Amendment Politics and Agenda Setting: A Theory with Evidence from the US House of Representatives[1]

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Much recent work on legislative policy making has focused on the implications of agenda power. Yet, a critical step of the legislative process—floor amendments—has been almost entirely ignored in the most prominent theories of legislative decision making. In this paper, we fill this gap by developing a theoretical treatment of agenda setting at the amendment stage. Specifically, our theoretical approach defines the relationship between agenda setting at the amendment stage and outcomes at final passage. We test several implications using data from the US House of Representatives, and show that amendments do mitigate some of the majority party's agenda setting advantage by moderating initial proposals away from the majority party position. However, amendments do not systematically undermine the majority party's negative agenda control, as we find that amendment rolls do not increase the incidence of final passage rolls for the majority party. (*JEL* H11, C72)

1. Introduction

In legislatures, power comes in two varieties: the power to propose alternatives to the status quo and the power to accept or reject those proposals. Clearly, the power to accept or reject proposals, the power wielded by veto players, has an important impact on legislative outcomes (Krehbiel 1998; Tsebelis 2002). Likewise, the ability to propose an alternative to the status quo, the power to set the agenda, allows actors to shape the outcome of legislative action in profound ways (McKelvey 1976; Romer and Rosenthal 1978). Yet, one of the neglected lessons of McKelvey's (1976)

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seminal work on agenda power is that an agenda setter's power resides in his or her ability to make a proposal followed by a series of counter-proposals. Most frequently, counter-proposals come in the form of amendments in legislatures. In practice, amendments often encapsulate the most important and most controversial policy proposals. In spite of this centrality, however, the most prominent existing theories of legislative decision-making largely neglect this important aspect of agenda setting.

An example of the importance of amendments in the agenda setting process arose during consideration of one of the most famous legislative enactments of recent years. For several months in late-2009 and early-2010, President Obama's signature domestic policy initiative, the Affordable Health Care for America Act (H.R. 3962), was held in limbo over the issue of abortion. Pro-life Representative Bart Stupak (D-MI) offered an amendment to H.R. 3962 that generated controversy and disagreement over its potential impact on women's access to reproductive healthcare. Critics argued that the Stupak Amendment, which would have prevented individuals from using federal subsidies to buy health insurance that covered most abortions, was a cynical ploy to advance the interests of the anti-abortion movement in the context of a bill seen by congressional Democrats as "must pass".[2] The amendment's potential impact was clear: to move the underlying policy proposal represented by H.R. 3962 in a conservative direction. The amendment divided the majority Democrats, with 64 Democrats joining 176 Republicans giving the amendment enough support to pass. The majority of House Democrats opposed the amendment and they, along with their leaders, clearly suffered a loss.

Amendments like the one proposed by Bart Stupak pose a particular problem for proponents of partisan theories of agenda setting in the US Congress. Theorists who argue that the majority party sets the agenda in Congress claim that a bill should not pass if it is opposed by the majority party, a type of legislative defeat that has come to be called a *roll*. A roll is a type of legislative defeat in which an individual or coalition of individuals votes against something that nonetheless passes. In particular, Cox and McCubbins (2005) point to the majority's persistently low roll rate as evidence that the majority party wields *negative agenda control*, or "the ability to block bills from reaching a final passage vote on the floor" (20).[3] But these theories have little or nothing to say about whether and how majority advantage shows up in amendments.

The majority's advantage is evident in Figure 1, which plots the roll rate for the majority party from the 83rd to the 112th Congress. During the

2. Rep. Stupak took to the Op-Ed page of the *New York Times* to argue that his amendment did no more than apply existing law to the Affordable Care Act: "What My Amendment Won't Do." *The New York Times*, December 9, 2009.

3. This notion contrasts with that of *positive agenda control*, or "the ability to push bills through the legislative process to a final-passage vote on the floor" (Cox and McCubbins 2005: 20).

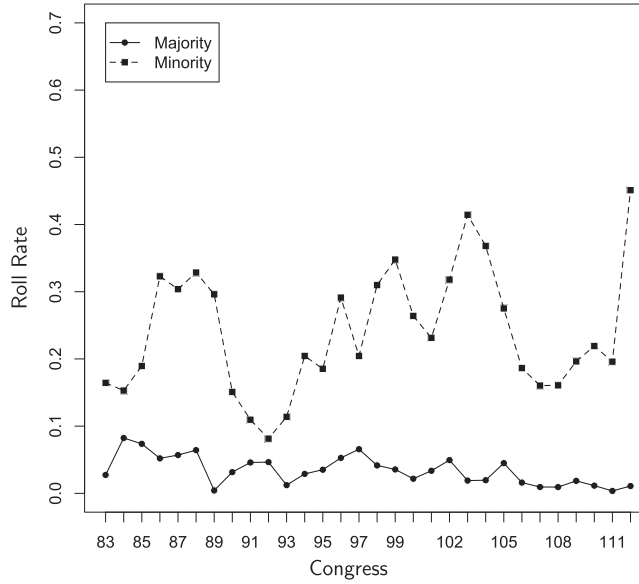

Figure 1. Roll rates for the majority and minority party on final passage votes covering the period from the 83rd congress (starting in 1953) to the 112th Congress (ending in 2013). On final passage, the majority party is rolled at exceptionally low rates. The minority party is rolled at rates that always exceed those of the majority party. Data were collected by Crespin and Rohde (2012).

entire period, the majority party's roll rate (the solid line) hovers at or near zero. The contrast with minority party's roll rate (the dotted line) is stark. During the entire period, the minority party is rolled at significantly higher rates than the majority party. However, the same analysis applied to votes on amendments reveals a very different pattern. In Figure 2, we plot the roll rates for the majority and minority parties on amendment votes. Clearly, the Stupak amendment was not an isolated incident. During the period covered by Figure 2, the majority is rolled on amendments at rates significantly higher than zero, and during certain Congresses the majority amendment roll rate even *exceeds* the minority party's roll rate.

The aftermath of the Stupak amendment sheds light on the inconsistency between the party roll rates at the amendment stage and at final passage depicted in Figures 1 and 2. The Stupak Amendment, which the Democratic leadership allowed onto the floor, made H.R. 3962 worse from the perspective of most Democrats, but they still preferred the altered H.R. 3962 to the status quo.

