Collective Representation in Congress

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Abstract

The aspiration of representative democracy is that the legislature will make decisions that reflect what the majority of people want. The U.S. Constitution, however, created a Congress with both majoritarian and counter-majoritarian forces. We study public opinion on 103 important issues on the congressional agenda from 2006 to 2022 using the Cooperative Congressional Election Study. Congress made decisions that aligned with what the majority wanted on 55 percent of these issues. Analysis of each issue further reveals the circumstances when Congress represents the majority and the many ways that representation fails. The likelihood that the House passes a bill is usually a reflection of public support for that policy, but the ultimate fate of bills depends on partisan control of the two chambers of Congress and the degree of divisiveness (or polarization) between the two party bases in the public. Legislative institutions make it difficult to pass popular issues, but even more difficult to pass unpopular ones. As a result, most representational failure occurs because Congress fails to pass a popular bill, rather than because Congress passes a bill that the public did not want.

1 INTRODUCTION

The Constitution of the United States created one of the world's first true representative democracies: a system of government in which the national Congress is to reflect the will of the people. Frequent, popular elections, so the theory behind the Constitution goes, would keep Congress attuned to what the majority of people want. Generations of political scientists have debated how well Congress approximates this ideal. Critics of the Congress today list any number of maladies that allegedly prevent the institution from representing the popular will: malapportionment and gerrymandering, voter ignorance, veto politics, polarization, interest groups, economic inequality, and the tendency of parties to focus on their electoral base rather than appeal to the wider public.[1] These forces reputedly prevent Congress from representing the public will.

Through all the laments about Congress, almost no scholarship has taken on the basic empirical question: how often does Congress make decisions that a majority of people support? Empirical research on representation begins with Warren Miller and Donald Stokes, "Constituency Influence in Congress" (1963). Miller and Stokes examined the association between the views of individual legislators and their constituents on salient issues at the time. Weissberg (1978), in his critique of Miller and Stokes, suggested that the collective decision of Congress could be in line with the nation, even if each legislator may represent their constituencies (dyadic representation) weakly. Monroe (1979) offered an early attempt to connect national support of specific issues to final enactment empirically.[2] But in the years since Monroe's study, the focus of empirical research has shifted away from collective representation and onto dyadic representation, or onto questions about unequal representation.[3] Perhaps the most influential study to date on policy representation is Gilens (2012). Gilens, however, did not seek to answer the question of how often

[1] Scholarship on these explanations include Binder (2017), Brady and Volden (2005), Campbell (2016), Gilens and Page (2014), Hacker and Pierson (2020), Krehbiel (1998), Mann and Ornstein (2012), and McCarty, Poole, and Rosenthal (2006).

[2] Also see Monroe (1998) and Page and Shapiro (1983).

[3] Prominent works on these questions include Ansolabehere, Snyder, and Stewart (2001), Canes-Wrone and Kistner (2022), Clinton (2006), Gilens (2012), Lax, Phillips, and Zelizer (2019), and Miler (2018).

the majority's preference prevails. The literature provides little guidance on how often Congressional decisions reflect what the majority of people want and under what conditions Congress succeeds in such collective representation.

We address these questions directly by drawing on an intensive 20-year survey project, the Cooperative Congressional Election Study (CCES; shortened to CES in 2020). The CCES was designed in 2005 with the aim of measuring collective representation and dyadic representation. Each year the CCES surveyed tens of thousands of Americans, and asked, among other topics, their views on five to seven important bills before Congress that year. Over the course of two decades, the study has asked Americans whether they support or oppose 103 important bills on the congressional agenda.

The 103 key bills examined here reflect some of the most important issues and decisions that the US Congress faced in the first quarter of the 21st Century. They include national debates over health care, taxes, wages, infrastructure spending, the funding and size of the government, gun control, foreign trade, civil rights of women and LGBTQ, and abortion. These cases also reflect the range of possible outcomes in the legislative process. Most of these bills ultimately received a vote on the floor of the House and the Senate, but some did not because they were blocked by the committee process or party leadership or because they failed in one chamber and were never taken up in the other. They overlap substantially with other classifications of important legislative decisions (Curry and Lee 2020; Mayhew 2011). This set of bills and decisions is certainly atypical of the many thousands of mundane and obscure decisions that Congress makes about the management of government, such as personnel decisions and real estate transactions. Rather, these are important, highly salient issues that often divided our society at the time.

How often did Congress agree with the will of the people on these important decisions? The answer: 55 percent. This is our measure of representational success and failure in the United States. Successful collective representation occurs when Congress either approves a popular bill or defeats an unpopular one. Representational failure, in this framework, occurs when Congress either rejects a popular bill or passes an unpopular one. Over the past two decades, the Congressional process successfully represented national opinion on 55 percent of these key issues.

Likewise, Congress has made legislative decisions that ran contrary to the majority of the public on 44 percent of these set of issues. Because uncontroversial issues are rarely polled and less likely to be revisited by Congress, we also speculate that our quantitative measure of success would appear even *higher* if we could include issues and policies that were not surveyed.

Yet, representation is not a tally on a ledger. It is a process through which collective decisions are made about what laws a nation will or will not have. It rests on the election of those who will represent a constituency, and the accountability of those people for the decisions they make. The measure of collective representation helps us understand what that process yields. It also provides a lens on the process itself.

The CCES allows us to analyze further the factors and circumstances that shape collective representation. The instances of representational failure can be traced to features of the legislative institutions, the parties, and the nature of the issues, but not to the electoral institutions. The potential effects of the malapportionment of the Senate do not account for representational failures. Rather, legislative institutions, especially the bicameral structure of Congress, are the main obstacles to majority rule. That is especially true when control of government is divided between the two parties or when the public is divided along party lines in its support for a bill. The Constitution of the United States set up the House to reflect popular will, through direct and frequent elections. The Senate, with longer terms, staggered elections, and indirect elections, was to be more removed from the public.[4] As we will show, the likelihood that a bill passes the House corresponds to the level of public support for the bill, but the likelihood that the Senate passes a bill is unrelated to public support. The fate of bills in the Senate, and only in the Senate, depends on the division between the parties on the issue: more divisive bills have a much lower likelihood of Senate passage. Moreover, nearly half of the issues under our study fail to receive even a roll call vote in a requisite chamber, and those cases occur overwhelmingly in the Senate.

A closer examination of the legislative histories of the 103 key issues studied

[4] Indirect election of Senators was replaced by direct election in the late 19th and early 20th Centuries.

by the CCES reveals the variations in context and circumstances that contribute to representational failure. The type of issue, the level of support, unified or divided party control, the degree of party polarization, and the possibility of a filibuster all factor into understanding representational success and failure. For example, specific issues involving foreign relations and legislation designed to address the 2008-2009 economic crisis, stand out as examples when Congress passed bills that the nation opposed. Gun control stands out as an issue on which popular bills could not gain much traction in Congress. Some polarizing issues pass the Senate, but all such issues in the post-Bush time period are when majority parties could circumvent the filibuster or had enough votes to break one. The overarching patterns remain tied to the bicameral nature of the legislature. When public opinion aligns with single-party control of the legislature, the majority party can get legislation passed. Otherwise, the US legislative process can often frustrate popular rule.

One might hope that on the big decisions, the US Congress would side with the majority of the public more than 55 percent of the time. The US system, however, is more than a simple plebiscite. The Federalists themselves wrote that they wanted to insulate the system from direct popular rule. They created a bicameral legislature that embodied different forms of representation (Garsten 2010), to provide "a defense of the people against their own temporary errors and delusions" (*Federalist* 63). The CCES provides an unparalleled view of how the process of representation works. It is difficult to pass a popular law in Congress. Typically, there must be an alignment of public support, party support, and willingness of both chambers of Congress to move forward. Even then success is not guaranteed. But it is even more difficult to pass an unpopular law. Without the support of the nation, the sorts of bills that pass tend to be those that arise in an emergency or foreign affairs on which Congress defers to the President. The US system does not give the majority free reign, but it has an even stronger bias against unpopular ideas.

2 Measuring Representation

We unite two important traditions in the study of Congress and representation. One tradition examines how members of Congress make laws. This vein of inquiry

includes the large literature that studies legislative veto points and the laws that Congress enacts (Binder 1999, 2003; Curry and Lee 2020; Mayhew 1991). But these approaches do not use survey data, so there is often no measure of how popular those priorities were. Coleman (1999) warns against interpreting the volume of legislation alone as a measure of responsiveness and suggests considering whether the public at that time is more activist or less activist — a suggestion we agree with.

A second tradition relies on survey data to measure public attitudes. Caughey and Warshaw (2022), Gilens (2012), Gilens and Page (2014), and Lax and Phillips (2012), have explicitly used survey data to study the relationship between mass opinion and policy enactment in Congress and state legislatures. The macro-polity tradition distills equally voluminous amounts of survey data to a policy dimension and shows that changes in opinion affect subsequent changes in policy output (Erikson, Mackuen, and Stimson 2002).[5] However, these accounts do not investigate the legislative process within Congress, such as bicameralism and the filibuster.

Each of the 103 proposals in this study corresponds to a specific bill. Each bill had its own legislative history tracing how the bill was handled in the House and the Senate and, if the bill had a roll call vote, how each member of Congress voted on the bill. Each bill also was linked to a survey question in the CCES, which asked whether respondents supported or opposed the bill. This linkage between the survey and the legislative history allows us to measure whether a majority of the public supported the bill, whether the people who identified with each party supported the bill, the support for the bills in congressional districts and states, and the decisions that the legislature made about the bill.

2.1 Definition of Representational Success

We build on the notions of majority rule and collective representation. The core concept in this study is representational success and failure. We measure representational success against a set of 103 policy proposals that were before Congress

[5] Dynamic representation measures a force that would drive an equilibrium, but it does not measure whether the Congress aligns with the majority of the public or how often. In other words, Stimson and his colleagues measure how responsive our government is at a macro-level. We seek to measure whether majorities rule. Ultimately there is a congruence between these two approaches, but they come at the problem from very different angles.

from 2006 to 2022 and asked in the Cooperative Congressional Election Study. Each of these items corresponds to bills that were on the *decision agenda*, to use Kingdon (1984)'s terminology. The unit of analysis is an issue. If a policy proposal comes before multiple Congresses, each of these are counted as separate decisions.

For each of these decisions we define representational success as one of two outcomes: either when Congress passes a proposal that a majority of the nation prefers, or when Congress does not pass what the majority of the nation opposes. Representational success is not simply about passing bills. If the proposal in the bill is unpopular, then defeating the bill would be a representational success. Our measure of representational success is by far the most common way scholars have studied representative democracy, though it has taken various names such as "congruence", "substantive representation," or simply "fit" (Jacobs and Shapiro 2000; Lax and Phillips 2012; Sabl 2015).

Clearly, a success defined in this way is not necessarily a normatively good policy. Popular politics can produce both good and bad policies. We take public opinion to be, as Sabl (2015) put it, "imperfect but presumptively legitimate." Our goal is to show how Congress achieves collective representation, if at all: How the forces of majoritarianism face up to an institutional structure that contains both majoritarian and countermajoritarian components. By using the quantitative measure of success as an organizing concept and by scrutinizing departures from theoretical predictions using legislative case studies, we can highlight the nuances in what congressional representation entails (Sabl 2015, p.356).

Statistically, representational success for issue i is a binary variable, a yes or a no:

$$\text{Success}_i = \text{issue is popular and passes}_i + \text{issue is unpopular and does not pass}_i, \tag{1}$$

where popularity is determined by whether the national support of the issue is above

50%.[6] The mean of this binary variable across all issues is our measure of collective representation.

2.2 Case Selection

We study the 21st century Congress, from 2006 to 2022. Gilens (2012), Erikson, Mackuen, and Stimson (2002), and Mayhew (2011) all end their data collection in 2006. In both the time frame and the scope of analysis, this study starts where these studies stopped.

There are good reasons to expect that a new sort of legislative politics set in around 2006. The late 20th century was an era of strong incumbency advantages and decentralization in Congress. The 21st century has seen the rise of party voting in the electorate, polarization between the parties, and strong party leaders, especially Nancy Pelosi (D-CA), who became the leader of House Democrats and won the Speakership in 2006, and Mitch McConnell (R-KY), who became the leader of the Senate Republicans in 2007. Both held those leadership positions for the subsequent 20 years. Accounts by journalists and observers describe their tenures as transformative and especially partisan.[7] The dynamics of lawmaking and polarization deserve an updated analysis in this modern Congress.

We use the Cooperative Election Study (Common Content, $n = 617{,}455$ respondents) to measure public opinion during this time period. Each year's CCES sample is matched to Census demographics and is close to a representative sample of the adult U.S. population. There are approximately 20,000 respondents in each odd year and 60,000 in each even year.

[6] Formally, we success is $\mathbf{1}(X_i > 0.5)\mathbf{1}(y_i = 1) + \mathbf{1}(X_i < 0.5)\mathbf{1}(y_i = 0)$, where X_i is the national support for issue i, y_i is a binary variable for enactment of the issue in both chambers of Congress (1 if passed in both chambers, 0 otherwise), and $\mathbf{1}()$ denotes an indicator variable. For the eight issues in our data that are Senate confirmations and rule changes outside the jurisdiction of the House, y_i relies only on Senate passage.

[7] Pelosi's biographer Molly Ball says that from the start, as early as 2006, "[Pelosi] was making procedural changes to how the caucus operates to enforce more party unity in order to get the Democrats more unified" (PBS Frontline 2022). Sarah Binder describes McConnell as having "indelibly changed the ways and means of the Senate" and that he "normalized obstruction"; Joshua Huder notes that McConnell and Harry Reid (D-NV) came to power when partisan polarization "had yet to fully envelope the Senate," but McConnell went on to become "a key architect of the Senate's institutional transformation" (Politico 2024).

