



"Senate Amending"
Prof. Anthony Madonna
University of Georgia

Senate Amending

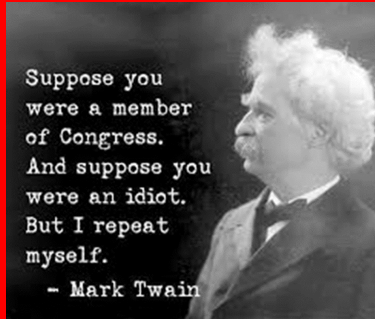
I. Introduction

- a. Updates
- b. News

II. Using Resources: Voteview

III. Senate Amending

Suppose you
were a member
of Congress.
And suppose you
were an idiot.
But I repeat
myself.
- Mark Twain



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Course Updates (3/25/21)

LECTURES:

Have been posted.

E-MAILS & MEETINGS

Should be up to date.

MEMBER SPOTLIGHT:

Assignment and example have been posted.
Pushed the due date to Sunday (3/28/21)

Look at the prompt sheet for a list of suggested
members. Unless we've exchanged e-mails about
this.

Median word count on this section from past
classes is 709. Median word count for an A is 836.
Does this mean you have to hit these numbers?
Of course not, had A's that were much shorter and
low grades that were much longer. But students
have asked about length on these sections.

Generally want to shoot for a minimum of three
sources. DIVERSIFY YOUR SOURCES. DO NOT
USE ONLINE ENCYCLOPEDIAS.



Above: Just two buds sharing a drink.

Course Updates (3/25/21)



UPDATED SCHEDULE:

In process. Clinton (1994) for POLS 4790H on Tuesday. Will e-mail you a link.

Process section is due on April 13th. [Fear this section](#). It's likely we'll be having group meetings instead of a formal class meeting the follow Thursday so I can talk you through your bills.

News 3/23/21



What do you guys have?

Immigration, Senate slowdown, nominations, Iowa House race, vaccinations, Mo Brooks, more reconciliation fun, Hice-Raffensperger, DC Statehood, news media slump, internships, Georgia voting restrictions, Wandavision, etc.



Senate Amending

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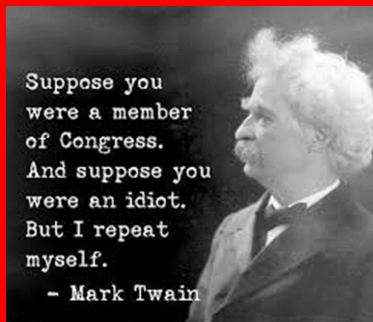
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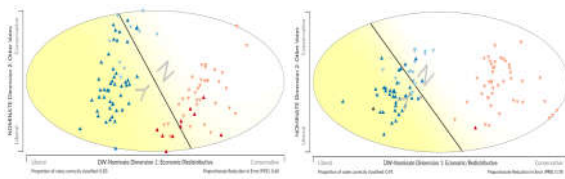


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"Using Resources: Voteview"

Roll Call Votes: Voteview



Roll call votes are not a panacea (this is discussed below). But they often tell us interesting things about an issue or a point in time.

Many issues we might consider conservative or liberal today were not ideological or at least differed years ago. Roll call votes can help us characterize the ideology of an issue or vote. Comparing two votes on the same or a similar issue can tell us how attitudes have shifted.

For example, the figure on the left is a Senate vote on the assault weapons ban in 1993. It passed 57-43. The red triangles pointed up represent the 10 Republican votes in support. The blue triangles pointed down are the nine Democrats who voted no.

The figure on the right is a Senate vote on the assault weapons ban twenty years later. It failed 41-60. Only one Senate Republican voted yes. 15 Democrats voted no. These figures suggest that the Senate has gotten more conservative on this issue.

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Roll Call Votes: Voteview

How do you find votes using Voteview? First, don't hesitate to use links if I provided them. Second, go to www.Voteview.com

In the Vote and Member Search bar, try and search the bill number. Let's say we want to find the initial House vote passing the Civil Rights Act of 1957. We search the bill number, 6127.

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Roll Call Votes: Voteview

It returns 19 votes.

If it returned more, click on advanced search to select the Congress or chamber to narrow things down.