> The results of [the] fight, waged heavily over two days, were evident as one liberal Democrat after another denounced the health care plan because of abortion restrictions, *even though*

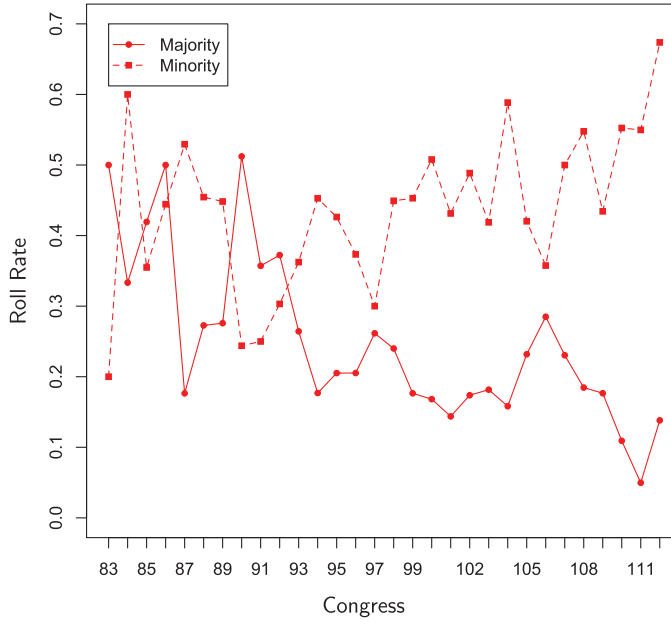

Figure 2. Roll rates for the majority and minority party on amendment votes covering the period from the 83rd Congress (starting in 1953) to the 112th Congress (ending in 2013). On amendments, the majority party is rolled more often than the majority was rolled at final passage. Data were collected by Crespin and Rohde (2012).

> *they were likely to hold their noses in the end and vote for the bill itself.*[4]

Ultimately, H.R. 3962 passed with 220 yea votes coming almost exclusively from the majority Democrats.[5] The majority party in the House can and does lose on amendment votes, even important and high-profile amendment votes. Unlike getting rolled at final passage, though, a loss on an amendment does not mean that the majority is made worse off in an absolute sense. Such a defeat *does* means the majority is worse off *than they might otherwise have been*.

Herein, we develop a spatial model of agenda setting in the House and consider the implications of negative agenda control on initial proposals and on amendments to those proposals. Our model accounts for the stylized fact that the reversion point for a bill proposal is the status quo, but the reversion point for an amendment is the proposal the amendment seeks to change. While we consider the logic of agenda setting in Congress, the model has general implications for agenda setting in any

4. David M. Herszenhorn and Jackie Calmes, Abortion Was at Heart of Wrangling, *The New York Times*, November 8, 2009.

5. Just 1 Republican supported the bill, and 39 Democrats voted against it.

situation where a counter proposal may follow an initial proposal to change the status quo. The model we develop clearly demonstrates that an agenda setter with negative agenda control may oppose amendments to an initial proposal that receive support from a majority of the House. Even so, an agenda setter wielding negative agenda control may find that the amended proposal is preferable to the status quo.

After developing a simple theory of amendments and agenda setting, we turn to the empirical implications of our model for two possible agenda setters in the House—the median voter and the majority party. In order to evaluate the efficacy of negative agenda control, we examine the rates at which individuals or groups of legislators are "rolled" on legislative votes. We find a pattern that is consistent with the supposition that, in the House, there is a partisan agenda setter who is left weakly better off by final proposals in spite of opposing amendments to an initial proposal.

While we come to the same general conclusion as Cox and McCubbins (2005)—that partisan actors wield negative agenda control by monopolizing access to the plenary agenda—several points distinguish the analysis we present in this article from theirs and others' work. Each of these points represent significant advances in our understanding of agenda setting in legislatures. First, Cox and McCubbins (2005) assume away amendments in their theoretical treatment of agenda setting and present no findings related to amending behavior in the House. Given the important role that amendments play in real-world legislative practice, omitting amendments from a model of agenda setting is potentially problematic, as scholars like Smith (2007) have suggested. We believe it is important and worthwhile to explore the theoretical implications of amendments in the context of a model of agenda setting and to substantiate that assumption empirically.

Second, the House has increasingly adopted practices that avoid amendments, but since most theories of congressional organization omit amending behavior, none can satisfactorily explain why this has happened. The existence (and increasing use) of restrictive rules in the House of Representatives suggests that the majority party and its leadership view amendments as problematic at least some of the time (Marshall 2002, 2005; Monroe and Robinson 2008; Sinclair 2011). The analysis we present here explains why party leaders might turn to procedures that limit amendments in the way that restrictive rules do.

Finally, our analysis addresses the possibility [left unresolved by Cox and McCubbins (2005)] that amendments represent a major weakness in the majority party's ability to shield policies it likes while changing those it does not. One might claim that amendments represent attempts to introduce additional dimensions into the consideration of the matter at hand, thus potentially rolling the majority party on that dimension. At the very least, amendments may cause members of the majority party to take difficult votes—which is supposedly what organizing the House under a majority party cartel is meant to avoid in the first place.

While Cox and McCubbins (2005) present a unidimensional argument (as do we), our empirical analysis allows for evaluation of this possibility, because if orthogonal issues can be introduced via amendments—and if those amendments move a proposal far enough away that it leaves the majority worse off than it would be under the status quo across all dimensions—it is possible that being rolled on amendments makes the majority party and its members more likely to be rolled at final passage. We find that amendments do not make the majority party more likely to be rolled at final passage, but amendments may prevent the majority from achieving maximum policy gains. Since our analysis shows that negative agenda control is not undermined by the effect of amendments, our findings suggest that majority party control of the agenda is perhaps even stronger than Cox and McCubbins's argument and findings imply.

2. Agenda Setting and Amendments in the House

Existing research provides insights into the effects of veto players (Hammond and Miller 1987; Tsebelis 2002); likewise, scholars have engaged in an extensive and productive debate over the identity of the actor responsible for proposing alternatives to the status quo in Congress (Krehbiel et al. 1987; Shepsle and Weingast 1987; Weingast and Marshall 1988; Krehbiel 1991; Cox and McCubbins 1993, 2005). The critical innovation in this paper is to theoretically integrate agenda setting activity that occurs *between* initial proposals and votes on final passage. Considering the effects of counter-proposals (amendments), we can understand how the agenda politics of the amendment stage ultimately affect legislative outcomes.

Current approaches typically model the agenda setter as a monolithic actor at least within his or her domain. Few theories allow for amendments to alter an agenda setter's initial proposal or consider the implications of multiple agenda setters in the same policy domain. Given that the power to make a counter-proposal may mitigate any first mover advantage, leaving amendments out of the story represents a significant omission from our current understanding of legislative politics. The US Congress provides an opportunity to examine this question. Since legislative parties are relatively weak in the USA, other actors may play a role in amendment politics. The question is how much do legislative parties give up if they yield to other actors who wish to amend initial proposals.

