The Landscape of Lawmaking

Andreu Casas[1] John Wilkerson [2]

August 29, 2024[3]

[1]Royal Holloway, University of London (andreu.casas@rhul.ac.uk)
[2]University of Washington (jwilker@uw.edu)
[3]First version: November, 2023. This version prepared for the 2024 Annual Conference of the American Political Science Association, Philadelphia (Sept. 3-8). This research was made possible with support from NSF grant 1224173. Any opinions, findings, conclusions or recommendations expressed are those of the authors and do not necessarily reflect the views of the National Science Foundation.

Contents

Chapter 1

Bills as Vehicles

> "Laws begin as ideas. First, a representative sponsors a bill. The bill is then assigned to a committee for study. If released by the committee, the bill is put on a calendar to be voted on, debated or amended. If the bill passes by simple majority (218 of 435), the bill moves to the Senate. In the Senate, the bill is assigned to another committee and, if released, debated and voted on. Again, a simple majority (51 of 100) passes the bill. Finally, a conference committee made of House and Senate members works out any differences between the House and Senate versions of the bill. The resulting bill returns to the House and Senate for final approval. The Government Printing Office prints the revised bill in a process called enrolling. The President has 10 days to sign or veto the enrolled bill."
>
> *How Are Laws Made?* U.S. House of Representatives' website

This project introduces a new scholarly perspective on congressional lawmaking. The textbook portrayal of the legislative process, as described above on the US House of Representatives website and in the popular 3-minute pedagogical cartoon, I'm Just a Bill, has individual lawmakers developing ideas, introducing bills and shepherding those bills through a sequence of stages to become law. This description, which equates bills with policy ideas, is also implicit in many approaches to studying congressional lawmaking.

In contrast, the Congressional Research Service's (CRS, 2020) introduction to the legislative process for new members of Congress takes pains to correct this popular perspective:

> The process by which a bill can become law is rarely predictable and can vary significantly from bill to bill. In fact, for many bills, the process will not follow the sequence of congressional stages that are often understood to make up the legislative process.

To have the force of law, an proposal must be approved by the House and Senate and signed by the President. The only other process-related requirement of the US Constitution (Section 7 of the Article I) is that revenue bills must originate in the House. The Constition leaves it to each chamber to establish its own rules – and the rules that have evolved offer considerable flexibility both in terms of how policy proposals can progress.

Many informative books have also been written with the goal of conveying 'how Congress really works,' often by former members of Congress. For example, in *How Congress Works and Why You Should Care* (Hamilton, 2004), Representative Lee Hamilton (D-IN) offers tips on how to succeed in Congress. In the section 'How a Bill Really Becomes a Law' (pp. 55-59), he dismisses the textbook portrayal as unimaginative and oversimplified:

> How boring! how sterile! The diagrams can't possibly convey the challenges, the hard work, the obstacles to be overcome, the defeats suffered, the victories achieved, and the sheer excitement that attends the legislative process. It [sic] gives a woefully incomplete picture of how complicated and untidy that process can be and barely hints at the difficulties facing any member of Congress who wants to shepherd an idea into law.

Hamilton provides few specifics about how bills really become law beyond 'it is far from mechanical or automatic.' Parliamentary experts on the other hand (e.g. Oleszek (2017); Tiefer (1989)) convey the 'complicated and untidy' nature of lawmaking by describing the many evolving rules, precedents and practices that shape the day to day workings of the House and Senate. Walter Oleszek summarizes his seminal book *Congressional Procedures*

and the Policy Process by observing that ‘ at least two different tracks are available for the consideration of legislation.’ The first track includes ‘measures that follow the traditional textbook lawmaking.’ On the second ‘ad hoc’ track, ‘members find new uses for old rules, employ innovative devices, or bypass traditional procedures and processes altogether to achieve their political and policy objectives.’ (Oleszek, 2019, p.321).

The obvious unanswered question raised by Oleszek’s summary is the relative importance of these two ’textbook’ and ’ad hoc’ lawmaking tracks. Empirical political science would seem to be better positioned to answer this question. Researchers have highlighted cases of ’unorthodox’ lawmaking, where multiple proposals are bundled into large ’omnibus’ bills. But political scientists have yet to systematically assess the importance of such activities relative to more orthodox textbook lawmaking. Indeed, one of the striking features of contemporary legislative research is how little connection there has been between unorthodox lawmaking research and research that assumes the textbook perspective.

We propose a new perspective on lawmaking that captures these two types of lawmaking and everything in between. Rather than viewing bills as policies, we bills as vehicles for policies. A bill’s content can change at different stages of the legislative process, sometimes to the point where the bill that becomes law is completely unrelated to what its sponsor originally proposed. The bill (HR 3590 of the 111th Congress) that became the 900-page Patient Protection and Affordable Care Act (Obamacare) began its journey as a 7-page proposal to reauthorize a home mortgage tax credit for service members.

A policy idea can also progress when the bill that originally proposed it does not. In 1993, Senator Joe Biden introduced S.11, the Violence Against Women Act (VAWA). S. 11 never moved beyond committee referral, but the VAWA proposal became law as part of the Violent Crime Control and Law Enforcement Act of 1994 (HR 3355)(Brower, 2024).

Bills also differ in ways that impact their progress, and treating them as equivalent may be problematic. Most passed bills address demonstrably non-controversial subjects. Over

80% of House bills, and almost 50% of Senate bills pass under expedited procedures that prohibit amendments and require supermajority support. Many bills are not ideas generated by individual members but are important institutional priorities such as appropriations required keep the government running and reauthorizations of programs and funding originally authorized for limited time periods (Adler and Wilkerson, 2012).

Readers undoubtedly appreciate that a bill's content can change, that policy proposals sometimes advance when bills do not, and that bills address a range of subjects that impact their success. To date, however, these observations have not be central to how congressional behavior and institutions are studied and taught. Conflating bills with policy proposals is still the norm.

1.1 Bills as Vehicles

The textbook legislative process narrative is compelling because it makes a complex process easier to understand. It may also be appropriate if it generally captures how laws are made. We find that it does not, at least if we are interested in the substance of lawmaking. Our alternative narrative portrays policymaking, not bill passage, as the objective of lawmaking and bills as necessary vehicles. To become law, a policy must be incorporated into a successful bill. But this can happen in many different ways. Central to our analysis is the legislative hitchhiker – a policy originally proposed in one bill that is incorporated into another bill.