19 is few enough though, we can just scroll down and find the vote. We know it occurred in the House and was on June 18th, 1957.

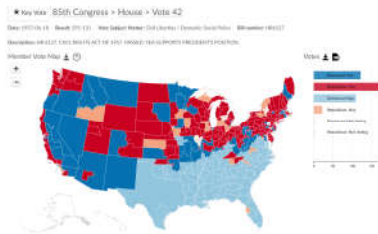
This looks like the right vote here.

19 votes found.

- ★ Key Vote 85th Congress > Senate > Vote 75 on 1957-08-07
Bill number: HR6127
Vote: 76-18
Vote Categories: Civil Liberties, Domestic Social Policy
Description: CIVIL RIGHTS ACT OF 1957 (PALS)
- ★ Key Vote 85th Congress > House > Vote 42 on 1957-06-18
Bill number: HR6127
Vote: 295-131
Vote Categories: Civil Liberties, Domestic Social Policy
Description: CIVIL RIGHTS
- ★ Key Vote 85th Congress > Senate > Vote 71 on 1957-07-24

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Roll Call Votes: Voteview

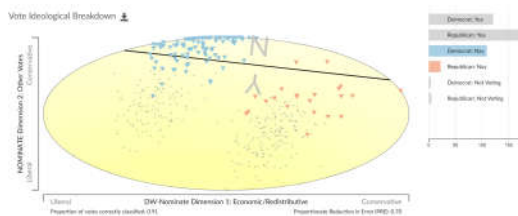


Clicking on the vote, we immediately see the vote description, party breakdown and a graph of the regional breakdown. As we might expect, this looks like the bill fell largely down geographic, not party lines.

The most northern Democratic no vote came from a member representing Missouri.

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Roll Call Votes: Voteview



Scrolling down, we find that opposition to this measure was primarily restricted to members located on the conservative end of the second dimension. While the first dimension picked up economic liberalism/conservative, the substance of the second dimension varies throughout congressional history.

In this period, it likely is picking up civil rights issues. 91% of the "no" votes could be predicted using the model.

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Roll Call Votes: Voteview

Vote Ideological Breakdown

Votes

- Democrat Yes
- Democrat No
- Republican Yes
- Republican No
- Democrat No/Vary

Not all votes tell a clean ideological story. The Telecommunications Act of 1996 passed the Senate 80-19 initially. Those 19 no votes were distributed across the ideological spectrum and do not appear to fit a spatial model.

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Why Amendments?

HR 12:
The minimum
wage is now
~~\$7.25~~
\$11.

More nuanced than final passage votes.

Partisan goals in amendment votes for both minority and majority party.

Fit the need for individual position-taking goals.

Amendments make up more than half of all roll call votes cast in the U.S. Senate and 30% of House roll calls.

Senate Floor

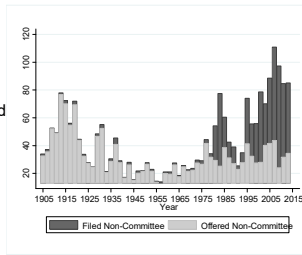
The amending process on the Senate floor is crazy.

Individual members have a great deal of leverage, so we see a large number of amendments offered and voted on in the Senate.

Most are of the position-taking variety. Why do this?

Some will be bills offered "as amendments."

Can be offered as motions to strike, strike and insert, etc....A major job for staffers and interns is summarizing amendments and writing vote recommendations for their members. Unlike bills, where members have a great deal of notice and information from committee mark-ups, introductory speeches, lobbyists and party leaders, amendments are often offered with no supplemental information and very little time to process.



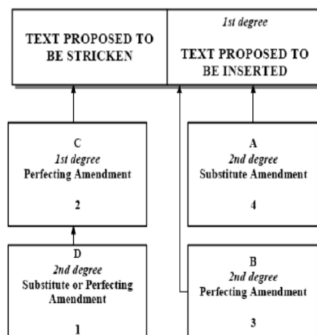
Amendment Tree

Depending on the kinds of amendments that members offer and the order in which they are recognized to offer their amendments, members can offer anywhere from three to 11 amendments before the Senate has to vote on any of them.

