

Research Note: Motions to Instruct Conferees as a Majoritarian Tool in the U.S. House

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Abstract

The extent to which the policymaking process is majoritarian, rather than controlled by the majority party, is a fundamental question in U.S. congressional politics, and in collective choice institutions broadly. Previous research has examined whether some House rules empower the minority party to amend legislation and circumvent the majority party's agenda power. I argue the motion to instruct conferees is a procedure that allows the minority to influence policy during the conference process. Motions to instruct are the prerogative of the minority party, are frequently offered, and are frequently passed by the chamber. They substantially moderate conference bills as compared to those bills without a motion to instruct, suggesting that the procedure weakens majority party agenda power.

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The extent to which seemingly majoritarian institutions produce non-majoritarian policy outcomes is a central question in legislative studies. In the U.S. House, the rules require only a simple majority of the chamber for passage, but the rules also seem to empower the majority party to prevent legislative alternatives to its own policy from reaching the floor. Skeptics of party agenda control claim majoritarian or decisive coalitions are able to produce the centrist policies they prefer.

The extant literature examines procedures, such as the discharge process or the motion to recommit, which may allow the minority party to force policy alternatives onto the agenda, thereby circumventing or weakening majority party agenda control. Similarly, I argue the motion to instruct conferees empowers the minority party to propose alternative policy.

I show that motions to instruct are most likely to be offered when legislation is extreme, that they are most likely to pass when legislation is extreme, and that conference bills with a successful motion to instruct are more moderate as compared to all other conference bills. While motions to instruct do not allow the minority to directly amend policy, they do offer an indirect form of policy influence that is real and substantial.

Majority Party Procedural Advantages in the House

Parties may use the House's institutional rules and procedures to pull policy outcomes toward their own preferences and away from the median (who enforces majoritarian outcomes), to produce non-majoritarian outcomes, despite the chamber's final passage voting rule. Cartel theory argues that the majority party seeks legislative wins to secure collective electoral benefits (Cox and McCubbins 2005), and uses standing committees and the Rules Committee to block potentially damaging bills from reaching the floor. Conditional party government theory argues that the extent to which the party controls the agenda varies based on the strength of party cohesion; when majority party members have homogeneous and distinct preferences from the other party, they increasingly delegate to the leadership's agenda control and seek more partisan (i.e., extreme) policy outcomes (Aldrich 1995; Rohde 1991).

If parties successfully control the agenda, policies passed by the chamber could be defeated by an alternative policy if the alternative was allowed onto the agenda. The House is majoritarian if for all pairwise comparisons of policies x and y in which x is preferred by a coalition of at least 218 members,

that coalition can obtain a floor vote on policy x (Krehbiel 1991; Patty 2007).¹

If the majority party is not able to offer a take-it-or-leave-it option to the chamber and the minority's proposal must be considered (policy x), policy outcomes are the result of a choice between the majority party's proposal, the minority party's proposal, and the status quo, rather than between only the majority party's proposal and the status quo. Policies closer to the median proposed by the minority party produce better policy outcomes for (most) minority party members (and some majority party members, see Jenkins and Monroe 2012), and limit legislative extremity.

Attempts to determine the extent of majority party agenda control have examined whether certain rules and procedures, such as the discharge process or the motion to recommit, allow the minority party to offer alternative legislative proposals (Crombez, Groseclose and Krehbiel 2006). Evidence that the minority is able to produce majoritarian outcomes is weak (see Pearson and Schickler 2009 on the discharge petition, and Roberts 2005 on the motion to recommit.)

Motions to Instruct Conferees in the House

The number of conference committees has declined in recent years for many reasons, and the choice to use a conference committee is outside the purview of this research. But, the House and Senate seem to prefer a conference when possible, as alternatives use floor time and offer other opportunities for minority party influence (Ryan 2018). In 2013, the Senate simplified its procedures to initiate a conference in the hopes that it would reduce minority party obstruction. Whether it has done so is an open question though conference committees have recently met on large authorization bills (e.g., the 2020 Defense authorization), and on a number of appropriations bills (e.g., a consolidated appropriations bill in 2019, and additional agency appropriations bills).

Motions to instruct the conferees can be made as the House clears the procedural hurdles to begin a conference with the Senate: "...after the House decides to go to conference but before the Speaker appoints the House conferees—a motion to instruct the conferees is in order" (Rybicki 2018, 1). They can also be made after certain time limits are met once the House has appointed conferees, and when a conference report is recommitted, though these situations are rare. The instructions request either that the conferees accede to a provision in the Senate-passed bill, insist on a House passed provision, or reach a compromise with the Senate that meets certain requirements. "Under well-established House

¹ As noted by Patty (2007), defining majoritarian control when some members do not vote is not substantively meaningful.

precedents, *recognition to propose this motion to instruct is a prerogative of the minority party*,” (emphasis original, Rybicki (2018, 2).