Reconceiving of bills as vehicles draws attention to potential limitations of longstanding research agendas. For example, extensive studies of legislative productivity seek to understand the political conditions contributing to congressional problem-solving (Rogers, 2005; Coleman, 1999, 2009; Fiorina, 1992; Kelly, 1993; Lohmann and O'halloran, N.d.; **?**; Saeki, 2009; Thorson, 1998; **?**; Clinton, 2006; Edwards III, Barrett, and Peake, 1997; Howell et al., 2000; Lapinski, 2013; Mayhew, 1991; Grant and Kelly, 2008). Nearly all of these studies

compare counts of laws from one Congress to the next (differing in terms of which laws are deemed worth counting - all, significant, landmark etc.). Thus, the implicit assumption is that laws are comparable across Congresses. This assumption may not be valid if, as others have argued, bundling bills into omnibus laws has become more common over time (Krutz, 2001; Sinclair, 1998).

Another longstanding research agenda assumes that bill progress is a valid indicator of a sponsor's legislative influence or ability (Matthews, 1960; Frantzich, 1979; Anderson, Box-Steffensmeier, and Sinclair-Chapman, 2003; Cox and Terry, 2008; Krutz, 2005; Jeydel and Taylor, 2003; Hasecke and Mycoff, 2007; Miquel and Snyder, 2006; Olson and Nonidez, 1972; Taylor, 2013; Volden and Wiseman, 2014). Matthews (1960) found that Senators who adhered to institutional norms or folkways were more likely to see their bills become law. More recently, Volden and Wiseman (2014) construct Legislative Effectiveness Scores using information about sponsorship activities and the progress of the bills (see the Center for Effective Lawmaking). By focusing only on bill progress, such studies risk failing to credit legislators if their policies progress as provisions of other bills, and incorrectly crediting them if their bills are used as vehicles for other policies. Senator Biden's VAWA proposal was completely unsuccessful by the metric of bill progress. The title sponsor of the 2021-22 Omnibus National Defense Authorization Act (S. 1605) was a minority member of the Senate who did not even serve on the Armed Services committee.[1]

The cosponsorship literature asks (among other things) whether bill success is related to who signs on besides the original sponsor (Kessler and Krehbiel, 1996; Fowler, 2006; Koger, 2003; Thomas and Grofman, 1993; Wilson and Young, 1997; Harward and Moffett, 2010). If we allow for the possibility that a bill's content can change, cosponsors may be signalling support for different proposals depending on when they sign on. For example, all

[1]Recent research by the authors examines how accounting for legislative 'hitchhikers' impacts understandings of bill sponsorship success (Casas, Denny, and Wilkerson, 2018). They find that as many bills become law as hitchhikers as become law on their own.

40 cosponsors of the Affordable Care Act signed on when the bill that served as the vehicle (HR 3590) proposed mortgage subsidies for service personnel.

Committee gatekeeping is the central focus of research testing distributive, informational, and partisan theories of legislative organization (Cox and McCubbins, 1993, 2005; Krehbiel, 1991; Maltzman, 1995; Shepsle and Weingast, 1987). To date, this research rarely examines actual policy decisions. Instead it draws on the voting pattern and constituency characteristics of committee members to make inferences about their unobserved behavior. Were these studies to actually study committee outputs, they would need to consider the very real possibilities that the content of referred bills can change, making the ideology or party of the sponsor a questionable indicator of policy content, and that policy proposals can progress beyond committee even when bills do not.

In this book, we leverage advances in computational 'text as data' methods to systematically study the content and changing content of 160,000 bills and joint resolutions introduced over 30 years (1993-2022). The textbook legislative process at the heart of many existing congressional studies implicitly assumes that bills change modestly if at all. If this is mostly emprically true, it makes sense to equate bills with policies. A 'bills as vehicles' perspective posits, on the other hand, that the content of bills often changes substantially as they progress, and that policy proposals often progress when bills do not. If these two things are empirically true, then focusing solely on bill progress (or counts of laws) in our research and teaching makes less sense.

To what extent is it problematic to equate bills with fixed policy proposals? What can we learn about legislative behavior and institutions from studying bill changes and where those changes occur? The value of these questions is suggested by several narrower questions about lawmaking that have never been answered:

- How much do congressional bills change as they advance through the legislative process?

- In what ways do they change?
- Where in the process do these changes occur?

1.2 A General Approach to Studying Bill Substance and Change

We portray bills as vehicles and expect to find that many bills change substantially as they progress through the legislative process. Our primary data for studying bill content change are the official bill and joint resolution 'versions' made available through the US Government Printing Office.[2] These versions (available from 1993 to the present) allow us to compare a bill's substance across key lawmaking stages (Table 1.1).

Table 1.1: Landscape of Lawmaking (Bill Versions).

Stage	House	Senate
Introduced	IH	IS
Reported	RH	RS
Engrossed	EH	ES
Engrossed Amendment	EAH	EAS
Conference Report		
Enrolled (ENR)		

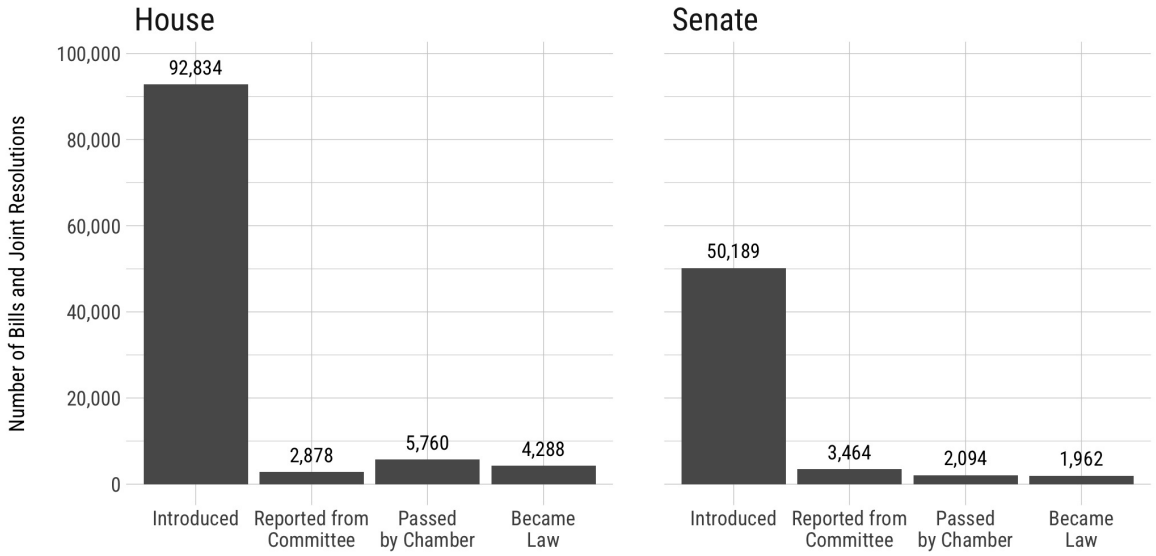
As noted, just under 160,000 bills and joint resolutions were introduced during this 30-year time period. The 435 House members introduced about twice as many bills as the 100-person Senate. About 4.5% (6,229) became law (Figure 1.1) with similar success rates for each chamber (4.7% in the House versus 4.1% in the Senate).[3]

