



POLS 4600
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Who Am I?



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Syllabus will be on the website.

8/22/17 Outline

I. Introduction

- a. clips
- b. administrative
- c. News
- d. Hastert Rule
- e. sign-in

II. Bill Becomes a Law

- a. House redux
- b. Senate
- c. Comments

III. Pierson

- a. Overview
- b. Defining PD
- c. Characteristics of the Process
- d. Factors causing increasing returns?



IV. Why Does PD Occur in Politics?

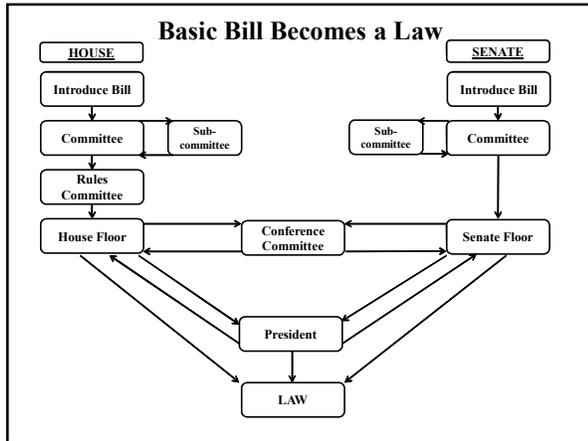
- a. Collective action
- b. Free-riding
- c. Institutional Density
- d. Power Asymmetries
- e. Political Complexities

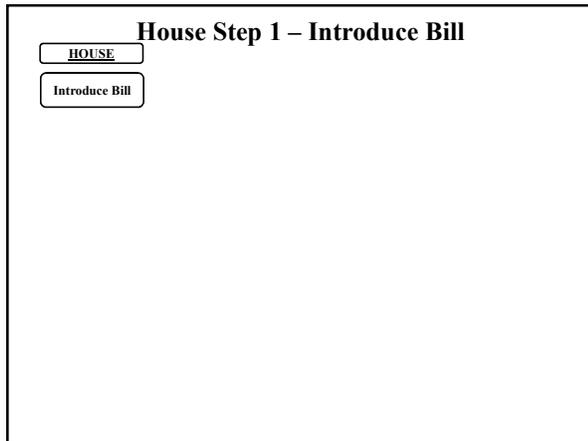
IV. Effects?

- a. Multiple Equilibria
- b. Contingency
- c. Critical role for timing and sequence
- d. Inertia

VIII. Conclusion

- a. thoughts?
- b. Angry rants?





House Step 1 – Introduce Bill

Who introduces the bill? Sometimes strategic...

Why? Many reasons... Reelection, policy concerns, reelection, ambition, campaign fundraising, reelection, reauthorization, reelection, etc.

Who writes it? Staff, interest groups, party leaders, executive branch officials. Will have input from CRS, CBO and the Office of Legislative Counsel.

Bill title: PATRIOT Act, DISCLOSE Act, etc...



House Step 1 – Introduce Bill

Our bill today:

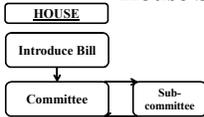
H. R. 4810 The Money, Liberty and Freedom for Starving Puppies Act.

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 4 years in jail and the fine from \$5,000 to \$10,000)

- Provides \$10 million for a study on dog nutrition



House Step 2 – Committee



House Step 2 – Committee



Referred by the Speaker...Can be complicated.

Most bills will die in Committee. May go to a subcommittee...Why? Specialization.

Committee marks up the bill, holds hearing, invites witnesses.

How do members get on committees? Who is the chair? Gets out of committee by a simple majority vote.

House Step 2 – Committee



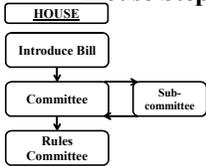
Our bill referred to the Committee on Natural Resources

H.R. 4810 The Money, Liberty, Freedom for Starving Puppies and Kittens Act

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 4 years in jail and the fine from \$5,000 to \$10,000)
- Provides \$15 million for a study on dog and cat nutrition

Passes out of the committee by a simple majority.

House Step 3 – Rules Committee



House Step 3 – Rules Committee

Why a Rule? Priority.