Motions to instruct have been seen largely as position-taking mechanisms because the instructions conveyed by the House are not binding (Park, Smith and Vander Wielen 2017). That is, a point of order cannot be sustained if the conferees fail to follow the instructions (Rybicki 2018). Yet, their non-enforceability does not mean they will be ignored. A successful motion conveys a clear preference of a majority of members and ignoring it might increase the risk that the conference report is rejected or recommitted by the chamber. Further, the Senate conferees observe the motions, and that may change the bargaining process, especially if it requires the House to accede to a Senate provision. If conferees change the bill in accordance with the instructions, the motion effectively allows a chamber majority to support an alternative, majoritarian legislative proposal.

When Are Motions to Instruct Offered and Passed in the House?

The theory here seeks to answer three questions: first, when are motions to instruct offered; second, when are they successful; and third, what is the effect of a successful motion?

Motions to instruct are offered selectively (on about 15% of conference bills), suggesting that they are neither trivial nor costless.² If the costs of offering a motion are zero, one would be offered on every conference bill, even if the minority knew majority support for it did not exist. Thus, motions to instruct will be offered if the minority party believes an alternative policy exists that can defeat the majority party proposal, and the policy change effected by the motion is substantial enough to justify offering the motion. If a motion to instruct is not offered, it suggests that the minority believes there is no alternative which can defeat the current proposal, or the costs of offering are not outweighed by the benefits from policy change, (i.e., the amount of policy change to the majority party proposal is small, if costs are low.)

The data show that when offered, the motions fail about 36% of the time. If the minority has incomplete information about whether their alternative policy (contained in the motion) can defeat the majority party’s proposal, failure occurs when the minority party *believes* its proposal will be preferred by a majority coalition, but it is not. By definition, the minority party must also attract some members of the majority party for the motion to pass, and knowledge of their preferences is likely to be lower

²Costs may come from reputation effects, effort required to defend the motion to instruct, using scarce capital with both in- and out-party members, or other sources.

than of minority party members' preferences. As a result, a motion fails when the minority party is unable to find the correct alternative policy that in addition to being preferred by members of the minority, is also preferred by a sufficient number of majority party members. Despite some uncertainty about the preferences of majority party members, the minority is expected to be relatively successful at finding policies that moderate the majority party's proposal. Situations in which a motion is proposed but defeated should be rare, and these motions should fail only narrowly.

To summarize, motions to instruct will be offered when the minority party believes there is a moderating amendment that can defeat the current proposal, and the change effected will be meaningful. They will pass when the minority party correctly gauges support for their proposal, which also requires some support from the majority party. Finally, I expect the legislative effect of a successful motion will be to moderate the bill.

Empirical Predictions

As both partisan and majoritarian theories claim, as a policy becomes more extreme (i.e., moves toward the preferences of the majority party median), fewer members will prefer the proposed policy to the status quo.³ Further, as the policy becomes more extreme, a larger set of moderate members (of both parties), prefers an alternative policy, and the policy change made by the alternative becomes more substantial.

Vote totals for bills can be used as a proxy for the location of the proposed policy. As bills move closer to the middle of the policy space, minority party support increases as more minority party members prefer the proposed policy as compared to the status quo (Krehbiel 1998).⁴ The majority party membership is less sensitive to changes in the location of the proposed bill because virtually all members of the majority party prefer the proposal to the status quo. Overall coalition sizes are also a suitable proxy for bill ideological location, but the data here demonstrates changes in coalition size are driven almost entirely by changes in minority party support, as majority party support is nearly constant.

Using minority party support (and overall coalition size) to operationalize legislative extremity, I expect that for all bills passed by the House intended for conference, as minority party support (and overall coalition size) decreases, the more likely it is a motion to instruct will be offered, all else equal.

³Movement toward the party's preferences is limited by the median, who must prefer the proposal to the status quo.

⁴This requires some simple assumptions that hold true in the modern Congress, namely that the parties are ideologically distinct and cohesive.

Similarly, for all bills going to conference, as minority party support (and overall coalition size) for a bill decreases on initial House passage, the more likely it is a motion to instruct passes.