[2]Like Bills (HR, S), Joint Resolutions (HJ Res, SJ Res) have the force of law and require the President's signature to become law. Simple resolutions (HRes, SRes) and Concurrent Resolutions (HConRes, SConRes) are excluded because they do not have the force of law. For brevity we will frequently to both bills and joint resolutions as bills.

[3]As of 8/28/2024 these numbers are close but not exactly right.

Before proceeding to examine the content of these bills and resolutions, we need to recognize some data limitations. It is exceptionally rare for a bill's path to include all of the versions displayed in Table 1.1. Most bills do not make it beyond introduction (IH or IS). But even bills that become law typically include only some of these versions. For example, there is no reported (RH) version of HR 3590 (the Affordable Care Act) because (as a non-controversial mortgage subsidy extension) it was passed by the House under Suspension of the Rules. There is also no reported Senate version (RS) because the majority leader invoked paragraph 4 of Rule VII, placing the bill directly on the Senate's Calendar of Business.

Figure 1.1: Progress of Bills and Joint Resolutions (1993-2022)



Not having all versions for all bills means that we either need to limit comparisons to cases where all of the examined versions are available, or compare different cases at different stages. In this chapter, we limit our attention to bills that become law (where three versions are almost always available): as introduced (IH,IS), as passed by the originating chamber

(EH, ES), and as enrolled (ENR).[4] In subsequent chapters we will also consider bills that do not become law, primarily as sources of content for those that do become law.

1.3 Measuring Content Change by Comparing Bill Version Similarity

We started by downloading each version text for each bill and joint resolution (192,428 versions of 156,859 bills).[5] To better capture the meaningful content, we systematically removed the standard 'boilerplate' language found at front and backs of bills (for example, "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled"), as well as punctuation, numbers and common stopwords.[6] These pre-processing steps produce more valid comparisons of shared and differing substantive content between versions. Removing boilerplate language can both omit false positive non-substantive similarities (two bills from the chamber will have similar preambles), and omit false negative non-substantive differences (some bills have non-substantive Finding sections while others do not). Removing punctuation, numbers and common stopwords similarly removes features that may not be informative and potentially misleading.

Our next step was to examine the overlap between the pre-processed texts of different versions of a given law (our primary comparison in this chapter is between the introduced and enrolled versions). There is no single best way to measure the similarity of documents. The

[4]Enrolled means the bill as agreed to by the House and Senate that is sent to the President. Some laws do not even have Introduced versions. This can happen when a bill is an 'original' bill reported by a House committee, or brought up for floor consideration in the Senate before it has been formally introduced. In such cases, we use the next available bill version as a proxy for the Introduced version. For original bills this is the Reported version. For Senate bills we use the 'Placed on the Calendar' version or the Engrossed version.

[5]Our collection includes all bill versions made available by the US Government Printing Office on January 9, 2024. The 118th Congress was still in session.

[6]Our pre-processing protocol was developed iteratively over an extended period of time. See also Appendix A in Casas, Denny, and Wilkerson (2020).

computational costs of a method must also be considered given that this part of the project entails hundreds of thousands of comparisons of lengthy texts. To measure bill substance change in this chapter, we employ a matching n-grams approach that performs well and is fast and inexpensive to compute.

Table 1.2 provide an illustration. An n-gram is just a sequence of words. Assuming no pre-processing of the texts, the introduced bill '*suspend the duty on tomatoes from Mexico*' includes five unique 3-grams. The enrolled bill '*suspend the duty on tomatoes from Mexico and potatoes from Peru*' includes nine 3-grams. We first creates a list of all unique n-grams for each document (3-grams for each phrase in this toy example), and then compute the proportion of shared n-grams.

Table 1.2: A toy example illustrating the n-gram overlap method used for building measures of bill substance change.

Introduced Bill (A)	**Enrolled Bill (B)**
"*Suspend the duty on tomatoes from Mexico*"	"*Suspend the duty on tomatoes, carrots, and onions from Peru*"
3-gram	3-gram
suspend the duty	suspend the duty
the duty on	the duty on
duty on tomatoes	duty on tomatoes
~~on tomatoes from~~	~~on tomatoes carrots~~
~~tomatoes from Mexico~~	~~tomatoes carrots and~~
	~~carrots and onions~~
	~~and onions from~~
	~~onions from Peru~~

We draw on this shared n-gram information to construct two measures of how a bill has changed from an earlier version to a later version. The enrolled version of a bill might include all, part or none of the bill as introduced. The bill as introduced might make up none, some or all of what is in the enrolled version. For the first, we want to know the proportion of

n-grams in the bill as introduced (A) that match n-grams in the enrolled version (B): A in B. This is .6 (3 out of 5). For the second, we want to know the proportion of n-grams in the enrolled bill (B) that match n-grams in the introduced bill (A): B in A. This is .375 (3 out of 8). In words. most of what was originally proposed is still part of the enrolled bill. while only a minor proportion of the enrolled bill comes from the original proposal.

These two metrics (AinB and BinA) can then also be used to ask: How much of the original bill is no longer part of the enrolled version? 'Deleted' = (1-(A in B)) or .4. And, how much of the enrolled version does not come from the original version? 'Added' = (1-(B in A)) or .625.

