion of aid to poor children), and 1993 (entitlement to immunizations).

Table 8.2
Significant Health Policy Changes in Budget Reconciliation Bills,
1979–1994

<i>Year</i>	<i>Highlights of Changes</i>
1980	Made a number of major changes in Medicare and Medicaid, including improvements in the coverage of the elderly through expanded home health services, authorizations for Medicare reimbursement for outpatient surgery, and the first use of cost-shifting techniques to achieve budget savings.
1981	Included the largest Medicaid cuts of the Reagan era, created the section 2176 waiver (which allows states to obtain permission to use Medicaid to fund home care for those traditionally institutionalized), reduced spending for the education of doctors and nurses, provided federal aid to HMOs, and started a program of health block grants to ease federal control of 19 programs.
1982	Produced major Medicare savings and contained sweeping structural expansions. Authorized contracts between HMOs and the government to enroll Medicare beneficiaries, allowed Medicare payment for hospice services for mentally ill Americans, mandated that government workers pay Medicare taxes, and created the Peer Review Organizations (run by doctors) to take the place of the Professional Standards Review Organization program.
1984	In addition to achieving massive Medicare savings by freezing physician fees and expanding Medicaid services to single poor women, created the participating physician program (PAR). PAR was created “to encourage doctors to agree in advance to accept Medicare’s approved fee as payment in full for all patients for all services for a 12-month period. In exchange, physicians participating in the program received a series of incentives” (<i>CQ Almanac</i> 1990, 160), including higher Medicare payments.
1986	COBRA: Founded the Physician Payment Review Commission (PPRC), required state and local government employees to pay Medicare payroll taxes, barred patient dumping through threats to health organizations, when employees quit addressed the problem of health care coverage by requiring employers to continue for 18 months existing group coverage at the rate the employer paid, and required states to provide pregnancy services for women in two-parent families when the principal wage earner was unemployed.
1986	OBRA: Allowed a 3.2 percent increase in physician fees and a 1.15 percent increase in hospital fees and authorized one year of Medicare coverage needed to supply the medicine direly required after organ transplants.
1987	Overhauled the federal regulation of nursing homes that serve Medicare and Medicaid patients, implemented a no-fault compensation system for families of children who have negative reactions to vaccines, allowed states to extend Medicaid coverage to pregnant women and infants in families in poverty, and attempted to correct the rules on physicians’ payments that gave more benefit for surgery than for primary care.

Table 8.2
(continued)

<i>Year</i>	<i>Highlights of Changes</i>
1989	Barred Medicare payments to clinical labs when the referring doctor had ownership interests in the lab, expanded Medicaid coverage, overhauled the system of physician payments, and created a new agency for health research.
1990	Forced drug manufacturers to give bulk purchase discounts to Medicaid providers, included mammograms on the list of approved procedures allowed under Medicare, expanded in phases Medicaid to poor children, tightened federal regulation of Medi-Gap insurance, and modified nursing home regulations.
1993	Included provisions to trim nearly \$63 billion over five years from Medicare and Medicaid, redirected funding toward preventive and primary care (especially for children), and provided a \$1.5 billion entitlement to pay for children's immunizations and protect against children's diseases.

Source: Congressional Quarterly Almanac, 1979–94 (Congressional Quarterly, Inc. 1980–95).

Another major health change made via budget reconciliation was the entitlement given to employees for health insurance when they depart a job. As part of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), employers are required to offer departing employees the health insurance coverage they enjoyed on the job for up to 18 months at the rate that the employer pays the insurance company. The employer pays a group rate that is considerably lower than what individuals “off the street” pay for the same coverage. When Americans talk about this important benefit, it is called “Cobra.” Americans are less likely to go uninsured between jobs with COBRA benefits available to them.

The Benefits and Costs of Making Health Policy Aboard Omnibuses

This case study of health care policy shows the adaptive, innovative nature of congressional institutions. Faced with the most daunting set of institutional circumstances on Capitol Hill, Congress found a way to get something done in health care policy. Omnibus bills provide a way around the problems of jurisdictional gridlock.

This interpretation, though, paints the rosier of pictures for omnibus health care policy making. There are also sacrifices made when omnibus bills are used. First, members deliberate less on omnibus bills than on typical

bills. In the Senate, this is especially the case on budget reconciliation bills, which I show above are a major vehicle for health care changes in contemporary times. According to the Senate rules, members may not filibuster floor consideration of budget reconciliation measures (either the Senate version or the subsequent House-Senate conference report).

Health care policies affect constituents from every congressional district and state in the United States. Representation suffers when members do not participate. Moreover, centralizing health care policy with the party leaders who package the bills discourages the full investigation of the health care issue by members of Congress.

On the other hand, the normal legislative process does not work for health care policy. Stalemate results. From this perspective, making health care policy in omnibus bills is better than making no policy at all. Thus, the sacrifices of representation may be worth it. Several significant health policy changes have been adopted via omnibus bills. These measures allow the Congress to be more responsive in health care than if traditional bills were employed and defeated.

Yet while many important policies have been enacted through reconciliation and other omnibus measures, omnibus bills have yet to produce the large-scale health policy changes that reformers desire. The many significant policies adopted through omnibus bills, when compared with proposed health reforms like the Clinton plan or national health insurance, are piecemeal changes. Any one change may be significant, but they do not together constitute national health reform.

This discussion begs a further question. Why don't party leaders attach a large-scale change like the Clinton health plan to reconciliation? Party leaders, who serve as agents of their party caucus, would probably never do that. Members would go ballistic. On gigantic health policy change, members want to have a traditional role in the legislative process and understand that for which they are voting. Omnibus bills, adaptive as they may be, are likely to have an upper bound (please see the discussion of limits to omnibus bills in chapter 3); they are, in this respect, self-regulating. Hence, for large-scale health policy to pass, the traditional process likely will have to be employed. Many democratic theorists and scholars of representation would argue that this is as it should be. Omnibus bills may be most effective (and appropriate) for mid-level health care policy change.

Getting around Gridlock II: The Effect of Omnibus Utilization on Legislative Productivity

Each time an omnibus bill is moved through the legislative process, opponents of the particular package (who might very well adore the omnibus method in other cases) lodge complaints about the lack of participation by members, logrolling, and the incomplete information members have when they vote for the package on the floor. Former Sen. Howard Cannon (D-NV) had this to say about an omnibus maneuver in the early 1980s: "This maneuver is simply an effort to avoid open debate and fair consideration of this legislation" (Sarasohn 1982, 2382). "It [omnibus legislating] is a sad way to do business," said Rep. Jamie L. Whitten (D-MS) (Tate 1982, 2381).

In response, proponents argue that omnibus bills are a way to get things done in an otherwise impossible legislative process. "The only way you can get things through is to package them," said Rep. Barber B. Conable, Jr. (R-NY) (Tate 1982, 2383). Legislative scholar Walter Oleszek (1989) argued that packaged bills are one way Congress "can develop coherent responses to public problems" (285; see also Sinclair 1997, 233). From this perspective, omnibus bills show the adaptive nature of congressional institutions to tough governing circumstances.

In this chapter and the following one, I turn my attention to two potential effects of the omnibus change. Here, I examine the effect of omnibus legislation on the productivity of our lawmaking system. The aim of this chapter is to examine whether the omnibus method positively affects legislative productivity, as suggested by many in Washington and academia. I begin the chapter by discussing systematic studies of congressional lawmaking. Next, I discuss the data and method to be used to test the effect of omnibus legislation on productivity. Third, I replicate both Mayhew's (1991,

1995) prominent analysis of landmark enactments and Edwards, Barrett, and Peake's broader ratio measure that considers failures as well as enactments (1997), and I introduce an independent variable for omnibus utilization. I find omnibus usage to be a positive and significant independent influence on legislative productivity.

The Beginnings of Systematic Analysis of Lawmaking Outputs

The study of American lawmaking has largely been dominated by the micro-level analysis of the behaviors of individual members of Congress rather than by macro-level analysis of the performance of the lawmaking system as a whole. Studies of individual-level roll call behavior are perhaps the single most common type of analysis of congressional activity.

Important issues that have been addressed include how legislative leaders control agendas and thereby influence the decisions of members; how coalitions are constructed; how the ideologies of members affect the dimensional structure of the decision space; how the preferences of committee members relate to the preferences of the members of the whole chamber (or the preferences of the party caucuses); and how members are affected in voting and participation by constituency pressures, lobbying, and the president.

Recently, however, important system-level analyses have been done as scholars have focused on the production of legislation in Congress (Baumgartner et al. 1997; Cameron et al. 2000; Edwards, Barrett, and Peake 1997; C. Jones 1994; Kelly 1993; Mayhew 1991, 1995; Wirls 1995). In general, however, we have more developed theories about the behaviors of individual members of Congress than we do about the behaviors and outputs of the lawmaking system as a whole.

In his 1994 presidential address to the American Political Science Association annual meeting, Charles Jones (1995) provided the following challenge to the discipline: "Lawmaking is the core decision-making process of a democratic state. It is the means for defining, promoting, and regulating community life and, accordingly, is spectacularly interesting and highly relevant to our purposes as political scientists. Yet it has received limited direct attention by political scientists, even by legislative scholars" (1-2).¹

Studying Congressional Outputs

Numerous case studies have depicted the dynamics of how a particular piece of legislation was produced (e.g., Bailey 1950; Berman 1966; Eidenberg and

Morey 1969; C. Jones 1975; Light 1985, 1992; Peabody, Berry, Frasure, and Goldman 1972; Wilds, Gonzales, and Krutz 1994). Recently, however, American politics scholars have taken an interest in studying legislative outputs more systematically with larger numbers of cases. Most such studies have considered the effect of party control and composition on legislative production (Cameron et al. 2000; Edwards, Barrett, and Peake 1997; C. Jones 1994; Kelly 1993; Mayhew 1991, 1995; Wirls 1995). The traditional wisdom is that party control of Congress and the presidency is important in the production of legislation. Unified control of the institutions by one party, it is said, will result in more policy innovation and less gridlock than divided government. In this way of thinking, political parties bring order to an otherwise dispersed policy process (Cox and McCubbins 1991; Destler 1985; Kernell 1991; Sundquist 1992).

Research, therefore, by Mayhew (1991, 1995) and Charles Jones (1994) suggesting that party control may not matter in the production of major legislation has come as a surprise to many political scientists. In a study of 267 landmark enactments from 1946 to 1990, Mayhew (1991) found similar levels of major legislative innovations in unified and divided party control of the presidency and Congress. Moreover, this nonfinding holds under multivariate regression analysis. Studying in much more depth a subset of 28 of the Mayhew bills from 1953 to 1989, Charles Jones (1994) similarly found no divided-government effect on outputs: "Presidents continue to make proposals and Congress continues to legislate, even when voters return divided government to Washington" (196).

Mayhew and Charles Jones address and examine major legislation that was enacted: in other words, *innovation*. One issue they do not address or test is the blocking of legislation in divided and unified government, or *gridlock*. Edwards, Barrett, and Peake (1997) argued that examining failures is critical: "If our concern is whether or not divided government obstructs the passage of legislation, we ought to investigate legislation that was proposed but that did *not* pass. Comparing the failure of potentially important legislation under divided and unified party government is the best test of the constraining impact of divided government" (547, italics in original).

Edwards, Barrett, and Peake (1997) analyzed patterns of failed major legislation and found that many more such bills fail in divided than unified government, a result that holds under multivariate regression analysis. Further, they constructed a ratio measure of legislative production for each Congress based on Mayhew's measure of enactments and their accounting of failures. With this combined measure, they provided further evidence

that the existence of divided government negatively and significantly affects legislative production. In a recent analysis that examined different categories of all laws enacted (but that, like Mayhew, did not include failures), Charles Cameron and colleagues (2000) also furnished evidence that divided government affects outputs.

The main Edwards, Barrett, and Peake findings beg a further question. If, as the authors noted, important proposals are more likely to be defeated in periods of divided government, what is the cause of this? They focused on the amount of legislation opposed by the president and found much higher amounts of such opposition in divided government.