Who serves on the Rules Committee? How does one become Chair?

9 to 4 majority party advantage on Rules...

History: Power stems from reforms in the late 19th Century.

Rules can block germane amendments, provide time limits.

Types of rules: closed, open, structured. Why is it so important to control the amending process?

Minority input on Rules?



House Step 3 – Rules Committee

H.R. 4810 gets a structured rule:

1 hour of debate.

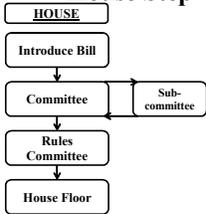
26 amendments filed, 4 granted consideration under the rule:

- Amdt. 1 provides 2 million for ferret research
- Amdt. 2 raises the minimum penalty for dog fighting to 5 years
- Amdt. 3 cuts funding for the study by 12 million
- Amdt. 4 makes pet insurance tax deductible and raises the maximum fine to \$20,000



Rule passes by out of committee by a simple majority

House Step 4 – Floor Consideration



House Step 4 – Floor Consideration



Debate here is structured by the rule. Generally, the floor is empty and the outcome is pre-determined.

First vote may be to order the previous question motion on the Rule, followed by a vote on the Rule itself.

This is often followed by debate on the bill, votes on any amendments (may not be recorded), a motion to recommit with instructions, potential votes on points of order and a vote on the bill.

What influence member votes? Reelection, policy goals, reelection, party loyalty, reelection. Priorities are often as important as policy goals.

Minority input in the House?

House Step 4 – Floor Consideration

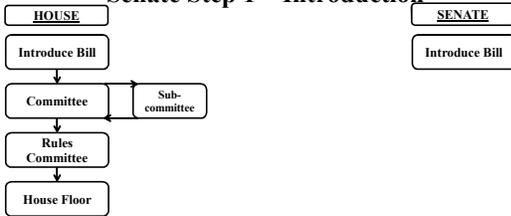


H.R. 4810:
MTR, Amdt. 1, Amdt. 3 fail.
Amdt. 2 and Amdt. 4 pass.
Passes the House

H.R. 4810 Money, Liberty, Freedom for Starving Puppies and Kittens Act

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 5 years in jail and the fine from \$5,000 to ~~40,000~~ ~~dollars~~ \$20,000)
- Provides \$15 million for a study on dog and cat nutrition
- Makes pet insurance tax deductible

Senate Step 1 – Introduction



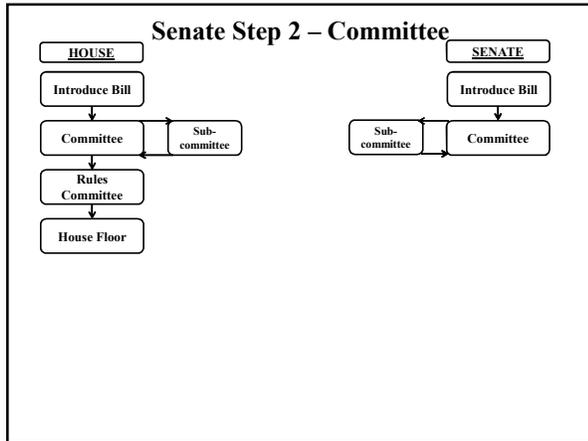
Senate Step 1 – Introduction



There will generally be a Senate companion bill introduced around the same time as the House.

Generally though, the Senate will wait for the House bill before it moves out of Committee.

For the Starving Puppies Act, the Senate will receive the House bill.



Senate Step 2 – Committee

Referred by the Majority Leader (with assistance). This can also be complicated. Additionally, the Majority Leader can put a bill directly on the calendar (bypassing the committee stage).