No text based measure of similarity is perfect because similar is subjective. The researcher must decide which similar features relevant. In general, longer n-grams produce fewer false positives, but n-grams that are too long can fail to detect relevant similarities (i.e. false negatives). In the example below, an n-gram longer than 10 will fail to capture the fact that both proposals authorize a veteran's hospital in New Orleans. On the other hand, smaller n-grams will capture text similarities that the researcher probably does not consider relevant (that both 'authorize a veteran's hospital' may be less important than whether both authorize the *same* veteran's hospital).

> *"Authorize a veteran's hospital in New Orleans and a veteran's rehabilitation clinic in Denver" "Authorize a veteran's hospital in New Orleans and a veteran's mental health center in Phoenix"*

By experimenting with a sample of pre-processed bill versions and n-grams ranging from 2 to 10 words, we arrived at a 5-gram matching approach as the best compromise between false positive and false negative errors given our goals. Figure 1.2 compares A in B and B in A scores for the introduced and enrolled versions of 5 salient bills for which we knew *ex ante* what the correct scores should be (by visually examining their content). For example, we knew that the 7 page introduced and 900 page enrolled versions of the Affordable Care Act

(111-HR-3590) had very few phrases in common. The figure indicates that shorter n-grams (e.g. unigrams, bigrams, 3-grams) (falsely) indicate substantial overlap between these two ACA versions whereas n-grams of 5 or larger produce similarly valid results (based on what we know about the cases). Opting for the smallest n-gram given similar results minimizes false negative matches.

Figure 1.2: Identifying the Best N-gram for Measuring Content Similarity/Editing

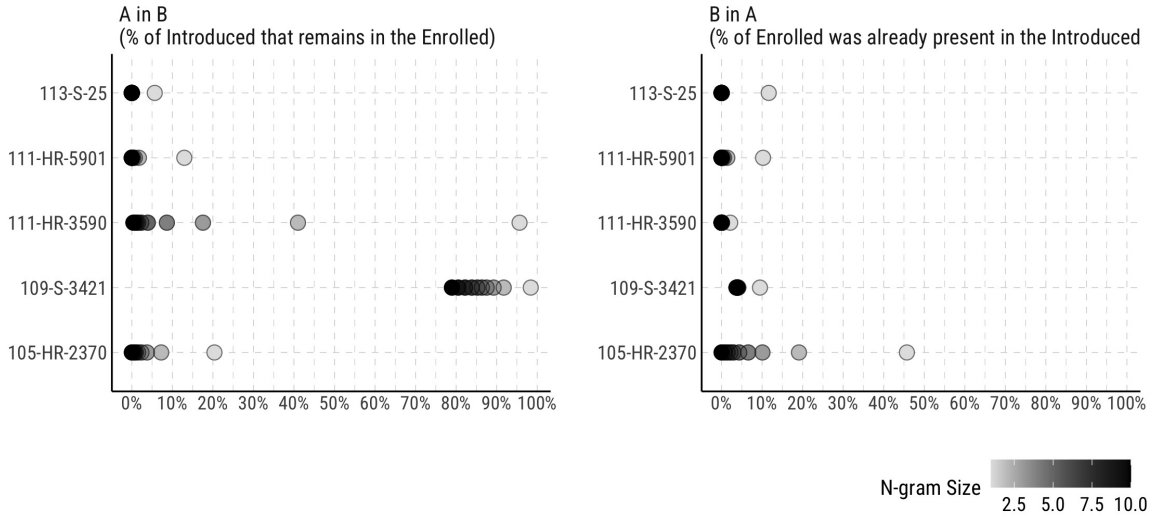
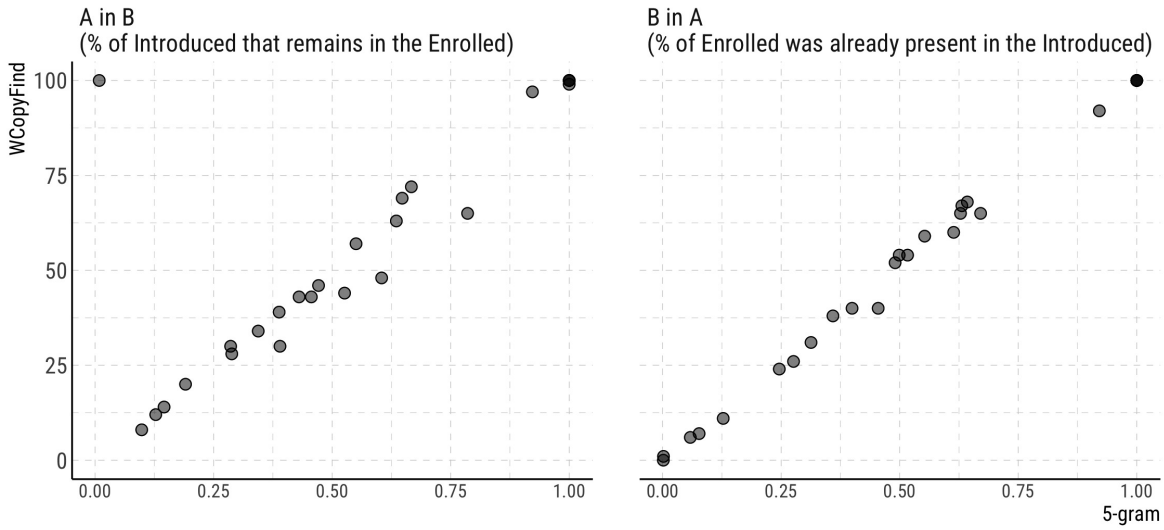


Figure 1.3 provides additional validation by comparing the predictions of our 5-gram method to those of another method for comparing document similarity. WCOPYFIND (Bloomfield, 2021), a publicly available plagiarism detection method, is frequently used by political scientists to identify when legislative ideas are being borrowed or copied (DeMora, Collingwood, and Ninci, 2019; Reynolds and Hanson, 2023). WCOPYFIND offers many more parameters than our single parameter matchhing n-grams method (such as allowing for some differences between the n-grams used to compute overlap) but it not amenable to making the hundreds of thousands of comparisons required for our project. Figure 1.3 also

indicates that using it would have little benefit. Our much faster method yields very similar predictions.[7]

Figure 1.3: Similarity of 5-gram and WCOPYFIND results



1.4 A Motivating Example

On Sept 13, 2001, 2 days after the Sept 11 terrorist attacks, House Ways and Means Committee Chair Bill Thomas (R-CA) introduced H.R.2884 - The Victims of Terrorism Tax Relief Act of 2001. As its title suggests, this short 5-page bill provided tax relief to 9/11 victims and their families. On the same day, the committee was discharged and the House passed H.R. 2884 by a vote of 418-0. The Introduced (A) and Engrossed (B) versions of HR 2884 were identical (A in B = 1; B in A =1).