When restricting the sample to only bills on which a motion to instruct is offered, failure is hypothesized to occur because the minority party misjudges the level of support for their alternative proposal. Because the minority party offers the motion, and because at least some majority party support is necessary to pass the motion to instruct, failure is most likely to occur when the minority's beliefs about the level of support from the majority party are incorrect. I predict that for bills on which a motion to instruct is offered, passage (failure) is associated with an increase (decrease) in majority party support, accounting for minority party support and other possible confounding variables.

The most important theoretical claim is that motions to instruct have an effect on the legislation produced by the conference committee even though the motions are not binding. As a result, conference bills with a motion to instruct attached will be more moderate than bills without a motion to instruct *if* bills without a motion to instruct are non-majoritarian in nature. Bills of this type may occur because the minority party could not locate alternative policy that would receive majority support. Controlling for level of minority party and overall support at initial passage, conference bills with motions to instruct are predicted to have greater minority party and overall support than those without motions to instruct.

Motions to Instruct Data

The sample is all bills (H.R. or S.) which went to a conference committee between the 93rd and 113th Congresses and had a vote on the conference report, or were passed via unanimous consent. There are 1,432 conference bills, and motions to instruct were offered on 219, or about 15%. In some cases, more than one motion to instruct was offered on a bill, resulting in 328 total motions of which 210 passed (about 64% of those offered). Party voting data on motions to instruct is taken from the PIPC dataset (Crespin and Rohde N.d.), and the author collected voting data on passage of the bills before and after conference (see Table A1 for descriptive statistics). Crucially, narrow failure is common, with 106 of the 118 failed motion to instruct votes receiving supporter from greater than 40% of the chamber (see Appendix Figure A1).

Other variables included at the bill-level are taken from the Congressional Bills data (Adler and Wilkerson 2008), and fixed effects for congressional term control for all relevant variation at the

congressional level, including divided government, strength of the parties, etc. In some models, due to the limited number of observations per Congress, fixed effects are collinear with other variables and so all results are shown both with and without the fixed effects. See Appendix A for more details on the variables included.

Bill Extremity and the Introduction and Passage of Motions to Instruct

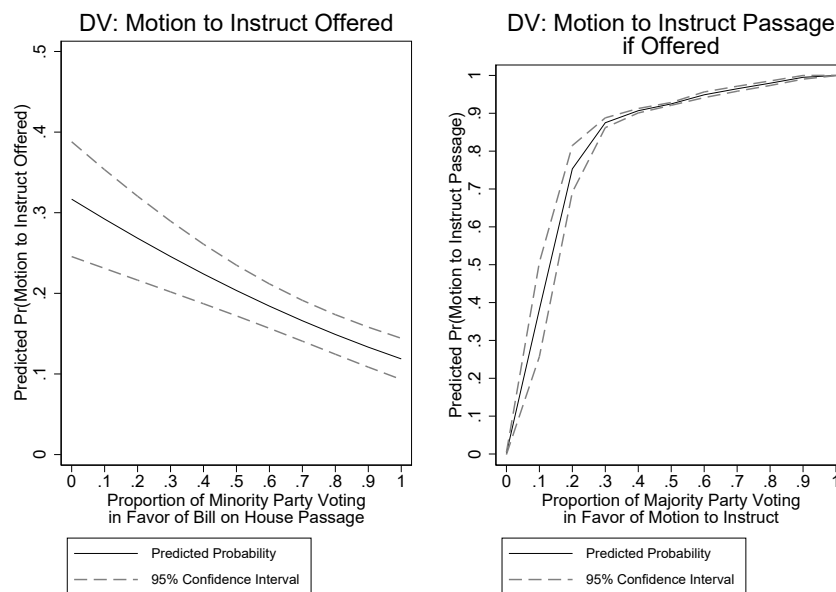
The models first predict whether a vote occurred on a motion to instruct for a bill going to conference and separately, whether a motion to instruct passed for a bill going to conference (see Appendix Table B1 for coefficient table). The left panel of Figure 1 shows that when only 10% of the minority party votes in favor of the bill at initial passage (indicating it is extreme), the probability a motion to instruct is offered is .45 (95% CI: .37 to .54), but when 100% of the minority party votes in favor of the bill, the probability a motion to instruct is offered is only .18 (95% CI: .13 to .22), confirming that motions to instruct are most likely to be offered when the bill attracts little support from the minority party because of its extremity. The results are very similar when including overall chamber support rather than separating minority and majority party support.⁵

Likewise, an increase in minority party support at bill passage decreases the probability a motion to instruct passes (models 3 and 4 in Table B2). The probability of passage is .18 (95% CI: .13 to .24) when minority party support is only 10%, which decreases to .12 (95% CI: .09 to 0.15) when minority support is 100%. The substantive effect is small because motions to instruct are only offered when minority support is already sufficiently low for the minority party to believe a motion to instruct will pass and make a substantial legislative change.