A Puzzle of Lawmaking

Does the Edwards, Barrett, and Peake research showing that gridlock is greater in divided than unified government refute Mayhew's analysis entirely? No, not entirely. What it does do is present a challenging and important puzzle of lawmaking in need of theoretical exploration by scholars. That is, while systematic research on the effect of party control on lawmaking is in its infancy, we have two somewhat sound empirical regularities. First, roughly equivalent amounts of major enactments appear to occur in unified and divided government (Mayhew 1991). Second, much more failed important legislation occurs in divided than unified government (Edwards, Barrett, and Peake 1997). These two results leave us in the discipline wondering: What forces provide "constancy" in outputs in the face of differing governing circumstances (Mayhew 1991, 100; see also C. Jones 1994)?² "What is it that evens things out, so to speak, across circumstances of unified and divided control?" (Mayhew 1991, 100).

In light of the nonfinding for party control that he found in his study, Mayhew (1991) devoted considerable space in his book to speculating about potential sources of constancy in lawmaking. He concluded, "If I were aware of one over-arching, integrated answer to this question [of what evens out lawmaking], I would try to present it here. But I doubt that one is achievable" (100).

One source of constancy in lawmaking, according to Mayhew (1991), is the electoral incentives of members. "In general, House and Senate members run for re-election, and House members seek Senate seats, regardless of circumstances of unified or divided party control. [This provides] a systemic thrust toward lawmaking constancy" (104).

Mayhew (1991) also argued that presidents have provided leadership in proposing and enacting major laws in both divided and unified government

(112–19). This argument is consistent with a more cogently stated and detailed Edwards, Barrett, and Peake (1997) proposition that is supported empirically:

We have seen that presidents oppose more legislation under divided government than under unified government. In order to play a leadership role, however, they must support a wide range of potentially significant bills under all conditions of party control. Opportunities for failure for these bills should be similar under both divided and unified government, because divided government is but one of many obstacles that legislation faces on the path to enactment. Thus, we hypothesize that the chief executive will support similar levels of potentially important legislation under both divided and unified government. We expect, moreover, that divided government will not have a significant impact on the amount of legislation that the administration supports that fails to pass. (557)

In suggesting another source of constancy, Mayhew (1991) and Jones (1994) presented evidence that many of the landmark enactments since World War II have passed with supermajorities and bipartisan support. This argument is consistent with new frameworks of lawmaking presented quite recently by Keith Krehbiel (1998) and Brady and Volden (1998), which emphasize the “pivots” that must be overcome in lawmaking to enact legislation, most notably the Senate filibuster and presidential veto.

Charles Jones (1994) discussed the continuing agenda of government as a source of constancy. The presidency and congressional institutions operate in an environment already in motion. “The national government has an agenda that is continuous because much of it is generated from existing programs” (164).

Omnibus Utilization as a Source of Productivity in Lawmaking

I consider here the prospect of and test the effects of a potential source of productivity in lawmaking—omnibus utilization. Does omnibus usage make our lawmaking apparatus more *productive* and contribute to the net pattern of *constancy* that Mayhew sought to understand? First, with regard to productivity, proponents of omnibus lawmaking argue that the omnibus technique provides a way to get things done in an otherwise difficult legislative process (Oleszek 1989; Sinclair 1997; Tate 1982). By combining items that face opposition together with core legislation that has widespread support

in Congress, more can be accomplished than if the controversial items had to “go it alone” through the legislative gauntlet. In a similar vein, my theoretical framework of omnibus packaging (chapter 3) predicts that bills facing opposition within Congress or from the president are more likely to be incorporated into omnibus measures than other bills. My empirical test of the omnibus attachment process supports these expectations (see chapter 5). Hence, omnibus bills appear to provide one way to get more done.

Second, with regard to constancy, Mayhew (1991) pondered why he did not find peak and valley patterns of major enactments according to party control circumstances. What factors help even things out? Edwards, Barrett, and Peake (1997) found that more important failures happen in divided than unified government. More specifically, they documented greater incidence of presidential opposition in divided government than in unified government. Omnibus bills are useful in passing legislation that would be likely to fail alone. Indeed, I found a higher incidence of omnibus use in the contexts of divided government and a more complex congressional agenda—challenging situations when a mechanism is needed to get something done (see chapters 5 and 6). This link suggests that omnibus bills provide part of the answer to why similar patterns of successful outputs result under divided and unified government.

In summary, this discussion suggests that the omnibus method improves productivity generally by giving coalition leaders a tool to get around gridlock. Hence, omnibus use leads to increased productivity. Further, this method is particularly helpful (and is used more) when governing circumstances are especially likely to produce gridlock—for example, in periods of divided government and high issue complexity. That omnibus bills are used more in these circumstances than others suggests an overall push toward constancy. Congress attempts to make laws. When the process becomes deadlocked because of challenging governing circumstances, omnibus bills provide one way to accomplish as much as when governing circumstances are favorable. The positive impact of omnibus use on productivity appears to counteract the negative influence of gridlock. However, this evidence is at best indirect. In a more direct analysis of outputs, does the omnibus method positively affect system lawmaking outputs? The empirical expectation to be tested is as follows:

Omnibus Utilization Hypothesis: The higher the level of omnibus utilization, the more productive the lawmaking apparatus on major policy enactments.

Data and Method

To test in a direct fashion the impact of omnibus utilization on legislative productivity, I sought to replicate the Mayhew (1991, 1995) and Edwards, Barrett, and Peake (1997) analyses by introducing an independent variable for the extent of omnibus utilization in a Congress. The dependent variables are Mayhew's count of major enactments per Congress from 1949 to 1994 (Mayhew 1991, 1995) and Edwards, Barrett, and Peake's (1997) ratio measure of legislative production, which is a function of enactments and major failures. On the ratio measure, I recomputed the ratio to be enactments over enactments plus failures so that the expected direction of the independent variables (positive or negative) would be consistent in both models.

To evaluate the impact of omnibus use on outputs, I will turn to multivariate regression analysis, which Mayhew and Edwards, Barrett, and Peake also employed. My principal independent variable is a measure of omnibus use as a proportion of major lawmaking per Congress from 1949 to 1994. This is simply the number of omnibus bills employed divided by the number of major bills in that Congress. (The measurement of this variable was described in some detail in chapter 4.) To restate the hypothesis, I expected that *the higher level of omnibus utilization, the more productive the lawmaking apparatus (the higher the number of major policy enactments [Mayhew variable] and the higher proportion of major policy enactments as a proportion of major enactments and failures [Edwards, Barrett, and Peake variable]).*

Sorting through the effects of omnibus use on different categories of outputs can be a real brain-teaser. It is important to clarify why I expected a positive relationship between omnibus use and major policy outcomes. When more omnibus bills are used (containing many more items than typical bills), wouldn't we expect the number of overall laws enacted to go down? Descriptive data suggest that the answer is yes. We have fewer but larger laws in recent decades than in the period immediately following World War II (Ornstein, Mann, and Malbin 1996, 166).

However, the current question is what factors affect the amount of major policy or landmark enactments (and such enactments in relation to similar failures), not just any enactments. Political observers and scholars argue that omnibus bills provide a way to get major policy passed in an impossible legislative process (Oleszek 1989; Sinclair 1997; Tate 1982). Further, as mentioned above, evidence from my analysis of the omnibus attachment process (see chapter 5) suggests that these measures provide a way to get more done because they incorporate items that may fail if

pursued sequentially. Additionally, many major enactments are omnibus bills (Mayhew 1991). Mayhew's (1991) evidence also suggests that omnibus budget bills can be vehicles for major policy enactments. For instance, the major enactment on child care in 1990 (see Mayhew 1991, 43 [note 23]) was found in an omnibus budgetary measure and counted as its own landmark enactment in Mayhew's accounting. All in all, this discussion suggests that the effect of omnibus use on productivity is an empirical question well worth exploring.

Control Variables

Consistent with Mayhew and Edwards, Barrett, and Peake, I also included several control variables that might have an independent impact on legislative outputs. I had a dummy variable for party control (coded as 1 if divided and as 0 if unified). The tightness of the fiscal environment might influence the success of important legislation, with failures being more likely in times of scarcity. The budgetary situation was operationalized as surplus or deficit in the budget as a proportion of total outlays, averaged over a Congress, a two-year period.

Greater legislative production might also occur in the first Congress of a president's tenure (Edwards, Barrett, and Peake 1997; Mayhew 1991). This "start of term" variable was coded as a dummy variable (1 for the first two years and 0 otherwise).

For the analysis of enactments only, I included, like the other scholars, a control for activist mood. This variable controls for the level of legislative activity of an era, with the expectation that more active eras will produce more legislation. Activist mood was also coded as a dummy variable (1 for 1961–1976 and 0 otherwise). I did not include this variable in the second model because the ratio measure of enactments over enactments plus failures controlled for the level of legislative activity in a given Congress.

Findings

I begin with a multivariate analysis that seeks to explain variation in the number of successful major enactments per Congress from 1949 to 1994 (the Mayhew dependent variable). Table 9.1 presents the results. Because of the presence of autocorrelation, I used maximum-likelihood iterated generalized least squares (as did Edwards, Barrett, and Peake 1997). Like Mayhew, I found that the start-of-term and activist mood variables had large coefficients and clear standard levels of statistical significance.

Table 9.1
Model Explaining the Number of Important Laws Enacted per
Congress, 1949–1994

<i>Independent Variable</i>	<i>Expected Direction</i>	<i>B</i>	<i>t</i>
Divided control	–	.165	.084
Start of term	+	3.467*	2.123
Activist mood	+	5.731***	4.627
Budget deficit	+	.004**	3.445
Omnibus utilization	+	.728*	2.431
Constant		4.654*	2.238
<i>R</i> ²		.789	
Adj. <i>R</i> ²		.765	
<i>F</i> statistic		18.247***	
<i>N</i> of cases		23	

Source: Mayhew 1991, updated 1995.

Note: One-tailed significance tests employed except for constant. The dependent variable is the number of important enactments per Congress from 1949 to 1994. Model estimated with maximum-likelihood iterated generalized least squares because of the existence of autocorrelation.

* $p \leq .05$. ** $p \leq .01$. *** $p \leq .001$.

Important laws are more likely to pass in the first two years of a president's term, and more important laws might be expected to be enacted in the activist era from 1961 to 1976.³ In addition, the divided-control variable washed out, as it did in Mayhew's original analysis. Its sign was in the wrong direction, and the t value was nowhere near standard levels of statistical significance (the two-tailed significance would be .930). In contrast to Mayhew, I found a statistically significant effect for the budget deficit variable. While the coefficient was much smaller than all the other significant variables, important laws are more likely to be passed when slack resources exist than when deficits emerge.

The coefficient for the omnibus utilization variable was significant and in the expected direction. The more omnibus bills used as a proportion of major lawmaking, the more important laws enacted. This result survived despite the many strong control variables, particularly the activist mood variable.

Finally, the constant was positive in sign, strong in magnitude, and statistically significant. Mayhew (1991) had a similar but larger constant coefficient in his original analysis. He suggested that such a result meant

Table 9.2
Model Explaining the Proportion of Passed Important Legislation per Congress, 1949–1994

<i>Independent Variable</i>	<i>Expected Direction</i>	<i>B</i>	<i>t</i>
Divided control	–	–1.737**	–2.76
Start of term	+	.692**	2.694
Budgetary situation	+	.001***	3.327
Omnibus utilization	+	1.512**	2.884
Constant		1.564***	4.863
<i>R</i> ²		.724	
Adj. <i>R</i> ²		.664	
<i>F</i> statistic		12.451***	
<i>N</i> of cases		23	

Sources: Mayhew 1991, updated 1995 for passed important legislation; Edwards, Barrett, and Peake 1997 for failed important legislation.

Note: One-tailed significance tests employed except for constant. The dependent variable is a proportion calculated from the number of important enactments over that same number plus important failures per Congress from 1949 to 1994. Model estimated with maximum-likelihood iterated generalized least squares because of the existence of autocorrelation.