In the Senate, HR 2884 was initially referred to the Finance Committee. About a month later, on November 16, the Finance Committee was discharged and the Senate agreed to

[7]For this experiment we selected 25 cases of introduced and enrolled bill versions that varied in terms of their sizes and size differences. We then explored results for different WCOPYFIND parameter settings. The results in Figure 1.3 only consider matches of 10 words or longer, allow for no imperfections and do not specify a minimum number of matches.

the House bill with an engrossed amendment submitted on behalf of the Finance Chair, Max Baucus (D-MT). This amendment (B) struck all after the enacting clause, replacing the House-passed bill's content (A) with a new 49-page proposal that included little of the House bill's original content (A in B = .3; 1-(A in B)=.7) as well as many new provisions and details (B in A = .02; 1-(B in A)=.98).

On December 13, the House agreed to the Senate's amendment with its own amendment (B) that included most of what the Senate had proposed (A in B = .92) while adding even more provisions (B in A = .70).

A week later, on December 20, the Senate agreed to the House amendment (to the Senate amendment) with a second amendment that duplicated its first amendment. At this point, ordinary procedures left the House with two options: agree or disagree (and possibly request a conference). The House chose to accept the Senate amendment, and bill was enrolled and sent to the President. Figure 1.5 compares the congress.gov summaries for the introduced version (5 pages) and enrolled version (19 pages) of the bill.

1.5 How Much Do Bills Change?

We next draw on the methods introduced above to compare content change from introduction to enrollment for every enacted bill across 30 years of lawmaking (1993-2022). We begin by considering proportional changes as discussed above. But because bills vary in size, this risks comparing tangerines to oranges. We therefore also investigate total amounts of content change (in 5-grams) between different versions of bills.

Table 1.3 groups enrolled bills by proportional change since introduction for all laws and just laws that address non-minor subjects at introduction.[8] For example, the leftmost

[8]We have developed an extensive keyword based approach to indentifying minor bills using their titles at introduction. We do not exclude minor bills from our analyses of size changes because minor bills (at introduction) sometimes end up serving as vehicles for major policy changes.

category includes those cases where the final law's content has little in common with the same bill at introduction (18% of non-minor bills), whether because the final law contains only a small proportion of what the introduced bill proposed (A in B is .2 or less), or because most of the final law is new (B in A is .8 or more). The next column (50%) indicates that 33% of all non-minor bills that become law include less than 50% of what was proposed at introduction, or that at least 50% of their content has been added after introduction (or both).

Table 1.3: How much do bills change?

	<20%	**<50%**	**<80%**	**<95%**	**100%**
Number of laws	848	1,569	2,385	3,180	6,160
% of all laws	14%	25%	39%	52%	100%
% of all laws (excluding minor)	18%	33%	48%	59%	100%

Table 1.3 indicates that most of the bills that become law are largely unchanged from what was originally proposed. In 61% of the cases, 80% or more of the introduced bill remains, or less than 20% of the content is new. However, we also need to consider the content of these different bills and notjust their proportional change. Figure 1.4 and Figure 1.5 divide the same bills into two groups based on whether at least half of the introduced bill is in the enrolled bill, and whether at least half of the enrolled bill comes from the introduced bill. Although this division is very favorable to the textbook perspective (the enrolled bill just must be 'mostly the same' as the introduced bill) such bills represent a very small proportion of total legislative output.

Figure 1.4: Total Size of Laws by Proportion of Introduced version in Enrolled Version (AinB)

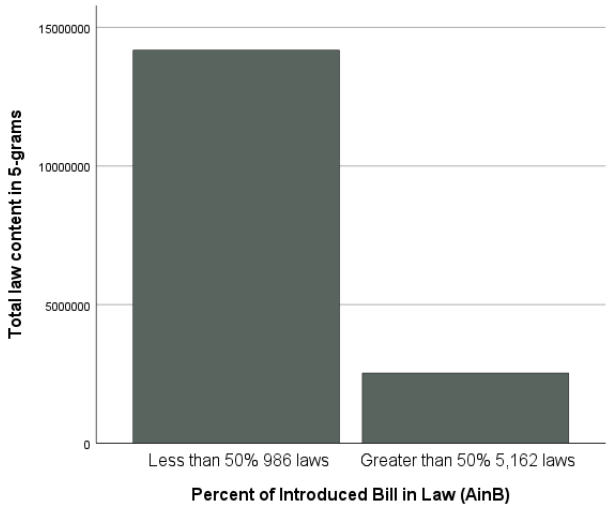
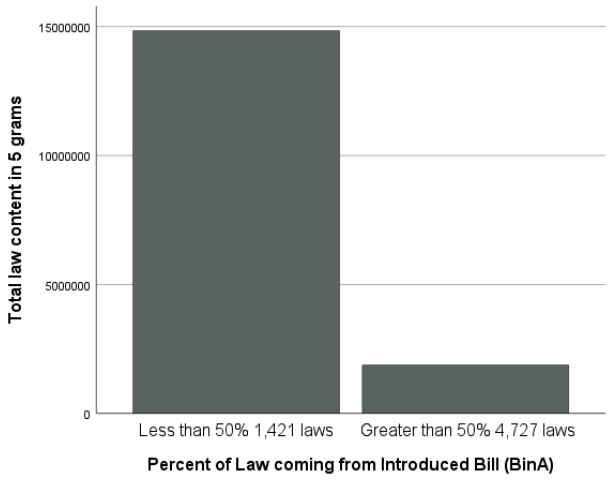


Figure 1.5: Total Size of Laws by Proportion of Enrolled Version that Comes from Introduced Version (BinA)