As a general rule, a measure being considered on the House or Senate floor is open to amendment in only two degrees.

Amendment trees are the graphic ways of depicting these possible situations.

One such tree is presented in the adjacent Figure.



News—Filling the Amendment Tree

Roll Call 10/27/14—Senate Majority Leader Harry Reid's decision to avoid tough votes this year has backfired in one respect — it gave his vulnerable incumbents few opportunities to show off any independence from President Barack Obama.

As senior writer Shawn Zeller writes in this week's CQ Weekly cover story, Democrats who have been distancing themselves from Obama on the campaign trail not in votes on the Senate floor — whether it be Mark Udall of Colorado, Mark Pryor of Arkansas or Mary L. Landrieu of Louisiana:



Udall disagreed just once, on a Pennsylvania state judge's nomination to a federal district court. Pryor parted with Obama three times, and Landrieu four, but only one of those votes was on a policy matter. In July, Landrieu voted against Obama's request for \$2.7 billion to deal with the surge of Latin American children entering the U.S. illegally.

Indeed, all of the most vulnerable Democrats voted with President Obama at least 96 percent of the time on the 120 votes on which Obama has urged a "yes" or "no" vote. Reid clamped down on amendments more than ever this year and the bills he brought to the floor were aimed at unifying Democrats and putting Republicans on defense — like a minimum wage hike, an unemployment extension, pay equity or refinancing student loans — rather than bills that would lead to Democratic defections.

News—Filling the Amendment Tree



As a result, there are only 18 legislative votes involved in the scoring this year. The vast majority (102) were nomination votes. That's the most lopsided ratio since CQ began keeping records on the ratio in 1988....

Republicans have insisted on roll call votes on a whole slew of traditionally non-controversial nominations, a move that's had the bonus effect for them of raising presidential support scores for Democrats.

On Thursday, the National Republican Senatorial Committee issued separate releases targeting Democrats citing the figures. Those releases are virtually identical, with NRSC spokeswoman Brook Hougesen offering quotes that differ only in the name of the senator being targeted and the voting percentage figures from CQ Roll Call.

"Mark Begich is no independent; this year he actually voted for President Obama's agenda an astounding 98% of the time," Hougesen said in the Alaska version of the releases. "President Obama is right, a vote for Mark Begich is a vote for his policies."

Staff and The Vitter Amendment

- Effectively barred the federal government from making contributions and sparked an acrimonious debate over the role of congressional staff
- "...a special bailout for Washington, to ensure Washington doesn't have to live by the same rules, in this case with regard to Obama Care and the exchanges, that all of America does..."
- Summing up many staffers attitudes, a former Republican staffer referred to the proposal as a "big middle finger to folks who give up their entire lives for what is now a very crappy job."



House Freedom Caucus and Open Amending

[The Monkey Cage, Madonna and Kosar:](#)

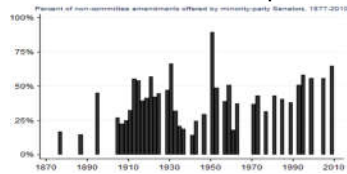
House speaker, Rep. John Boehner (R-Ohio), was often attacked by fellow Republicans for influencing House processes to get policy outcomes that he wanted. We all know what's happened since. Boehner resigned, and his heir apparent, Majority Leader Kevin McCarthy (R-Calif.), withdrew. In the meantime, the House Freedom Caucus outlined a list of policy and process demands for the next speaker, who we now know is Rep. Paul D. Ryan (R-Wis.).



One demand was a return to "regular order." Republican senators were asking for the same while they were in the minority. "Regular order" is a vague concept, but most consistently, those asking for it don't want party leaders to restrict them from offering floor amendments to bills. No one knows yet what will come of these demands. But it hasn't happened yet in the Senate, if that's any indication of what might happen under Speaker Ryan. True, since taking over as majority leader, Sen. Mitch McConnell (R-Ky.), has led the Senate to consider many more amendments than did his predecessor, Sen. Harry Reid (D-Nev.). But members of both parties have still criticized McConnell sharply for shutting off amendments on several important bills.