* $p \leq .05$. ** $p \leq .01$. *** $p \leq .001$.

that there are probably other factors, not included in the model, that affect lawmaking outputs. In the current analysis, the omnibus utilization variable was significant, the constant was smaller than Mayhew's, and the model diagnostics were better. This finding suggests that I have identified an influence on lawmaking and that other sources probably exist that are not modeled.

One prominent criticism of the Mayhew variable is that it does not have a proper denominator (Fiorina 1992). That is, it lacks a control for the amount of legislation attempted.⁴ Edwards, Barrett, and Peake (1997) presented a way to have a denominator by coding all the significant major bills that failed. Therefore, I also did a multivariate analysis of variation in a proportion measure of enactments over enactments plus failures, a derivative of the Edwards, Barrett, and Peake variable. Table 9.2 presents the results.⁵ Recall that the activist mood variable from Mayhew's analysis was not included in this model because the dependent variable controlled for the amount of legislative activity (Edwards, Barrett, and Peake 1997).

The results are largely consistent with the Edwards, Barrett, and Peake findings. I found that divided control negatively and significantly affects

the proportion of enactments. I also found the start-of-term and budget deficit variables to be significant. The proportion of passed important legislation was higher at the start of presidential terms and when slack resources existed.

Finally, the omnibus utilization variable in this model (as in the first) was significant and in the anticipated direction. This result survived with controls. In sum, the two analyses above provide evidence that omnibus lawmaking positively affects lawmaking productivity.

Conclusion

In this chapter, I focused on the effect of omnibus legislation on the productivity of our lawmaking system. Advocates of omnibus bills argue that they provide a way to get things done in a fragmented legislative process. Does omnibus use make our lawmaking apparatus more productive? I tested this question by replicating both Mayhew's (1991, 1995) prominent analysis of landmark enactments and Edwards, Barrett, and Peake's (1997) broader ratio measure that considered failures as well as enactments and by introducing an independent variable for omnibus use. I found omnibus use to be a positive and significant independent influence on legislative productivity. Further, since these packages are employed more in times of gridlock, omnibus lawmaking appears to contribute to an overall push toward constancy in lawmaking. The positive influence of omnibus use counteracts the negative effect of gridlock. This explanation with supporting evidence helps to explain why approximately even levels of important enactments occur in divided and unified government (Mayhew 1991), despite a higher occurrence of important failures in divided government (Edwards, Barrett, and Peake 1997).

Even with this addition to the systematic literature on lawmaking productivity, there is much we do not know about legislative outputs. Earlier in this chapter, I discussed several sources of lawmaking constancy that scholars have suggested, including the electoral goals of members (Mayhew 1974, 1991), presidential leadership (Edwards, Barrett, and Peake 1997; C. Jones 1994; Mayhew 1991), and supermajority support for major enactments (Brady and Volden 1998; C. Jones 1994; Krehbiel 1998; Mayhew 1991). I then identified a potential new source of constancy involving omnibus use and focused upon that possibility with positive results.

Scholars, however, have had much less to say on the sources of gridlock that might affect lawmaking productivity beyond divided government. We need to incorporate other potential sources of gridlock, such as policy

issue jurisdictional fragmentation in the committee system. To illustrate, policy makers in the health care domain must try to make coherent policy while over 20 committees on Capitol Hill claim some jurisdiction on the issue. Some have suggested that this situation is part of the reason why lasting policy change desired by policy makers and citizens in health care has not occurred (Baumgartner, Jones, and MacLeod 1999). In conclusion, future studies of lawmaking productivity should consider a full complement of explanations beyond the traditional focus on party control.

The Omnibus Change and Presidential-Congressional Relations

In 1981, President Ronald Reagan was able to enact an ambitious agenda of program reductions and tax cuts by working with congressional allies to forge all-or-nothing votes through the use of omnibus bills (Oleszek 1989). Following the Reagan success, the conventional wisdom became that presidents could use omnibus bills to their advantage over Congress. In academic circles, certain scholars (Charles Stewart 1989 and, to a lesser extent, Barbara Sinclair 1997¹) have touted this conventional wisdom that presidents can lead on omnibus bills.

Not surprisingly, then, during transition planning meetings in 1992, President-elect Bill Clinton expressed interest in using Reagan's big omnibus bill approach to move his ambitious campaign agenda in the legislative arena: "As President-elect Clinton and his aides develop a blueprint for their transition into power and first 100 days in office, they find themselves looking to a surprising role model: former president Ronald Reagan and the Republican takeover of government he led 12 years ago" (Devroy and Marcus 1992, A1).

Despite working with a Democratic Congress in 1993–94, however, Clinton did not get his wish. Most of his agenda items had to "go it alone" as single bills in the legislative process. Moreover, Clinton signed into law several provisions that he disliked contained in omnibus bills in order to get items that he desired enacted.

President Clinton's omnibus challenges notwithstanding, the conventional wisdom that omnibus packages benefit the president more than Congress has endured. In discussing the gigantic 1998 omnibus budget bill (a package on which Clinton did well), the *Congressional Quarterly (CQ) Weekly Report* generalized beyond the single case being covered: "The

reality is that, because presidents hold the veto pen, the single-bill style of governance [packaging everything] favors the chief executive" (Doherty 1998, 2795).

I will argue in this chapter that the conventional wisdom is wrong. I begin by arguing that theory leads us to expect the omnibus technique to be more a congressional tool than a presidential tool. I then present a method for studying presidential-congressional relations on omnibus bills that borrows from Charles Jones's (1994) work on lawmaking. I then present the results of the analysis. I find that, in contrast to the conventional wisdom, Congress dominates more on omnibus bills than the president in comparison to a control group of typical major bills from 1979 to 1994. Most omnibus bills, however, feature shared power between the branches. I conclude the chapter by discussing the line-item veto and presidential-congressional adaptation.

Theoretical Framework—Regular Bill versus Omnibus Bill

Should we expect omnibus bills to be more a presidential tool or a congressional tool compared to typical bills? In my theoretical framework for explaining why omnibus bills are used, I argued that bargaining would take place because both branches may have something to gain in omnibus bills. Specifically, I anticipated that leaders would add items opposed by the president to essential items to avert the veto for those items but that some appeasing of the president would have to take place in the form of also incorporating his measures. Empirical tests in chapter 5 supported these expectations. Such a conceptualization suggests some balance or shared power in omnibus lawmaking; the branches need one another (Peterson 1990). That the branches need one another is not entirely unexpected in a system of separated branches sharing power (C. Jones 1994; Neustadt 1960).

This chapter seeks to answer a clearly delineated question: Which of the branches gets more out of omnibus bills than the other? Working from theory, rather than the conventional wisdom or the practical examples of Reagan and Clinton in my introduction, let us ponder this. If you are the president, how would you prefer 10 bills to arrive at the White House from Capitol Hill? Assume that as president you favor eight of the bills (some intensely) and oppose two. You would rather see the 10 bills in turn (sequentially) so that you could sign the eight you like and veto the two you dislike. If you received a massive omnibus bill with all 10 measures incorporated,

you would have to think about accepting things you disliked in order to get something you really wanted. It is important to note that decisions on the final form that legislation will take ultimately reside with the Congress.

Sinclair (1997) and Stewart (1989) have argued that omnibus bills invite the president into a stage of the process where the president previously did not participate, the development of legislation. We hear about high-level meetings between congressional leaders and the president on omnibus bills. However, I would argue that the veto already took the president into those stages, just not always with public negotiations. Scholars are just now beginning to look at the veto as an agenda control mechanism (see Cameron's [2000] new book on veto bargaining). For example, Edwards, Barrett, and Peake (1997) in their study of failed bills found the veto to be a potent mechanism. But Congress has its own agenda control mechanism in the omnibus technique in terms of getting controversial items by the president.

With bundled bills, the president—even if he obtains some of the items he desires—may have to sign measures he dislikes to get what he wants. Therefore, a veto comes at a high cost because the president will be vetoing some items he really favors (Sinclair 1997). In sum, contrary to the conventional wisdom, theory predicts that omnibus bills may be more a congressional tool than a presidential tool and that shared lawmaking may be the most likely state of affairs.

Data and Method

Scholars have used two techniques to study the interaction of the president and Congress as the legislative process progresses. Mark Peterson (1990) studied a sample of 299 presidential initiatives from the Eisenhower to the Reagan administrations (1953–1984). He traced them to passage or failure and assigned them various categories: inaction by Congress, congressional dominance, compromise, presidential dominance, and consensus. This classification is helpful for my purposes in terms of classifying which branch, if either, most drives particular instances of lawmaking. However, the success or failure part of the classification is not applicable to an examination of omnibus bills because omnibus bills do not vary in how far they get: they invariably succeed. Moreover, this classification is president centered, tapping into how Congress engages the president on his own initiatives.

I used a technique originally employed by Chamberlain (1946) and recently adapted by Charles Jones (1994) for classifying bills that gets at the nature of the interaction between the branches from the perspective of a system of shared powers. Chamberlain studied 90 major bills considered

(passes and failures) from 1873 to 1940. Jones examined 28 major bills enacted between 1953 and 1989 (i.e., successes only, no failures). These scholars placed each bill in their sample in one of three categories: congressional preponderant (Congress is more dominant), presidential preponderant (president is more dominant), or joint presidential-congressional action (shared lawmaking).

To test the question of whether omnibus bills are more a congressional tool or a presidential tool, I used *CQ Almanac* and detail from LEGISLATE to build a legislative history for each omnibus bill and each typical major bill from 1979 to 1994. There were 87 omnibus bills in this period and 263 typical major bills (like Chamberlain, I included both successes and failures).

In studying these bills, I paid careful attention to the presidential-congressional interaction. Charles Jones (1994) in particular shared in some detail how he went about studying the bills in his sample and how he determined the category in which they belonged. I followed his lead wherever possible in hopes of making replication of my work a possibility. Specifically, Jones mentioned several telltale signs of presidential preponderance, congressional preponderance, and shared lawmaking. I followed these tips quite closely; hence, I share them here.

Presidential-preponderant bills include instances “when an issue is accepted as sufficiently vital to require bipartisan support for an administration plan. When that occurs, congressional support follows. Neither Congress nor the opposition party forgoes its prerogatives, but all sides have reason to work with the administration” (C. Jones 1994, 212). Other regular instances of presidential preponderance are instances “when presidents are entrusted with a mandate and therefore normal presidential-congressional politics is suspended” (212).

The initiative for congressional-preponderant legislation often comes primarily from Capitol Hill, not the White House. “The president was essentially an observer for much of this legislation—an active monitor, to be sure, but hardly serving as leader or manager of the lawmaking process” (C. Jones 1994, 222). And while presidential-preponderant bills often follow a more or less standard sequence, congressional-preponderant acts show considerable variation in sequence (C. Jones 1994).

The shared-lawmaking category includes “enactments that reflect more balanced participation in lawmaking by the White House and Congress” (C. Jones 1994, 238). Given that our lawmaking system by design requires laws to have the blessing of both branches, it is not surprising that this was the modal category in Jones’s study.

My sample of bills includes both passes and failures, whereas Charles Jones studied only enactments. Therefore, some of my coding required determining which branch (if any) was more preponderant on failed bills. For these, I followed Chamberlain's work (1946), which included assigning failures into the categories used here. Chamberlain left less detail for future scholars than Jones. However, he apparently determined who led on these bills, who sought to block the legislation (in some cases), and who lost out the most in the defeat of the legislation. In my sample, many of these failures were vetoed bills or bills that stalled because a veto appeared imminent.

While this coding process is not as clear-cut as the more common practice of studying presidential wins and losses on roll call votes (where a presidential position is clearly given and covered by *CQ*), I found that it worked rather smoothly. I encourage other scholars to use it as well.

In summary, I used the Chamberlain/C. Jones technique to analyze the 87 omnibus legislative histories and determined in which category the bills should be placed. To have a control group with which to compare the omnibus results, I also analyzed the 263 typical major bills from the same time period and determined in which category each of those bills should be placed. In terms of methods, I rely on basic descriptive tables to illustrate the findings.