In our analysis, we focus on negative agenda control (or on the potential lack thereof). By taking this approach, we follow a trend in recent work on agenda control in the House where the focus has moved away from examining an actor's ability to make a proposal and push it through to enactment (positive control) and instead toward an actor's ability to block proposals he or she dislikes (negative control) (Cox and McCubbins 2005; Gailmard and Jenkins 2007; Finocchiaro and Rohde 2008; Carson et al. 2011). Negative agenda control may usefully be thought of as a weak

form of agenda setting. We say weak agenda setting because negative agenda control merely ensures that the outcome of the legislative process leaves an agenda setter no worse off than she was under the status quo. A self-interested agenda setter should, at a minimum, possess the ability to direct legislative activity away from actions that would leave her, or people who share her interests, worse off. Perhaps more intuitively, an agenda setter with negative agenda control will always be on the winning side when she supports the status quo—though an agenda setter's support for the status quo often goes unobserved since the result of negative agenda control is almost always the absence of a proposal to change the status quo in the first place.

The importance of amendments in the legislative process has not been entirely lost on legislative scholars (Krehbiel et al. 1987; Ordeshook and Schwartz 1987; Den Hartog and Monroe 2011; King et al. 2012). Scholars have identified the strategic potential of amendments (Enelow and Koehler 1980; Ordeshook and Palfrey 1988; Banks 1989; Weingast 1989; Huber 1992; Roberts and Smith 2003), noting especially their potential to "kill" legislation (Enelow 1981; Wilkerson 1999; Finocchiaro and Jenkins 2008). Yet, none of the most prominent contemporary models of legislative decision-making, most of which focus on the US Congress, including the cartel model, the pivot model, and the median voter model (Downs 1957; Krehbiel 1991; Cox and McCubbins 1993; Krehbiel 1998), allow for amending activity after an initial proposal is made. More precisely, these models side-step the strategic effects of amendments on the floor by assuming unrestricted amendment activity and sincere voting. The upshot is that proposals pitted against the status quo are always located at the floor median's ideal point. Thus, in their native forms, none of these theories can account for or explain amendment activity. Accordingly, we develop a theoretical framework in which we might better understand basic amendments and their implications for agenda setting.

We focus our analysis on one manifestation of a legislative failure, a *roll*. A roll occurs when a legislative actor prefers the status quo to some proposal and yet that proposal passes. Formally, a proposal P rolls an actor who prefers policy x when

$$(x - P)^2 > (x - q)^2,$$

$$\text{but } (F - P)^2 < (F - q)^2, \tag{1}$$

where F represents the ideal policy for the median member of a legislative assembly and q represents the status quo.[6]

6. The concept of a roll contrasts with that of a *disappointment* where the inequalities in Equation (1) are reversed. Disappointments occur when actors wish to see an alternative to the status quo pass, but a majority of the assembly votes against the proposed change. Since

Extending the analysis of rolls to amendment behavior means sailing into uncharted theoretical waters, at least in the context of the dominant spatial theories of congressional politics. Note that predicting rolls is not arbitrary; who does and does not get rolled reveals who wields negative agenda control. An agenda setter endowed with the ability to block proposals she dislikes should never allow proposals that would roll her or those that share her preferences for policy. Previous studies have considered the implications of rolls when actors choose between a proposal and the status quo (Cox and McCubbins 2005); however, previous efforts have ignored other types of votes, including votes on amendments.

Our model contributes to the theoretical discussion surrounding the identity of the agenda setter in Congress. The nonpartisan perspective posits the agenda setter as, at least in effect if not in fact, the median member of the chamber. The partisan perspective posits the agenda setter as, in effect if not in fact, the median member of the majority party caucus. Both approaches assume that the agenda setter possesses negative agenda control, though for the most part, the nonpartisan agenda setter does not need to exercise it, since bills at final passage are located at her ideal point. Observing rolls proves crucial at this point, because it allows us to assess the agenda-setting process through its implications for roll call outcomes. Should the majority party possess negative agenda control, we should not observe a majority party roll. A majority party roll occurs when the chamber adopts an alternative opposed by a majority of the majority party. Nonpartisan theories—like those that posit the ascendancy of the median voter—predict that the majority party should be rolled at a rate roughly equal to the rate at which the minority party is rolled. In contrast, partisan theories predict that the majority will not be rolled when considering an alternative to the status quo.

Crucially, amendments are not direct alternatives to the status quo. Rather, an amendment is an adjustment to or a substitute for a proposed alternative to the status quo. Should an amendment fail, a legislative assembly typically goes on to consider the unamended original proposal. Thus, the reversion point for a proposal is the status quo while the reversion point for an amendment is the bill as originally proposed. For rolls on amendments to reveal that an actor lacks negative agenda control, it must be the case; first, that an amendment rolls the actor; and second, that the resulting amended proposal must roll the actor when considered against the status quo.

2.1 Primitives of the Amendment Problem

Our model provides insights into the implications of an agenda setter M endowed with negative agenda control. We consider a chamber in which

we are interested in weak agenda setting through the use of negative agenda control, we focus exclusively on rolls.

conflict occurs along a single policy dimension, so we consider the actions of the median member of the floor F as a proxy for the actions of a majority of the chamber. We let M be the agenda setter, and without loss of generality, we assume that $M < F$ in what follows. Likewise, let q be the location of the status quo policy, P be the initial proposal to change the status quo, a be an amendment offered to that proposal, and P^* be the final proposal (amended or not) considered by the chamber.

Rolls are a function of an alternative $l \in \{P^*, a\}$ and a reversion point $v \in \{q, P\}$. An actor is rolled when he or she prefers v to l, but F (and thus the chamber) prefers l to v. We presume that legislators respond sincerely to the options presented to them. That is, a legislator supports the alternative he or she prefers most in terms of spatial utility and does not consider broader strategic concerns.[7] An actor may be rolled at the amendment stage when the chamber considers amendments a to proposals P, or at the final passage when the chamber considers final proposals P^* to the status quo q. An alternative l falls in the *roll zone* when it rolls M at the amendment stage or the final passage stage.

Definition 1. The roll zone for alternatives given reversion point v is the set

$$[2M - v, 2F - v] \quad \forall v < M$$

and

$$[v, 2F - v] \quad \forall v \in [M, F].$$

2.2 An Example

Before proceeding to a more general statement of our theory of amendments, we present an example of how the rolls are generated in situations where the agenda setter and the median member of the chamber are not the same person. Assuming that $M = F$ is consistent with partisan theories of agenda setting. The example shows that $M < F$ with negative agenda control will avoid getting rolled by P^*. By blocking final proposals that represent an absolute policy loss for herself, M also ensures that legislators that share her preferences avoid absolute policy loss.

Consider the example represented in Figure 3. In each scenario, legislators consider a moderate proposal P that falls between an agenda setter M and the median member of the floor F. In every instance, P receives the support of a majority of the chamber; however, the agenda setter only prefers P to q in Scenarios 1 and 3. An amendment rolls the agenda setter if it falls in the interval $[P, 2F - P]$, the area shaded below the line in Figure 3. Whether an amendment will cause a roll of the agenda setter at final passage is the result of the relative location of the final proposal

7. Allowing legislators to cast their votes strategically is a possible extension of the model we present here; however, we do not pursue that complication in this article.