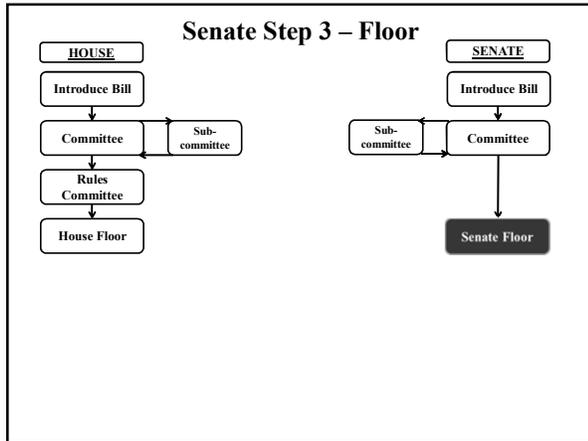
Similar to House Committee consideration...It may go to a subcommittee as well. Committee marks up the bill, holds hearing, invites witnesses.

Full text substitutes are common.

Senate Step 2 – Committee

H.R. 4810 Money, Liberty, Freedom for Starving Puppies and Kittens Animals Act

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 5 years in jail and the fine from \$5,000 to \$10,000-\$20,000-\$25,000)
- Provides \$30 million for a study on dog, and cat and ferret nutrition
- Makes up to \$500 in annual pet insurance tax deductible
- Provides a 2 percent federal tax on any pet sales



Senate Step 3 – Floor

No feature comparable to the House Rules Committee. Lack of a simple-majoritarian method for ending debate makes the Senate extremely unique. So how does a bill get to the Senate floor?

It's difficult. Primarily two options:

- (1) Cloture. 60 votes and extremely time-consuming. May need cloture on the motion to proceed and then on the bill itself.
- (2) Unanimous Consent. Necessitates even more compromises than cloture.




Senate Step 3 – Floor

H. R. 4810 Unanimous Consent Agreement: Two days of legislative debate. Makes in order 6 amendments. Waives points of order, motion to proceed considered adopted.

- Amdt. 1 Replaces the Federal Tax on Pet Sales with revenue saved from cuts to the Food Stamp Program
- Amdt. 2 Bars congressional staff from receiving health insurance subsidies forcing them on the ACA exchanges
- Amdt. 3 Cuts the federal study funding to \$10 million and drops dogs from the study
- Amdt. 4 Would delay implementation of the new penalties for three years
- Amdt. 5 Requires states to accept each other's handgun carry permits
- Amdt. 6 Would bar the USDA from enforcing exhibitor licensing in the state of Florida




Senate Step 3 – Floor

H. R. 4810

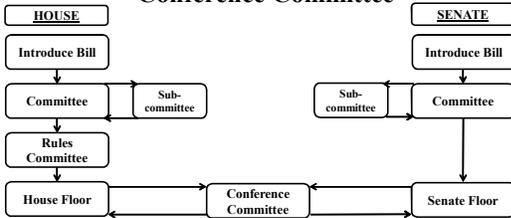
Amdt. 2 and 6 fail. Amdt. 1,3,4,5 are adopted. Bill passes Senate floor.

H.R. 4810 Money, Liberty, Freedom for Starving Puppies and Kittens Animals Act

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 5 years in jail and the fine from \$5,000 to ~~\$10,000~~ \$20,000/\$25,000) starting in 2018
- Provides ~~\$20~~\$10 million for a study on dog and cat and ferret nutrition
- Makes up to \$500 in annual pet insurance tax deductible
- Provides a 2 percent federal tax on any pet sales
- Rescinds \$20 million in unobligated funds from the 2014 SNAP budget
- Requires states to accept each other's handgun carry permits



Conference Committee



Conference Committee

Passes both Houses in different forms...Going to Conference be agreed to by both chambers. Can result in more votes.

Waning in usage. Amendment trading is more popular in unified congresses.

Who serves on a conference committee? Conferees have a great deal of freedom.

Up or down vote on the conference report.



"I say to my colleague from Wyoming, I used to teach political science classes. I have to tell you. You know, I feel guilty. I need to refund tuition to students for those 2 weeks I taught classes on the Congress. I was so off in terms of a lot of the decision-making.

I should have focused on the conference committees as the third House of the Congress, because these folks can do any number of different things. And the thing that drives me crazy is you can have a situation where the Senate did not have a provision in the bill, the House did not have a provision in the bill, and the conference committee just puts it in the bill. Then it comes back for an up-or-down vote. No opportunity to amend." – Sen. Paul Wellstone (D-MN)

Conference Committee

H.R. 4810

House bill had \$20,000 maximum fine and 5 years in jail. Senate bill had \$25,000 maximum fine and 5 years in jail starting in 2018. Conference report provides for \$22,000 maximum fine starting in 2016.