Findings

Table 10.1 displays branch preponderance by type of bill (omnibus or typical major bill). This table demonstrates that lawmaking on both types of bills features much joint action. "Shared lawmaking" describes 65 percent of major bills and 70 percent of omnibus bills. For the remaining bills, there is a distinct difference between typical major bills and omnibus bills. On typical bills, presidential preponderance occurs 26 percent of the time and congressional preponderance 10 percent. For omnibus bills, the results are quite different. Presidential preponderance occurs only 9 percent of the time, while congressional preponderance occurs 21 percent of the time. The relationship between type of bill and branch preponderance is statistically significant in a two-way chi-square test ($\chi^2 = 14.47, p < .001$).

It appears that Congress gets its way on omnibus bills more than the president does, at least in comparison to the control group of typical major bills. It is also interesting to note that I found more presidential-preponderant bills relative to congressional-preponderant bills in the typical major bills category than Charles Jones (1994) did. This discrepancy is largely due to the fact that Jones analyzed only successes, while I considered both

Table 10.1
Preponderance by Type of Bill, 1979–1994

<i>Institutional Preponderance</i>	<i>Typical Major</i>		<i>Omnibus</i>	
	%	(N)	%	(N)
Congress	10	(26)	21	(18)
Shared	65	(170)	70	(61)
President	26	(67)	9	(8)
Totals ^a	101	(263)	100	(87)

$\chi^2 = 14.47^{***}$ (2 d.f.)

^aPercentage totals may not equal 100 owing to rounding.

*** $p < .001$.

successes and failures. Some of the bills exhibiting presidential preponderance were failures in which the president exercised the veto or a veto threat to block major legislation he disliked (this finding is consistent with results in Edwards, Barrett, and Peake 1997). By excluding failures, Charles Jones missed cases of presidential preponderance. Chamberlain (1946) examined both passed and failed major bills and for the 1931–1940 time frame found a similar breakdown of preponderance to that observed here (more presidential preponderance relative to congressional preponderance than Jones).

Table 10.2 displays the results by presidential administration. The overall finding from Table 10.1 that lawmaking is mostly shared, with more presidential preponderance on typical bills, and that more congressional preponderance on omnibus bills holds across most administrations. The single exception is the first Reagan administration (1981–84), only the first two years of which featured Reagan leading on omnibus bills (and prompted the conventional wisdom that presidents dominate on omnibus bills).² The overall finding for the first Reagan administration is that there is no difference in the two distributions.

Table 10.3 divides the first Reagan administration (1981–84) into two Congresses for separate analysis. In so doing, the table demonstrates that the 1983–84 Reagan omnibus experience is quite similar to the general finding in Tables 10.1 and 10.2. Lawmaking is mostly shared, with more presidential preponderance on typical bills and more congressional preponderance on omnibus bills. The 1981–82 Reagan scenario is strikingly different in two ways. First, these data suggest less shared lawmaking on omnibus bills than typical major bills. Second, Reagan led more on omnibus

Table 10.2
Preponderance by Type of Bill by Administration, 1979–1994

<i>Institutional Preponderance</i>	<i>Carter (1979–80)</i>				<i>Reagan I (1981–84)</i>			
	<i>Typical</i>		<i>Omnibus</i>		<i>Typical</i>		<i>Omnibus</i>	
	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)
Congress	12	(5)	13	(1)	14	(8)	18	(5)
Shared	64	(27)	88	(7)	62	(36)	61	(17)
President	24	(10)	0	(0)	24	(14)	21	(6)
Totals ^a	100	(42)	101	(8)	100	(58)	100	(28)

Table 10.2 (*cont'd*)

<i>Reagan II (1985–88)</i>		<i>Bush (1989–92)</i>		<i>Clinton (1993–94)</i>							
<i>Typical</i>		<i>Omnibus</i>		<i>Typical</i>		<i>Omnibus</i>					
%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)				
14	(7)	23	(5)	6	(4)	24	(5)	5	(2)	25	(2)
59	(30)	73	(16)	70	(49)	76	(16)	67	(28)	63	(5)
27	(14)	4	(1)	24	(17)	0	(0)	29	(12)	13	(1)
100	(51)	100	(22)	100	(70)	100	(21)	101	(42)	101	(8)

^aPercentage totals may not equal 100 owing to rounding.

bills than typical major bills. It was in this Congress that Reagan successfully moved his economic agenda in omnibus bills. That experience started the conventional wisdom.

In successive sessions of Congress, however, President Reagan learned to dislike the omnibus technique. Congressional leaders used the packages to push through measures the president opposed, such as several health care changes and reauthorizations for the Small Business Administration and the Department of Education (Congressional Quarterly, Inc., annually, 1982–1989). In his final State of the Union address in 1988, Reagan (1989) declared, “Congress shouldn’t send another one of these [omnibus budgetary acts]. No, and if you do, I will not sign it” (86). Reagan signed five omnibus bills into law that year.

Omnibus bills vary in how many substantive policy areas they span. To see if there is variation in preponderance on the omnibus bills based on policy span, I separated the omnibus bills into three categories: those spanning 3 to 7 areas, those spanning 8 to 12 areas, and those spanning 13 or

Table 10.3
Preponderance by Type of Bill by Congress, 1981–1984

<i>Institutional Preponderance</i>	<i>1981–82</i>				<i>1983–84</i>			
	<i>Typical</i>		<i>Omnibus</i>		<i>Typical</i>		<i>Omnibus</i>	
	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)
Congress	12	(3)	13	(2)	16	(5)	23	(3)
Shared	65	(17)	53	(8)	59	(19)	69	(9)
President	23	(6)	33	(5)	25	(8)	8	(1)
Totals ^a	100	(26)	99	(15)	100	(32)	100	(13)

^aPercentage totals may not equal 100 owing to rounding.

Table 10.4
Preponderance on Omnibus Bills by Policy Span, 1979–1994

<i>Institutional Preponderance</i>	<i>Number of Policy Areas Spanned</i>					
	≤ 7		<i>8–12</i>		≥ 13	
	%	(<i>N</i>)	%	(<i>N</i>)	%	(<i>N</i>)
Congress	24	(8)	20	(3)	18	(7)
Shared	71	(24)	67	(10)	71	(27)
President	6	(2)	13	(2)	11	(4)
Totals ^a	101	(34)	100	(15)	100	(38)

^aPercentage totals may not equal 100 owing to rounding.

more areas. Table 10.4 shows that next to no variation in branch preponderance occurs across these three categories. Congressional preponderance hovers around 20 percent, shared action at about 70 percent, and presidential preponderance at about 10 percent. Hence, the general findings from Table 10.1 hold across different compositions of omnibus bills.³

Conclusion and Discussion

I have focused in this chapter on the implications of the omnibus change for presidential-congressional relations. Do omnibus bills strengthen Congress vis-à-vis the president compared to typical major bills? In summary, as we should expect from a constitutionally designed system of separated powers, my analysis demonstrates that much of major lawmaking (on

typical bills and on omnibus bills) is shared between the president and Congress. Along these lines, Mark Peterson (1990) argued, the president and Congress need one another to make laws, a point made quite well to an earlier generation of scholars by Chamberlain (1946). This point is consistent with the congressional-presidential omnibus game explored in detail and tested in earlier chapters, which predicts that items the president favors (his own agenda items) *and* items the president dislikes will be significantly more likely to become attached to omnibus bills than typical bills. Clearly, presidents negotiate with the Congress on the content of bills (Cameron 2000).

However, there is an important difference between branch interaction on the two types of bills. On typical major bills, there is greater preponderance for the president to lead in the legislative process, some of it through the use of the veto as an agenda control mechanism. But preponderance is greater for Congress on omnibus bills, as theory leads us to expect. This technique undercuts the presidential veto.

Therefore, it appears that the Clinton experience was the typical one and the 1981–82 Reagan experience the exception. And the conventional wisdom that presidents dominate the Congress on omnibus bills is wrong. In the 1992–93 presidential transition meetings, the Clinton team should have considered the experience of presidents with omnibus bills in years other than 1981–82. However, in politics as in scholarship, conventional wisdom has a way of becoming ingrained and unquestioned.

The Line-Item Veto

What about the line-item veto (or statutory veto, as it is sometimes called)? The line-item veto was recently used by President Clinton until it was found mostly unconstitutional by the U.S. Supreme Court (*City of New York v. Clinton, Snake River Potato Growers v. Rubin*).⁴ Much has been made of the line-item veto of late and how it might change lawmaking. Might it not allow the president to strip down these omnibus bills? However, the line-item veto does not nearly make up for the weakening of the veto that has occurred with the proliferation of omnibus bills.

The main limit of the line-item veto is that it can only be used on budget items. Yet the controversial parts of big omnibus bills are typically the policy change provisions, such as program authorizations, in the same bill with appropriations. These, under the line-item veto that was legal from January 1997 until February 1998, could not be vetoed. Further, even on budget items, President Clinton used the technique quite selectively, which is not entirely surprising given the shared nature of lawmaking. If Clinton

stripped down a bill entirely in one year, what chance would he have to get something he wanted enacted the following year? There are bounds within which behavior must occur for the branches to agree and enact policies.

Presidential-Congressional Adaptation

Finally, I think if we step back and think broadly about presidential-congressional interaction and preponderance across the twentieth century, a picture of institutional adaptation back and forth between Congress and the president comes into view. Let me elaborate.

Let's go back to the turn of the century, a period that Chamberlain (1946) studied in his analysis of important bills from 1873 to 1940. From 1900 to 1930, congressional preponderance was the overwhelming category for major legislation. From 1931 to 1940, the New Deal decade, this picture changed dramatically to one where presidential preponderance became more likely than congressional preponderance. This change was in part because of special circumstances of that time. A large part of this switch from mostly congressional preponderance to a greater likelihood of presidential preponderance, however, was due to the employment of the veto on a *regular* basis for the first time for political and policy reasons (Watson 1988). President Franklin Roosevelt used the veto frequently as a policy tool, often successfully (Watson 1988). Before that, vetoes were ordinarily used for private bills, and only on occasion for reasons of policy (Watson 1988). Presidential power probably accrued for other reasons in this time (e.g., through a complex budget process centering on the president), but the regular use of the veto for policy reasons surely increased the significance and power of the president in the legislative arena.

Chapter 7's analysis of the 1950 omnibus budget act demonstrates that one of the motivations for that bill was strengthening Congress in relation to the executive. Over the ensuing decades, we see a gradual increase in omnibus bill use by Congress. Since omnibus bills have the potential to make lawmaking at a minimum more shared between the branches than presidential preponderant, or at a maximum to make lawmaking more congressional preponderant, it appears that two institutional adaptations have occurred across time. First, presidents started using vetoes for policy reasons to get more power. Second, the rise of omnibus bills represents a reaction to this development in an effort to return some power to the Congress in major lawmaking. Finally, a third adaptation to swing power back to the president in this regard was attempted in the form of the line-item veto, a tool to "unpack" omnibus bills.

In this regard, omnibus legislating is one development in an ongoing struggle for political power between Congress and the president. Lawrence Dodd (1977) similarly argued that relations between Congress and the president have a cyclical pattern. Indeed, his description of this cycle led to a prediction about legislative attempts to circumscribe presidential power. When decentralization in Congress (which describes the institutional situation in the heyday of the committee barons in the 1950s to 1970s) leads to “eventual presidential assault on Congress itself . . . Congress reacts by reforming its internal structure. Some reform efforts will involve legislation that attempts to circumscribe presidential action” (Dodd 1977, 306). This argument and the perspective and evidence presented in this chapter suggest an additional interpretation for why omnibus usage has increased: Congress sought to find a way to increase its power in the legislative process vis-à-vis the president.