Each year the principal investigators of the CCES selected five to seven of the most salient and important bills under consideration by Congress, based on reporting in *Congressional Quarterly* (CQ) Weekly Reports, the *New York Times*, and the *Washington Post*, as well as the *Key Votes* selected by CQ, the AFL-CIO, and the Chamber of Commerce. CQ defines their *Key Vote* criteria as whether the vote addresses "a matter of major controversy," "a matter of presidential or political power," and "a matter of potentially great impact on the nation and the lives of Americans." In this article we examine the 103 narrower questions about actual policy decisions that Congress faced at the time of each year of the study.[8]

Not all of the important bills in a Congress would have come up for a vote in the summer, when the survey questions are written. The CCES is fielded in October through November of each year. Most of the bills chosen in the summer either had already been voted on in at least one chamber, or would eventually be voted on. About 75 percent of our issues are or eventually become identified as CQ *Key Votes*, which is published by CQ after the conclusion of each calendar year. Other scholars use the bills that do receive a vote to study dyadic representation on roll call votes (Ansolabehere and Kuriwaki 2022; Cayton and Dawkins 2022).

Accordingly, most of the 103 bills received a vote in at least one chamber, but some did not. The inclusion of issues that never reach the floor is a positive aspect for our research design, as it allows us to see what happened to the issues that never reach the floor. Ignoring these issues can bias our conclusions. It would lose, for instance, the highly unpopular budget bill that House Speaker Paul Ryan pushed through his chamber in 2014. The Senate did not even bother to take a vote on Speaker Ryan's budget. But, that bill was central to the standoff that nearly led the US to default on its debt.[9] We study the Senate's lack of action as an outcome in itself. In that instance, it is an example of successful representation, as the Senate's inaction led Congress to reject an unpopular bill.

[8] The CCES consists of many more issue-related questions. Some of the content in the survey asks broadly about important matters such as abortion, immigration, environment, crime, taxes, and national defense. Others ask about Executive Actions and Judicial decisions.

[9] As another example, Stimson and his colleagues find a high degree of responsiveness at the macro-level, and similar levels of responsiveness in the Senate and House. But because their measure of policy output is based on rollcall votes, it may exclude bills that did not make it to the Senate floor.

2.3 Scope: The Decision Agenda

The 103 key decisions, then, consist of salient issues before Congress on which the legislature would eventually make a decision, even if that decision was to let the bill die for lack of action. Thus, our case selection approximates what Kingdon (1984) calls the *decision agenda*: a small set of issues that are "up for an active decision" (4, 175). This is a small subset of what Cobb and Elder (1972) call the institutional agenda: all issues that Congress, as a legislative institution, explicitly considers.

The 535 representatives in Congress collectively introduce over 15,000 bills in any given Congress. It would be impossible for the institution to give close attention to all bills introduced in its limited time in session. Around 80 to 90 percent of those introduced bills are reported to a committee and do not receive any further action during the session. Only 10 percent of introduced bills eventually reach the floor, and 7 percent are enacted into legislation one way or the other.[10]

In Kingdon's argument, media attention is a central driver of issues rise to the decision agenda. These are issues that are "really getting hot", in the words of his interviewees, which is a "step up" from saying that they are "seriously occupied with it" (175). Therefore, our set of issues can also be thought of as the public-facing agenda: the set of issues that dominate the attention of legislators and/or the media. The process of agenda setting is certainly not only driven by the media. Throughout the legislative process, whichever party holds the majority at the time has more formal agenda setting powers to elevate certain issues over others, especially in the House. At the same time, military and financial crises are inevitably thrust onto the agenda, too, with various degrees of "must-pass" bills (e.g., the TARP during the financial crisis in 2008-2009). Even issues that are not "hot" may still be important in Congress and to the public.

Members of Congress and congressional leaders also choose the issues and proposals on the agenda strategically. Bill sponsors first decide whether their goal is to actually get the bill passed into law. If yes, the bill must be drafted to satisfy the majority in the House and the majority in the Senate, as well as committee chairs

[10] See Govtrack (https://www.govtrack.us/congress/bills/statistics). Govtrack uses the number of bills as the unit of analysis and counts how many of them get enacted, either through a standalone vote or via incorporation into an omnibus.

and others with vetoes at various points in the legislative gauntlet (Curry and Lee 2020). But bill sponsors sometimes push a bill onto the agenda without much intent to pass it in both chambers, at least not immediately. Sometimes bills are put forth as part of an extended bargaining process, to force the opposing party to cast difficult or embarrassing votes, or to satisfy the party base. The latter two types of bills are messaging bills: their goal is to signal the difference between the two parties, and it lacks the minimum detail for it to be an actual law (Lee 2016). In our operationalization, messaging bills are not necessarily omitted from the decision agenda. Messaging bills are not costless: There is a cost for a representative who only puts failing messaging bills on the agenda (Sulkin 2011).

The 103 issues on the CCES provide a snapshot of Congress's decision agenda. These do not encompass all bills on that agenda. Rather, they consist of some of the most salient an important bills considered by the Congress. Most of them made CQ's list of key votes.

Two further comparisons are instructive about these 103 issues. First, we mapped the bills with rollcall votes into the one-dimensional spatial dimension derived by the NOMINATE project. The NOMINATE scaling procedure produces a midpoint between the proposal being voted on and the status quo it was proposed to replace. The votes we selected were in fact quite representative of the set of all rollcall votes on this dimension (Appendix A.2).

Second, we compared the set of bills on the CCES to Mayhew's list of important legislation and Curry and Lee's list of majority priorities. There was considerable overlap of the CCES bills with the superset of bills in Mayhew's and Curry and Lee's lists. In fact, we found that the disagreement in our list versus the two other lists was about the same as the disagreement between the Mayhew list and the Curry-Lee list. Mayhew's list does not include bills that never passed (which we capture); Curry and Lee's list does not include priorities that the majority party chose to hide, issues raised by the minority party, Supreme Court nominations, and external events thrust onto the agenda (all of which we capture). Mayhew's list includes several laws of substantive importance that glide through Congress without controversy (for which no public polling exists), and Curry and Lee's list includes issues around executive reform and veteran's affairs that the CCES did not poll on.

The CCES also could not cover all important bills in some years simply because it is a survey with space constraints. These findings are discussed in Appendix A.2. These comparisons suggest that the CCES has a fairly comprehensive set of significant legislative bills.

All studies of representation are shaped by the scope of issues and bills under consideration. Mayhew (1991)'s list of important legislation is a study of passed bills. The discipline's most common measure of Congressional behavior, NOMINATE scores, only uses information from *non-unanimous* floor votes. Binder (1999)'s gridlock agenda relies on what the editorial board at the *New York Times* decides to comment on. Mayhew (2011) relies on what Presidents declare as their agenda; Curry and Lee (2020) rely on what the Democratic or Republican parties publicly declare as their platform. Survey-based studies like ours rely on what pollsters deem worth asking. Sometimes, policies with quite substantial impacts glide through Congress without becoming controversial on the media or catching the attention of a pollster (Curry, Lee, and Oldham 2024). The selection of issues to be studied can skew the inferences we draw (Barabas 2016).

Perhaps the biggest potential bias is the bills that were never introduced or never rose high on the decision agenda. As a practical matter, it is difficult to poll on non-salient issues.[11] We speculate that if there were retroactive polls on all issues that Congress could affect, the apparent level of collective representation would likely be higher than what we find here. Consider the set of all issues that Congress might consider. First, there are salient, controversial issues. These are well represented in this study. Second, there are non-salient yet widely unpopular issues. The unpopularity of these issues means that no member of Congress or party will likely carry water for these.

Third, there are non-salient, non-controversial, yet popular issues. These are bills such as non-controversial nominations, grants-in-aid, most budget authorizations, and appropriations for member's constituencies (Grimmer 2013; Rosenstiel

[11] Burstein (2014) performed a retrospective study. He randomly took a representative sample of 60 bills from all non-appropriation bills introduced in the 101st Congress (1989-1990) and traced their legislative journey. He found polling for about 1 in 5 of the specific issues in his sample, and the fit of the poll to the bill was not always very clear. Burstein comments that this is a very time-consuming approach.

2023). These usually pass, sometimes by voice vote (i.e. without a roll call vote). Many of these are issues that Congress has already settled: The existing law is popular, and there is no need to take action. For example, voters likely do care quite a bit whether Congress prohibits the sale of alcohol, or whether companies can sell food without standardized nutrition labels. Congress grappled with these issues decades ago. Pollsters rarely ask about these issues today because they have become uncontroversial.[12]

Finally, there are non-salient, yet controversial issues (both popular and non-popular). These are issues on which there is some conflict in society, say between two industries, and Congress is called on to act. Arnold (1992) argues that issues hidden from the agenda may be precisely the ones where narrow interests win over the national interest, and become representational *failures*. How frequently do these other sorts of issues arise? It is ultimately unclear, and beyond the scope of this study. This is a rich area for future research to explore.

The focus of this analysis, as with most of the research on representation, is on the issues immediately before the Congress, the decision agenda.

2.4 Asking about Bills

The CCES asks survey questions about policy proposals, in addition to broad policies and issue areas. This helps to minimize measurement error in survey responses.[13] It further reduces measurement error by allowing us to link the survey question to a specific bill. This is a major difference between our questions and those in Gilens (2012), Monroe (1979), and Page and Shapiro (1983), who compiled questions from a wide range of pollsters. The questions asked by pollsters are simpler and sometimes more vague, not tied to a specific legislative bill. The CCES is more closely matched to the actual bills under consideration, and thus permit a stronger connection between preferences and the Congressional decision.

The CCES questions are worded to explain the policy in the bill as objectively as possible without party cues, while being concise. For example, the question

[12] We thank Chris Warshaw for making this point.

[13] See Achen (1975). For further elaboration on the value of designing questions tied to actual policy decisions see Gilens (2012, ch. 2).

wording for the Tax Cuts and Jobs Act (TCJA) does not mention the Republican party and describes the five types of taxes it will change and by how much. It does not refer to the bill by its name, the TCJA, and simply starts "Would you support or oppose a tax bill that does all of the following?"[14] Most of the questions ask for a binary, Yes or No answer.[15] The questions, including the question wording for each of the issues, are provided in Table B.1.

Some respondents may have unstable opinions on detailed policy questions and might rather be prone to studying relying on partisan cues (Lenz 2012). The questions we use intentionally do not contain explicit partisan cues, so low-knowledge voters would not know that the TCJA, in the previous example, was a Republican plan. The voters who do know the partisan slant of the TCJA in Congress will rely on that information. To some degree, all preferences on issues that have reached the decision agenda are the product of elite persuasion. For our purposes, the lack of a party cue is a positive feature of our design because we would like to capture public opinion for a concrete bill as it is, capturing both ambivalence and persuasion, rather than the opinion of some hypothetical public under full information.

Some bills are complex bundles of many disparate policies. The TCJA, for example, included tax cuts for corporations and for individuals, as well as caps on deductions (such as for state and local taxes). The final bill was an up or down vote on the package. The CCES asked separate questions about corporate tax rates, individual or household tax rates, and limits on deductions, and asked a separate question about the entire package. This was done to capture people's preferences about the specific bill, rather than just their attitudes about taxes generally. When we compare how survey-takers respond to yes/no questions on a bundle to how they respond to individual provisions, they behave in much the same way that members of Congress might behave: some support the package even though they don't sup-

[14] The question follows, "A tax bill that would: Cut the Corporate Income Tax rate from 39 percent to 21 percent, Reduce the mortgage interest deduction from $1 million to $500,000, Cap the amount of state and local tax that can be deducted to $10,000 (currently there is no limit), Increase the standard deduction from $12,000 to $25,000. Cuts income tax rates for all income groups by 3 percent." Each provision was displayed as a bullet point. 58 percent of CES respondents responded yes.

[15] Respondents can skip the question if they wish, but in practice only 1-2 percent do.

port everything in it.[16]

2.5 Legislative Outcomes

The final piece of this picture is the outcome in Congress. What happened to each of the key policy proposals? We consulted the Congressional Record, GovTrack.us, Voteview, and other contemporaneous journalistic coverage. Because questions are written based on bills in their late or final stage, the declaration of a match is clear on most issues. Some instances of partial passage, however, are judgment calls.[17]

A further complication in constructing what actually happened in Congress is the increasing use of legislative packages (Sinclair 2012). GovTrack.us calls such legislative packages *incorporation*, as multiple bills and laws are incorporated into a single bill. Sometimes, party leaders strategically group together disparate provisions into a single up-or-down vote. For example, the House majority in 2014 greenlighted the unpopular spending of taxpayer dollars to assist Syrian rebels in fighting ISIS by attaching the provision in the overall appropriations bill. Rank-and-file members of Congress sometimes bitterly refer to this strategy to defend unpopular votes: "Of course I didn't like X, but I voted yes for everything else in the package," or, "I do support Y, but I voted no on the bill because the leadership attached X to it." Such ambiguity is a problem for studies of dyadic representation, but it is not a problem for our focus on collective representation. We code whether Congress passes certain pieces of policy through *whatever legislative vehicle*.

One final issue in tracking legislative outcomes concerns the decisions of other institutions, especially the President and the Supreme Court. Presidents may veto laws or intervene in legislation in other ways. The Supreme Court can overturn laws or make decisions that affect ongoing legislative decisions. Only one of the issues in our dataset was vetoed by the President: The repeal of the Affordable Care Act

[16] Support for the individual provisions ranged from 40 percent (a 3 percent tax cut for those earning more than $500,000) to 80 percent (a 3 percent tax cut for those earning less than $500,000). Only 12 percent of respondents supported all the provisions individually, but 56 percent of the same respondents supported the overall package to the status quo.