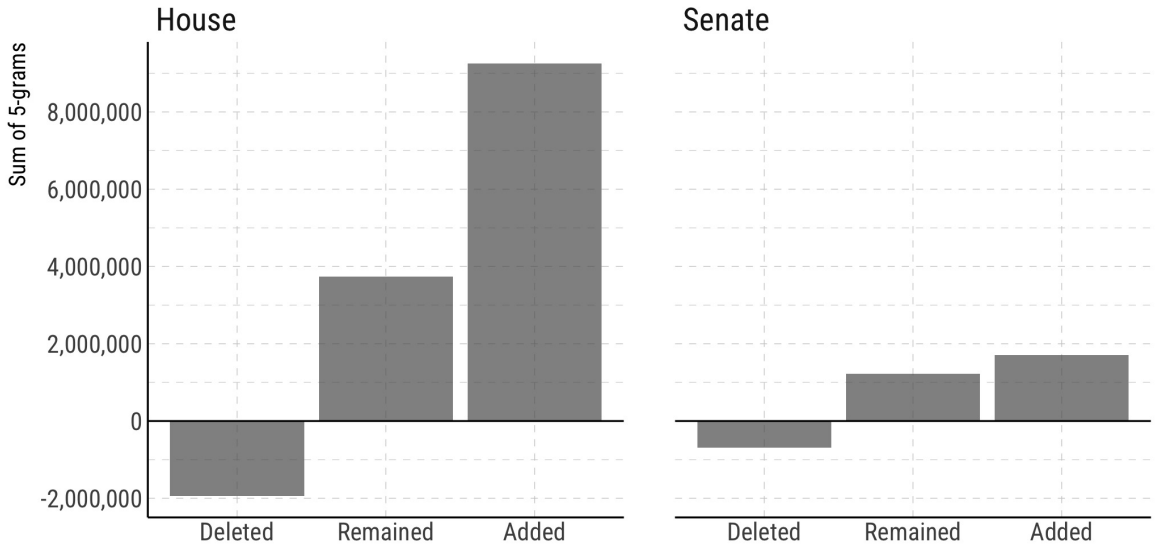
1.6 How Do Bills Change?

We next examine how bills are changing in the aggregate with three additional measures: Deleted content (introduced version content that is no longer in the enrolled version); Retained content (introduced version content that is still in the enrolled version); and Added

content (enrolled version content that does not come from the introduced version). For example, if A in B =.4 and the introduced version (A) is 100 5-grams in length, then we know that 60 5-grams of the introduced bill have been deleted while 40 5-grams have been retained. If B in A is .8, we know that the law (B) is 200 5-grams, of which 160 5-grams have been added after the bill's introduction.

Figure 1.6 aggregates this change information for all of the laws examined in Table 2. Just one-third of the content of all enrolled bills can be traced back to their introduced versions, while the remaining two thirds of their content has been added after introduction. About 1/4th of the content of the introduced versions is deleted from the enrolled bills, but the tripling of bill size is mostly due to twice as much content being added after introduction.

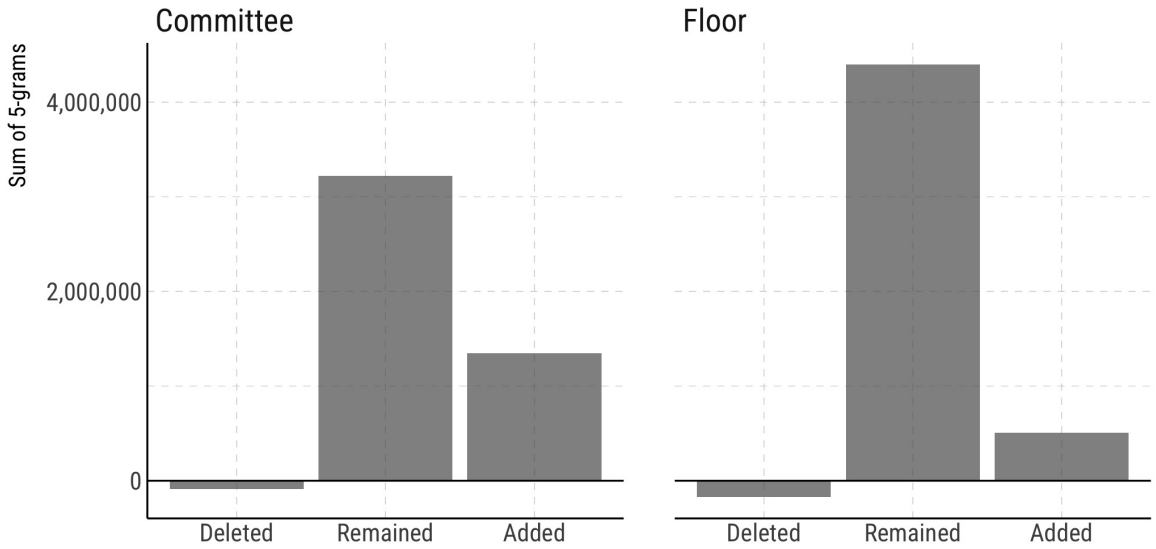
Figure 1.6: Content Changes Between Introduction and Enrollment (All Laws, 1993-2023)



1.7 Where in the Process Do These Changes Occur?

We can also investigate where these changes to bills that become law are taking place. We first look into how much bills that become law change within their chambers of origin. Figure 1.7 compares edits to bills in committee and on the floor for those bills reported by at least one committee (2,782 out of 6,116 laws).[9] More changes are made in committee than on the floor, At both stages, more is added than deleted.

Figure 1.7: Where Does Law Content Get Added? Committee v. Floor (All Laws Reported by Committee, 1993-2023)