However, this interpretation also makes it difficult to explain why Congress passed the line-item veto law in 1995. Why would members of Congress vote to give more power to the president? The simple answer may be because the Republicans won both Houses of Congress in 1994. In the decade prior to the 1994 congressional elections, the minority Republicans repeatedly argued for a line-item veto, which would have given Republican presidents some authority to strip out Democratic projects incorporated by the chamber majority leaders. Having pushed the line-item veto for so long, the Republicans made it part of their “Contract with America” campaign platform. It was sold as a budget deficit control tool. Therefore, the new Republican majority was somewhat bound to support the line-item veto when they gained control of Congress, despite the irony that they were giving this tool to a Democratic president.

Evaluating Omnibus Legislating

The national media focus a great deal of attention on the legislative process in Congress. In addition, local media outlets, which typically share national political correspondents with one another and rely also on the satellite studios operated by both political parties, carry stories on the Congress that have a decidedly more local angle. Americans who read either medium on a regular basis often see the word *omnibus* in coverage of their national legislative institutions.

In conversations I have had with people who are not legislative scholars and not inside-the-Beltway types, I typically receive the following comment when I tell them my research topic: “They’re those big bills, aren’t they. What are those all about?” Americans are accustomed to the word *omnibus* in American political discourse. However, their knowledge of omnibus legislating represents little more than a cryptic definition of the concept. The public wants to know more.

From another set of conversations I have with Capitol Hill staffers, I learn that Washington insiders know a bit more than the public about omnibus bills. They know that omnibus legislating is important. They know that it is controversial.¹ But, with the exception of a select few policy makers and staff that bundle the bills in the House and Senate, the inside-the-Beltway crowd views omnibus legislating as a black box. One staffer referred to such a legislative package as “the anonymous omnibus” (Staff Interviews 2000).

Staffers know that the black box produces a potpourri of policy outcomes, some nationally oriented and others particularistic (pork barrel projects). Insiders know that omnibus measures helped Congress address tough national issues like deficit reduction and health care. They also know that members of Congress seek to tuck their treasured district projects inside them. “They throw all this s___ in there,” said a committee staffer (Staff Interviews 2000). A recurring anecdote I hear pertains to the chewing

gum research rider for an Illinois House district tucked away in the fall 1998 bundled regular appropriations bill. The bottom line from insiders: “Omnibus bills are just a part of the process now.”

What everyone wants to know is why. Yet apart from brief mentions in textbooks and a chapter in Sinclair’s (1997) excellent book *Unorthodox Lawmaking*, we in the legislative studies field have had little to say about omnibus bills. If truth be known, we know just a bit more than the public about omnibus bills and less than Washingtonians. I set out in this book to fill this void with a careful treatment of how omnibus legislating works and why.

Though it is hard to talk about lawmaking and policy outputs in Congress without using the word *omnibus*, we political scientists typically punt on the omnibus topic. Sure, we try to deal with the formidable unit-of-analysis issue that omnibus bills present to our studies of lawmaking (Binder 1999; Cameron et al. 2000; Mayhew 1991).² However, we know little beyond that. At the beginning of this research project, one particular issue I had to deal with was the question of whether the topic was important. If it was important, why had no one else offered a systematic, careful treatment of it? Perhaps research on omnibus legislating would not interest people.

However, after a few months of digging around to develop a research design in 1997, I realized just how important omnibus legislating is in Congress. Phone calls with former Senate staff colleagues of mine proved to me that people wanted to know about this topic. The descriptive reality was also inescapable. I learned the basic script that I offer at the front of this book. Omnibus legislation is a technique that has become a standard part of the contemporary legislative landscape in Washington. A significant proportion of major lawmaking is undertaken with this method, and many bills in Congress see the light at the end of the legislative process because they become attached to invariably successful omnibus bills. Omnibus bills alter the traditional lawmaking process in many ways.

Deliberation and input from members at large is comparatively less than for typical major bills. In contrast, omnibus bills greatly empower the central party leadership. The “smoking gun” question, though, is: Why omnibus bills? In the lexicon of Rohde and Aldrich (1998), what conditions led to the development of the strong party tool that is omnibus legislating? Every chapter in this book was part of my effort to answer that question. In this final chapter, I begin by highlighting my answers and suggesting what they mean for theories of congressional change. I then discuss an important

topic in light of the findings: the normative implications of omnibus legislating. Knowing more about the “what is” of omnibus legislating informs our conversation of “what should be.”

The ensuing discussion leads to two arguments. First, any overarching theory of institutional change must be evolutionary. It must include and link both strategic behavior on the part of political actors and institutional adaptation to a changing political environment. Congress is a social system that adapts to the internal balance of forces and the external strains of the environment. Emphasizing one category of explanation (political struggles or institutional concerns) over another leaves a drastically incomplete picture of congressional evolution.

Second, omnibus bills, while having significant drawbacks for democratic deliberation, do indeed have value. They help make it possible to accomplish things that would not be possible through traditional methods in an increasingly complex political environment, and in a system that allows for fragmentation by constitutional design.

Why Omnibus Legislating?

The 1990s might well be viewed in historical perspective as the decade of debates in congressional scholarship. In the study of congressional committees and floor procedures, three main camps developed. One group of scholars (e.g., Krehbiel 1991) advocated an informational theory of Congress that focused on explanations of congressional behavior and organization that center on information and efficiency. Scholars who advocated a distributive theory of Congress (e.g., Baron 1991; Baron and Ferejohn 1989) argued that the best way to understand Congress was from a reelection-driven, logrolling perspective. Finally, partisan scholars (e.g., Cox and McCubbins 1993; Rohde 1991) posited that congressional behavior was best understood through rigorous consideration of the majority party power apparatus.

Among those studying institutional change, a similar debate has ensued. Organizational theorists maintain that Congress evolves to adapt to strains created by the environment, an argument that is intellectually consistent with Krehbiel’s informational theory because both at base are about efficiency. In contrast, a group I have called “purposive” scholars (including partisan and distributive proponents) argue that institutional changes are the result of political struggles.

This study shows an important role for both viewpoints. There is

certainly a political undercurrent to omnibus legislating. This point was supported by findings in the omnibus attachment test and the longitudinal test. I found numerous omnibus attachments that were party centered or distributive in nature: that is, they were not median voter pieces of legislation. Omnibus bills help insulate controversial party agenda items and pork barrel projects from opposition and scrutiny. The longitudinal test demonstrated that the majority party bundles bills when they face a unified and vocal minority party, a finding consistent with Binder's (1997) work on rules changes in the House and Senate. Also, when the chambers differ in their policy preferences, omnibus bills are employed more often.

That politics abound in omnibus legislating may not surprise many people, whether they are members of the public, Washingtonians, or political scientists. The conventional wisdom on omnibus bills, supplied by the national media and Congress watcher groups, states that omnibus packages are political vehicles.

What may surprise some people are my strong findings for an efficiency rationale of omnibus legislating. Collective institutional concerns crept up at every turn I made in this research project. The use of omnibus packaging appears to be driven not only by raw politics but also, to a large extent, by efficiency. Bills are slipped into omnibus measures to get around the gridlock of fragmented committees and to enact congressional items over an unwilling president. Longitudinally, the strongest factor independently and through interactions was issue complexity. As the complexity of the issue agenda increased and issues increasingly spilled over into more than one committee, Congress found omnibus bills a useful tool for getting things done. According to the case evidence presented in chapter 7, the initial omnibus employment in 1950 was driven by collective concerns. Later chapters have demonstrated that omnibus legislating improves aggregate legislative productivity and congressional power vis-à-vis the president.

Taken together, these results support the evolutionary theoretical framework of institutional change that I developed in chapter 3, which includes a micro-level, rational-actor perspective combined with a macro-level efficiency component. Like other social systems, Congress must adapt to its environment as well as to the internal balance of forces within the institution. While the politicking that goes on around omnibus bills often receives negative coverage in the media (as in Will's [1998] garbage pail analogy), the efforts of strategic politicians make institutions vibrant. As King (1997) argued, "Legislative entrepreneurs breathe life into legislatures and help governments embrace new problems" (147). Healthy institutions are adaptive and flexible from without and within.

What does this approach mean for the three main theories of Congress? The bottom line of this study is that these competing viewpoints (informational, partisan, distributive) are only partial explanations. Alone, they provide an incomplete picture of institutional behavior and change. As we saw in the empirical tests of my theoretical framework of omnibus usage, all these viewpoints received empirical support. Omnibus bills simultaneously serve the goals of efficiency, partisan politics, and logrolling for enhancing reelection. A broad theory of institutional change must find a place for all three explanations. As Bryan Jones (1998) eloquently stated, "Each of these depictions represents something important about Congress—because our national legislature is an adaptive organization facing competing demands. So long as an adaptive, evolving organization faces multiple demands, its solutions . . . will be an evolving compromise" (466).

A handful of scholars have resisted the temptation of becoming overly attached to one explanation of Congress. Maltzman (1995, 1997) suggested that all three explanations (efficiency or informational, partisan, and distributive) have a role in explaining congressional committee behavior vis-à-vis various principals. The particular explanation of Congress supported (in the form of which principal a committee responds to) is dependent on the salience or prominence of a committee's issue agenda. "The responsiveness of committees and committee delegations to their chamber and parent parties clearly hinges on the issues before the committees. Where the chamber or party shares high interest in a committee's work, the panel is most likely to be a faithful agent of those principals" (Maltzman 1995, 677). Outlier committees with distributive logrolls are more likely on issues that are less salient to the chamber and parties.

Dodd (1997) also cast a broad theoretical net. He argued that understanding congressional change requires multiple theoretical lenses. In particular, he both focused on strategic-level behavior of purposive politicians and stepped back to consider the adaptation of the institution more broadly. Along these same lines, my theoretical framework of omnibus legislation features strategic-level bargaining grounded in particular political contexts and is solidly supported by empirical testing. Institutions change gradually over time in a way that benefits actors in the process politically and provides a way for institutions to adapt so that they may endure.

What does this discussion in particular and this study of omnibus legislating suggest for future scholarship? For one, it suggests that future research ought to cast a broad theoretical net in studying how our lawmaking institutions change. It also suggests that a long time horizon is needed in any study of institutional change.

This study demonstrates as well that lawmaking and budgeting are intertwined. Many of the omnibus bills in this study were large budget items that carried policy attachments. In the legislative studies subfield, we tend to separate the legislative process of bills from the budgeting and appropriations process. For example, many studies of lawmaking outputs exclude appropriations and focus exclusively on traditional bills. Such an approach misses many policy innovations, such as the health care policy changes made through budget reconciliation shown in chapter 8.

Much more research should be undertaken on the topic of omnibus legislation. While I am comfortable with the analysis and work I have offered in this book, I have certainly not covered the entire range of the topic. Indeed, I may have raised as many questions in this study as I have answered. For example, the micro-level portion of the theoretical framework features two important relationships (party leaders—members and Congress—president). Much could be gained theoretically from formal models that predict when omnibus bargains are struck between these actors. Even something as simple as a game involving three legislators, each with a particularistic bill he or she wants enacted, that is played out in the presence of an agenda setter could lead to important insights.

Additionally, further research should examine why omnibus legislating is kept within certain bounds and not used all the time. I have argued that leaders do not bundle bills all the time for fear of member retribution and presidential vetoes. However logical this may seem, my empirical test of that notion (demonstrating that particularly large attachments to omnibus bills are unlikely) is indirect. A study aimed squarely at why omnibus bills are held below a threshold is needed. Again, I invite fellow scholars, especially those who use formal analyses and who might think of this threshold as an equilibrium, to take up this question.

Finally, future research should examine the timing of omnibus legislation. If omnibus bills are used for efficiency purposes as well as for political purposes, then we should expect them to be more heavily used during the busiest times on the Hill (the end of a session). Timing might also be important in the Congress—president omnibus dynamic. The president might be operating from a better strategic position on an omnibus bill at the end of the second session (i.e., in even years), when the Congress is trying to get out of town to campaign. The few omnibus bills that President Clinton dominated in the second term of his presidency came at that point in the congressional cycle (especially the bundles of budget items in 1996 and 1998).