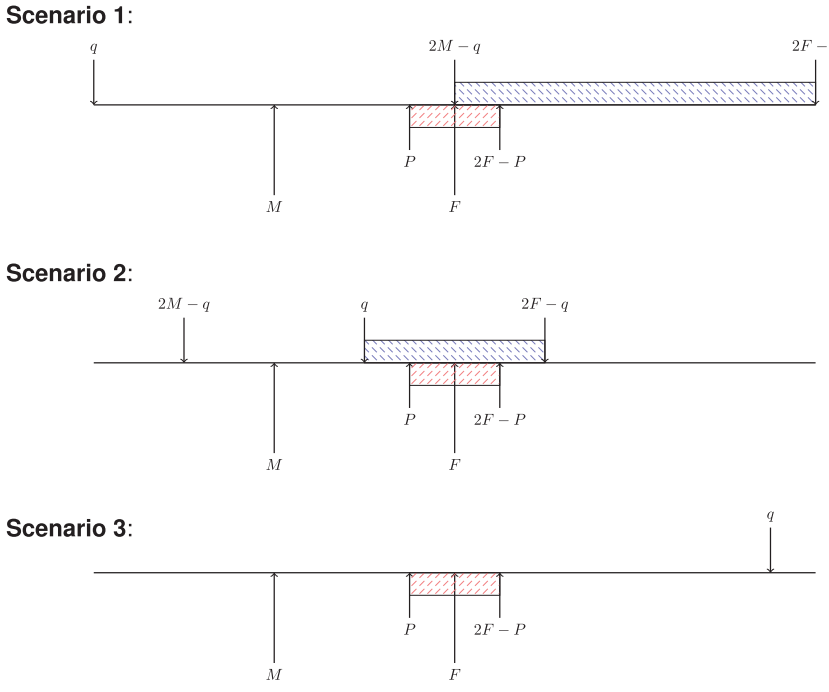

Figure 3. An illustration of the *roll zone* for various locations of the status quo q and fixed locations of M (a relatively liberal agenda setter), F (the median member of the chamber), and P (a relatively moderate initial proposal to change q). The region shaded above (below) by downward (upward) sloping lines represents the set of alternatives to q (P) that F prefers to the reversion point but that would leave M worse off than the reversion point. Conditional on the location of q, P would be an *absolute* policy improvement (Scenarios 1 and 3) or loss (Scenario 2) for M. In Scenario 1, an amendment in the space where intervals overlap represents an absolute policy loss for M, any other successful amendment would merely represent a relative policy loss compared with P. In Scenario 2, any successful amendment would compound the absolute policy loss M would have experienced had policy changed to P. In Scenario 3, there are no amendments to P that would leave M worse off in an absolute sense even if such an amendment would represent a relative policy loss compared with P.

(amended or not) and the status quo. The areas where a final proposal would roll the agenda setter at final passage are shaded above the line.

In Scenario 1, the status quo is relatively liberal. The more moderate proposal receives the support of both M and F; however, if an amendment a should fall in the region between P and $2F - P$, M would prefer P to a, but F would prefer a to P. In other words, any amendment offered to P such that $a \in [P, 2F - P]$ will roll the agenda setter at the amendment stage. In Scenario 1, the agenda setter is only rolled at final passage if the amendment falls to the right of F. In particular, if an amendment is in the interval $[2M - q, 2F - p]$ it would roll the agenda setter at both the amendment and at the final passage stages.

In Scenario 2, the status quo falls on the contract curve between M and F. Again, any amendment offered to P such that $a \in [P, 2F - P]$ will roll the agenda setter at the amendment stage. Here, the chamber median F supports any alternative to q that falls in the interval $[q, 2F - q]$ while the agenda setter M opposes any alternative in that interval. In contrast to Scenario 1, any successful amendment to P would result in a roll at final passage.

In Scenario 3, the status quo is relatively conservative. As before, there are a set of amendments to P in the interval $[P, 2F - P]$ that F supports but M opposes. Unlike the other two scenarios, none of the amendments that would roll the agenda setter would create a roll at final passage.

These scenarios illuminate the way that an agenda setter with negative agenda control might manipulate the agenda to meet her goals. If M possesses negative agenda control, we expect that she will block P in Scenario 2, but allow P to advance in Scenario 3. In Scenario 2, any proposal (and amendment) that succeeds would leave M worse off. In Scenario 3, any proposal that receives F's support will leave relatively M better off, even if an amendment alters a proposal in a way that leaves M worse off than she might have been.

Scenario 1 poses a problem for M, she prefers P to q; however, an $a \in [2M - q, 2F - P]$ would leave her worse off than sticking with q. For simplicity suppose that M can block P, but has no control over a.[8] If she believes that a problematic amendment is likely, we expect that M will block P to avoid any potential absolute policy loss. Observe that the set of possibly problematic amendments gets smaller as q becomes more extreme. If q is sufficiently extreme then $[2M - q, 2F - P] = \emptyset$, and any P leads to a P^* that represents an absolute policy gain for M.

By blocking P when it leads to an absolute policy loss for herself, M ensures that legislators with similar preferences also avoid absolute policy loss. In fact legislators with ideal points $x \in [M, F]$ experience absolute policy loss at rates equal to M. The model indicates that legislators $x \in [M, F]$ will experience absolute policy loss at rates that increase in the legislators ideological distance from M if $x < M$, or that increase in the ideological distance from F if $x > F$. If M belongs to the majority party, then most legislators in the interval $[M, F]$ will also belong to the majority party. Thus by assuming that $M = F$, we would expect a bloc of mostly majority party members between M and F to experience absolute policy loss at rates equal to M's rate of absolute policy loss.[9]

Now suppose we alter the assumption that $M = F$, and presume that F was the agenda setter. Assuming that $F = M$ is consistent with the notion that no party has an advantage in setting the agenda. If this is the case then

8. This is akin to allowing the proposal P to come to the floor under an open rule.

9. There have been periods during which minority party members with policy preferences between M and F were somewhat common, but in the contemporary House these instances are exceedingly rare if not nonexistent.

the interval $[M, F]$ collapses to M's ideal point, and the rates of absolute policy loss will increase in the ideological distance between x and $M = F$. In short, assigning negative agenda control to F results in a prediction that no block of party members from either party will be rolled at rates equal to M.

2.3 A General Model of Amendment Rolls

Figure 4 graphs the roll zones for all possible values of v when $M < F$. When $v \in [M, F]$, the roll zone extends from v to $2F - v$ on either side of F. For $v < M$, the roll zone extends from $2M - v$ to $2F - v$ and shifts rightward as v becomes increasingly extreme. Figure 4 also includes an example of a reversion point, q, and its corresponding roll zone. The area under the rectangle filled with upward sloping lines corresponds to the roll zone induced by the reversion point q.