For passage of a motion, if one is offered, majority party support is necessary given that the minority cannot pass a motion on its own, and failure is the result of uncertainty about the extent to which members of the majority party will join with the minority to pass the motion. The results in Table B3 demonstrate that when a motion to instruct is offered, an increase in both minority *and* majority party support increases the probability the motion passes as compared to bills for which the motion to instruct fails. The substantive effect of majority party support when the sample is limited to bills on which the motion is offered is shown in the right panel of Figure 1. Holding minority party support constant at its mean, the effect is equal to zero when majority party support is zero (as expected), but

⁵Majority and minority party support should not be included in the models for overall support because overall support is a function of each party's support.

Figure 1: The Effect of Minority Party Support on the Probability a Motion to Instruct is Offered and Passed



Predicted probabilities from model 2 of Table B1 in Appendix B (left panel) and model 1 of Table B3 in Appendix B (right panel). Standard errors clustered by bill. All continuous or ordinal variables held at their mean, all dichotomous variables held at their mode.

jumps to .38 (95% CI: .26 to .51) when 10% of the majority party supports the bill, and .75 (95% CI: .69 to .82) when 20% of the majority party supports the motion to instruct.

The Effects of a Motion to Instruct on Bill Extremity

If these motions allow for minority party influence then the bill will move toward the center of the policy space (and toward the preferences of the median, rather than the majority party). I expect conference bills with motions to instruct to have greater support from the minority party and greater overall support on conference report passage as compared to bills in which the motion to instruct failed. This would also indicate that the motions to instruct modify the bill and are not strictly position-taking measures. Only bills in which a motion to instruct was offered are used in these analysis, as conference bills for which a motion to instruct was not offered are likely already sufficiently moderate.

A t-test comparing conference bills with a successful motion to those without shows a statistically significant increase of about 14.5% in minority party support and 8.1% in overall support, both significant at the .05 level. To control for other factors, including level of support for the bill on initial passage, OLS regressions estimate the effects of the passage of a motion to instruct on overall and minority party support for the conference report. The results are shown in Table C1 of Appendix C

and demonstrate that, controlling for other factors, including the amount of support the bill received on initial passage, there is an increase of about 5% in overall support (significant at the .1 level), and between 8% and 10% in minority party support, depending on specification (see summary in Table 1).

An advantage of comparing bills on which a motion to instruct passed to those on which one was offered but did not is that there are bills similar in observed characteristics that differ only on receiving a motion to instruct. I use coarsened exact matching (CEM) to prune the data and compare bills with similar characteristics. CEM is preferred to other matching methods for a variety of reasons (see King, Nielsen, Coberley, Pope, and Wells 2011, and see Blackwell, Iacus, King and Porro 2009 for the software implementation in Stata used here.)

Automated CEM prunes the data such that there are 24 observations in the control group (no motion to instruct passed for the bill), and 43 in the treatment group (motion to instruct passed for the bill), resulting in a reduction in the overall imbalance statistic from .69 to .047 (see Iacus, King and Porro 2008). Explicit matching reduces the imbalance by about 21%, but preserves more observations (see Appendix D for additional details on the matching process).

Table 1 summarizes the estimated effect of a motion to instruct passing for a conference bill on support for the conference version of the bill when voted on in the House. All of the estimation strategies produce a positive effect, seven of the ten produce a statistically significant effect (except for the fixed effects regressions, which are significant at the .1 level, and CEM with automated coarsening, $p < .12$, likely due to the low number of observations.) The effect sizes range from an increase in overall support of approximately 5% to 10%, and in minority party support of approximately 8.5% to 14.5%.⁶ Both matching estimates are at the higher end of estimated effects, and taken together, these results strongly suggest that motions to instruct have an important effect on the policy extremity contained in conference bills, despite their non-binding nature.

Conclusion

The results here demonstrate at least “soft” minority power during the conference process. The evidence suggests the House minority has procedural tools to change the bill in a way more favorable to its own position, making it more majoritarian, though perhaps not perfectly so. The failure of some motions indicates uncertainty on the part of the minority, and perhaps offers another avenue through

⁶The data here would seem to be a candidate for regression discontinuity (RD) design, using the percentage of the chamber voting to approve the motion as the running variable. However, RD assumes that the treatment is non-manipulable, which is clearly not the case here, as evidenced by the number of motions to instruct which barely fail.