[17] For example, the question for the farm bill mentioned ending price supports for sugar but this was not included in the final passage bill after the conference report. In this case we coded the bill as passage, although future work might code these as partial passage.

in 2015, when Republicans had just secured majorities in both chambers Congress but Obama was still President. In two other cases, decisions by the executive and judicial branches altered the course of legislation. The Transpacific Partnership in 2016, the largest trade deal the US would have signed, was never ratified in Congress because President Obama did not send the final agreement in time for a vote.[18] In 2014 the Supreme Court weighed in on the question of exempting religious organizations from the contraceptive policies in the Affordable Care Act. A 5-4 majority in *Burwell v. Hobby Lobby* effectively accomplished one of the efforts that Senate Republicans were trying to legislate without much success. Apart from these three examples, the ultimate fate of the legislation lay entirely in the hands of the House and Senate.

2.6 Summary Statistics

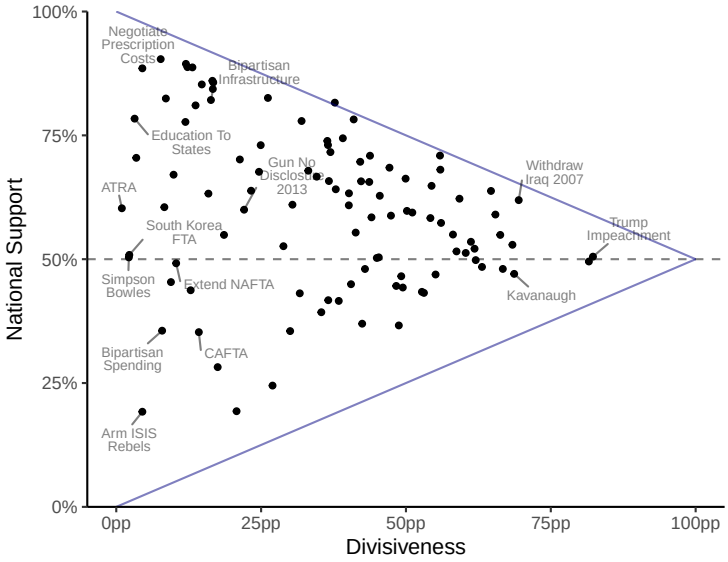
The key indicators in our analysis are national support for issues and legislative outcomes. These determine representational success and failure. The national support of an issue is simply the proportion of our sample that supports each issue. Figure 1 shows the spread of national support on the vertical axis. Among the most popular issues in our dataset is the proposal to let the government negotiate prescription drug prices (89%) and the bipartisan infrastructure act (82%).

One feature of the decision agenda, based on our selection of cases, is that they tend to be popular. About 7 in 10 of them are supported by over 50 percent of the nation. This probably reflects the fact that the agenda setters usually want to talk about popular issues. Although majority party priorities tend to get on the agenda more frequently than minority party priorities, majority parties that have just won an election tend to put their popular issues on the decision agenda.

Later in our analysis we turn to the question of polarization. We examine one measure of this phenomenon, the gap between Republican and Democratic partisan identifiers on the issue, which we call *divisiveness*. We define this as the abso-

[18] The Senate did pass the Trade Promotion Authority in the summer of 2015 with much debate, convincing enough Democratic Senators to vote for so-called fast-track authority. As the 2016 election approached, Senators skeptical of the TPP successfully telegraphed to the White House to not force a vote before the election. When Trump won the 2016 election, he quickly withdrew from the negotiations.

Figure 1 – Issues by National Support and Divisiveness



Note: The divisiveness measure is constructed by the absolute difference between the support among Democratic respondents and Republican respondents. Illustrative issues are labelled. The blue lines show the mathematical bounds of national support if Republicans and Democrats are the same size and the opinion of Independents are at the middle of the two groups.

lute difference between the proportion of Republican-identifying respondents and Democratic-identifying respondents that support the issue,

$$\text{Divisiveness}_i = |X_i^{\text{R}} - X_i^{\text{D}}|, \tag{2}$$

where X_i^{R} is the proportion of Republican respondents who support the issue and X_i^{D} is that among Democrats. We will use *divisive* to describe issues on which this gap is relatively high (the top 40 percent) and *not divisive* to describe issues on which the gap is low (the bottom 40 percent). Our measure of divisiveness has the advantage that it can be defined at the issue-level, and that it does not depend on there being a roll call vote.

The divisiveness among the 103 issues runs the gamut from extremely low to very high. The most divisive issue is Trump's impeachment at over 80 percentage points: this issue was overwhelmingly popular with the Democratic public but overwhelmingly unpopular among the Republican public. Other issues with a high

divisiveness include judicial nominations, the Affordable Care Act, and proposals to withdraw from Iraq. Issues with the lowest divisiveness include free trade, infrastructure spending, and military deployment related to ISIS. The blue line shows a mathematical limit to the relationship between national support and divisiveness. Because Republican and Democratic identifiers are equally large and Independent's support almost always lie in between the two groups, polarizing issues are never overwhelmingly popular or unpopular with the nation.

The divisiveness among the public nationally is related to divisiveness in roll call voting in Congress. Among those issues for which there is a roll call vote, divisiveness in the public is correlated +0.60 with divisiveness in roll call votes between Republican and Democratic Members of Congress. However, the mass public measure is about 30 percentage points smaller than the floor vote measure. In other words, the partisans in Congress are much more divisive than the partisans in the public. And, that is the first indication that the obstacles to popular representation lie inside the legislative institutions.

3 Collective Representational Success

The democratic norm carries with it the expectation that majorities will rule. Against that norm we judge the quality of our representative system of government. Majority rule is often taken as a threshold for approving new laws. Collective representation further ascribes that it should be used in evaluating what laws we decide not to enact. These are the two sides of the coin of collective representation.

Figure 2a offers two views of collective representation, a static view and a dynamic one. The static view, shown on the left, pools all of the cases in our sample, ignoring trends or year-to-year variations. The dynamic view, shown on the right, measures the degree of collective representation in all bills in a given Congress (two-year period) using the CCES and Gilens data.

Consider, first, the static view. How often does Congress make decisions in line with the majority of people? The columns of the table on the left of Figure 2a indicate whether the bill passed or did not pass. In our entire sample, 48 percent of the bills pass both chambers. The rows indicate whether a majority of people

supported the bill or did not. 71 percent of all bills were supported by a majority of people.

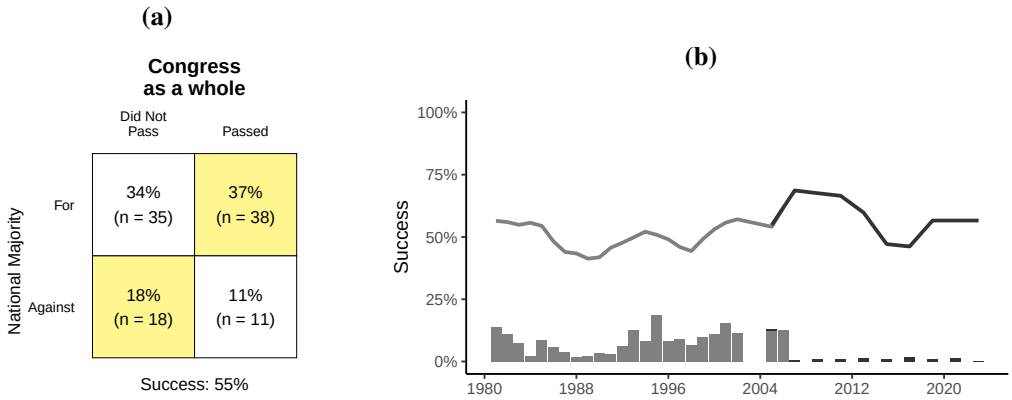
The interior of the table allows us to determine how much collective representation there was. Instances of representational success are along the shaded diagonal. These are cases in which either (i) a majority of people supported the bill and Congress passed it, or (ii) a majority of people opposed the bill and Congress did not pass it. About 37 percent of bills are cases in which a majority was for a bill and it got through both the House and the Senate (case i). Another 19 percent of bills are cases where a majority of people opposed the bill and it died in one or both of the chambers (case ii). Combined, these cases result in a 55 percent rate of successful collective representation.

These results are based on survey samples and, naturally, have some sampling error. The CCES samples ex quite large, with 95 percent confidence intervals smaller than plus or minus 0.007. We allow for uncertainty in our estimates by replacing the binary distinction of popularity in equation (1) with a probability that the true support is above 50%, using the sampling distribution of the survey estimator.[19] The intuition is that if the point estimate of public opinion on an issue is a bare majority such as 50.001%, we would like to give it around a 0.50 probability that the majority actually prefers it, rather than a 1. We find that all our subsequent results are robust to this coding. In the neighborhood of 50% popularity, our outcome variable (success) is not systematically skewed to one side of the boundary or the other, so coding our outcome as a probability instead of a binary measure does not make a large difference once they are averaged.

Now consider, second, the dynamic perspective. We extended our collective representation measure back to 1981, by using data from Gilens (2012) (Figure 2b). Gilens collected public opinion on actionable policy items from the periods 1981–2002 and 2005–2006. Unlike our data, the Gilens data are not linked to

[19] That is, we replace $\mathbf{1}(X_i > 0.5)$ with $\Pr(S_i > 0.5)$ where S_i is the true support for issue i. Let x be the survey estimate from n observations. The Central Limit Theorem implies that $\Pr(S_i > 0.5 | X_i = x) = 1 - \Phi\left((0.5 - S_i)/\sigma_i\right)$, where $\Phi()$ is the cumulative density function of the standard Normal distribution. A standard estimator for the uncertainty σ is $\sqrt{X_i(1-X_i)/n_i}$. However, given that Shirani-Mehr et al. (2018) show that the actual error of U.S. surveys like the CES tend to be about twice the theoretical sampling error, we provide a more conservative estimate by doubling this number and accounting for weights.

Figure 2 – Representational Success



Note: In (a), cases include all 103 issues, and "Passed" indicates the passed in both chambers unless the issue is a Senate-only confirmation vote. In (b), gray lines and bars come from Gilens (2012), black lines and bars are our data. The line shows a 4-year running average of representational success, defined as the final legislative outcome being congruent with the majority opinion. Year-averages are centered around the year the question is asked. Histograms show the relative sample size of questions (Gilens) and policies tied to a bill per Congressional session (our data) to indicate the coverage of the sample.

Congressional bills, and it does not systematically investigate how each chamber dealt with each proposal. However, it does include enough information for us to compute representational success in roughly the same way as our data.[20] The right panel of Figure 2a shows the trend in successful collective representation from 1980 to 2022 using the Gilens' data for the first twenty years and CCES data for the second twenty years.

Over the past 40 years, representational success hovered around 40 to 60 percent. If anything, collective representation has risen from the 1980 to the 2020.

4 The Senate as Gatekeeper

For a popular bill to become a representational success, it must pass in not one chamber but in two: the House and the Senate. Defeat can come at many different junctures in the legislative process, but the Senate is the larger obstacle to representational success.

[20] Monroe (1998) studied a similar sample of questions from 1980–1993 and finds a similar number for representational success: 55 percent.

In Figure 3, we decompose the previous figure by evaluating passage rates in each chamber evaluated against national support. [21] Consider the House, shown in the left panel. Issues that are popular are likely to pass the House: 63 percent of issues are of this sort. Another 14 percent are instances where a bill proved unpopular with the majority of people and did not pass.

Successful collective representation in the House, thus, occurred on 77 percent of the bills studied. This number is quite remarkable. Despite the commonly-cited roadblocks of potentially gerrymandered districts, majority party agenda setting, and committee chair agenda setting, how the House acts can be correctly predicted with a simple question: do the people support the issue or not?[22] One way to reconcile this highly majoritarian result with theories of agenda setting is to remember that all members of the House are up for re-election every two years, and the congressional public-facing agenda is often populated with issues spearheaded by the party that just won the majority. Majority-winning parties often have popular proposals, and once seated in a majority, the rules of the House give them the power to prioritize marking up and voting on those bills.

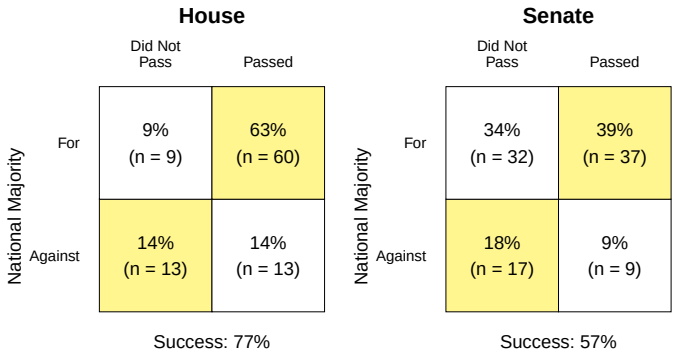
Sometimes, the House passes a half-baked bill because they know the Senate would not let it pass. Once we consider the Senate in the right panel of Figure 3, quite a different picture arises. Only in 39 percent of cases did a bill supported by a national majority pass the Senate; the corresponding number in the House is 25 points higher. The Senate does block unpopular bills too, but the higher rate with which the Senate blocks popular bills accounts for the difference between the House and Senate.

To see the bicameral nature of the legislative process more directly, in Table 1 we classify our issues based on the *joint* actions of the House and Senate. For each chamber, we show whether a floor vote was held, and if it was held, whether it passed. We saw in the previous section that bills have a lower passage rate in the Senate than in the House. In this new table, we see exactly how much of this is due

[21] The same set of cases is compared across the two tables. Issues where the Senate has sole jurisdictions (e.g. Supreme Court nominees) excluded from this table for comparability. Including those issues in the Senate table only changes the cell proportions by at most 2 percentage points.