Suppose P represents an initial proposal and q represents the status quo. Any amendment that falls in the area where two roll zones induced by P and q overlap will roll M at the amendment stage and result in a final proposal P^* that rolls M at the final passage stage. Hence, for legislative actor M, a roll on an amendment leads to a roll at final passage if the amendment falls in the (possibly empty) intersection of the roll zone associated with P and the roll zone associated with q.

Note that the intersection of the roll zones associated with q and P is always empty when either reversion point falls on the opposite side of F relative to M. To understand why, suppose that $M < F < v$ and consider two possibilities. Observe that a roll occurs if and only if two conditions are met, M and F disagree and F prefers l to v. First, suppose $l > F$, so either M and F both prefer l to v, or both prefer v to l. Second, suppose $l < F$, either M and F both prefer l to v or M prefers l to v and F prefers v to l. Since F prefers v to l in the only instance that M and F could disagree, the roll zone must be empty when $M < F < v$. We restate this insight as Lemma 1.

Lemma 1. If F falls between M and the reversion point v, there is no alternative to the reversion point that will roll M.

Lemma 1 indicates a particular pattern associated with the agenda setter's power. An alternative may only roll the agenda setter if the reversion point and M fall to the same side of F. It is possible that P has this characteristic, but q does not. Should this prove to be the case, an amendment may roll M, but the final proposal P^* may still represent an improvement on the status quo for M. On the other hand, if $q < F$ and $M < F$, then it is possible that a and P^* may roll M, but not every status quo that falls on the same side of F as M rolls the agenda setter. If q is extreme enough and P possesses certain properties, M with negative agenda control will allow proposals to move forward.

Suppose M prefers P to q. An amendment a only reveals a weakness in M's negative agenda control if it successfully alters the initial proposal P

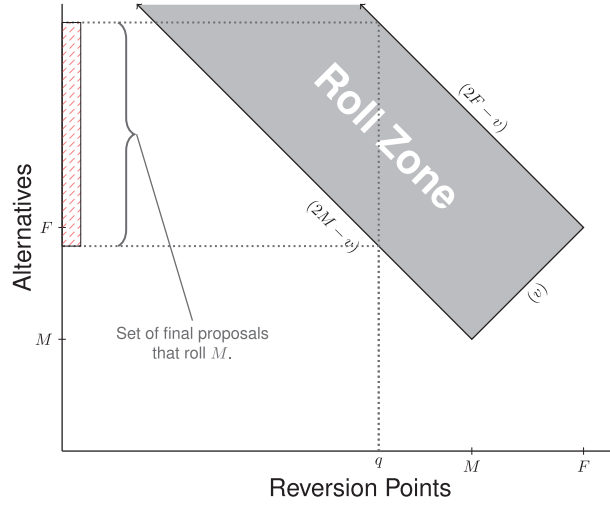

Figure 4. The "roll zone" is a function of the location of the reversion point considered by the chamber. If $M < F$, the lower boundary of the roll zone will be located at $2M - v$ and the upper boundary will be at $2F - v$ for reversion point at v. The figure provides an example roll zone for a status quo at q. Any final proposal that falls in the the region of the y-axis under the box filled with upward sloping lines would roll M at final passage.

in such a way that M ultimately prefers q to the amended proposal P^*. This would be true for any proposal to change $q \in [M, F]$. For $q < M$, a roll on an amendment induces a roll at final passage if an $a \in [2F - P, 2M - q]$. If $2M - q > 2F - P$, then $[2F - P, 2M - q] = \emptyset$, so there is no amendment that could roll M and induce a roll on a vote for P^*. Thus, if $q < P - 2(F - M)$, there is no scenario in which a and P^* both roll M. We state this relationship formally in Lemma 2.

Lemma 2. If $q < P - 2(F - M)$, there is no scenario in which M is rolled at the amendment stage and at final passage.

Considered together, Lemmas 1 and 2 indicate a set of policies that an agenda setter with negative agenda control would seek to protect. We call this set, $[P - 2(F - M), F]$, the *block out zone*. Action on any q in that interval introduces the possibility that another actor could propose an amendment that would roll M at the amendment stage and lead to P^* that F prefers but M dislikes compared with q. Theorem 1 formalizes this insight.

Theorem 1. For any $q \in [P - 2(F - M), F]$, $\exists\, P$ and a s.t. M is rolled at the amendment stage and at the final passage stage.

To this point, we have assumed that an agenda setter possesses the ability to block, but not propose, alternatives to the status quo. If we assume that M wields negative agenda control, Theorem 1 indicates she will block proposals to change any status quo that falls in the block zone. Application of negative agenda control in this way ensures that any P^*

considered by the chamber would leave the agenda setter no worse off than she was under q. Theorem 1 does not preclude the possibility that F prefers a to P while M prefers P to a (the condition for a roll at the amendment stage), it simply means that M and F will agree on P^* that changes a q that falls outside of the block out zone. Given Theorem 1 and our assumption about negative agenda control, we propose the following:

Proposition 1. If an actor possesses negative agenda control, being rolled at the amendment stage will not increase his or her likelihood of being rolled at final passage.

The contrapositive of this statement must also be true.

Proposition 2. If being rolled at the amendment stage increases an actor's likelihood of being rolled at final passage, he or she lacks negative agenda control.

Propositions 1 and 2 provide a useful distinction between theories that make claims about the identities of agenda setters in legislatures—if a legislator is rolled at the amendment and final passage stage, that legislator lacks negative agenda control.

We can apply this insight to an important controversy that persists in the literature on agenda setting in the US Congress. Some scholars claim that agenda setting powers reside with the majority party while others claim that agenda setting powers ultimately fall to the median member of a legislative chamber. If the majority party exercises effective negative agenda control, we should observe that members of the majority avoid being rolled on amendments and at final passage on the same legislation. But if instead the median member controls the agenda, then the majority party should possess no observable special advantage in avoiding rolls on amendments and/or final passage.[10]

3. Applying the Model to the House

We have provided a theoretical framework that explains the use of negative agenda control in a legislature that permits amendments. We acknowledge that the theory of amendments we propose has many implications for amendment behavior in legislatures; however, we focus our empirical evaluation on the model's implications for negative agenda control in the

10. We do not assume that the majority party sponsors bills nor do we assume that amendments always moderate initial proposals to change the status quo. We assume that an agenda setter drawn from the majority party wields negative agenda power; however, the model makes no assumption about who might offer the initial proposal to change the status quo. Likewise, we make no assumptions about who offers amendments to the status quo. On the other hand, the model makes it clear that for an amendment to succeed, it must necessarily be more moderate than the initial proposal. To be clear though, this is not an assumption of the model, rather the moderating effect of amendments arises out of the fact that for any amendment to succeed, it must win the support of the median voter. Thus, the prediction that successful amendments are always moderating ones is endogenous to the setup we adopt.