Table 1: Summary of Estimates of the Effect of a Passed Motion to Instruct on Conference Bills

Estimation Strategy	Change in Total Chamber Support for Conference Bill Passage		
	Estimated Effect	95% CI	Number of Obs.
T-test (unadjusted difference in means)	8.20%	2.92% to 13.47%	196
OLS Regression	5.37%	.22% to 10.32%	196
OLS Regression w/ congress FE	4.93%	-.44% to 10.30	196
CEM w/ automated coarsening	9.75%	.91% to 18.59%	59
CEM w/ explicit coarsening	6.39%	.88% to 11.89%	167
	Change in Minority Party Support for Conference Bill Passage		
	Estimated Effect	95% CI	Number of Obs.
T-test (unadjusted difference in means)	14.51%	4.09% to 24.92%	196
OLS Regression	10.16%	.48% to 19.83%	196
OLS Regression w congress FE	8.50%	-1.59% to 18.58%	196
CEM w/ automated coarsening	13.81%	-3.41 to 31.03	59
CEM w/ explicit coarsening	12.98%	2.09% to 23.87%	167

In non-pruned data, there are 55 conference bills without a passed motion to instruct (control group) and 141 with a passed motion to instruct (treated group). In the pruned data, there are 21 control observations and 38 treated observations for CEM with automated coarsening; there are 53 control observations and 114 treated observations for CEM with explicit coarsening. Estimates from regressions with fixed effects significant at .1 level, estimate from automated coarsened matching for minority party support not significant.

which the majority party may be able to exercise its own power, offering an interesting avenue for future research.

This research fits into a larger debate about the institutional rules of collective choice institutions. In the case of the House, why does the majority initially agree to adopt rules that limits its future ability to dictate legislative outcomes? Or, if the majority party is truly in charge, why does it continue to allow rules and procedures—like the motion to instruct—which limit its ability to create party-centered legislation? These questions have long been noted in the literature, and have implications not just for the House, but for how all collective choice institutions operate, and the outcomes they produce.

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Appendix (For Online Publication Only)