Here's the problem with calls for making it easier for members to amend bills. As we show in our recent white paper, members behave much differently than they once did when allowed the freedom to act independently on the floor. These changes make party leaders' jobs much more difficult, at a time when leaders also need to deal with increased time demands stemming from a heavier overall workload and members' need to spend more time in their districts campaigning and raising reelection funds.

House Freedom Caucus and Open Amending



To evaluate how members' behavior has changed over time, we took advantage of a new dataset on congressional amendments and roll calls from the University of Georgia Amending Project. Since 2010, 53 undergraduate students and two high-school students have worked with two faculty members and eight graduate students to collect data on 29,860 amendments to 497 landmark enactments across 40 Congresses, from the 45th (1877-1878) through the 111th (2009-2010). The data include information on, among other things: how an amendment was dispensed with (roll call vote, division, teller, voice, withdrawn, not voted on); whether it was offered by way of a motion to recommit; whether it was dispensed with by some other procedure (a point of order, motion to table, failed cloture vote, etc.); whether it passed or failed; what it sought to amend (i.e., the bill, another amendment); who the sponsor was; and if it was offered on behalf of a committee.

While the data are preliminary, we found substantial shifts in senators' approach to amending bills. For one thing, the number of amendments filed for each landmark bill passed has generally increased. For another, the amending process has gotten steadily more partisan. The figure shows the percentage of non-committee amendments sponsored by minority-party senators.

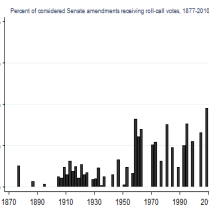
House Freedom Caucus and Open Amending

Most of these minority-party amendments fail on the floor — and senators generally know that even before they're offered. So why bother? Because their real purpose is electoral messaging. Perhaps the most famous recent electoral-messaging amendment was from Sen. Tom Coburn (R-Okla.) to bar Affordable Care Act premium subsidies to plans that covered Viagra for child molesters and rapists. Democrats dubbed it a "crass political stunt." Republicans featured the vote in electoral ads.

But in addition to forcing members to take difficult votes, such amendments also burden party leaders with far more demands on their time. That's made still worse by the rapid increase in how many amendments are now subjected to roll calls. The default voting mechanism in Congress is the unrecorded voice vote. Those votes usually go quickly, and no records are kept of who voted how.

But there's a catch. The Constitution's Article I, Section 5 specifically states: "the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal." In other words, any member can request a roll call vote, if supported by a sufficient second. The figure plots the percentage of Senate amendments granted floor consideration that receive roll-call votes.

Of the 17,838 Senate amendments in our dataset, 2,467 (or 13.83 percent), went to roll call votes. But during the four most recent Congresses for which we have data (the 104th, 106th, 109th and 111th), that jumps to 34.8 percent. This surge in "messaging" amendments comes alongside a spike in competitive (as opposed to uncontested) elections and a dip in Congress's ability to work on policy, both because it has cut its own legislative staffing and because of increased deference to the executive and judicial branches.



House Freedom Caucus and Open Amending

Back in May, Sarah Binder warned here that McConnell would have a hard time keeping his promise to operate the Senate according to "regular order." Her Monkey Cage post pointed out that polarization between the Democrats and Republicans on the one hand, and deep divisions within the GOP on the other, would force McConnell to curb floor amendments in order to bypass filibusters and enact legislation.

Binder was right. Individual senators have strong electoral incentives to introduce floor amendments when they can. McConnell was forced to use his position as Senate majority leader to block amendments on several key bills.

It's hard to know how much "demand" there might be wailing in the House for the ability to offer amendments freely. For most of the 20th century, the House Rules Committee has restricted amendments on controversial bills.

But there's evidence to suggest that the pent-up demand is quite strong. A forthcoming paper from Michael S. Lynch, Anthony Madonna and Jason Roberts analyzes the demand for amendments under structured rules. Structured rules are rules issued by the Rules Committee that allow a limited set of amendments to be considered on the floor. Members must submit their amendments to the Rules Committee for review.

That's a lot of demand. Allowing House members to introduce amendments freely — and to have lengthy debates and votes, as the Senate does — would likely bring the House to a halt.



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Questions, Concerns, Angry Rants?



Tuesday: Clinton (1994).