Normative Implications of Omnibus Legislating

What are the normative implications of the findings of this book? What are the costs and benefits of doing business aboard an omnibus? What is the value of omnibus legislation? By discussing these questions, one recognizes the tension between representation and responsiveness. Chapter 1 brought into clear view some of the drawbacks of omnibus legislation. This technique alters lawmaking in important ways. Omnibus use potentially changes many critical concepts and relationships in American politics, including the member-constituent relationship and the proper level of deliberation on legislation.

Omnibus bills obscure the pathways of representation and affect democratic accountability. Because of their size and complexity, these packages make it less clear to constituents where members of Congress stand on the important issues of the day. They potentially dissolve what Arnold (1990) called the “causal chain” (13) between members and constituents. Members can choose which of many parts of an omnibus bill they will call attention to as a way of explaining their vote. Challengers, too, can pick particular parts of omnibus bills with which to hammer their election opponent.

This technique changes the deliberative process. Omnibus bills are often fast-tracked through committees with fewer hearings and less markup consideration than would be expected from several important standard bills (Sinclair 1997; Smith 1989). Once assembled in the prefloor process, they are treated as one piece of legislation, thus seriously restricting the choices available to members on the floor (Oleszek 1989; Sinclair 1992, 1995, 1997; Smith 1989). In sum, there are drawbacks to omnibus lawmaking in terms of democratic theory.

On the other hand, there are many benefits of omnibus legislation. First among these is the potential to get things done in the legislative process by managing uncertainty. Omnibus bills provide a way to enact policies that might not make it alone. They provide a way to circumvent the pressures of deficit politics and issue complexity, the gridlock of divided government, and the gridlock of committee jurisdiction fragmentation. Chapter 9 provides evidence that omnibus utilization helps make our lawmaking apparatus more productive, and Chapter 10 suggests that omnibus bills are a way for Congress to increase its power vis-à-vis the president. In this regard, omnibus bills tell a collective story of successful strategic-level and institutional adaptation to challenging circumstances.

However, there are limits to the scope of change of policy that may be

incorporated into omnibus bills. My theoretical framework suggested that there are limits to how often omnibus bills may be used and how prominent the attachments to omnibus bills may be before the two main omnibus bargains break down (leaders-members and Congress-president). In this respect, omnibus legislating is self-regulating on the basis of the dynamics of those two relationships.

Omnibus bills are probably most useful for midlevel policy change. Legislative proposals for large-scale changes are more likely to have to go it alone. On the other hand, these limits are reassuring from the standpoint of representation and democratic deliberation. Using omnibus bills all the time would not be good in this respect. For very major changes, we want a bill to be enacted through a process of full deliberation and consideration.

Thankfully, it appears that omnibus legislation operates within some bounds defined by the players. This makes it a useful tool for getting things done without requiring a total sacrifice of the tenets of democracy. On balance, then, it is arguably worth the sacrifice of deliberation and representation, up to a point, to use omnibus legislation for making policy. To the extent that use has some defined limits, therefore, omnibus bills arguably are good for legislative institutions and have value for democratic politics.

Constructing a Data Set of Bills per Congress

I describe here in more detail how the Baumgartner and Jones data set (Baumgartner et al. 1997) of annual *Congressional Quarterly (CQ) Almanac* articles (stories) was used to construct a data set of major bills per Congress. As one portion of their large National Science Foundation project "Policy Agendas in the United States since 1945," Baumgartner and Jones captured information on every story written in the *CQ Almanacs* from 1948 to 1994 (this information is accessible on line in Microsoft Excel format at <http://depts.washington.edu/ampol/>). This particular data set was the result of a three-year coding effort from 1994 to 1997 that I (as a graduate student) helped direct in consultation with the principal investigators.

Two shortcomings of the data set for my purposes here, however, are that the unit of analysis is the story (not the legislation) and that the time increment is a year. For the present study, I needed the unit of analysis to be the bill and the time increment to be a Congress (biennial). Some adjustments and recoding, therefore, were needed. Most *CQ* stories are about legislation, and the Baumgartner and Jones project coded the bill numbers and other information (when present in the story) needed to discern legislative from other stories. Other *CQ* topics (besides legislation) include stories about activities of the Supreme Court, presidential activity, the behavior of voters in elections, and nonlegislative congressional currencies like treaties and nominations. To get to a bill unit of analysis, I began by purging these non-legislative stories.

The second challenge was obtaining a Congress time increment. *CQ Almanac* is published annually, whereas Congress meets two years at a time. A bill covered in the 1989 *CQ Almanac*, for example, may pass Congress in 1990. That bill may appear to fail in the 1989 *Almanac* but pass later so that the correct information will be in a story in the 1990 *Almanac*. Moreover,

one bill considered in both years of a Congress may receive a story in both annual editions of the *Almanac*. Hence, I reconciled the two years of a Congress with one another to avoid duplications (and to obtain the fullest and most accurate information on the bills).

This important process of making the yearly Baumgartner and Jones *CQ* story data set into a data set of bills per Congress was quite time consuming, involving 46 years (23 Congresses) of data and about 12,600 *CQ* stories. One side benefit of completing this challenging task was that the eight Congresses covering the period from 1979 through 1994 were already in a biennial bill unit-of-analysis format for the “hitching-a-ride” empirical test in chapter 5.

Policy Agendas Project Topic and Subtopic Categories

For each major topic, all subtopics are listed. Each major topic includes a code 99 for “other” subtopics that did not fit into any of the categories and for which there were too few cases to justify the creation of a new category. In addition, the general (00) subtopic includes cases where more than one distinct subtopic was discussed. For example, if a case discussed both water pollution (code 701) and air pollution (code 705), it would be coded as a general environmental issue (code 700). Thus, the general category within each major topic area includes some cases that are truly general as well as some cases that are a combination of as few as two subtopics. A list of “see also” suggestions is provided for categories that have close links with other subtopics. The topic and subtopic numbers are consecutive. Please see the Policy Agendas Project Web site for a more thorough topic codebook with numerous examples for each subtopic category: <http://depts.washington.edu/ampol/>.

1. Macroeconomics

100: General Domestic Macroeconomic Issues (includes combinations of multiple subtopics).

101: Inflation, Prices, and Interest Rates.

103: Unemployment Rate. See also 502 and 503, solutions to unemployment problems.

104: Monetary Supply, Federal Reserve Board, and the Treasury. See also 1808, exchange rates; 1501, Federal Reserve banking issues.

105: National Budget and Debt.

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107: Taxation, Tax Policy, and Tax Reform. See also 2009, Internal Revenue Service (IRS) administration.

108: Industrial Policy. See also 1806, international business competition; 1403, economic development programs.

110: Price Control and Stabilization.

199: Other.

2. Civil Rights, Minority Issues, and Civil Liberties

200: General (includes combinations of multiple subtopics).

201: Ethnic Minority and Racial Group Discrimination.

202: Gender and Sexual Orientation Discrimination.

204: Age Discrimination.

205: Handicap or Disease Discrimination.

206: Voting Rights and Issues.

207: Freedom of Speech.

208: Right to Privacy.

209: Antigovernment Activities.

299: Other.

3. Health

300: General (includes combinations of multiple subtopics). See also 1300, general Department of Health and Human Services (DHHS) appropriations.

301: Health Care Reform, Health Care Costs, Insurance Costs and Availability.

303: Medicare and Medicaid.

306: Regulation of Prescription Drugs, Medical Devices, and Medical Procedures. See also 1520, business competition in the drug industry.

307: Health Facilities Construction and Regulation, Public Health Service. See also 311, nursing home regulation.

- 309: Mental Illness and Mental Retardation.
- 310: Medical Fraud, Malpractice, and Physician Licensing Requirements.
- 311: Elderly Health Issues. See also 303, elderly and Medicare; 1303, elderly assistance programs.
- 312: Infants, Children, and Immunization.
- 313: Health Manpower Needs and Training Programs.
- 315: Military Health Care.
- 331: Drug and Alcohol Treatment. See also 332, alcohol abuse and treatment; 334, illegal drug abuse and treatment.
- 332: Alcohol Abuse and Treatment. See also 331, drug and alcohol abuse.
- 333: Tobacco Abuse, Treatment, and Education.
- 334: Illegal Drug Abuse, Treatment, and Education. See also 1203, drug trafficking and abuse; 306, regulation of prescription drugs.
- 349: Specific Diseases.
- 398: Research and Development.
- 399: Other.

4. Agriculture

- 400: General (includes combinations of multiple subtopics).
- 401: Agricultural Trade. See also 1800, general foreign trade; 1502, agricultural commodities trading.
- 402: Government Subsidies to Farmers and Ranchers, Agricultural Disaster Insurance. See also 1404, farm real estate financing.
- 403: Food Inspection and Safety (including seafood). See also 401, inspection of food imports.
- 404: Agricultural Marketing, Research, and Promotion.
- 405: Animal and Crop Disease and Pest Control. See also 704 for pollution effects of pesticides; 403 for pesticide residues on foods.
- 498: Agricultural Research and Development.
- 499: Other.

5. Labor, Employment, and Immigration

- 500: General (includes combinations of multiple subtopics).
- 501: Worker Safety and Protection, Occupational Safety and Health Administration (OSHA).
- 502: Employment Training and Workforce Development.
- 503: Employee Benefits. See also 2004, federal employee benefits.
- 504: Employee Relations and Labor Unions. See also 1926, International Labor Organization; 1202, illegal activities of labor unions.
- 505: Fair Labor Standards.
- 506: Youth Employment and Youth Job Corps Programs. See also: 501, child labor safety.
- 508: Parental Leave and Child Care.
- 529: Migrant and Seasonal Workers, Farm Labor Issues.
- 530: Immigration and Refugee Issues. See also 1524, tourism; 1929, passport issues.
- 599: Other.

6. Education

- 600: General (includes combinations of multiple subtopics).
- 601: Higher Education. See also 1611, military education.
- 602: Elementary and Secondary Education.
- 603: Education of Underprivileged Students. See also 201, school desegregation efforts.
- 604: Vocational Education.
- 606: Special Education.
- 607: Education Excellence.
- 609: Arts and Humanities. See also 1707, public broadcasting; 1798, National Science Foundation (NSF) funding.
- 698: Research and Development.
- 699: Other.

7. Environment

- 700: General (includes combinations of multiple subtopics).
- 701: Water Pollution and Drinking Water Safety.
- 703: Waste Disposal.
- 704: Hazardous Waste and Toxic Chemical Regulation, Treatment, and Disposal.
- 705: Air Pollution, Global Warming, and Noise Pollution.
- 707: Recycling.
- 708: Indoor Environmental Hazards.
- 709: Species and Forest Protection.
- 710: Coastal Water Pollution and Conservation.
- 711: Land and Water Conservation. See also 2104, water development projects.
- 798: Research and Development.
- 799: Other.

8. Energy

- 800: General (includes combinations of multiple subtopics).
- 801: Nuclear Energy and Nuclear Regulatory Commission (NRC) issues. See also 501, nuclear worker safety; 1614, defense-related nuclear waste; 704, nuclear waste.
- 802: Electricity and Hydroelectricity.
- 803: Natural Gas and Oil (Including Offshore Oil and Gas). See also 2103, mineral resources of the outer continental shelf; 710, oil spills; 1520, antitrust issues in oil and gas distribution.
- 805: Coal.
- 806: Alternative and Renewable Energy.
- 807: Energy Conservation.
- 898: Research and Development.
- 899: Other.

10. Transportation

1000: General (includes combinations of multiple subtopics). See also 1003, budget requests and appropriations for the Federal Aviation Agency (FAA) and Civil Aeronautics Board (CAB).

1001: Mass Transportation and Safety.

1002: Highway Construction, Maintenance, and Safety.

1003: Airports, Airlines, Air Traffic Control and Safety.

1005: Railroad Transportation and Safety.

1006: Truck and Automobile Transportation and Safety. See also 806, automobile Corporate Average Fuel Economy (CAFE) standards; 705, automobile emissions regulation.

1007: Maritime Issues. See also 2104, port development and construction; 1915, Panama Canal.

1010: Public Works (Infrastructure Development). See also 800, energy projects; 2104, water projects.