[22] National support measured as a continuous variable positively correlates with House passage but is not correlated with Senate passage.

Figure 3 – Differences in Representational Success by Chamber



Note: See Figure 2a. This figure limits the analysis to 95 issues which require both House and Senate approval.

to bills not reaching the floor and how the two chambers jointly act on a given bill.

Two-thirds of our cases fall into only two of the cells. In the most populated cell (bottom-right), 43 issues pass both chambers, 35 of which are in line with the national majority. In the second most populated cell, 22 issues pass the House but never get a vote in the Senate. Sometimes, the Senate passes laws that the House vetoes, but this happens much less often. Three of the 22 Senate inactions are representational successes in which the House sends an unpopular bill to the Senate, and the Senate rejects it. However, it is far more common for Senate inaction to be a representational failure. Overall, nearly half of the issues we see do not pass because of a lack of a recorded vote (16 + 35 - 8 = 43).[23] The prevalence of such missingness has nontrivial methodological implications. Past work that relies on floor-based measures such as NOMINATE misses nearly half of the salient issues on the public facing agenda, many of which individual Senators themselves invest in through the committee process.

How can we account for Senate inaction in this second most common cell? That

[23] The list of salient issues from the *New York Times*, annotated with legislative success by Sarah Binder (2003) shows lower rates of chamber disagreement overall, but similar lopsidedness of the Senate: During the same period, about 9 percent pass the House but get no vote in the Senate, while only 1 percent get a vote in the Senate but not in the House (n = 331). The discrepancy is likely because our list draws more heavily from issues that reach a floor vote stage than Binder's search criterion.

Table 1 – Success by House and Senate Action

		Senate			
	Success / Policies	No Vote	Vote Held but did not Pass	Passed	Total
House	No Vote	5/8	4/6	1/2	10/16
	Held but did not Pass	2/4	1/1	0/1	3/6
	Passed	3/22	2/8	35/43	39/73
	No jurisdiction	0/1		4/7	4/8
	Total	10/35	7/15	40/53	57/103

Note: Cells are of the format "m/n", to indicate that there were n bills in that cell and m of them were representational successes. Only issues where both chambers had jurisdiction are included (i.e., we exclude Senate confirmations). The two most prominent cases are highlighted.

is, what predicts whether the House says yes and the Senate says no? A natural suspect is the Senate's own supermajority requirements. Senate leaders squeeze dozens of votes into precious floor time by an internal device called unanimous consent agreements, but a single rank-and-file Senator can threaten to block that procedure. And forty Senators can sustain a filibuster on most legislation. These two internal rules means that in practice, votes of both parties' Senators are needed to pass legislation in the Senate. Issues that divide the public by party receive pushback in both chambers, but only in the Senate does the majority find such push-back difficult to surmount.

We estimated a regression predicting an issue falling into that outcome. Specifically, we estimated a linear probability model with time-clustered standard errors of the form:

$$Z_i = \beta_0 + \beta_1(X_i^*) + \beta_2(\text{Divisiveness}_i^*) + \beta_3(\text{Divided Congress}_{t[i]}) + \varepsilon_{it} \qquad (3)$$

where $Z_i = 1$ if issue i is both passed in the House and not passed in the Senate

Table 2 – Issues that Pass in the House and Fail in the Senate

	(1)	(2)	(3)
(Intercept)	0.23**	0.22*	0.21*
	(0.086)	(0.089)	(0.086)
Divided Congress (1/0)	0.24	0.27	0.31*
	(0.185)	(0.159)	(0.139)
National Support (Z-score)		0.11*	0.14**
		(0.043)	(0.051)
Divisiveness (Z-score)			0.14**
			(0.036)
n	95	95	95
R^2	0.062	0.114	0.193

Note: Outcome is 1 if passed in House and died in Senate; 0 otherwise. Each column is an OLS regression with robust SEs clustered by congress.

(and 0 otherwise), X is national support, Divisiveness follows equation (2), Divided Congress is an indicator for whether the House and Senate in congressional session t are held by different parties, and an asterisk indicates the standardization to zero mean and unit variance for ease of interpretation. We expect that popular issues will be passed by the House, that issues with a high divisiveness will languish in the Senate, and that the two chambers will reach different conclusions when different parties hold a majority.

We find results consistent with these expectations. See Table 2. In a unified Congress, the House says yes and the Senate says no 25 percent of the time (column 1). A one-standard deviation increase in an issue's national support is associated with a 14 point increase in that event, and a one-standard deviation increase in an issue polarization increases the likelihood by a similar number (column 3). Divided congress, national support, and polarization explain about 20 percent of the total variation. Popular and polarizing issues proposed under a divided government are the most likely type of issues to languish in the Senate.

Three findings thus far merit re-emphasis. First, in 55 percent of the issues studied, Congress did what a majority of people wanted it to do. That is the rate of collective representation in the contemporary Congress. A re-analysis of the 1964-2022 policies in Gilens (2012) turns up roughly a similar level of representation

despite the differences in coding and scope. Second, the Senate appears to be the larger obstacle to majority rule in the Congress. The Senate only aligns with majority opinion on 55 percent of our decision agenda, and the Senate's defeat of popular legislation accounts for most of the misalignment between the House and Senate. Third, one correlate of Senate inaction is the partisan divisiveness of the issue, as measured by where the party bases stand. However, this quantitative regression only explains a fraction of the total variation in representational success.

5 The Fate of Bills by Popularity and Divisiveness

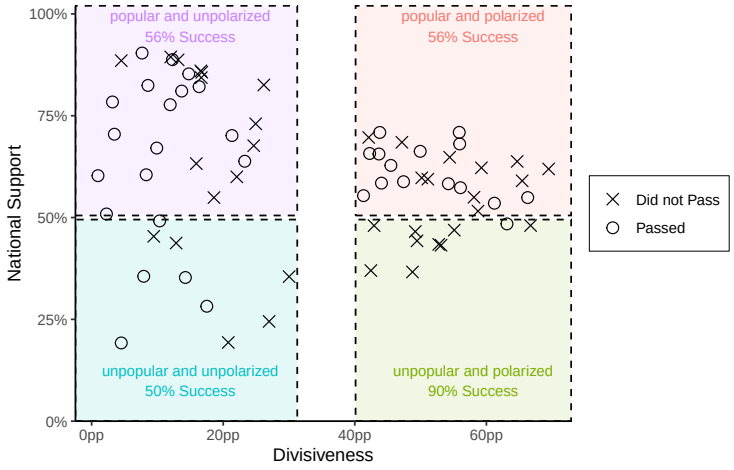
Clearly, popularity and divisiveness predict what bills tend to get through the House and the Senate. The exact conditions, though, are nuanced. To see this we consider four different circumstances, based on whether a bill is popular and whether it is divisive in the public.

We grouped our issues into four categories — popular and divisive, unpopular and divisive, unpopular and not divisive, and popular and not divisive. After dropping issues of ambiguous classification, we were left with 73 issues.[24] Figure 4 reproduces Figure 1 but colors them by this 2-by-2 classification, and also marks each issue by their ultimate passage.

At first glance, these classifications have little explanatory power. Three out of the four quadrants have passage rates that are quite similar to each other. The quantitative model in our previous section predicts that issues that are both popular and not divisive will become representational successes, but this top-left quadrant has a 45 percent failure rate. Popular and divisive issues — issues that our model predicted would fail, in the top-right quadrant — actually pass more than half the time. This led us to examine the legislative histories of each quadrant more closely. We start by popular and divisive issues, and proceed clockwise.

[24] Specifically, for this section we narrowed our sample in three ways: (1) drop issues whose national support was close enough to 50-50 and the standard error for the estimate was large enough that the posterior probability of the true value being strictly less than or more than 50 percent was 0.99 or less, (2) drop the middle quintile of divisiveness measure, leaving only the issues with gap values in the bottom 40 percent of the data (not divisive) or the top 40 percent (divisive), and (3) drop Senate nominations.

Figure 4 – Popularity, Divisiveness, and Passage.



Note: Issues that have border-line levels of support and the middle quintile of divisiveness are excluded.

5.1 Popular and Divisive Issues

Among the 25 issues that are popular and divisive (top-right quadrant of Figure 4), more than half of them pass and thus become representational success. What explains the unexpected degree of passage in this subset of issues?

An examination of the bills in the data reveals that all of the unexpected results boil down to one of three ways in which Congress can, at times, bypass the Senate's supermajority requirement. Table 3 separates these popular and divisive issues by their ultimate outcome: failure (i.e., no passage) on the left column and unexpected success (i.e., passage) on the right column. An explanatory note accompanies the entries in the right column.

All of the counter-expectation results after 2011 are due to special exceptions to the filibuster, known as budget reconciliation. The Congressional Budget Act of 1974 stipulated that debate on bills to meet final budget resolutions are only granted limited time for debate on the floor and are not subject to a Senate filibuster. Using this route, the Tax Cuts Jobs Act (2017), supported by 58 percent of the public (but only supported by less than 38 percent of Democratic respondents), passed the Senate over the objection of all 48 Democratic Senators. Under Biden's presidency,

Table 3 – The Fate of Popular and Divisive Issues.

Failures (Did Not Pass)		**Successes (Passed)**		
	Supp.		Supp.	Explanation
109-110th Congress (Bush)				
Withdraw Iraq 2006	0.64	Fund Stem Cell 2005	0.68	Bush compromise
Withdraw Iraq 2007	0.62	Fund Stem Cell 2007	0.66	Bush compromise
		SCHIP 2007	0.71	Bush compromise
		Ban Late Abortion 2006	0.59	Dem compromise
		Foreclosure Assistance	0.55	GOP compromise
111th Congress (Obama, 2009-2010)				
Cap and Trade	0.60	PPACA	0.55	60 Dem Senators
		Dodd Frank	0.71	59 Dem Senators
		End DADT	0.66	59 Dem Senators
		Hate Crime Prevention	0.63	60 Dem Senators
		ARRA	0.53	60 Dem Senators
112-116th Congress (2011-2020)				
Repeal ACA 2013	0.55	Tax Cut Jobs Act (2017)	0.58	Budget reconciliation
Raise Minimum Wage 2016	0.69	Repeal ACA 2015*	0.57	Budget reconciliation
Keystone 2014	0.59			
Withhold Sanctuary Funding	0.52			
Raise Minimum Wage 2019	0.65			
117th Congresses (Biden, 2021-2023)				
Build Back Better Act	0.62	Inflation Reduction Act	0.66	Budget reconciliation
Jan 6th Commission	0.59	ARPA	0.58	Budget reconciliation
John Lewis VRA	0.70			
		Total Success		0.56

Note: Issues are divided by Congress, and then into those did not pass (left) and those that did pass (right). *One issue, the ACA repeal in 2015, was passed in Congress but promptly vetoed by President Obama. The Supp. column indicates national support.

the Democratic Senate majority passed the American Rescue Plan again through the budget reconciliation over the objection of 49 Republicans. Finally, the Inflation Reduction Act passed over the objection of all 50 Republicans in 2022, again under budget reconciliation. Budget reconciliation can only be used sparingly because they must be tied to a budget resolution.[25] The majority party could ram through their own priorities in the Senate in these rare instances. Negotiations over what goes into reconciliation are a major part of Senate politics (Reynolds 2017; Valelly 2016). Intraparty disagreements can still doom such attempts. The predecessor to the IRA, which we capture as the Build Back Better Act, failed when Joe Manchin (D-WV) announced a no vote. But less than a month later, Manchin co-sponsored a compromise bill, calling it the IRA.

The second time the Senate passed polarizing bills was during the 111th Congress, when Democrats had a filibuster-proof majority for some time. The six most popular issues under this Congress were all divisive, with the Republican public objecting to passage. However, Senate Democrats managed to pass all but one of these issues, largely because they secured 60 seats mid-session, from June 2009 when Al Franken (D-MN) was seated until January 2010 until Scott Brown (R-MA)'s election. During this time, the Senate Democrats passed the Senate version of the Affordable Care Act on their own without relying on Republican votes. There were exceptions. The Democrats were able to garner Republicans when they needed them, too. With one vote short of 60, Democrats managed to pass a financial rescue bill (ARRA) in February 2009 with 3 Republican votes: Susan Collins (R-ME), Olympia Snowe (R-ME), and Arlen Specter (then R, PA). And once Democrats officially lost their 60th seat in 2010, they still passed two major bills — the Dodd-Frank reform act and the ending of Don't Ask, Don't Tell – by relying on 2 Republican votes.[26] Democrats ended the 111th Congress without being able to pass the

[25] See CRS Report https://crsreports.congress.gov/product/pdf/RL/RL30458, p.1. Republicans used reconciliation twice in 2017 by touching on budget resolutions for the current fiscal year and the next fiscal year.

[26] In Dodd-Frank, Scott Brown (R-MA) and Susan Collins (R-ME) voted with the Democrats to break the filibuster 60-39. The repeal of DADT received eight Republican votes, including from Brown and Collins. The repeal had failed initially after Democrats tried to attach it to the Defense authorization, but passed in a elaborate operation in the 2010 lame duck, right before Republicans took control of the House (Valelly 2016).

Cap and Trade environmental bill passed by the House, due to internal objections within the conference.[27] In short, the majority prevailed in this Congress by overcoming the high hurdle of the filibuster with enough seats and the critical support from a few opposition party representatives.