US House of Representatives. As we map our theory onto the case of the House, it becomes necessary to make a slight restatement of our theory (more particularly, Propositions 1 and 2) in probabilistic terms. In particular, we show how our model distinguishes between patterns of rolls on amendments predicted by models of partisan and non-partisan (or median legislator) agenda setting. Next, we provide a description of the data we use to evaluate our claims. Our analysis utilizes *compound roll rates*, the frequency with which legislators are rolled at both the amendment and final passage stages of the legislative process. Finally, we present the estimates of an econometric model that allows us to reject the possibility that only the median member of the House exercises negative agenda control.

3.1 Compound Roll Rate Hypotheses

According to Propositions 1 and 2, an agenda setter should be able to anticipate and avoid scenarios in which amendments might alter a proposal in such a way that the final proposal rolls the agenda setter. Proposition 2 implies that an actor rolled at both the amendment stage and at final passage lacks negative agenda control. We call the scenario in which an actor is rolled at both the amendment stage and at final passage a *compound roll*. In probabilistic terms, Proposition 1 implies that the likelihood that an agenda setter experiences a compound roll should be lower than the likelihood that those who do not share the agenda setter's preferences experience a compound roll. An agenda setter with negative agenda control minimizes the likelihood of a compound roll by limiting legislative action to the set of status quos that fall outside of the block out zone.

If we assume that legislators have heterogeneous preferences, as they do in the House, we expect that the benefits of negative agenda control should extend to legislators that have preferences similar to those of the agenda setter. Legislators with preferences that differ from the agenda setter should not benefit from the agenda setter's negative agenda control. Thus, the likelihood that a member of the House experiences a compound roll illuminates the identity of the agenda setter. More particularly, if the agenda setter is a member of the majority party, a compound roll will be less likely for the majority party than for other members of the chamber. Therefore, a legislator's likelihood of being rolled should change as his or her party transitions into (or out of) the majority. Following this logic, we restate this prediction that follows from Proposition 2 as the following hypothesis.

Hypothesis 1. If the agenda setter is drawn from the majority and possesses negative agenda control, then a legislator's compound roll rate should decrease when his or her party gains the majority, ceteris paribus.

Hypothesis 1 suggests that the effects of negative agenda control should vary with the status of a legislator's party. Specifically, compound roll rates should decrease when a legislator's party assumes the majority. We may conclude that Hypothesis 1 is false if there is no change to a

legislators roll rate when his or her party transitions from majority to minority or vice versa.

A similar logic allows us to make predictions about party-level effects of negative agenda control. Since the benefits of negative agenda control extend to members of the agenda setter's party, Proposition 2 also implies that compound roll rates among members of the majority should be lower than the compound roll rates for members of the minority. Party-level predictions are related to Hypothesis 1, but constitute a distinct prediction, so we state this related implication as follows.

Hypothesis 2 If the agenda setter is drawn from the majority and possesses negative agenda control, then members of the majority party should experience compound rolls less frequently than members of the minority party, ceteris paribus.

Hypothesis 2 predicts that members of the majority and minority party exhibit different propensities to compound rolls. Members of the majority party benefit from their association to the agenda setter and will tend to get rolled on amendments and final passage less often than members of the minority party. We could reject Hypothesis 2 if there is no difference in likelihood of a compound roll among members of the majority and minority parties.

Finally, our model implies that the benefits of belonging to the same party as the agenda setter are not shared equally be all members of the majority party. In particular, legislators that fall between M, the agenda setter, and F, the chamber median, will experience a compound roll with the same probability as the agenda setter. To understand why, presume that there exists a legislator with preferences $k \in [M, F]$. By definition, F cannot be subjected to a compound roll. By Proposition 2, we expect M to avoid compound rolls. If M avoids a compound roll, k must also avoid a compound roll because $k \in [M, F]$ can fall no further from F than M. Importantly, the probability of a compound roll should be positive for any legislator with preferences $j \in [M, F]$. Even so, legislators that have preferences that fall outside of $[M, F]$ but still close to one boundary or the other of the interval should be rolled relatively infrequently. Perhaps more intuitively, legislators with preferences that are similar to M or F should behave like M or F. By contrast, legislator with preferences outside and further away from the $[M, F]$ interval should frequently find themselves at odds with M and F. Thus, our model suggests that the likelihood of a compound roll should be positive and increasing in the distance between j and the boundary of $[M, F]$. Conversely, we may conclude that our model is incorrect if the likelihood of experiencing a compound roll is not conditional on a legislator's distance from the interval that extends from the agenda setter to the chamber median. We summarize the prediction that follows from our model in the following way.

Hypothesis 3 If the agenda setter possesses negative agenda control, the likelihood that a legislator experiences a compound roll should increase in

the distance the legislator falls from the interval created by the agenda setter and the chamber median, ceteris paribus.

While this last prediction focuses on the preferences of individual legislators, it has implications for our hypotheses related more directly to majority party influence. Implicit to Hypothesis 3 is a prediction that the likelihood of a compound roll is lowest for legislators that fall in the closed interval between the agenda setter and the chamber median. Since we have assumed that the agenda setter belongs to the majority party, it follows that the set of legislators least likely to be subjected to a compound roll should be concentrated in the majority party (Hypothesis 2). Likewise, for legislators outside of the [M, F] interval, members of the majority party should be closer, on average to M or F than members of the minority party leading to a lower likelihood that members of the majority party experience a compound roll (again, Hypothesis 2). Of course, if a legislator's party gains the majority, the legislator will find himself or herself closer (or inside) the interval created by M and F leading to a decrease in the likelihood that legislator experiences a compound roll (Hypothesis 1).

3.2 Compound Roll Rate Data

The data we analyze extends from the 98th Congress (beginning in 1983) and extends to the 112th Congress (ending in 2013). We selected this period because it allows us to observe legislators in roughly the same number periods before and after the so-called "Republican Revolution" in the House of Representatives that occured when Republicans assumed the majority at the beginning of the 104th Congress (beginning in 1995). The extended time series permits us to examine legislators under conditions that make them vulnerable to compound rolls and the same legislators under conditions that should protect them from compound rolls. For each Member of the House in each Congress, we measure a compound roll rate, the frequency with which a legislator is rolled on the final passage of a bill and by an amendment to that bill. To derive a legislator's compound roll rate, we evaluate votes cast at two points in the process of passing a bill.