1098: Research and Development.

1099: Other.

12. Law, Crime, and Family Issues

1200: General (includes combinations of multiple subtopics).

1201: Executive Branch Agencies Dealing With Law and Crime. See also 1800, U.S. Customs appropriations.

1202: White-Collar Crime and Organized Crime. See also 1203, drug-related money laundering.

1203: Illegal Drug Production, Trafficking, and Control.

1204: Court Administration. See also 1205, parole issues; 1210, criminal sentencing requirements and civil suit guidelines.

1205: Prisons.

1206: Juvenile Crime and the Juvenile Justice System.

1207: Child Abuse and Child Pornography.

1208: Family Issues.

1209: Police, Fire, and Weapons Control.

1210: Criminal and Civil Code.

1211: Riots, Crime, and Crime Prevention. See also 1208, domestic violence.

1299: Other.

13. Social Welfare

1300: General. See also 300, DHHS appropriations specific to health; 300 Department of Health, Education and Welfare (DHEW) appropriations specific to health; 600 DHEW appropriations specific to education.

1301: Food Stamps, Food Assistance, and Nutrition Monitoring Programs. See also 349, the role of diets in disease prevention.

1302: Poverty and Assistance for Low-Income Families. See also 1204, legal assistance for the poor.

1303: Elderly Issues and Elderly Assistance Programs (Including Social Security Administration). See also 311, elderly health issues; 1301, elderly nutrition assistance programs; 1408, elderly housing.

1304: Assistance to the Disabled and Handicapped. See also 205, handicapped access to federal buildings.

1305: Social Services and Volunteer Associations. See also 1929, Peace Corps.

1399: Other.

14. Community Development and Housing Issues.

1400: General.

1401: Housing and Community Development. See also 1403, urban economic development; 1405, rural economic development.

1403: Urban Economic Development and General Urban Issues. See also 2001, intergovernmental relations.

1404: Rural Housing and Federal Housing Authority (FHA) Housing Assistance Programs. See also 1405, rural economic development.

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1405: Rural Economic Development. See also: 802 rural electric development.

1406: Low- and Middle-Income Housing Programs and Needs. See also 200, fair housing initiatives and discrimination in housing; 1408, elderly housing.

1407: Veterans Housing Assistance and Military Housing Programs.

1408: Elderly and Handicapped Housing.

1409: Housing Assistance for the Homeless and Homeless Issues. See also 603, education of homeless children.

1410: Secondary Mortgage Market. See also 1504, consumer mortgages.

1499: Other.

15. Banking, Finance, and Domestic Commerce

1500: General.

1501: U.S. Banking System and Financial Institution Regulation. See also 104, Federal Reserve Board issues; 1525, Truth-in-Lending Act; 1202, prosecution of financial institution crimes.

1502: Securities and Commodities Regulation.

1504: Consumer Finance, Mortgages, and Credit Cards. See also 1410, government mortgage programs.

1505: Insurance Regulation. See also 1523, flood and earthquake insurance.

1507: Bankruptcy. See also 1204, bankruptcy courts.

1520: Corporate Mergers, Antitrust Regulation, and Corporate Management Issues. See also 1501, banking deregulation; 1003, airline deregulation; 1005, railroad deregulation; 1006, trucking deregulation; 1706, telephone deregulation; 1526, sports regulation; 803, oil industry deregulation; 1505, insurance industry regulation.

1521: Small Business Issues and the Small Business Administration (SBA). See also 1523, small business disaster loan programs; 201, SBA minority business programs; 1609, Veterans Administration (VA) small business loans.

1522: Copyrights and Patents.

1523: Domestic Disaster Relief.

1524: Tourism. See also 530, immigration and refugee issues; 1929, passport issues.

1525: Consumer Safety and Consumer Fraud. See also 708, protection from indoor radiation hazards; 1504, fraudulent land sales.

1526: Sports and Gambling Regulation.

1599: Other.

16. Defense

1600: General. See also 1701, National Aeronautics and Space Administration (NASA)/Department of Defense (DoD) issues.

1602: U.S. and Other Defense Alliances, U.S. Security Assistance.

1603: Military Intelligence, Central Intelligence Agency (CIA), Espionage.

1604: Military Readiness, Coordination of Armed Services Air Support and Sea-Lift Capabilities, and National Stockpiles of Strategic Materials. See also 803, strategic petroleum reserves; 1616 defense industry.

1605: Arms Control and Nuclear Nonproliferation.

1606: Military Aid and Weapons Sales.

1608: Manpower, Military Personnel and Dependents (Army, Navy, Air Force, Marines), Military Court. See also 315, military health care.

1609: VA Issues. See also 315, veterans' health care; 601, VA education benefits; 1407, VA housing; 1409, homeless veterans.

1610: Military Procurement and Weapons Systems Acquisitions and Evaluation. See also 1617, oversight of defense contractors and contractor fraud; 1604, adequacy of supplies.

1611: Military Installations, Construction, and Land Transfers.

1612: National Guard and Reserve Affairs. See also 601, ROTC college education.

1614: Military Nuclear and Hazardous Waste Disposal, Military Environmental Compliance. See also 704, nonmilitary hazardous waste disposal.

1615: Civil Defense (War Related). See also 1523, Federal Emergency Management Agency (FEMA), domestic (weather related) disaster relief.

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1616: Department of Defense Civilian Personnel, Civilian Employment by the Defense Industry, Military Base Closings.

1617: Oversight of Defense Contracts and Contractors.

1619: Direct War-Related Issues. See also 1620, settlement of war related claims against the U.S. government.

1620: Relief of Claims against the U.S. Military.

1698: Research and Development.

1699: Other.

17. Space, Science, Technology and Communications

1700: General. See also 1798, NSF research funding.

1701: NASA, U.S. Government Use of Space, Space Exploration Agreements.

1704: Commercial Use of Space, Satellites. See also 1707, satellite TV broadcasting; 1708, weather satellites.

1705: Science Technology Transfer, International Scientific Cooperation.

1706: Telephone and Telecommunication Regulation. See also 208, telephone privacy; 1525, telephone marketing fraud.

1707: Broadcast Industry Regulation (TV, Cable, Radio). See also 1929, Radio Free Europe.

1708: Weather Forecasting and Related Issues, National Oceanic and Atmospheric Administration (NOAA), Oceanography. See also 710, protection of marine environments.

1709: Computer Industry and Computer Security.

1798: Research and Development.

1799: Other.

18. Foreign Trade

1800: General. See also 401, foreign agricultural trade.

1802: Trade Negotiations, Disputes, and Agreements.

- 1803: Export Promotion and Regulation, Export-Import Bank.
- 1804: International Private Business Investments, Overseas Private Investment Corporation.
- 1806: Productivity and Competitiveness of U.S. Business, U.S. Balance of Payments.
- 1807: Tariff and Import Restrictions, Import Regulation.
- 1808: Exchange Rates and Related Issues.
- 1899: Other.

19. International Affairs and Foreign Aid

- 1900: General (Department of State and U.S. Information Agency Appropriations).
- 1901: U.S. Foreign Aid.
- 1902: International Resources Exploitation and Resources Agreement. See also 700, domestic environmental protection.
- 1903: U.S. Territorial Issues.
- 1905: Developing Countries Issues (for financial issues see 1906). See also 1911, famine in Africa.
- 1906: International Finance and Economic Development.
- 1907: China.
- 1908: Soviet Union and Former Republics. See also 1605, U.S.-Soviet arms agreements; 1901, U.S. foreign aid to the former Soviet Union.
- 1909: Eastern Europe.
- 1910: Western Europe, Common Market Issues.
- 1911: Africa.
- 1912: South Africa.
- 1914: Latin America (South America, Central America, Mexico, Caribbean Basin, Cuba).
- 1915: Panama Canal Issues.
- 1919: Asia, Pacific Rim, Australia, and Japan.

1920: Middle East.

1925: Human Rights.

1926: International Organizations Other Than Finance: United Nations (UN), United Nations Educational, Scientific, and Cultural Organization (UNESCO), International Red Cross.

1927: Terrorism, Hijacking.

1929: U.S. Diplomats, U.S. Embassies, U.S. Citizens Abroad, Foreign Diplomats in the U.S., Passports.

1999: Other.

20. Government Operations

2000: General (Including Budget Requests and Appropriations for Multiple Departments and Agencies).

2001: Intergovernmental Relations.

2002: Government Efficiency and Bureaucratic Oversight. See also appropriations for departments and agencies under topical field.

2003: Postal Service Issues (Including Mail Fraud). See also 201, racial discrimination in the U.S. Postal Service.

2004: Government Employee Benefits, Civil Service Issues. See also 200, discrimination in federal government employment.

2005: Nominations and Appointments.

2006: Currency, Commemorative Coins, Medals, U.S. Mint. See also 104, monetary policy.

2007: Government Procurement, Procurement Fraud and Contractor Management. See also 1610, military procurement; 1617, military contractor oversight.

2008: Government Property Management.

2009: Internal Revenue Service Administration. See also 107, taxation.

2010: Nixon Impeachment.

2011: Federal Government Branch Relations and Administrative Issues, Congressional Operations.

2012: Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics.

2013: Census.

2014: District of Columbia Affairs.

2015: Relief of Claims against the U.S. Government.

2030: Federal Holidays.

2099: Other.

21. Public Lands and Water Management

2100: General.

2101: National Parks, Recreation, and Historic Sites.

2102: Native American Affairs.

2103: Natural Resources, Public Lands, and Forest Management. See also 709, animal and forest protection.

2104: Water Resources Development. See also 711, water and soil conservation; 1007, maritime issues.

2199: Other.

Notes

Chapter 1

1. I shall more carefully define omnibus legislating below. Currently, there is no agreed-upon technical definition of *omnibus bill* (Sinclair 1997, 64).

2. In a study of prominent failures, Edwards, Barrett, and Peake (1997) did not find many omnibus bills. That they did not find any is not surprising because omnibus bills almost always succeed.

3. Similarly, Steven Smith (1989) found “a significant contraction in the number of major bills reaching the House floor” in the early 1980s compared to the late 1970s (55). Further, enacted laws, while smaller in number, are much longer in recent times than they used to be (Ornstein, Mann, and Malbin 1996). The total number of bills is decreasing as well. Bill introductions declined steadily in the 1970s, dropped dramatically in the 96th Congress (1979–80), and continued to decline through the 1980s and 1990s (Ornstein, Mann, and Malbin 1996, 158–59).

4. Unfortunately, many formal analyses of Congress leave out omnibus or “multidimensional” bills by employing a unidimensional assumption (e.g., Cox and McCubbins 1993; Krehbiel 1991, 1998). *Unidimensional* simply means that actors view a bill along the same dimension, which is typically assumed to be a conservative-liberal dimension. The existence of multiple dimensions complicates the formal modeling enterprise (Riker 1980). Yet much is lost theoretically with this approach because the manipulation of the salient issue dimensions is the interesting part; it is the way that party leaders exercise power with the omnibus technique (see McKissick 1995 for a similar critique of unidimensional assumptions in studies of lobbying).

5. Another prominent use of riders by members is to kill a bill (e.g., Enelow 1981; Enelow and Koehler 1979, 1980; Wilkerson 1999).

6. Keith Krehbiel’s (1998) pivotal-politics theory of lawmaking and David Brady and Craig Volden’s (1998) revolving gridlock conception similarly suggested that two critical pivots exist in lawmaking: one within Congress (the filibuster) and the other the presidential veto.

7. One effect already explored in the literature is the impact of omnibus use on party leader strength (Sinclair 1992). Sinclair presented evidence that omnibus bills are one of many reasons why party leadership has become stronger since the 1970s.

8. C. Lawrence Evans’s recent piece on legislative structure exemplifies this trend (1999). In an otherwise impressive review of the literature on legislative

1991; Oleszek 1989; Smith 1989). Baumgartner et al. (1997) plotted trends, relying on a CQ indication of omnibus bill. Sinclair (1997) documented a percentage increase in omnibus use but did not indicate precisely how omnibus bills were selected.