The third time the Senate passed divisive bills was under George Bush's second term. Under a Republican trifecta and the help of 16 moderate Senate Democrats, Bush managed to pass a ban on partial-birth abortions supported by two-thirds of the public. He compromised Republican priorities on other issues, however, including the Democrat-backed funding of stem cell research that angered pro-life Republicans (but was popular overall). After Pelosi and Reid won control over Congress in 2006, he signed into law an expansion of the State Children's Insurance Program (also popular overall). All of these issues divided Democrats and Republicans but were overall supported by a majority of the public. The bipartisan maneuvering by Bush is consistent with the analysis in Gilens (2012, Ch. 7), which found that Bush's tenure was one of the high points of representational success in his timespan.

These exceptions, then, effectively prove the rule: the Senate filibuster is a major barrier to majority rule. The 111th Congress under Obama's first term is the only time since 1976 that a single party held a filibuster-proof majority,[28] and that is the *high* point of representational success in Figure 2b. The only other way polarizing and popular issues got through the Senate in the post-Bush era was through skirting the filibuster from a carve-out.

5.2 Unpopular and Divisive Issues

The Senate is a formidable roadblock for popular issues, but the same conservative tendencies of its rules help representation when the issue is unpopular. Ten issues in our dataset were highly divisive but were opposed by the majority of the nation as a whole, due to tepid support by independents and opposition party members.

[27] The cap and trade bill never reached the floor. Illustrative of Curry and Lee (2020)'s argument, Majority Leader Reid failed to convince enough moderate Democrats, including Mary Landrieu (D-LA), Blanche Lincoln (D-AK), and Evan Bayh (D-IN) to support the particular provision.

[28] Democrats had 66 seats in the Senate during 1963-1966, but the threshold was two-thirds vote back then.

Table 4 – The Fate of Unpopular and Polarized Issues.

Congress (House/Senate)		Supp	Passage	Explanation
109 (R / R)	Cut Capital Gains Tax	0.48	✓	Budget reconciliation
110 (R / R)	Ban Gay Marriage	0.46		
112 (R / D)	Repeal ACA 2012	0.44		
	Religious Exemption ACA	0.38		
113 (R / D)	Student Success	0.48		
	Religious Exemption ACA	0.43		
115 (R / R)	Repeal ACA 2017	0.48		
	End Visa Lottery	0.44		
	Concealed Carry	0.37		
116 (D / R)	End Taxpayer Abortion	0.47		
	Total Success		0.90	

Note: Congress column lists the party control of the House, then Senate. Supp indicates level of national support.

Table 4 enumerates each one in chronological order.

One striking commonality in these unpopular and divisive issues is that they are all Republican-led. This is likely not a coincidence or an artifact of biased question wording. Hacker and Pierson (2020) demonstrate that the issues in the Republican party agenda during this time were relatively unpopular. Yet, they enjoyed majority support among Republican voters when Republicans held a majority in at least one chamber.

Ninety percent of these divisive and unpopular issues failed to pass and are thus counted as representational successes. All of the failures of passage were due either to the Senate's refusal to take up the bill (as in the move to repeal the ACA in 2012), or its explicit vote to bring it down (as in the repeal of the ACA in 2017). The one time the Senate let an unpopular policy pass was when budget reconciliation was invoked: during the Republican trifecta of 2006, Republicans passed a cut to the capital gains tax (supported by 48 percent of the public) with budget reconciliation over the objection of 40 Democratic Senators. This is the one time in our data when budget reconciliation was used to pass an unpopular policy. The Senate's aversion to polarizing bills acts as a double-edged sword. It blocks popular bills (representational failure) but also blocks unpopular ones (representational success).

Table 5 – The Fate of Unpopular and Unpolarized Issues

Congress (House/Senate)		Supp	Passage	Explanation
109 (R / R)	CAFTA	0.35	✓	Trade
110 (D / D)	TARP	0.28	✓	Crisis
	Extend NAFTA	0.49	✓	Trade
112 (R / D)	Extend All Bush Cuts	0.25		
	Ryan Budget	0.22		
113 (R / D)	Sales Tax Online	0.44		
114 (R / R)	Renew Patriot Act	0.45		
	Arm ISIS Rebels	0.19	✓	Security
115 (R / R)	Bipartisan Spending	0.36	✓	Spending and debt
	Immigration Ryan	0.35		
	Total Success	0.50		

5.3 Unpopular and Not Divisive Issues

Turning clockwise on Figure 4, we examine issues that are both unpopular and not divisive. These are issues that both party bases do not like. It includes 10 issues covering free trade, tax cuts, budget expenditures (Table 5). The *ex ante* prediction here is unclear. We expect the House to vote down unpopular bills, but the lack of a partisan divide means that it is less controversial to pass in the Senate.

The representational success rate of these unpopular and not divisive issues is a coin toss: 50 percent. That is, both chambers of Congress passed half of these unpopular issues anyways: a free trade deal, committing U.S. military abroad to the Middle East, assistance to Wall Street executives in 2008 to stop a financial meltdown, and a bipartisan budget logroll in Trump's first term that would have added $120 billion to the budget. And in the other half of cases, one or both chambers of Congress blocked the bill. It does appear that many of the issues in this quadrant are issues of diplomacy, war, and crisis. We take up this theme later in the paper.

5.4 Popular and Not Divisive Issues

The final quadrant, popular and not divisive issues, should be the easiest path to representational success. These are issues that both Democratic and Republican voters prefer to the status quo.

Table 6 – The Fate of Popular and Not Divisive Issues

	Unified Congress	**Divided Congress**
Success	**67%**	**42%**
Denominator	$n = 15$	$n = 12$
Congresses	114th (R), 115th (R), 117th (D)	112th (D Senate), 113th (D Senate), 116th (R Senate)
Example Failures	Big Tech Antitrust, Paycheck Fairness Act	Gun Background Check 2018, Negotiate Rx Costs
	Total Success: *0.56*	

Some of these issues sail through after committee deliberation: the Violence against Women's Act and Sanctions against Iran are prominent examples. Two of the Biden administration's most explicitly bipartisan bills also fall into this category: the 2021 infrastructure bill and the modest gun control bill in 2022 following the Uvalde school shooting led by Senators Chris Murphy (D-CT), John Cornyn (R-TX), and Kyrsten Sinema (D-AZ at the time). However, 56 percent is not much better than a coin-toss.

One contextual factor that clearly correlates with success in this subset of popular and not divisive issues is simply whether the control of the two chambers is divided. Table 6 takes these 27 issues and shows the representational success rate between the congresses where the same party held the majority in both chambers vs. those where Republicans and Democrats held different majorities. Close to 2 in 3 of these issues in unified Congresses became a representational success, whereas only 4 in 10 of those in divided Congresses became a success. Divided government has more explanatory power than other potential explanations. This finding is consistent with Binder (1999)'s analysis of Congressional enactments during 1953-1996.

There were two phases of a divided Congress in our timespan: Obama and Trump's post-midterm slumps. In the first phase, Republicans won the House but Democrats retained the Senate and the Presidency from 2011 to 2014. Democrats

blocked the passage of popular bills spearheaded by Republicans: building the Keystone oil pipeline (the Senate voted down the final amendment with 42 votes), and banning late abortion (the Senate never took a vote).

Veto politics intensified in the second phase, when Nancy Pelosi won back the House and faced a Republican Senate and White House during 2019-2020. This Congress was the only time in which Pelosi and McConnell were simultaneously leaders of the majority. Several of the Democrat-led issues that arose from the House this session were popular with Republican voters. Three were supported by over 90 percent of Democratic voters *and* 80 percent of Republican voters: a gun background check law, negotiation of prescription drug prices, and a statute that would have mandated equal pay for equal work between men and women. Other bills that Pelosi led in this Congress were polarizing. Regardless of their level of divisiveness, the ten issues in our list were popular overall and passed the House, including President Trump's first impeachment. And, all of them died in the Senate. One exception was the CARES Act: On March 25, 2020, the Senate passed the $2 trillion package mainly negotiated by Pelosi and Trump's Treasury Secretary 96 to 0, and the House passed it by voice vote.

Throughout our timespan of study, issues that are popular and do not divide the parties do rise to the agenda for one reason or another, but divided government treats them differently. Dueling chambers led by different majority parties is generally bad news for representational success for such seemingly uncontroversial issues.

6 Reasons for Collective Representation Failure

Representational success is difficult to achieve. Even popular and non-divisive issues, we have found, fail to pass the necessary bicameral system. And popular and polarizing issues do occasionally pass the Senate, but those instances are numbered. The literature on dyadic representation offers some reasons why collective representation could fail.

6.1 Senate Malapportionment

Perhaps the most likely suspect of failure, based on the dyadic representation literature, is that Members of Congress are "national policymakers but local representatives" (Glassman 2018). What they think is good for their district may not be popular with a majority of a nation.

The Senate, in particular, may run counter to the national majority in two ways. Eidelson (2013) refers to the Senate rules that respect the filibuster and individual objections to unanimous consent as internal countermajoritarianism (because they are due to internal Senate rules), and refer to the malapportionment of seats as external countermajoritarianism (because they are set by the Constitution). Our previous analysis of popular and divisive issues suggests that internal countermajoritarianism significantly blocks the majoritarian force in the U.S. system.

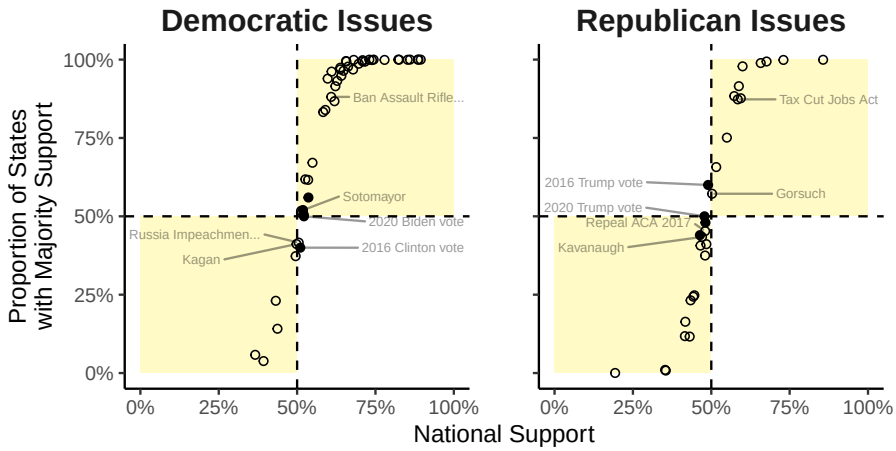
We now turn to external countermajoritarisnism: the apportionment of seats. Gerrymandering of House districts and malapportionment of the Senate have long been seen as significant distortions of representation in the United States. Members of Congress may not see national opinion unfiltered but rather through the lenses of their electoral constituencies. In particular, Senate malapportionment gives each state, regardless of population, two Senators. If citizens in small states hold starkly different preferences than the rest of the country, they can distort the translation of national opinion as the Senate sees it.

However, the Senate's malapportionment *per se* has limited power in predicting representational failure. Across almost all our issues, when more than 50 percent of the nation supports an issue, the share of *constituencies* (states or congressional districts) in which a majority of constituents support the issue is also more than 50 percent. Figure 5 compares the national support for an issue to the proportion of states in which a majority support the issue.[29] We provide a summary of this methodology in Appendix A.3.

Issues that are popular nationally almost always have the backing of a majority of states (Figure 5). Similarly, issues that are unpopular nationally almost always lack such support. Compare this with the actual votes for Presidential candidates,

[29] Let $k = 1, ..., 50$ index states and X_{ik} be the estimated proportion of constituents in state k supporting issue i. The y-axis of Figure 5 plots $s_i = \frac{1}{50} \sum_{k=1}^{50} \mathbf{1}(X_{ik} > 0.5)$ where $\mathbf{1}$ is an indicator variable.

Figure 5 – The Limited Consequence of Senate Malapportionment



Note: Hollow dots show the issues that we were able to code as clearly Democratic or Republican-leaning based on rollcall votes. The black dots show votes for Presidential elections in 2008-2020 for reference.

shown in the black points. In 2016, Hillary Clinton won 51 percent of the national popular vote but only won majorities in 40 percent of the fifty states. Such incongruence rarely happens in our issue opinion data. The main reason is that winner-take-all electoral systems fundamentally have a winner's bonus. Incongruences like the 2016 elections do occur at the knife's edge of one or two percentage points in margin, but most public opinion majorities are more pronounced than a bare majority. At those more pronounced majorities, the pro-Republican bias is not large enough, and states are not different enough, to prevent a popular issue from being supported by a majority of each state. The Tax Cut and Jobs Act under Trump was supported by 58 percent of the nation but had majority support in 87 percent of states. Similarly, the repeal for the ACA in 2017 was opposed by 52 percent of the nation and had majority opposition in 55 percent of states. We further explore the nature of issue aggregation in congressional districts as well as states in Ansolabehere and Kuriwaki (2024).

This finding complicates the common way political scientists have assessed the representational harms of Senate malapportionment. Table 7 gives an illustrative example. We use the vote to confirm Brett Kavanaugh to the Supreme Court, which is included in both our data and in Johnson and Miller (2023). On this vote, the

Table 7 – Malapportionment and Rollcall Voting: The Kavanaugh Vote

	State's Majority Opinion		
Senator Vote	No	Yes	Sum
No	44	5*	49
Yes	16†	35	51
Sum	60	40	100
National Opinion: 53 percent No			

Note: An illustrative example of public opinion and rollcall votes for the issue of appointing Brett Kavanaugh to the Supreme Court.