Appendix A: Descriptive and Summary Statistics

Figure A1: Histogram of Vote Percentages in Favor of Motion to Instruct

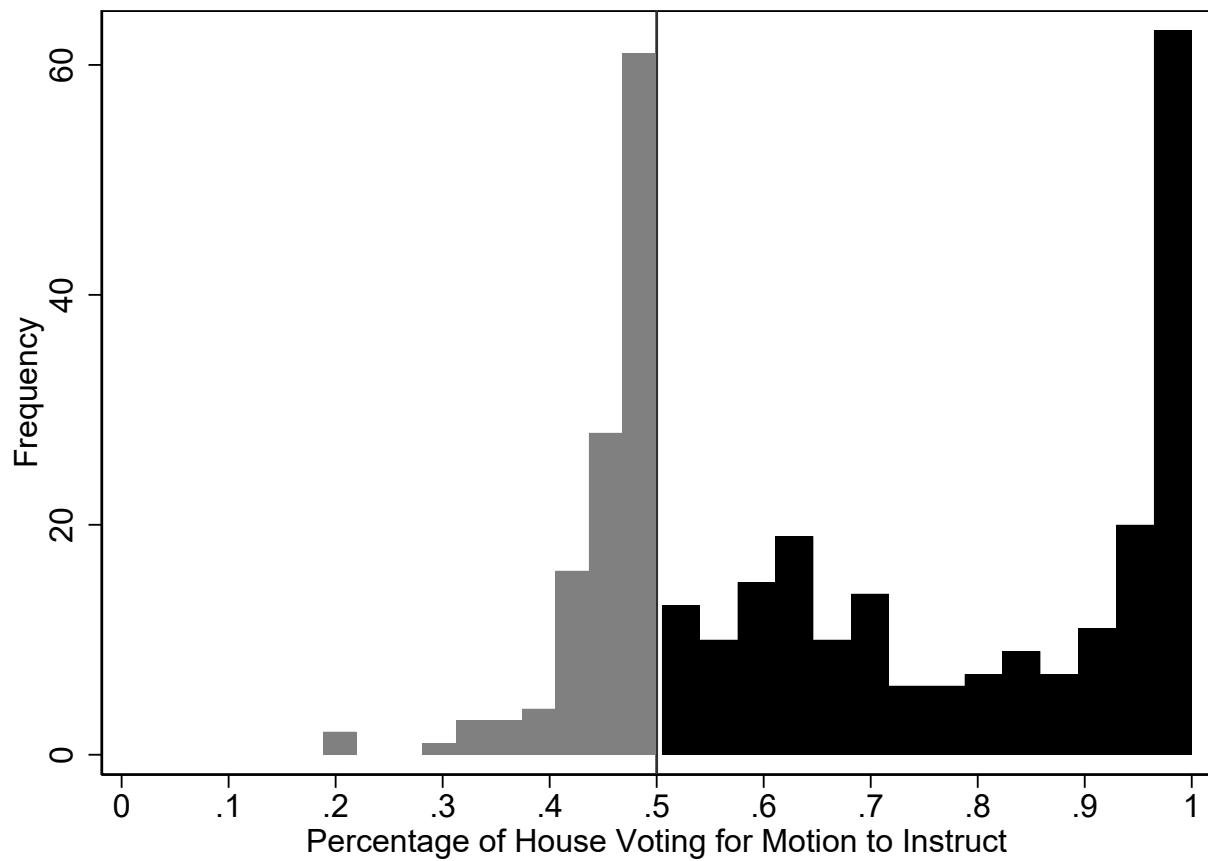


Table A1: Summary Statistics—Votes to Report

Table A1: Summary Statistics—Motions to Instruct, 93th-113th Congresses

Vote-Level Data		
	Total	Percentage of All Motion to Instruct Votes
Total number offered	328	NA
Total number passed	210	64
Number on which majority party rolled	57	17.4
Overall avg. percent in favor of motion	68%	NA
Majority party avg. percent in favor of motion	48.8	NA
Minority party avg. percent in favor fo motion	90.9	NA
Bill-Level Data		
	Total	Percentage of All Conference Bills
Total number of conference Bills	1432	NA
Total number of bills w/ at least one motion to instruct offered	219	15.29
Total number of bills w/ at least one motion to instruct passed	157	10.19
Total number of bills w/ at least one majority party roll	39	2.5

Additional Data Details

Other variables included in the models capture whether a bill was introduced by the chair or ranking member of the committee with jurisdiction, whether the bill was referred to multiple committees, whether the bill made appropriations, and the first dimension DW-NOMINATE score of the sponsor, interacted with the sponsor's party to measure extremity DW-NOMINATE scores should be not folded to find an absolute measure of extremity because zero has no inherent meaning. Instead, the preferred approach is to interact with party to measure extremity.

Note on appropriations variable: The appropriations data was collected by the author, but only for public laws, as there is no currently available dataset which identifies appropriations bills. This is not expected to be problematic because the sample is limited to bills which went to conference; the vast majority of conference bills become public law, and this is especially true for appropriations bills.

Appendix B: Empirical Estimates of Motions to Instruct Offered and Passage

Table B1: Logit Estimates of Minority Support on Motion to Instruct Offered and Passed for all Conference Bills

Independent Variables	DV=Motion to Instruct Offered		DV=Motion to Instruct Passed	
	(1)	(2)	(3)	(4)
Minority Party Percentage in Favor	-2.04* (0.29)	-1.68* (0.30)	-1.09* (0.31)	-0.63* (0.31)
Majority Party Percentage in Favor	0.02 (0.88)	-0.89 (0.76)	0.34 (1.03)	-0.35 (0.90)
Appropriations Law	-0.30 (0.20)	-0.42# (0.22)	-0.10 (0.22)	-0.24 (0.24)
Sponsor Member of Referral Committee	0.97* (0.33)	0.34 (0.38)	0.96* (0.38)	0.41 (0.44)
Multiple Referral	0.18 (0.20)	0.23 (0.21)	0.21 (0.22)	0.21 (0.23)
House or Senate Bill (Senate=1)	-1.00* (0.31)	-0.82* (0.33)	-1.04* (0.35)	-0.88* (0.36)
Sponsor DW-NOMINATE Ideology Score	-1.89* (0.80)	-0.37 (0.95)	-2.78* (0.91)	-1.37 (1.03)
Sponsor Party (Republican=1)	1.67* (0.49)	-0.20 (0.69)	1.27* (0.55)	-0.40 (0.79)
Party x Ideology	2.95* (1.15)	-1.35 (1.52)	4.56* (1.25)	0.53 (1.54)
Constant	-1.20 (0.89)	-0.85 (0.99)	-2.75* (1.04)	-2.53* (1.13)
Congress Fixed Effects		Yes		Yes
N	1432	1424	1432	1281
R-squared	0.20	0.31	0.13	0.22

* $p < .05$, # $p < .1$; Logit regression with robust standard errors by bill and fixed effects for congress (models 2 and 4). The dependent variable in models 1 and 2 is whether a motion to instruct was offered on a bill for all bills going to conference committee, and in models 3 and 4 whether a motion to instruct passed on a bill for all bills going to conference committee. Eight observations in model 2 are dropped because there is no variation on the dependent variable, creating collinearity with the fixed effect; all conference bills had a motion to instruct offered. 151 observations dropped in model 4 because there is no variation on the dependent variable creating collinearity with the fixed effect; all motions to instruct failed. The sample is all conference bills.