House bill provided \$15 million for dog and cat nutrition study. Senate \$10 million for cat and ferret. Conference report provides \$15 million for dog, cat, ferret and rat study.

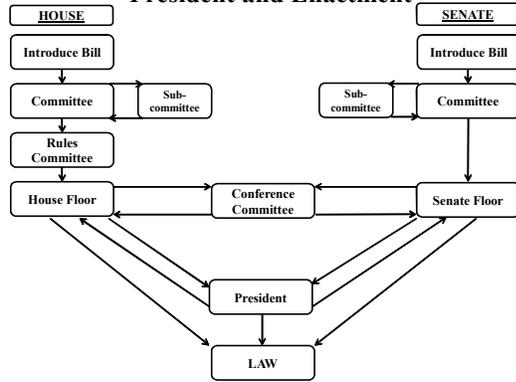
House bill made pet insurance tax deductible. Senate bill limited it to \$500 dollars annually. Conference report accepts Senate provision.

Senate bill included provisions rescinding \$20 million in unobligated funds from the 2014 SNAP budget and requiring states to accept each other's handgun carry permits. SNAP cuts are dropped, handgun provision included but implemented in 2019.

Conference Report passes both chambers (MTR defeated in the House).



President and Enactment



President and Enactment



Veto is possible, override requires 2/3rds of both chambers.

The President is usually involved earlier in the process. The threat of a veto is usually enough to lead to policy concessions (assuming a policy motivation).

Vetoes have been used rarely. Last three presidents have vetoed 51 bills. Only 6 overrides. Ford had 48 vetoes in his nearly two years in office.

H. R. 4810 is signed into law.

Starving Puppies Act

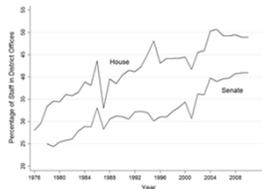


H.R. 4810 Money, Liberty, Freedom for Starving Puppies and Kittens Animals Act

- Amends the Animal Welfare Act to make tougher penalties for dog fighting (raises minimum penalty from 3 to 5 years in jail and the fine from \$5,000 to ~~\$10,000~~ ~~\$20,000~~ ~~\$25,000~~ \$22,000) starting in 2018-2016
- Provides ~~\$30~~ ~~\$10~~ \$15 million for a study on dog, ~~and~~ cat, rat and ferret nutrition
- Makes up to \$500 in annual pet insurance tax deductible
- ~~Provides a 2 percent federal tax on any pet sales. Re-seeds \$20 million in unobligated funds from the 2014 SNAP budget~~
- Requires states to accept each other's handgun carry permits beginning in 2019

Conclusion

System was designed to make action difficult. It has evolved in a way that makes action even more challenging. Opponents need only to win at one stage in a process that is more complex than I've presented.



Policy status quos have shifted in such a way that this is problematic for both liberals and conservatives.

Electoral concerns present challenges for even the most well-intentioned members. This also diverts dwindling staff resources from policy formulation. Recent poll found that almost "two-thirds of DC staff" stated they were likely to look for another job in the next year.

While polarization is a problem, institutions that provide expansive minority party rights further exacerbate it and reform should be considered.

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Path Dependency and the Filibuster

Path dependency: Minorities have exploited existing rules to frustrate potential reforms. In this view, the modern Senate is not what majorities have wanted but what they have been forced to accept.

Inherited Rule	Source	Consequence
Elimination of the Previous Question Motion	1806 Rules Codification	The Senate no longer had a formal method of ending debate by a simple majority.
Staggered Senate Terms	U.S. Constitution	The Senate is a "continuing body" and does not adopt new rules at the start of each Congress.
The Vice President's Status as the President of the Senate	U.S. Constitution	Centralized chamber power could be wielded by a member that does not share the interests of the Senate majority

Conclusion



Questions? Concerns? Angry, hate-filled rants?

Have a great weekend!