∗: Jones (D-AL), Donnelly (D-IN), McCaskill (D-MO), Tester (D-MT), Heitkamp (D-ND)
†: Sullivan (R-AK), Flake (R-AZ), Kyl (R-AZ), Gardner (R-CO), Rubio (R-FL), Perdue (R-GA), Isakson (R-GA), Collins (R-ME), Burr (R-NC), Tillis (R-NC), Heller (R-NV), Portman (R-OH), Toomey (R-PA), Cornyn (R-TX), Cruz (R-TX), Johnson (R-WI)

ayes were 51, even though their states collectively represented only 44 percent of the population. However, such a distortion does not exist in the state-level public opinion. The columns of Table 7 divide Senators by whether the majority of their constituents oppose the vote. In 20 states, the majority of constituents supported Kavanaugh, and in 30 states (or 60 percent of states), the majority of constituents opposed Kavanaugh. In fact, the seat share *magnifies* the opposition from the national level of support of 53 percent to 60 percent. It seems misleading, then, to attribute the representational failure in this case to Senate malapportionment. Instead of reweighting votes (Eidelson 2013; Evans 2024; Johnson and Miller 2023), when we reweight constituent opinion there is no clear incongruence in the opinion of states and the opinion of the nation.

In summary, representational failure primarily occurs by Senators voting against their state opinion, rather than small state's public mass preferences being anti-majoritarian to begin with. Malapportionment does have distortionary effects in the legislature, elevating the power of small Senators in congressional logrolling (Lee and Oppenheimer 1999). However, its effect on representational success is not as obvious. Small states must have sufficiently different public opinion than large

Table 8 – Foreign and Domestic Policy

Category	Success	n	Examples
Foreign	30%	10	Normalize Cuba, TPP, South Korea FTA, Arm ISIS Rebels
Governmental	45%	11	Jan 6th Commission, Russia Impeachment, Gorsuch
Social	53%	17	Ledbetter Fair Pay, Violence Against Women, End DADT
Domestic	60%	15	Ban Assault Rifles, Renew Patriot Act, Dream Act
Economic	61%	49	Keystone, PRO Act, Inflation Reduction Act, Repeal ACA

states for malapportionment to distort collective representation, and our findings suggest that differences are relatively small.

6.2 Domestic vs. Foreign Policy

In their classic study, Miller and Stokes (1963) compared civil rights, domestic economic policy, and foreign affairs, finding that the degree of dyadic representation between representatives and their voters were the highest for civil rights and the lowest for foreign affairs. Subsequent work has focused on this distinction of policy domain since.

Issues of foreign policy have the lowest level of representational success at 30 percent (n = 10), compared to other broad categories of economics and domestic policy, social issues, domestic regulations, and government/nominations (Table 8). In contrast, domestic economic issues are the largest category and has above-average representational success.

Foreign policy issues in our dataset (free trade and security) are measurably not divisive, i.e., Republican respondents support the issue at levels similar to Democratic respondents. Free trade agreements appear to split the partisan public, and some foreign interventions are uniformly unpopular. At the same time, foreign policy issues are also issues where politicians may have private knowledge about the nation's interests. Perhaps foreign policy issues are fertile ground for a trustee model of representation where the politicians know best. Indeed, many of the unpopular and not divisive issues are foreign policy issues and fiancial or fiscal crises (Table 5).

Past literature has also focused on the interests of the affluent as a source of

representational failure (Bartels 2016; Gilens and Page 2014; Hacker and Pierson 2020; Witko et al. 2021). While a handful of our issues clearly have the most benefits to the wealthy (e.g. cutting the capital gains tax in 2006 or weakening the Dodd-Frank regulations in 2017), most others benefit a wide range of interests and cannot be coded as clearly benefiting narrow interests or wide interests. The 2017 Trump Tax Cuts, for example, cut the corporate tax rate but also cut other income taxes and raised the effective tax of suburban homeowners. The power of narrow financial interests is perhaps best evaluated by studying the legislative process prior to the decision agenda.

6.3 Anticipating Future Opinion

Our definition of representation is relatively static: An issue is coded as a representational failure if it does not pass in a single Congress and it is popular at the time. But legislation takes many congressional sessions to develop, and public opinion is not static (Stimson 2015). In one regard, our data *do* capture the dynamic shifts in the agenda, because some issues persist on the decision agenda for multiple Congresses. Raising the minimum wage and the ACA repeal, for example, are each featured four times as separate issues in our data. ACA repeal was popular during 2013-2016, when President Obama held the veto pen, at 55-57% support, but once Republicans won the White House and both chambers of Congress in 2017, support for repeal dipped to 48%. Static representation codes representatives who voted against repeal as failure, but they were in fact voting in agreement with what opinion *would be* once the threat of repeal became real (Arnold 1992). Members of Congress stake their careers on projecting such future trends in public sentiment, though they can certainly miscalculate.

As an empirical matter, few of the issues polled on the CCES for multiple years exhibit strong overtime shifts in popularity.[30] Hopkins (2023) shows that public opinion on the ACA did not change even after the rollout of the policy's benefits

[30] In the CCES panel studies following the same respondents over 2 to 4 years, we found that within-person preferences for ACA repeal and the Keystone pipeline were correlated at about 0.62, which is the level of correlation one would expect if people gave the same answers 80 percent of the time from one survey to the next. See also Figure A.3 on cross-sectional stability in overall popularity.

and was rarely moved by experiments that framed the policy one way or the other.

7 CONCLUSION

Collective representation reflects not how well individual legislators reflect their constituencies but how well the Congress as a whole reflects the nation's interest. It may be impossible for one legislator to represent 400,000 people, Weissberg (1978) conjectured, but it may "be possible for 435 legislators to represent more accurately the opinions of 220,000,000 citizens" (547). Whether they do is an important gauge of how representation works in American democracy. We offered one of the few systematic empirical studies of collective representation of the 21st century Congress. We traced more deeply the legislative histories of over 100 policy proposals, and we drew on a body of survey research that was designed specifically to study congressional representation.

On the 100 issues that populated the decision agenda over the past two decades, Congress has sided with the majority of the public on important bills in 55 percent of them. To many, the 55 percent figure falls far short of a democratic ideal. One would hope that in a democratic society, the legislative branch would vote with the majority of the public nearly all of the time. Yet, the U.S. Congress aligns with the people on only half of these legislative proposals. Congruence during 1980–2006 also hovered around 50 to 55 percent (Gilens 2012; Monroe 1998). Lax and Phillips (2012) found that state policy in 2008 was congruent with the state's majority opinion in about 50 percent of the issues examined and characterized it as a "democratic deficit."

Alternatively, viewed through the lens of the U.S. Constitution, 55 percent might seem like a high number, perhaps more than even was intended. Separation of powers, bicameralism, and a system of checks and balances make for a legislative process with many points at which a bill can be blocked or vetoed. The Founders were wary about popular government. Although they likely did not anticipate such a partisan use of minority-led blockage (Smith 2014) nor an elected Senate, Madison and his contemporaries argued that Congress should be designed not only to reflect the popular will but to be a deliberative body that could counteract momentary

populist passions. Madison sought a House and Senate that would encourage a multiplicity of claims to representing the people (Garsten 2010). Issues that can pass all of the hurdles of the legislative process, then, perhaps have a stronger claim to representing the public will. Indeed, 80 percent of our proposals that *do* get passed by both chambers are supported by a majority of the nation.

What should one make of unpopular issues that nevertheless make it through all these veto points? On at least some of these cases, perhaps Congress did the right thing, acting as a trustee rather than a delegate. The mass public has at times supported the banning of same-sex marriage, the default of the U.S. government on its debt, and the repeal of the Affordable Care Act. One notable finding from our study is that the Senate is much less likely to pass divisive bills than bills that both partisan bases support (or both oppose). There is a positive light, then, in which to understand what the Senate does: It filters out issues where support or opposition is not overwhelming. This is because polarizing issues are necessarily issues close to 50-50 support (Figure 1).

A dimension of representation left for further work is on the matter of anticipating what is to come. Legislators may know that public opinion will change and even seek to persuade and educate public opinion before their next re-election, engaging in what Mansbridge (2003) called anticipatory representation. They may also engage in hypothetical evaluation, as we discussed in this study. In formal models where the politician is uncertain as to whether the public will learn private knowledge about the policy in time for the election, it is rational for the politician to pander in some situations but to display leadership and take the unpopular but right approach in others (Canes-Wrone, Herron, and Shotts 2001).

The level of collective representation in the United States is neither as high as one would optimistically hope from a democratic system nor as low as a skeptic would predict. There is nothing magical about 55 percent. There is not a single number that will precisely capture the quality of democratic representation. Rather, our number reflects the push and pull of forces at work in the U.S. process. There is a strong majoritarian force in American politics. We see that when parties win elections, they promptly pursue their platform through the legislature. The malapportionment of the Senate appears to provide limited bias in the aggregation of

opinion. Other forces are more countermajoritarian. We found that internal Senate rules and divided government block legislation that is divisive in the mass public, even when they are nationally popular. Through these complex but systematic ways, Congress, as a collective representative body, decides on issues where collective decision-making is difficult.

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Appendix

A Additional Findings and Summary Statistics

A.1 Summary Statistics

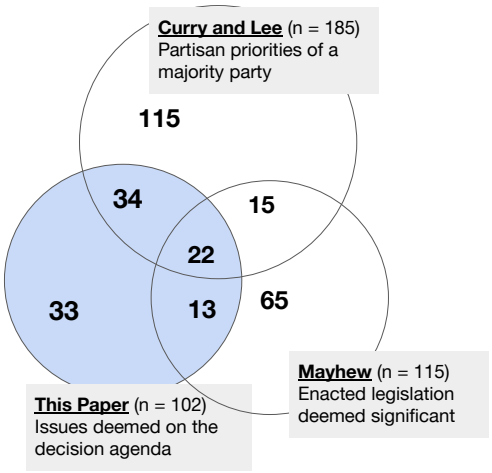
Table A.1 summarizes the number of issues in our dataset, along with subgroup averages of national support, divisiveness, and passage.

Table A.1 – Summary Statistics of Issues in Congressional Agenda

		Survey		
	n	Avg. Nat'l Supp.	Avg. Divsiv.	Passed
Total Issues	103	.60	.36	.48
(issues needing bicameral approval)	94	.60	.35	.45
Subgroups				
Republican House	59	.56	.31	.42
Democratic House	43	.66	.40	.48
Republican President	44	.59	.41	.48
Democratic President	58	.59	.33	.48
109th (Bush, Hastert, Frist)	7	.56	.46	.71
110th (Bush, Pelosi, Reid)	9	.58	.41	.78
111th (Obama, Pelosi, Reid)	10	.61	.50	.90
112th (Obama, Boehner, Reid)	9	.45	.27	.33
113th (Obama, Boehner, Reid)	14	.55	.30	.31
114th (Obama, Boehner, McConnell)	12	.64	.24	.50
115th (Trump, Ryan, McConnell)	17	.56	.38	.42
116th (Trump, Pelosi, McConnell)	11	.70	.42	.11
117th (Biden, Pelosi, Schumer)	13	.69	.36	.43
Overlap with other lists				
In Mayhew's *Important Legislation*	35	.61	.29	1.00
In Curry and Lee's *Party Priorities*	55	.63	.34	.47

Note: Average national support is the percent of the nation supporting the issue, averaged across issues. Passage rates indicate the proportion of issues that passed both chambers, or, for issues under Senate only jurisdiction, the Senate. Congresses are listed with the President, House Speaker, and Senate Majority Leader at the time.

Figure A.1 – Issue Overlap with Existing Lists



Note: Venn diagram with number of cases in each cell. For example, there are 22 issues which are included in all three lists.

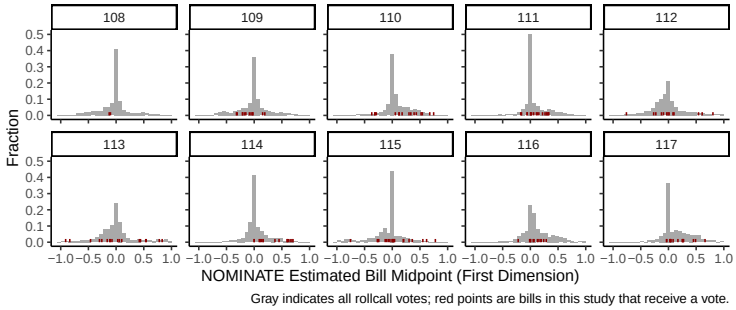
A.2 Issue Coverage

The bottom two rows of Table A.1 and Figure A.1 show the overlap between the two existing lists of issues described in the main text.

One question about overlap and generalizability is how representative our issues are of roll call votes generally. To gauge how typical these votes are of the thousands of votes cast by each Congress, we turn to the NOMINATE scalings of all roll call votes currently maintained by Lewis et al. (2024).[31] The NOMINATE scores have been one of the most important innovations in measuring the behavior of individual legislators and characterizing the nature of congressional decision making on legislation. The NOMINATE statistical technique measures an ideal point for each legislator based on the similarity of that legislator's voting record to other legislators, which can be used to map legislators' preferences or ideal points in a common space rather than one decision at a time. The methodology also yields a score for each bill corresponding to the mid-point of all legislators on the bill. If a small set of bills, such as in the CES, are unrepresentative of all roll call votes, then the distribution of the bill mid-points (e.g., mean and variance of the mid-points)

[31] Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2024). Voteview: Congressional Roll-Call Votes Database. https://voteview.com/

Figure A.2 – Comparison of Select Bills with All Rollcall Votes



will differ markedly from the universe of all roll call votes.