First, we determine if an individual was rolled at the amendment stage. A legislator is rolled if he or she opposes an action that a majority of the House supports. Likewise, we determine if an individual was rolled at final passage. A compound roll occurs when an individual is rolled on any amendment and at the final passage of the bill.[11] We calculate the

11. Alternative methods exist for measuring compound rolls. For example, we refrain from weighting compound rolls by the number of amendments to a particular bill the House considers. Under our method, instances where a legislator is rolled on one out of n amendments and at final passage are equivalent to instances where a legislator is rolled on the only amendment offered and at final passage. Our method has the advantage of requiring us to make fewer assumptions about the quality of amendments. Undoubtedly, some amendments make trivial changes to bills while others change proposals in significant ways, but our theory is silent about how we might distinguish between those amendments ex ante.

compound roll rate by dividing the number of times a legislator experienced a compound roll in a Congress by the total number of bills on which there was a roll call vote on at least one amendment and on final passage of a given bill.[12] The result is a measure of the frequency with which a legislator was rolled on both an amendment and at final passage in a given Congress.

In order to evaluate Hypotheses 1 and 2, we assign legislators to a majority category or minority category depending on the status of their party during a particular Congress.[13] In the period we analyze, Democrats controlled the House from the 98th to the 103rd Congresses and again during the 110th and 111th. Republicans controlled the House from the 104th Congress to the 109th and again during the 112th Congress. During the period in which a legislator's party controlled the majority in the House, we code his or her party status as 1, otherwise, we code his or her party status as 0. We call this variable *Majority*.

Our model predicts that legislators are susceptible to compound rolls conditional on their location relative to the interval created by the agenda setter and the median member of the chamber. We use first dimension DW-NOMINATE scores as a measure of legislators' spatial preferences (Poole and Rosenthal 2000). For each Congress, we take the legislator with the median DW-NOMINATE score as the floor median F. We take the median member of the majority party as the agenda setter M. We set distance to zero for legislator's with DW-NOMINATE scores that fall between the majority party median and the floor median's DW-NOMINATE scores. For all other legislators, we set distance whichever value is smaller between the absolute value of the difference between the legislator's DW-NOMINATE score and the party median's DW-NOMINATE score or the absolute value of the difference between the legislator's DW-NOMINATE score and the floor median's DW-NOMINATE score. We call the resulting variable *Distance*.

By adopting this approach, we assume that any amendment has the potential to make fundamental changes to final proposals. Likewise, our measurement strategy makes the compound roll rates of all legislators more similar than they might be if we had adopted another approach. Thus, any difference we estimate is a more conservative estimate than we would expect if our measure was more sensitive to differences in types of amendments.

12. An appropriate analogy is to that of a batting average in baseball. We measure the frequency with which a legislator was rolled given the opportunity of getting rolled and exclude bills on which the House considered no amendments. Alternatively, we could measure an "on base percentage" that would include all bills in the denominator regardless of whether an amendment was offered. The findings reported in this article do not change in terms or substance or statistical significance if we measure rolls in this different way, so we limit our discussion to the batting average version of our measure of compound rolls.

13. Two legislators were elected to Congress as independents during this period. Bernie Sanders of was elected as a Democratic Socialist but caucused as a Democrat. Virgil Goode switched was elected as an independent but caucused with Republicans. In both instances, we assigned legislators the status of the party with which he caucused.

3.3 Tests

Our model leads us to expect compound roll rates to be relatively lower among the majority party (and higher among members of the minority party). If our hypothesis is wrong, we would observe no difference in roll rates among legislators that belong to the majority party and legislators that belong to the minority party. Figure 5 graphs the compound roll rates for every member of the House of Representatives in the 109th and 110th Congress by their DW-NOMINATE score. Democrats served in the minority during the 109th Congress, but assumed the majority following the 2006 mid-term elections. During the 109th Congress the minority Democrats had significantly higher roll rates than their counterparts among the majority Republicans. More significantly, the compound roll rate for Democrats serving in the minority during the 109th Congress was significantly higher than the roll rate for Democrats serving in the majority during 110th Congress. The same pattern holds in reverse for Republicans that transitioned from majority to minority party following the 2006 elections. The patterns in compound roll rates during these two Congresses are consistent with our model's predictions.

The pattern we observe during the 109th and 110th Congresses exists across the multiple Congresses that we observe. Hypothesis 1 predicts that an individual's compound roll rate will drop when his or her party assumes the majority in the House. To evaluate the effect of belonging to the majority on an individual legislator's compound roll rate, we estimate legislator roll rates across the 15 Congresses between 1983 and 2013 using a regression model with legislator-fixed effects. A legislator-fixed effect approach allows us to test whether a legislator's roll rate changes when the posited identity (partisanship) of the agenda setter changes, holding all else constant.

Table 1 summarizes our empirical findings. Recall that Hypothesis 1 predicted that an individual's compound roll rate should decrease during periods in which the agenda setter belongs to his or her party. Model 1.1 fixes the effect by legislator and identifies a legislator-level effect that is consistent with that expectation. The model indicates that a member of the minority party can expect his or her compound roll rate to decrease by 8% if his or her party assumes the majority.

Hypothesis 2 predicts differences in roll rates for members of the majority and minority party. To evaluate the differences in roll rates between the majority and minority, we estimate legislator roll rates across the 15 Congresses between 1983 and 2013 using a regression model with Congress-fixed effects in Model 1.2. A legislator-fixed effect approach allows us to test whether a legislator's roll rate changes when the posited identity (partisanship) of the agenda setter changes, holding all else constant. We find that members of the majority party exhibit compound roll rates that are 3% lower on average than members of the minority party.

Models 1.3 and 1.4 in Table 1 present estimates of compound roll rates conditional on legislators' distances from the interval created by the floor

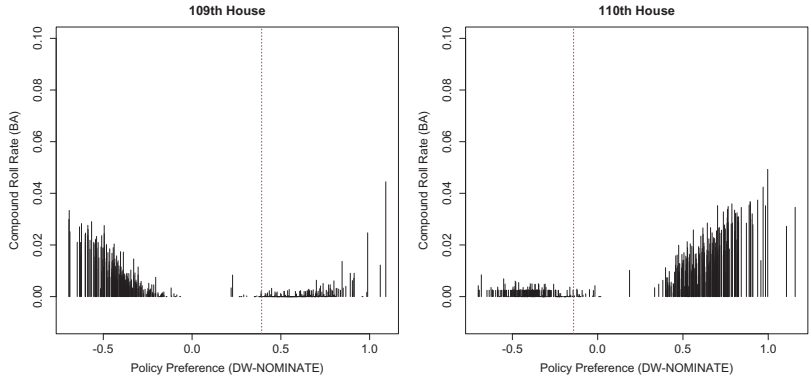

Figure 5. Compound roll rates for members of the House in the 109th and 110th Congresses by policy preferences measured by Poole and Rosenthal's DW-NOMINATE scores. The vertical dotted line represents the median DW-NOMINATE score for that congress. If the agenda setter belongs to the majority party, members of her party should have lower compound roll rates on average. The contrast in compound roll rates between periods when Republicans (the 109th Congress) and when Democrats (the 110th Congress) enjoyed majority status is consistent with the model of negative agenda control we propose.