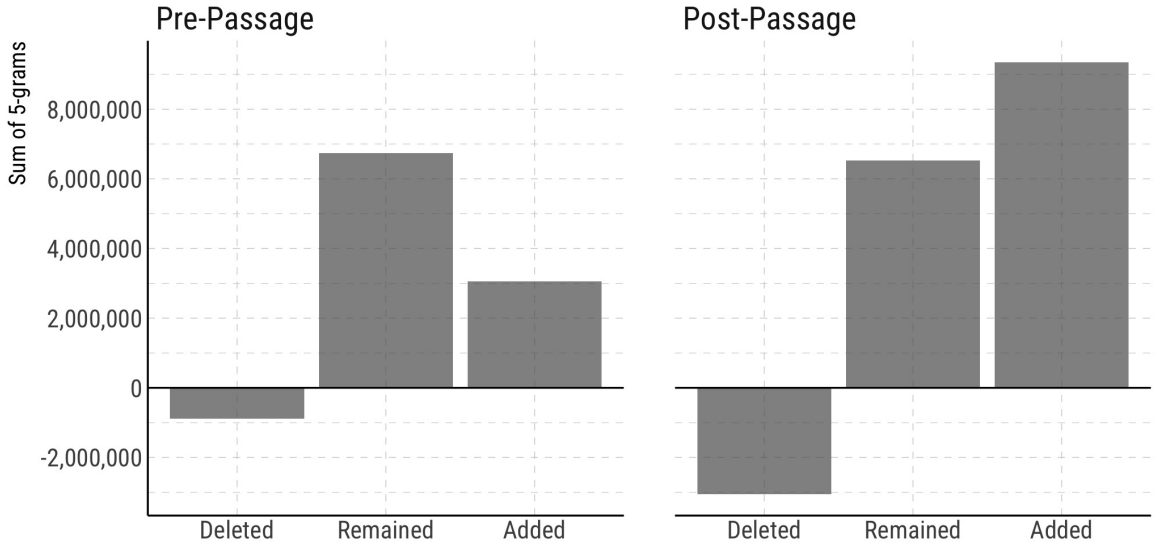


We next compare content changes within the chamber (above) to those made post-passage (while the House and Senate agreed on a single version of the bill). Figure 1.6 indicates that most changes in content are adopted during this latter stage (about three times as much as is adopted within the chambers!). We find this remarkable given how little attention post-

[9]This number is also not exactly correct.

passage lawmaking receives in the congressional research literature. Once again, it may be that the dominant textbook perspective, which portrays this final stage as one of 'resolving differences,' has limited the questions scholar ask. As we discuss in chapter 7, prior research focuses almost exclusively on 'who wins?' in conference committee. There was just one conference committee in the 117th Congress (2021-22).

Figure 1.8: Where Does Law Content Get Added? Pre v. Post Passage (All Laws, 1993-2023)



1.8 A Look Ahead

Examining 30 years of congressional lawmaking, this chapter finds that the bills that become law often differ substantially from what was originally proposed. In the aggregate, most (two-thirds) of the content of bills that become law is added after their introduction.

Chapter 2 draws on the bill content approach developed in this chapter to examine two important developments. The number of public laws has declined by nearly half over the past 50 years without a similar decline in content. Instead, a very small number of laws account for an increasing proportion of all law content. To confirm that these are omnibus laws, we introduce a method for identifying legislative hitchhikers. We then consider the implications of this shift in how laws are made for studies of legislative productivity.

Chapter 3 takes a closer look at hitchhiking. We consider the benefits and costs for the sponsors of potential hitchhikers and the sponsors of potential vehicles. We then examine where hitchhiking occurs before testing explanations for why some hitchhikers are more successful than others.

Chapter 4 examines companion bills and their implications for how we think about bill success. Representatives and Senators frequently sponsor identical or nearly identical bills in their respective chambers. We find that such joint proposals are more successful and argue that both sponsors deserve credit when one of their bills becomes law (because only one can become law).

Chapter 5 revisits the popular research subject of bill success by redefining success to include hitchhikers and companion bills, and to exclude cases where the the law has little in common with what the sponsor originally proposed. This adjustment is warranted because the success rate for stand alone bills has declined by half over the past 30 years while omnibus lawmaking has increased. We also argue that bill success studies need to recognize and make adjustments for the fact that certain types of bills are much more likely to become law.

Chapter 6 considers committee gatekeeping from a policy progress perspective. We find that that committees often compensate for their heavy workloads by bundling multiple policies (from referred bills) into the small number of bills they report. Future studies of gatekeeping that examine actual output will want to account for the likely possibility that the bill that is reported contains additional proposals, and that a bill that is not reported

may have progressed as a hitchhiker.

Chapter 7 examines what actually happens after a bill is passed by one chamber - the understudied subject of bicameralism. How often do these bills become law, whether on their own or as hitchhikers? Conference committees have become virtually non-existent and have been replaced by amendments between the chambers. We examine the substance of these amendments and find that much more than resolving differences is involved. To a large degree this final stage represents a valuable window of opportunity for each chamber to advance its other priorities.

Collectively, these chapters portray a lawmaking process that increasingly has little in common with the textbook legislative process. Lawmaking has become more 'ad hoc' as legislators seek to adapt to growing demands, changing political incentives and declining norms. By one plausible measure of productivity, we also do not find that these developments in how Congress makes laws are associated with a decline in legislative output.

1.9 Discussion

The primary goal of this introductory chapter has been to challenge the textbook narrative that has individual legislators generating ideas, introducing bills and shepherding those bills through a series of stages to become law. An implicit assumption of this narrative is that bills change little between introduction and enactment. This assumption is also implicit in wide-ranging research that equates bill progress with policy progress. Our alternative narrative portrays bills not as policies but as vehicles for policies.

Many bills change little between introduction and enactment. But such bills represent a small portion of total enacted content. Collectively, about 2/3rds of the final content of the bills that become law is added after their introduction. Thus, if we are interested in policymaking as opposed to bill progress, we need to move beyond the bill as the unit of

analysis and shift to studying bill content, including where changes in content occur and the sources of those changes. We have hopefully demonstrated that text as data methods can provide a path forward in making this shift.

Bibliography

Adler, E. Scott, and John D. Wilkerson. 2012. "Agenda Setting in a Problem-Solving Legislature." In *Congress and the Politics of Problem Solving*. New York: Cambridge University Press pp. 116–140.

Anderson, William D, Janet M Box-Steffensmeier, and Valeria Sinclair-Chapman. 2003. "The keys to legislative success in the US House of Representatives." *Legislative Studies Quarterly* 28(3): 357–386.

Bloomfield, Lou. 2021. "WCopyfind." https://plagiarism.bloomfieldmedia.com/software/wcopyfind/.

Brower, Margaret Perez. 2024. *Intersectional Advocacy: Redrawing Policy Boundaries Around Gender, Race, and Class*. Cambridge University Press.

Casas, Andreu, Matt Denny, and John Wilkerson. 2020. "More Effective Than We Thought: Accounting for Legislative Hitchhikers Reveals a More Inclusive and Productive Lawmaking Process." *American Journal of Political Science* 64: 5–18.

Casas, Andreu, Matthew J. Denny, and John Wilkerson. 2018. "More Effective Than We Thought: Accounting for Legislative Hitchhikers Reveals a More Inclusive and Productive Lawmaking Process." *American Journal of Political Science* .