The bills in the CES on which roll call votes were taken are, in fact, quite representative of the set of all roll call votes. These are summarized in Figure A.2. On the first dimension of NOMINATE, the average mid-point of the 103 CES roll call votes is .11 and the variance is .33. The average mid-point of the remaining 15,820 roll call votes .04 and the variance is .31. On the second dimension of NOMINATE, the average mid-point of the 103 CES roll call votes is .07 and the variance is .55. The average mid-point of the remaining 15,811 roll call votes .07 and the variance is .56. The distribution of mid-points for both the first and second dimensions of NOMINATE are very similar for the CES roll call votes and in the remaining 15,800 roll call votes. To the extent that there is an aberration in the CES cases, it occurs in the 114th Congress (2015-2017). This was a particularly dysfunctional Congress, in which Republicans shut down the government and John Boehner stepped down as speaker and was replaced by Paul Ryan. In this year, the mid-points of the 7 CES bills (which included the very unpopular Ryan and Simpson-Bowles Budget proposals) were far to the right of the typical vote. Omitting this year from the data makes the distribution of the first dimension mid-points of the remaining CES bills even closer to the universe of roll call votes. The mean mid-point on the first dimension becomes .08 for the CES roll calls and .04 for all of roll calls, and the mean mid-points on the second dimension remain .07 for the CES roll calls and .07 for all other roll calls.

A.3 A Seats-Votes Curve for Issues

Figure 5 in the main text shows the relationship between seats and votes for issues. The electoral systems literature relies on the seats votes curve on election data to detect bias in the electoral system. Here we use the same logic on survey-based opinions to detect bias in the electoral system in aggregating issue preferences. Ansolabehere and Kuriwaki (2024) introduce this as the *issue aggregation curve*, and replicate the workhorse regression model in the seats-votes literature from a spatial model.

Following this literature, we estimate a regression of seats on votes:

$$\ln\left(\frac{s_i}{1-s_i}\right) = \alpha + \beta \ln\left(\frac{X_i}{1-X_i}\right),$$

where X_i indicates the national support for issue i ("votes"), and s_i is the share of constituencies in which a majority of the public support the issue ("seats"). For example to evaluate the House, let $k = 1, ..., 435$ index congressional districts, and to evaluate the Senate, we let $k = 1, ..., 50$ index states. Let X_{ik} be the estimated proportion of constituents in district k supporting issue i. Then for our Senate analysis, $s_i = \frac{1}{50}\sum_{k=1}^{50} \mathbf{1}(X_{ik} > 0.5)$. The CCES geocodes respondents by state, making these estimates possible. The regression converts s and X_i into log odds, where $\ln$ indicates the natural log, as is customarily done from variables bounded between 0 and 1. In computing the estimates, we dodge the estimates of s_i slightly, by 0.0001, to avoid dividing by 0.

Our main quantity of interest in this analysis is the value of the intercept α, which the seats-votes literature refers to as "partisan bias" or "partisan asymmetry." The intercept indicates the seatshare evaluated at $X_i = 0.5$, i.e. a nationally tied issue (this is because when $X_i = 0.5$, $\ln\left(\frac{X_i}{1-X_i}\right) = 0$). Intercepts that deviate from 0 indicate that a issue can win a majority of constituents with less than majority of the constituents.

The issue aggregation curve that best fits our survey estimates has the coefficients:

$$\ln\left(\frac{s_i}{1-s_i}\right) = -0.06 + 6.3 \ln\left(\frac{X_i}{1-X_i}\right),$$

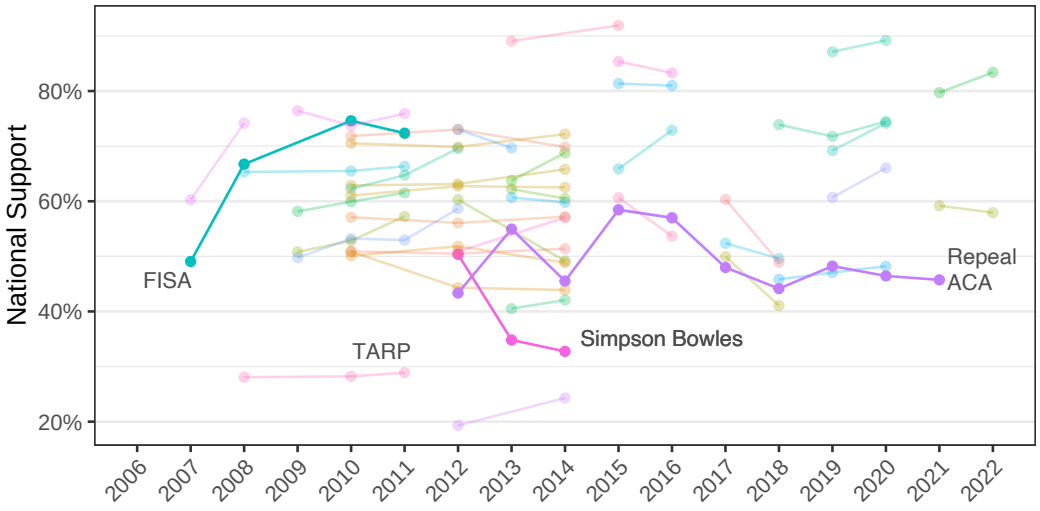
The R-squared for these regressions are 0.95, indicating that the data fit the functional form very well. The intercept is statistically indistinguishable from zero, with a standard error of 0.15. This is also evident in how almost none of the points are in an off-diagonal quadrant. The slope is also very steep, far larger than the conventional cube law of 3. Ansolabehere and Kuriwaki (2024) focus on interpreting this slope.

A.4 Overtime change in opinion

The CCES sometimes asks the same question for multiple years. Figure A.3 charts the national support for issues where two or more years are available. In the main paper, when there are multiple years, we combine the estimates by weighting each year equally.

We also make several additions just to this graph for context. We add more years than we use here on the Repeal of the ACA, which the CCES asked even after the repeal of the individual mandate in 2017. We also added 5 issues from the 2010-2012-2014 panel survey, which holds the sample fixed to the same respondents.

Figure A.3 – Overtime Change in Issue Opinion.



Each connected line indicates the same issue asked over multiple years.

B List of Issues in the Decision Agenda

Table B.1 shows question wording of all the issues that comprise our decision agenda. All questions come from the Cooperative Election Study and CES common content. "Nat'l Support" shows the percent of the nation that supports the proposal. In all questions "Don't Know" is either not a response option, or is negligble and removed from the denominator. The percentage is rounded to the nearest percent with one exception: When an issue's support is between 49.5 and 49.999 percent, we display it as "49%" to make clear it does not meet a majority. "Passed" shows the final outcome in the House and Senate. If a vote was taken, each entry is hyperlinked to the corresponding rollcall vote on Voteview (www.voteview.com). Question wordings are listed without the overall prompt (of the form, "Congress considered several bills this year. Would you support or oppose the following proposals?"). Questions are ordered by the Congressional session (labeled by President, House Speaker, and Majority Leader) and then by national popularity. Sometimes, the same question about the same bill is asked in adjacent years. We pool responses across years in that case.