Table B2: Logit Estimates of Overall Support on Motion to Instruct Offered and Passed for all Conference Bills

Independent Variables	DV=Motion to Instruct Offered		DV=Motion to Instruct Passed	
	(1)	(2)	(3)	(4)
Overall Chamber Percentage in Favor	-3.73* (0.52)	-3.37* (0.56)	-1.88* (0.56)	-1.22* (0.59)
Appropriations Law	-0.29 (0.20)	-0.42# (0.22)	-0.10 (0.22)	-0.23 (0.24)
Sponsor Member of Referral Committee	1.03* (0.33)	0.35 (0.38)	1.00* (0.38)	0.41 (0.44)
Multiple Referral	0.18 (0.19)	0.24 (0.21)	0.21 (0.22)	0.22 (0.23)
House or Senate Bill (Senate=1)	-0.96* (0.31)	-0.82* (0.33)	-1.02* (0.35)	-0.89* (0.36)
Sponsor DW-NOMINATE Ideology Score	-2.25* (0.80)	-0.48 (0.94)	-2.99* (0.90)	-1.42 (1.02)
Sponsor Party (Republican=1)	1.76* (0.49)	-0.17 (0.72)	1.32* (0.54)	-0.39 (0.81)
Party x Ideology	3.29* (1.14)	-1.22 (1.52)	4.79* (1.25)	0.59 (1.53)
Constant 0.28	-0.17 (0.69)	-1.75* (0.91)	-2.31* (0.81)	
Congress Fixed Effects		Yes		Yes
N	1432	1424	1432	1281
R-squared	0.28	0.40	0.15	0.22

* $p < .05$, # $p < .1$; Logit regression with clustered standard errors by bill and fixed effects for congress (models 2 and 4). The dependent variable in models 1 and 2 is whether a motion to instruct was offered for all bills going to conference committee, and in models 3 and 4 whether a motion to instruct passed for all bills going to conference committee. Eight observations in model 2 are dropped because there is no variation on the dependent variable, creating collinearity with the fixed effect; all conference bills had a motion to instruct offered. 151 observations dropped in model 4 because there is no variation on the dependent variable creating collinearity with the fixed effect; all motions to instruct failed. The sample is all conference bills.

Table B3: Logit Estimates of Motion to Instruct Passage for Bills in which Motion to Instruct is Offered

DV=Motion to Instruct Passed	
Independent Variables	(1)
Majority Party Percentage in Favor of Motion to Instruct	74.43* (12.68)
Minority Party Percentage in Favor of Motion to Instruct	59.76* (10.15)
Appropriations Law	-2.72* (1.33)
Sponsor Member of Referral Committee	4.91* (1.17)
Multiple Referral	-1.41 (1.12)
House or Senate Bill (Senate=1)	-0.11 (0.97)
Sponsor DW-NOMINATE Ideology Score	-9.25* (3.93)
Sponsor Party (Republican=1)	12.16* (4.63)
Party x Ideology	5.69 (5.35)
Constant	-79.29* (13.85)
N	328
R-squared	0.92

*p<.05, #p<.1; Logit regression with clustered standard errors by bill. The dependent variable is whether a motion to instruct passed for bills on which a motion to instruct was offered. The fixed effects are collinear with a number of variables due to lack of variation by Congress; as a result, fixed effects cannot be estimated and are not included. The sample is votes on motions to instruct.

Appendix C: Empirical Estimates of Successful Motions to Instruct on Conference Outcomes

Table C1: OLS Estimates of the Effect of a Passed Motion to Instruct on Conference Bills