Table 1. OLS Estimates of Legislator Roll Rates Conditional on the Majority or Minority Status of a Legislator's Party (Models 1.1 and 1.2)

	Model 1.1	Model 1.2	Model 1.3	Model 1.4
Majority	−0.080***	−0.076***	−0.020*	−0.020*
	(0.002)	(0.011)	(0.009)	(0.010)
Distance			0.103***	0.104***
			(0.027)	(0.028)
Majority × distance			−0.000	−0.004
			(0.030)	(0.034)
Margin				0.000
				(0.000)
Legislator-fixed effects	Yes	No	No	No
Congress-fixed effects	No	Yes	Yes	Yes
R^2	0.37	0.45	0.52	0.52
Number of observation	6601	6601	6601	5543

Notes: Party status and the legislator's distance from the interval between the median member of the chamber and the median member of the legislator's party (Model 1.3); and party status, distance, and a series of additional control variables (Model 1.4). All models are estimated with either legislator-fixed effects or Congress-fixed effects. Heteroskedasticity robust standard errors are clustered by legislator (Model 1.1) or Congress (Models 1.2, 1.3, and 1.4) and reported in parentheses. Individual roll rate data are derived from roll call data reported by Poole (2016) and Crespin and Rohde (2012); distance is the absolute value of the difference between a legislator's DW-NOMINATE score and the boundary of the interval created by the agenda setter and the chamber median's DW-NOMINATE scores (Poole and Rosenthal 2000); data on legislators' margin of victory were generously provided by Jacobson and Carson (2015).

***p<0.001, **p<0.01, *p<0.05.

median and the agenda setter. As with Model 1.2, these models include Congress-fixed effects.[14] In both models, as distance increases, legislator's compound roll rates likewise increase. That is, legislators who fall further away from the interval created by the floor median and the agenda setter are more likely to get rolled than legislators that are closer to that interval. To make the estimated effect reported in Model 1.3 more concrete, consider the difference between a legislator that is 0.1 units away from the agenda setter (a reasonable location for a member of the majority party) to a legislator that is 1 unit away from the agenda setter (a reasonable distance for a member of a the minority party). The model predicts that former legislator will have a compound roll rate 9% lower than the compound roll rate of the latter.

Models 1.3 and 1.4 include an interaction between our *Majority* and *Distance* variables. We include these estimates in order to evaluate the possibility that the effect of *Distance* is conditioned on the status of a legislator's party. In both models, the coefficient associated with the interaction fails to achieve statistical significance. These estimates allow us to conclude that the effect of a legislator's distance is no different for members of the majority than it is for members of the minority party.

While belonging to the majority has a statistically significant and negative effect on legislators' compound roll rates in Models 1.3 and 1.4, the estimated effect of belonging to the majority is somewhat attenuated relative to the estimated effect of belonging to the majority in Model 1.2. The difference is a natural consequence of the partisanship of those legislators who fall in the interval created by the floor median F and the agenda setter (the party median in these estimates) M. During the period we include in the study, the ideologies of congressional parties do not overlap—there is little evidence that the most liberal member of the Republican party was more liberal than the most conservative member of the Democratic party. If parties' membership do not overlap, every legislator between the F and M belongs to the majority and exhibit compound roll rates at or near the minimum for any particular Congress. Thus, a proper reading of the effect of belonging to the majority must be understood in light of the fact that, compared with members of the majority, the legislators in the minority party fall further from the interval created by F and M on average.

14. Secular trends of increasing polarization and decreasing compound roll rates introduce the possibility that legislators-fixed effects will produce biased estimates of the effects of Distance on compound roll rates. Likewise, conventional wisdom suggests that heterogeneity in ideal point estimates across Congresses may lead to biased estimates. Thus, we opt to fix effect by Congress in models that incorporate measures of legislator preferences which will absorb the heterogeneity produced by increased polarization over time and any systematic differences in NOMINATE estimates of legislator ideal points between Congresses.

4. Conclusion

For all that amendments and counter-proposals have been central to many of the foundational theories of voting (cycling, heresthetics, and organizational responses thereto), most applications of the insights of these theories to real-world legislative contexts, and to the US Congress in particular, have assumed away amending activity. And while our findings do not undermine what we thought we knew about partisan agenda politics in the US House, there is a difference between thinking we know something and actually knowing it. Assumptions are not findings, nor are they really arguments—they are only components of arguments. Indeed, important assumptions in works that change the scholarly conversation often do (and should!) invite further consideration, whether it be empirical, theoretical, or (ideally) both.

To wit, this paper makes a number of important contributions to the literature on agenda setting. First, it takes amendment politics seriously in ways that the prominent contemporary theories of congressional organization do not. Indeed, all of the most well-known spatial models of the Congress (cartel, pivot, and median voter) implicitly assume that bills arrive on the floor at their final, un-amendable location (usually the floor median's ideal point).

For example, the pivot model's formulation is "tantamount to assuming that the legislature decides under an open rule" (Krehbiel 1998: 25), but in effect assumes that the bill that is brought to the floor is un-amendable because it is a "strategic proposal" made optimal by the complete information and rational expectations assumptions of the game. Similarly, the cartel model explicitly assumes an open rule (Cox and McCubbins 2005: 39), but does not characterize the nature or direction of amendment activity beyond specifying that the final result will be a bill at the floor median's ideal point. Our theory shows how and under what conditions an amendment can make the difference between a winner and a loser in the presence of an agenda setter who screens legislation (and thus the status quos targeted for change) but does not necessarily screen amendments.

Second, the paper makes empirical contributions, showing how we might identify the "harm" that amendments *may* cause to individual legislators when they are rolled, and how we can infer the policy effect of amendment rolls. Amendments *do* moderate initial proposals, and tend to do so at the expense of majority party members (or members with similar policy interests to the purported partisan agenda setter, to be more precise). In contrast, amendments do not seem to harm these same members when final passage outcomes are compared with the status quo. This is precisely what our theory is built to explain. Our argument and findings show that amendments can and should be integrated into a fuller understanding of party advantage. While party influence can be complicated, we have shown that amendment politics do not raise serious questions about majority party agenda control in the House.

Most broadly, the paper encourages us to think about what we mean by the term *power* in the legislative arena, and what the exercise of power means for the policy that the public gets from its representatives. While amendments can and do moderate policy outcomes in the House, they do not seem to undermine the ability of the agenda setter to target the status quos she dislikes and protect the status quo that she prefers. Said a different way, the *relative* policy loss that can be caused by amendments does not mean that the agenda setter suffers *absolute* policy loss, nor that she cannot still create absolute policy loss for her rivals.

Elections are the means by which we choose our legislative agenda setters, and despite the undeniable ability of amendments to moderate policy, amendment politics certainly do not undermine the central place of the agenda setter in our theories nor do they lead us to question the notion that the partisan character of election results is reflected in the organizational character and the policy output of legislating bodies like the House of Representatives.

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