Table B.1 – The Decision Agenda

			Passed		
Policy	Question Wording	Nat'l Supp.	Both	House	Senate
109th Congress (2005-06, Bush, Hastert, Frist)					
CAFTA	This year Congress also debated a new free trade agreement that reduces barriers to trade between the U.S. and countries in Central America. Some politicians argue that the agreement allows America to better compete in the global economy and would create more stable democracies in Central America. Other politicians argue that it helps businesses to move jobs abroad where labor is cheaper and does not protect American producers.	35%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Immigration Reform	One plan considered by the Senate would offer illegal immigrants who already live in the U.S. more opportunities to become legal citizens. Some politicians argue that people who have worked hard in jobs that the economy depends should be offered the chance to live here legally. Other politicians argue that the plan is an amnesty that rewards people who have broken the law.	39%	N	N (no vote)	N
Ban Gay Marriage	Amendment to Ban Gay Marriage. Constitutional Amendment banning Gay Marriage	47%	N	N	N
Cut Capital Gains Tax	We'd like to ask about cutting taxes on the money people make from selling investments, also referred to as capital gains. This past year the Senate considered a bill to extend capital gains tax cuts passed in 2001. Some politicians argue that these tax reductions make the economy strong and encourage people to invest more. Others argue that the plan would mostly benefit people who are already rich and that any tax cuts should be shared more fairly among all taxpayers.	48%	Y	Y	Y
Ban Late Abortion 2006	A proposal in Congress to ban a type of late-term abortion sometimes called "partial-birth abortion." Some argue that late-term abortion is a barbaric procedure and should be banned. Others argue that late-term abortions are extremely uncommon and used only in exceptional circumstances best determined by a doctor, not the Congress. The proposed legislation could also be the opening to a broader ban on abortion.	59%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Withdraw Iraq 2006	The president begin phased redeployment of U.S. troops from Iraq starting this year and submit to Congress by the end of 2006 a plan with estimated dates for continued phased withdrawal. Some politicians argue that setting out a plan to withdraw would make Iraqis take responsibility for their country and become more independent of the U.S. Others argue that it is too early to start withdrawing, and that doing so would make terrorists grow bolder.	64%	N	N (no vote)	N
Fund Stem Cell 2005	Whether the federal government should fund stem cell research. Some in Congress argue that this research may lead to cures for diseases and disabilities affecting large numbers of Americans, and should be funded. Others argue that a potential human life has to be destroyed in order to use these cells, and funding it would be unethical.	68%	Y	Y	Y
Raise Minimum Wage 2006	Increase the federal minimum wage from $5.15 to $6.25 within the next year and a half. Some politicians argue that the wage should be increased because it hasn't changed since 1997 and many workers still live in poverty. Other politicians argue that raising the wage might force small businesses to cut jobs and would hurt the economy.	78%	N	Y	N
110th Congress (2007-06, Bush, Pelosi, Reid)					
TARP	Bank Bailout. U.S. Government's $700 Billion Bank Bailout Plan	28%	Y	Y	Y
Extend NAFTA	Extend NAFTA. Extend the North American Free trade Agreement (NAFTA) to include Peru and Columbia	49%	Y	Y	Y
Foreclosure Assistance	Federal Assistance for Housing Crisis, Federal assistance for homeowners facing foreclosure and large lending institutions at risk of failing	55%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Withdraw Iraq 2007	A proposal to reduce the number of U.S. troops serving in Iraq within 120 days, and would require most troops to be withdrawn by April next year. Some in Congress argue that setting out a plan to withdraw would make Iraqis take responsibility for their country and become more independent of the U.S. Others argue that it is too early to start withdrawing, and that doing so would make terrorists grow bolder.	62%	N	Y	N
Fund Stem Cell 2007	Stem Cell Research. Allow federal funding of embryonic stem cell research	66%	Y	Y	Y
FISA	Another bill, the Federal Intelligence Surveillance Act, would allow the U.S. government to eavesdrop on foreigners in the United States without having to obtain a warrant from a judge. Supporters argue that these expanded powers are necessary to fight terrorist threats. Others argue that they would violate constitutional privacy rights and that there are not enough checks on this type of surveillance.	67%	Y	Y	Y
SCHIP 2007	Congress voted on a proposal to renew and increase funds for a state-run program called SCHIP that provides health care to children whose families can not afford private insurance. Supporters argue that the bill is needed to cover around 9 million currently uninsured children. Opponents argue that the cost of the program is too high and it will push children who already have private health insurance into a publicly financed health care system.	71%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Raise Minimum Wage 2007	A bill before Congress earlier this year proposed to increase the federal minimum wage from $ 5.15 to $7.25 within the next year and a half. Supporters argue that the wage should be increased because it hasn't changed since 1997 and many workers still live in poverty. Opponents argue that raising the wage might force small businesses to cut jobs and would hurt the economy.	82%	Y	Y	Y
111th Congress (2009-10, Obama, Pelosi, Reid)					
Kagan	Appoint Elena Kagan to the U.S. Supreme Court	49%	Y		Y
Sotomayor	Appoint Sonia Sotomayor to the US Supreme Court	51%	Y		Y
ARRA	American Recovery and Reinvestment Act. Authorizes $787 billion in federal spending to stimulate economic growth in the US.	54%	Y	Y	Y
PPACA	Comprehensive Health Reform Act. Requires all Americans to obtain health insurance. Allows people to keep current provider. Sets up national health insurance option for those without coverage. Paid for with tax increases on those making more than $280,000 a year.	55%	Y	Y	Y
Cap And Trade	American Clean Energy and Security Act. Imposes a cap on carbon emissions and allow companies to trade allowances for carbon emissions. Funds research on renewable energy.	60%	N	Y	N (no vote)
Hate Crime Prevention	Federal Law Enforcement Hate Crime Acts. Extends federal hate crime legislation to cover violence against gays and lesbians.	63%	Y	Y	Y
Ledbetter Fair Pay	The Lilly Ledbetter Fair Pay Act. Allows individuals to sue for pay discrimination at work within 180 days of most recent pay check.	64%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
End DADT	End Don't Ask, Don't Tell. Would allow gays to serve openly in the armed services	66%	Y	Y	Y
Dodd Frank	Financial Reform Bill. Protects consumers against abusive lending. Regulates high risk investments known as derivatives. Allows government to shut down failing financial institutions.	71%	Y	Y	Y
SCHIP 2009	State Children's Health Insurance Program. Program insures children in low income households. Act would renew the program through 2014 and include 4 million additional children.	74%	Y	Y	Y
112th Congress (2011-12, Obama, Boehner, Reid)					
Ryan Budget	2011 House Budget Plan. The Budget plan would cut Medicare and Medicaid by 42%. Would reduce debt by 16% by 2020.	19%	N	Y	N
Extend All Bush Cuts	The Tax Hike Prevention Act. Would extend Bush-era tax cuts for all individuals, regardless of income. Would increase the budget deficit by an estimated $405 billion.	24%	N	N (no vote)	N (no vote)
Religious Exemption ACA 2012	Birth Control Exemption. A Bill to let employers and insurers refuse to cover birth control and other health services that violate their religious beliefs.	37%	N	N (no vote)	N
Repeal ACA 2012	Repeal Affordable Care Act. Would repeal the Affordable Care Act.	43%	N	Y	N (no vote)
Simpson Bowles	Simpson-Bowles Budget Plan. Plan would make 15% cuts across the board in Social Security, Medicare, Medicaid, and Defense, as well as other programs. Eliminate many tax breaks for individuals and corporations. Would reduce debt by 21% by 2020.	50%	N	N	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Raise Debt Ceiling 2011	This past August Congress passed a bill that raised the DEBT CEILING through 2012. The bill also cut $2.4 trillion of federal government spending over the next ten years.	50%	Y	Y	Y
South Korea FTA	U.S.-Korea Free Trade Agreement. Would remove tariffs on imports and exports between South Korea and the U.S.	51%	Y	Y	Y
ATRA	The Middle Class Tax Cut Act. Would extend Bush era tax cuts for incomes below $200,000. Would increase the budget deficit by an estimated $250 billion.	60%	Y	Y	Y
Keystone 2012	Keystone Pipeline. A bill to approve the Keystone XL pipeline from Montana to Texas and provide for environmental protection and government oversight.	73%	N	Y	N
113th Congress (2013-14, Obama, Boehner, Reid)					
Arm ISIS Rebels	Provide arms to those opposing ISIS	19%	Y	Y	Y
Concealed Carry 2013	Make it easier for people to obtain concealed weapons permits	42%	N	N (no vote)	N (no vote)
Religious Exemption ACA 2014	Birth Control Exemption. A Bill to let employers and insurers refuse to cover birth control and other health services that violate their religious beliefs.	43%	N	N (no vote)	N (no vote)
Sales Tax Online	Marketplace Fairness Act. Would allow states and localities to collect sales taxes on sales made over the Internet, not just on as sales made in stores.	44%	N	N (no vote)	Y
Raise Debt Ceiling 2014	Debt Ceiling. Allow the US government to borrow funds as needed to meet spending obli- gations and avoid default on US government bonds.	45%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Student Success	Student Success Act. Would end more than 70 federal education programs and decentralize decision-making to state and local government; promotes Charter Schools; eliminates federal intervention in poor performing schools.	48%	N	Y	N (no vote)
End Nomination Filibuster	Cloture. Would amend Senate rules by decreasing the number of votes (from 60 to 51) required to end debate on judicial and executive nominations	53%	Y		Y
Repeal ACA 2013	Repeal Affordable Care Act. Would repeal the Affordable Care Act.	55%	N	Y	N (no vote)
Keystone 2014	Approve Keystone Pipeline. A bill to approve the Keystone XL pipeline from Montana to Texas.	59%	N	Y	N
Gun No Disclosure 2013	Prohibit state and local governments from publishing the names and addresses of all gun owners	60%	N	N (no vote)	Y
Farm Bill	Agriculture Bill. Ends price supports for corn, wheat, sugar and other agricultural products. Creates a federally subsidized crop insurance program. Reauthorizes the food stamp program, but cuts 10% of the program's funding.	61%	Y	Y	Y
Ban Assault Rifle 2013	Ban assault rifles	61%	N	N (no vote)	N
Ban Late Abortion 2013	Abortion Bill. Would prohibit abortions after the 22nd week of pregnancy.	68%	N	Y	N (no vote)
Violence Against Women	Violence Against Women Act. Would make grants to assist victims of domestic violence and help law enforcement prosecute those cases. Make stalking a crime; strengthen criminal rape statutes.	90%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
114th Congress (2015-16, Obama, Boehner/Ryan, McConnell)					
Renew Patriot Act	Renew Patriot Act Phone Surveillance Provisions. Renews the National Security Agency's bulk phone database created under the Patriot Act of 2001	45%	N	N (no vote)	N (no vote)
Garland	Supreme Court Nomination. Approve the nomination of Merrick Garland to the Supreme Court of the United States	53%	N		N (no vote)
TPP	Trans-Pacific Partnership Act. Free trade agreement among 12 Pacific nations (Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and the US).	55%	N	N (no vote)	N (no vote)
Repeal ACA 2015	Repeal ACA. Would repeal the Affordable Care Act	57%	Y	Y	Y
Medicare Reform	Medicare Accountability and Cost Reform Act. Shifts Medicare from fee-for-service to pay-for-performance. Ties Medicare payments to doctors to quality of care measures. Requires higher premiums for seniors who make more than $134,000. Renews the Children Health Insurance Program (CHIP).	67%	Y	Y	Y
Raise Minimum Wage 2016	Minimum wage. Raise the federal minimum wage to $12 an hour by 2020.	68%	N	N (no vote)	N (no vote)
Freedom Act 2015	USA Freedom Act. Ends the US government's phone surveillance database program. Allows individual phone companies to keep such databases.	70%	Y	Y	Y
Normalize Cuba	Normalization of Relations with Cuba. Allows the US government to renew normal diplomatic relations with Cuba	72%	N	N	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Education To States	Education Reform. Repeals the No Child Left Behind Act, which required testing of all students and penalized schools that fell below federal standards. Allows states to identify and improve poor performing schools	78%	Y	Y	Y
Iran Sanction	Iran Sanctions Act. Imposes new sanctions on Iran, if Iran does not agree to reduce its nuclear program by June 30.	81%	Y	Y	Y
Highway Funding	Highway and Transportation Funding Act. Authorizes $305 Billion to repair and expand highways, bridges, and transit over the next 5 years.	82%	Y	Y	Y
TAA	Trade Adjustment Assistance Act. Provides education assistance and retraining to workers who have lost their jobs as a result of foreign trade	84%	N	N	Y
115th Congress (2017-18, Trump, Ryan, McConnell)					
Immigration Border Wall	Grant legal status to DACA children, spend $25 billion to build the border wall, and reduce legal immigration by eliminating the visa lottery and ending family-based migration.	35%	N	N	N (no vote)
Bipartisan Spending	Increase defense spending by $60 billion. Increase discretionary non-defense spending by $60 billion. Leave spending on entitlement programs unchanged	36%	Y	Y	Y
Concealed Carry 2018	Make it easier for people to obtain a concealed-carry gun permit	37%	N	N (no vote)	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Weaken Dodd Frank	Financial CHOICE Act. Allows banks to not be subject to the heightened regulatory requirements of Dodd-Frank by maintaining enough reserve funds withstand a financial downturn. Grants the president the power to fire the head of the Consumer Financial Protection Bureau and the Federal Housing Finance Agency at any time and without cause. Repeals a rule which prevents commercial banks from making speculative investments for their own profits.	42%	Y	Y	Y
AHCA	American Health Care Act. Would repeal the tax penalties on individuals for not maintaining health coverage and on employers for not offering coverage. Would end subsidies to help people purchase insurance and would end funding for states that expanded Medicaid	43%	N	Y	N (no vote)
End Visa Lottery	Reduce legal immigration by eliminating the visa lottery and ending family-based migration.	44%	N	N	N (no vote)
De Vos	Appointment of Betsy DeVos as Secretary of Education	45%	Y		Y
Kavanaugh	Appoint Brett Kavanaugh to the Supreme Court of the United States.	47%	Y		Y
Repeal ACA 2017	Would repeal the Affordable Care Act	48%	N	N (no vote)	N
Gorsuch	Confirm Neil Gorsuch to Supreme Court	50%	Y		Y
Withold Sanctuary Funding	No Sanctuary for Criminals Act. Withholds federal funds from states and localities that do not follow federal immigration laws.	52%	N	Y	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Tax Cut Jobs Act	A tax bill that would: • Cut the Corporate Income Tax rate from 39 percent to 21 percent, • Reduce the mortgage interest deduction from $1 million to $500,000, • Cap the amount of state and local tax that can be deducted to $10,000 (currently there is no limit), • Increase the standard deduction from $12,000 to $25,000. • Cuts income tax rates for all income groups by 3 percent.	58%	Y	Y	Y
Ban Late Abortion 2018	Ban abortions after the 20th week of pregnancy	66%	N	Y	N
Continue Funding	Consolidated Appropriations Act of 2017. Funds the government through the end of the fiscal year. Increases defense spending and funding for the National Institutes of Health. Includes funding for border security, but funds could not be used for a border wall. Also includes funding for wildfire relief, Puerto Rico's Medicaid program, the National Endowment for the Humanities, Planned Parenthood and healthcare for coal miners	70%	Y	Y	Y
Dream Act	Provide legal status to children of immigrants who are already in the United States and were brought to the United States by their parents. Provide these children the option of citizenship in 10 years if they meet citizenship requirements and commit no crimes. (DACA).	74%	N	Y	N (no vote)
Russia Sanction	Countering America's Adversaries Through Sanctions Act. Places sanctions on Iran, North Korea, and Russia. Sets into law sanctions imposed by the Obama administration for Russia's interference in Ukraine, Syria, and the 2016 presidential election. Requires the president to get congressional approval before easing or lifting sanctions on Russia	78%	Y	Y	Y

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Kate's Law	Kate's Law. Increases criminal penalties for individuals in the country illegally who are convicted of certain crimes, deported, and then re-enter the U.S. illegally.	86%	N	Y	N (no vote)
116th Congress (2019-20, Trump, Pelosi, McConnell)					
End Taxpayer Abortion	Prohibit the expenditure of funds authorized or appropriated by federal law for any abortion.	47%	N	N (no vote)	N
Russia Impeachment Obstruction	Remove President Trump from office for obstruction of Congress	49%	N	Y	N
Russia Impeachment High Crime	Remove President Trump from office for abuse of power	51%	N	Y	N
Raise Minimum Wage 2019	Raise the minimum wage to $15 an hour.	65%	N	Y	N (no vote)
Equality Act 2019	Amend federal laws to prohibit discrimination on the basis of gender identity and sexual orientation.	73%	N	Y	N (no vote)
HEROES	In May, the HEROES ACT proposed to spend an additional $3 trillion, including $1 trillion for state and local governments and hospitals, spend $200 billion in hazard pay for essential workers, and give households an additional $1,200 to $6,000.	78%	N	Y	N (no vote)
Justice in Policing Act	Increase accountability for misconduct by police officers, create a national registry of police officers who have been fired for misconduct, and establish stricter officer training requirements.	83%	N	Y	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Negotiate Prescription Costs	Allow the government to negotiate with drug companies to get a lower price on prescription drugs that would apply to both Medicare and private insurance. Maximum negotiated price could not exceed 120% of the average prices in 6 other countries.	89%	N	Y	N (no vote)
Pay Equity 2019	Require equal pay for women and men who are doing similar jobs and have similar qualifications.	89%	N	Y	N (no vote)
CARES	In March, the CARES Act proposed to spend $2 trillion in emergency and health care assistance for individuals, families, and businesses, including up to $1,200 per individual and $500 per child.	89%	Y	Y	Y
Gun Background Check 2018	Background checks for all sales, including at gun shows and over the Internet	89%	N	Y	N (no vote)
117th Congress (2021-22, Biden, Pelosi, Schumer)					
KBJ	Appoint Ketanji Brown Jackson to the U.S. Supreme Court.	52%	Y		Y
ARPA	Authorize spending up to $1.9 trillion for COVID relief from March 2021 through September 2021, including extension of unemployment benefits through September 2021, and emergency funding to state and local governments for the fiscal year.	58%	Y	Y	Y
Jan 6th Commission	Establish a commission to investigate the January 6, 2021, attack on the US Capitol.	59%	N	Y	N (no vote)
Women's Health Protection Act	Prohibit government restrictions on the provision of, and access to, abortion services.	61%	N	Y	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Build Back Better Act	Spend $2.2 trillion over the next decade to provide universal prekindergarten, subsidies for child care, expanded financial aid for college, housing support, home and community care for older Americans, and to shift the U.S. economy away from fossil fuels to renewable energy and electric cars.	62%	N	Y	N (no vote)
Big Tech Antitrust	Prohibit large online platforms from giving preference to their own products on the platform at the expense of competing products from another business.	63%	N	N (no vote)	N (no vote)
Respect for Marriage	Require that all federal agencies recognize same-sex marriages and interracial marriages.	63%	Y	Y	Y
CHIPS	Provide $52 billion in grants for American semiconductor manufacturing and research and a tax credit subsidizing 25% of investments in semiconductor manufacturing.	64%	Y	Y	Y
Inflation Reduction Act	Spend $369 billion for tax credits to encourage the production of solar panels, wind turbines, and batteries; lowers Affordable Care Act health care premiums; reduces the deficit by $300 billion by allowing Medicare to negotiate the cost of some prescription drugs and making changes to the tax code.	66%	Y	Y	Y
PRO Act	Prohibit employers from firing or replacing workers who participate in a strike; remove prohibition on workers at one company supporting a strike by workers at another company (also known as secondary strikes).	68%	N	Y	N (no vote)
John Lewis Voting Act	Require that state and local governments with a history of discrimination in voting must obtain approval of changes in election laws from the Department of Justice.	70%	N	Y	N (no vote)

Table B.1 – The Decision Agenda *(continued)*

Policy	Question Wording	Nat'l Supp.	Passed		
			Both	House	Senate
Bipartisan Infrastructure	Spend $150 billion a year for 8 years on construction and repair of roads and bridges, rail, public transit, airports, water systems and broadband internet	82%	Y	Y	Y
School Gun Safety	Increase spending on mental health and school safety; allow police to confiscate guns from people deemed to be dangerous by a judge; prohibit people convicted of domestic violence from owning guns; enhance background checks on minors; increase penalties for illegal gun purchases.	85%	Y	Y	Y
Pay Equity 2021	Require equal pay for women and men who are doing similar jobs and have similar qualifications.	86%	N	Y	N (no vote)