Independent Variables	DV=Percentage of House Voting for Conference Bill		DV=Percentage of Minority Party Voting for Conference Bill	
	(1)	(2)	(3)	(4)
Motion to Instruct Passed for Bill	0.05* (0.03)	0.05# (0.03)	0.10* (0.05)	0.08# (0.05)
Majority Party Percentage in Favor	0.13 (0.10)	0.29* (0.11)	-0.12 (0.11)	0.09 (0.14)
Minority Party Percentage in Favor	0.17* (0.03)	0.15* (0.04)	0.38* (0.07)	0.36* (0.08)
Appropriations Law	0.04 (0.03)	0.05 (0.03)	0.09# (0.05)	0.10# (0.05)
Sponsor Member of Referral Committee	-0.07 (0.05)	-0.10# (0.05)	-0.14 (0.10)	-0.18# (0.10)
Multiple Referral	0.05 (0.03)	0.04 (0.03)	0.09 (0.06)	0.08 (0.06)
House or Senate Bill (Senate=1)	-0.06 (0.05)	-0.09 (0.06)	-0.12 (0.10)	-0.16 (0.11)
Sponsor DW-NOMINATE Ideology Score	0.19# (0.12)	0.22# (0.12)	0.39# (0.21)	0.32 (0.22)
Sponsor Party (Republican=1)	0.00 (0.06)	-0.06 (0.09)	0.04 (0.13)	-0.10 (0.18)
Party x Ideology	-0.30# (0.16)	-0.39* (0.17)	-0.56# (0.31)	-0.69* (0.34)
Congress Fixed Effects		Yes		Yes
Constant	0.67* (0.13)	0.63* (0.14)	0.73* (0.21)	0.71* (0.23)
N	196	196	196	196
R-squared	0.24	0.35	0.29	0.41

* $p < .05$, # $p < .1$; OLS regression with robust standard errors by bill and fixed effects for congress (models 2 and 4). The dependent variable in models 1 and 2 is the percentage of the House voting for the conference bill, and in models 3 and 4 the percentage of the minority party voting for the conference bill. The sample is all conference bills for which a motion to instruct was offered.

Appendix D: Additional Details on the Matching Process

CEM was completed using the **cem** package in Stata. The package was first run using automated coarsening, then using explicit coarsening. Explicit coarsening was into stratas as follows for each of the variables included in the analysis: majority party percentage in favor, cut-point at .501, minority party percentage in favor, cut-point at .501, sponsor DW-NOMINATE ideology, cut-point at 0. These cut-points separate majority and minority party rolls into different strata, and separate liberal and conservative ideologies into different strata. For many congresses in the sample, this also separates Democrats and Republicans into different strata.

All variables used in the main analyses are balanced on with coarsened matching. The L value for each table shows the overall imbalance, where $L=1$ indicates complete separation and $L=0$ indicates complete balance. The L statistic should be used comparatively to evaluate whether CEM improved the balance of the dataset. Table D1 below also shows the difference between the control and treated groups in their means and in the quantiles of the distribution between the two groups.

Table D1: Balance Statistics Before and After Coarsening

Independent Variables	Overall Balance	Mean	Min	25%	50%	75%	Max
Balance Statistics Before Matching							
<i>L= .7012</i>							
Majority Party Percentage in Favor	.148	.038	.032	.025	.020	.013	0
Minority Party Percentage in Favor	.231	.197	0	.196	.448	.107	0
Appropriations Law	.078	.078	0	0	0	0	0
Sponsor Member of Referral Committee	.002	-.002	0	0	0	0	0
Multiple Referral	.013	.013	0	1	0	0	0
House or Senate Bill (Senate=1)	.049	.049	0	0	0	0	0
Sponsor DW-NOMINATE Ideology Score	.179	-.138	-.080	-.105	-.504	-.023	.297
Sponsor Party (Republican=1)	.161	-16.119	0	0	-100	0	0
Balance Statistics After Automated Coarsened Exact Matching							
<i>L=0, Matched=59</i>							
Majority Party Percentage in Favor	0	.014	.032	.030	.018	0	0
Minority Party Percentage in Favor	0	.008	0	-.015	.006	0	0
Appropriations Law	0	0	0	0	0	0	0
Sponsor Member of Referral Committee	0	0	0	0	0	0	0
Multiple Referral	0	0	0	0	0	0	0
House or Senate Bill (Senate=1)	0	0	0	0	0	0	0
Sponsor DW-NOMINATE Ideology Score	0	0	-.08	-.012	.038	.01	.048
Sponsor Party (Republican=1)	0	0	0	0	-100	0	0
Balance Statistics After Explicit Coarsened Exact Matching							
<i>L= .597, Matched=167</i>							
Majority Party Percentage in Favor	.228	.042	.032	.106	.035	.014	0
Minority Party Percentage in Favor	.072	.038	0	0	.073	.067	0
Appropriations Law	0	0	0	0	0	0	0
Sponsor Member of Referral Committee	0	0	0	0	0	0	0
Multiple Referral	0	0	0	0	0	0	0
House or Senate Bill (Senate=1)	0	0	0	0	0	0	0
Sponsor DW-NOMINATE Ideology Score	.209	-.028	-.080	-.073	-.091	-.017	.297
Sponsor Party (Republican=1)	0	0	0	0	-100	0	0