2. Indeed, my categorization of omnibus bills based on the concept differs in significant ways from a categorization of bills named omnibus. My operationalization produces 242 omnibus bills from 1949 through 1994, while the other classification yields 115 (less than half). Moreover, 17 of the 115 bills named omnibus did not meet my definition standards and thus are not in my population of omnibus bills.

3. Baumgartner et al. 1997. The Baumgartner and Jones project coded information from every article in annual *CQ Almanacs* from 1949 through 1994. Appendix 1 contains more detailed information on the use of this source.

4. As a researcher on the Policy Agendas Project, I was involved in the development of the topic-coding system. I have had extensive experience using it.

5. This omnibus trend could be misleading if the total number of bills is also increasing across the post-World War II period. In fact, the total number of bills has been *decreasing*. Bill introductions declined steadily in the 1970s, dropped dramatically in the 96th Congress (1979–80), and continued to decline through the 1980s and 1990s (Ornstein, Mann, and Malbin 1996, 158–9). This is the same time period in which omnibus use soared.

6. The Baumgartner and Jones (Baumgartner et al. 1997) *CQ* stories data set contains the number of column lines for each story.

7. In fact, if commemorative laws are included, the trend in statutes actually shows an *increase* in recent decades. See Baumgartner et al. (1997, 10).

8. This coding process was made easier by the existence of the Policy Agendas Project *CQ* stories data set. This source contains all *CQ Almanac* stories from 1948 to 1994 and has the headline for each. This information made it easier for me to find the stories.

9. One limit of using *CQ Almanac* for a legislative sample source is that the unit of analysis is the story, not the bill. *CQ* tends to cover one bill in one story, regardless of the size of the bill. Hence, the longer stories centering on the omnibus bills include discussion about many other bills considered. My coding process involved converting the *CQ* stories to a bill data set of *CQ*-covered bills. All of the 3,190 bills were similar and comparable because each was important enough to receive *CQ* coverage.

10. This omnibus attachment process does not capture all of the “rider” activity that occurs on Capitol Hill. A study of all the attaching of riders that occurs in the legislative process is beyond the scope of this book. There is reason to suspect that combining bills is quite common. I found more attachments to omnibus bills with the current definition of omnibus bill (242 omnibus bills of 1,180) than with a more narrow definition based on three major policy areas (165 omnibus bills of 1,180). Of 3,190 bills from 1979 to 1994, 16 percent became attached with the

1991; Oleszek 1989; Smith 1989). Baumgartner et al. (1997) plotted trends, relying on a CQ indication of omnibus bill. Sinclair (1997) documented a percentage increase in omnibus use but did not indicate precisely how omnibus bills were selected.

2. Indeed, my categorization of omnibus bills based on the concept differs in significant ways from a categorization of bills named omnibus. My operationalization produces 242 omnibus bills from 1949 through 1994, while the other classification yields 115 (less than half). Moreover, 17 of the 115 bills named omnibus did not meet my definition standards and thus are not in my population of omnibus bills.

3. Baumgartner et al. 1997. The Baumgartner and Jones project coded information from every article in annual *CQ Almanacs* from 1949 through 1994. Appendix 1 contains more detailed information on the use of this source.

4. As a researcher on the Policy Agendas Project, I was involved in the development of the topic-coding system. I have had extensive experience using it.

5. This omnibus trend could be misleading if the total number of bills is also increasing across the post-World War II period. In fact, the total number of bills has been *decreasing*. Bill introductions declined steadily in the 1970s, dropped dramatically in the 96th Congress (1979–80), and continued to decline through the 1980s and 1990s (Ornstein, Mann, and Malbin 1996, 158–9). This is the same time period in which omnibus use soared.

6. The Baumgartner and Jones (Baumgartner et al. 1997) *CQ* stories data set contains the number of column lines for each story.

7. In fact, if commemorative laws are included, the trend in statutes actually shows an *increase* in recent decades. See Baumgartner et al. (1997, 10).

8. This coding process was made easier by the existence of the Policy Agendas Project *CQ* stories data set. This source contains all *CQ Almanac* stories from 1948 to 1994 and has the headline for each. This information made it easier for me to find the stories.

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10. This omnibus attachment process does not capture all of the “rider” activity that occurs on Capitol Hill. A study of all the attaching of riders that occurs in the legislative process is beyond the scope of this book. There is reason to suspect that combining bills is quite common. I found more attachments to omnibus bills with the current definition of omnibus bill (242 omnibus bills of 1,180) than with a more narrow definition based on three major policy areas (165 omnibus bills of 1,180). Of 3,190 bills from 1979 to 1994, 16 percent became attached with the

current definition, while 14 percent were attached with the earlier definition. I discuss in Chapter 1 how the omnibus phenomenon differs from traditional methods like riders.

Chapter 5

1. In addition to these four bundled general appropriations bills, numerous other appropriations bills were designated omnibus through the coding process, including many continuing appropriations bills and budget reconciliation bills.

2. Baumgartner and Jones (1997). The measure is based on a Herfindahl Index (see Hardin 1998) and captures the degree to which attention to an issue is concentrated in one or a few committees or spread across many.

3. I also ran a test for heteroskedasticity and two tests for multicollinearity, none of which indicated a problem.

4. The deficit politics variable might be a proxy for time. Indeed, deficit politics and time are correlated. However, the deficit politics finding survives in the presence of dummy variables for each of the eight Congresses.

5. I do not create interactions with the “ripe conditions for minority obstructionism” variable because it is already an interaction between majority party size and party cohesion.

Chapter 6

1. My depiction of the Smoot-Hawley Tariff Act of 1930 relies on excellent books by Lawrence Chamberlain (1946) and Schattschneider (1935).

2. While the amount of deliberation on this trade bill in committee and on the floor may seem enormous by contemporary standards, many in 1930 complained about the lack thereof (Chamberlain 1946). “This time, extensive though it was, did not begin to provide sufficient time for those who wished to present their case” (125). “There was nothing resembling free debate in the House” (127).

3. My discussion of the Omnibus Trade and Competitiveness Act of 1988 relies mostly on data obtained from an on-line search of the bill on the Library of Congress’s Web site Thomas. I also consulted Charles Jones’s (1994, 231–234) study of 28 major policy enactments (which included the omnibus trade bill) and *CQ Almanac*.

4. As one of the reviewers noted, what is defined as a period of tight financial resources might vary from era to era. Therefore, I measured deficit politics as a percentage of the budget, rather than in raw numbers.

5. Please see chapter 5 for the measurement of the following variables: deficit politics, minority obstructionism, divided government, and bicameral differences.

6. Actually, to be more precise, the Durbin-Watson value for both models using OLS fell in the inconclusive region (Greene 1993, 424). Fortunately, Shazam contains a procedure that produces a significance test for the Durbin-Watson statistic. This test indicated that autocorrelation was a problem in both

models. Edwards, Barrett, and Peake (1997) used the same Shazam procedure and correction.

Chapter 7

1. Historians of Congress may rightly point to the existence of bundles of private bills in early Congresses (Oleszek 1989). However, the first omnibus bill under the contemporary conceptual definition (large and spanning many policy areas) was in 1949–50.

2. I rely on several primary and secondary sources in this chapter. My principal source is hearing testimony on the omnibus act. My secondary sources include a report by Louis Fisher (1993) from the Congressional Research Service, Dalmus Nelson's (1953) excellent scholarly study of the legislation, several articles in the *New York Times*, and summary stories in the *CQ Almanac*. It is more difficult to find information on a bill considered 50 years ago than one considered in recent times when scholars are blessed with on-line services like Thomas and Congressional Universe! I have newfound respect for congressional historians.

3. Improving the efficiency of the budget process was one goal not achieved in the 1946 reorganization (Fisher 1993; Galloway 1953). "The greatest failure of reorganization has been in the field of more effective fiscal control. This failure was offset in part in 1950 by the consolidation of eleven separate supply [appropriation] bills into one omnibus appropriation bill for the first time in more than a century and a half" (Galloway 1953, 619).

4. These arguments for congressional power vis-à-vis the president were put forward by congressional Democrats with Democrat Harry Truman in the White House. Hence, this was an institutional concerns logic, not a partisan logic.

5. Senator Byrd's remarks formed the centerpiece of the omnibus platform. Consistent with the Senate environment that Donald Matthews (1963) observed in the 1950s, junior members deferred to senior members at the hearing. Senator Byrd did not repeat his omnibus plan points from the 1947 hearing for freshman senators. He told the new members to obtain the appropriate committee documents for the 1947 hearing if they wanted to read what he had said previously (U.S. Senate 1949).

6. It is ironic that Representative Cannon, a committee leader, jump-started a legislative technique that later empowered party leaders to the disadvantage of standing committee chairs. Moreover, House party leaders were not tireless advocates of the consolidated technique, not realizing that someday omnibus legislating would become a powerful weapon in their legislative arsenal.

Chapter 8

1. All the presidents except Reagan proposed new programs. Reagan's aim, which was no less major than the others, called for major change in the other direction. His goal was to dismantle many federal health care programs.

2. Recall that I coded omnibus attachments from legislative summaries written in *CQ Almanac*, not from reading the actual omnibus bills (a process that would have required a decade or more to finish). Hence, this total of 30 health care attachments is a conservative measure for the number of attachments.

3. One should not assume that nonlegislative hearings are inconsequential. Such hearings can be important in pushing particular facets of issues onto the agenda, in effect forcing the committee with bill jurisdiction to act. Moreover, scholars (King 1997; Talbert, Jones, and Baumgartner 1995) have demonstrated that entrepreneurial committee chairs use nonlegislative hearings as a way to stake out new jurisdictional claims. King (1997), for example, showed how the House Commerce Committee gradually expanded its issue agenda across the twentieth century. Committee jurisdictions are inherently dynamic.

Chapter 9

1. Charles Jones also in particular has encouraged scholars to study how legislation is put together. Toward that end, my focus on the omnibus attachment process provides one of the few analyses of the factors that affect bill construction.

2. The existence of roughly even enactments regardless of control and a greater existence of important failures under divided government also suggests that more innovation is attempted under divided than under unified government. Why is this the case? One simple answer may be that entrepreneurs pushing bills from both sides of the political spectrum see a chance for success when one of the branches is controlled by their party. Under unified government, in contrast, minority members may think it futile to push very hard for major legislation when the opposition party controls the internal congressional institutional levers of power as well as the threat of the presidential veto. A second answer may be that both parties under divided government engage in “symbolic representation” acts. That is, they push items that their supporters in the electorate and interest group system favor, realizing all the while that these things will fail.

3. I should remind the reader that the activist mood variable is a very strong control variable by design. It aims to control for more productive eras. While this may be perceived as atheoretical, I want to fully replicate Mayhew’s analysis to test for omnibus effects.

4. Mayhew (1991) acknowledged this problem (134–36).

5. As in the analysis presented in Table 9.1, the Durbin-Watson statistic indicated the existence of autocorrelation. Therefore, I used maximum-likelihood iterated generalized least squares.

Chapter 10

1. Sinclair also recognized the potential of omnibus bills to be used as a congressional tool.

2. I did not compute a χ^2 test for this and subsequent subanalyses because the expected values for many of the cells dropped below 5 and the number of cases became too small (Witte 1993).

3. These findings also hold when the omnibus sample is divided into budget acts and nonbudget acts.

4. These cases involved similar claims and were heard together by the Court. Both cases involved parties who stood to gain from the provisions of budget bills that President Clinton removed with the line-item veto. Both the City of New York and the Snake River Potato Growers argued that they were entitled to the benefits in the act as passed by the Congress (Congressional Quarterly, Inc. 1998).

Chapter 11

1. The technique is so controversial, I am told, that no research entity on Capitol Hill has defined the term *omnibus bill*.

2. The basic problem is as follows: If bills in recent decades are bundled, how do we compare recent legislative outputs to earlier eras when single bills were more common? Binder's (1999) method of following issues instead of bill outcomes is, in my view, the best method thus far for addressing this formidable unit-of-analysis problem.

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