Clinton, Joshua D. 2006. "Representation in Congress: Constituents and Roll Calls in the 106th House." *The Journal of Politics* 68(jul): 397–409.

Coleman, John. 1999. "Unified Government, Divided Government, and Party Responsiveness." *American Political Science Review* 93(4): 821–35.

Coleman, John. 2009. "Re-Thinking Legislative Productivity: Commemorative Legislation and Policy Gridlock." *Congress and the Presidency* 36(2): 132–47.

Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley: University of California Press.

Cox, Gary W, and Mathew D McCubbins. 2005. *Setting the agenda: Responsible party government in the US House of Representatives*. Cambridge University Press.

Cox, Gary W., and William C. Terry. 2008. "Legislative Productivity in the 93d–105th Congresses." *Legislative Studies Quarterly* 33(4): 603–618.

CRS. 2020. "Introduction to the Legislative Process in the U.S. Congress." *Congressional Research Service* R42843.

DeMora, Stephanie L., Loren Collingwood, and Adriana Ninci. 2019. "The role of super interest groups in public policy diffusion." *Policy Politics* 47(4): 513 – 541.

Edwards III, George C., Andrew Barrett, and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41(2): 545–563.

Fiorina, Morris. 1992. *Divided Government*. MacMillan.

Fowler, James H. 2006. "Connecting the Congress: A Study of Cosponsorship Networks." *Political Analysis* 14(mar): 456–487.

Frantzich, Stephen. 1979. "Who Makes Our Laws? The Legislative Effectiveness of Members of the U.S. Congress." *Legislative Studies Quarterly* 4(3): 409–428.

Grant, J. Tobin, and Nathan J. Kelly. 2008. "Legislative Productivity of the U.S. Congress, 1789–2004." *Political Analysis* 16(3): 303–323.

Hamilton, Lee H. 2004. *How Congress Works and Why you Should Care*. Indiana University Press.

Harward, Brian M., and Kenneth W. Moffett. 2010. "The calculus of cosponsorship in the US Senate." *Legislative Studies Quarterly* 35(1): 117–143.

Hasecke, EB, and JD Mycoff. 2007. "Party Loyalty and Legislative Success: Are Loyal Majority Party Members More Successful in the U.S. House of Representatives?" *Political Research Quarterly* 60(4): 607–617.

Howell, William, Scott Adler, Charles Cameron, and Charles Riemann. 2000. "Divided government and the legislative productivity of Congress, 1945-94." *Legislative Studies Quarterly* pp. 285–312.

Jeydel, Alana, and Andrew J. Taylor. 2003. "Are Women Legislators Less Effective? Evidence from the U.S. House in the 103rd-105th Congress." *Political Research Quarterly* 56(1): 19–27.

Kelly, Sean. 1993. "Divided We Govern?" *Polity* 25(3): 475–84.

Kessler, Daniel, and Keith Krehbiel. 1996. "Dynamics of Cosponsorship." *American Political Science Review* 90(3): 555–566.

Koger, Gregory. 2003. "Position Taking and Cosponsorship in the U.S. House." *Legislative Studies Quarterly* 28(2): 225–246.

Krehbiel, Keith. 1991. *Information and Legislative Organization.* University of Michigan Press.

Krutz, Glen S. 2001. "Tactical maneuvering on omnibus bills in Congress." *American Journal of Political Science* pp. 210–223.

Krutz, Glen S. 2005. "Issues and Institutions: "Winnowing" in the U.S. Congress." *American Journal of Political Science* 49(2): 313–326.

Lapinski, John S. 2013. *The Substance of Representation: Congress, American Political Development, and Lawmaking.* Princeton University Press.

Lohmann, Susanne, and Sharyn O'halloran. N.d. . Forthcoming.

Maltzman, Forrest. 1995. "Meeting Competing Demands: Committee Performance in the Postreform House." *American Journal of Political Science* 39(3): 653–682.

Matthews, Donald R. 1960. *United States Senators and Their World.* University of North Carolina Press.

Mayhew, David R. 1991. *Divided We Govern.* Yale University.

Miquel, Gerard Padro I., and James M. Snyder. 2006. "Legislative Effectiveness and Legislative Careers." *Legislative Studies Quarterly* 31(3): 347–381.

Oleszek, Mark J. 2017. "Introducing a House Bill or Resolution.".
URL: *https://fas.org/sgp/crs/misc/R44001.pdf*

Oleszek, Walter J. 2019. *Congressional Procedures and the Policy Process*. CQ Press.

Olson, David M., and Cynthia T Nonidez. 1972. "Measures of legislative performance in the U.S. House of Representatives." *Midwestern Journal of Political Science* 16(2): 269–77.

Reynolds, Molly E., and Peter C. Hanson. 2023. "Just How Unorthodox? Assessing Lawmaking on Omnibus Spending Bills." *The Forum* 21(2): 213–238.

Rogers, James R. 2005. "The Impact of Divided Government on Legislative Production." *Public Choice* 123(1/2): 217–33.

Saeki, Manabu. 2009. "Gridlock in the Government of the United States: Influence of Divided Government and Veto Players." *British Journal of Political Science* 39(3): 587–607.

Shepsle, Kenneth A., and Barry R. Weingast. 1987. "The Institutional Foundations of Committee Power." *The American Political Science Review* 81(1): 85–104.

Sinclair, Barbara. 1998. *Legislators, leaders, and lawmaking: The US House of Representatives in the postreform era*. JHU Press.

Taylor, Andrew J. 2013. *Congress: A Performance Appraisal*. Westview Press.

Thomas, Scott, and Bernard Grofman. 1993. "The Effects of Congressional Rules about Bill Cosponsorship on Duplicate Bills: Changing Incentives for Credit Claiming." *Public Choice* 75(1): 93–98.

Thorson, Gregory. 1998. "Divided Government and the Passage of Partisan Legislation, 1947–1990." *Political Research Quarterly* 51(3): 751–64.

Tiefer, Charles. 1989. *Congressional Practice and Procedure: A REsearch Guide*. Greenwood.

Volden, Craig, and Alan E Wiseman. 2014. *Legislative Effectiveness in the United States Congress: The Lawmakers*. Cambridge University Press.

Wilson, Rick K., and Cheryl D. Young. 1997. "Cosponsorship in the U. S. Congress." *Legislative Studies Quarterly* 22(1): 25–43.