Who's Making The Laws? The Institutional Foundations of Legislative Productivity

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Abstract

Committee and subcommittee chairs have long been recognized as sources of power and productivity in Congress. That power is based upon the system of institutional rules that shape those members' goals. I argue that rules changed the main principal to whom committee chairs were responsible and thus whose legislative priorities must be accommodated to keep their seat. Using data on legislative effectiveness, I show that chairs in the eras of committee government and party government were more productive than during the era of subcommittee government, and that subcommittee chairs show the opposite trend. These results have substantial effects on the legislative process and output of the House of Representatives. This analysis sheds light on the evolving power dynamic between parties and committees, and speaks to the influence of committees dominated by parties in the modern era.

Introduction

In 2005, Representative Christopher Smith was removed as the chairman of the Committee on Veterans' Affairs. A favorite of veterans' groups, he nevertheless rankled party leadership

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by opposing Republican budget resolutions that he felt did not adequately fund veterans' programs and pushed legislation expanding access to care even after being told that it was not the party's priority. For being so outspoken against the leadership, he not only lost his chair, but was removed from the committee altogether. He was replaced in his post by Steve Buyer, who had authored only three laws in six terms prior to taking the chairmanship. However, party leaders considered Buyer to be a "team player" that would work with the party leadership, rather than oppose it. Buyer was very legislatively active as chair, authoring 53 bills in his first term after replacing Smith, and never sparking the sort of conflict with the party leadership that marred his predecessor.

Committee and subcommittee chairs introduce more than half of all non-commemorative legislation that becomes law, and often more than eighty percent. With such legislative control, these groups are prime targets for reformers that want to alter the balance of power in Congress, and recently for party leaders that want to secure their hold over what policies are pursued. However, scholarly and journalistic accounts contend that committee chairs have waned in importance with the rise of party leadership as the main organizing unit in the House of Representatives. I aim to characterize how the prominance of committee chairs in the legislative process has changed, and what role committee chairs have in a party-dominated Congress.

I argue that chamber and party rules serve as a foundation for legislative productivity. In this paper, I compare the legislative productivity of committee leaders through three periods in House history, including the modern House. Each period was marked by reforms that changed the power structure of the House. These reforms changed the members to whom committee chairs needed to be responsive in order to maintain the chair. I contend that committee chairs want primarily to keep their position and alter their legislative behavior to accommodate the members or groups that could jeopardize the security of their chair.

I show that patterns of bill authorship, and thus associated legislative effectiveness scores, change with different policymaking regimes. In a system where the top spot is automati-

cally awarded to the most senior member, committee chairs are able to operate in a variety of different ways without fear of reprisal or losing their seats. Often, this system meant that chairs were able to get the bills they sponsored considered and passed, typically at the expense of legislative opponents, whose bills would not receive consideration, leading to a high legislative effectiveness. When committee chairs must win the approval of the entire caucus, which happened in the mid-1970s, chairs will try to accommodate the legislation of junior members of their party, and subcommittee chairs see their productivity rise. When committee chairs only gain their position after being properly vetted and approved by the party leadership, as is the case in the modern House, they are more productive because the party leadership has chosen chairmen because they will vigorously pursue party goals.

Committee Chairs and Reform Eras

Studies of legislative effectiveness have consistently found that committee chairs are most successful at converting their bills into law (Anderson et al. 2003; Berry and Fowler 2018; Hitt et al 2017; Volden and Wiseman 2014; Volden and Wiseman 2018). This finding is intuitively sensible; committee chairs wield disproportionate influence over legislation under their domain. The chair can refuse to schedule full committee hearings or votes on a bill, and can have vast influence over a bill's content due to their role in the markup stage (Oleszek et al. 2016; Price 1978; Shepsle 1979; Smith and Deering 1984). Thus, the member that becomes chair can radically alter which policy outcomes are pursued and achieved (Hall 1987; Hall 1995; Matthews and Stimson 1975; Talbert et al. 1995). Committee chairs are also very desirable positions beyond policy success. They have historically exhibited low retirement rates (Hall and Van Houweling 1995), received increased campaign contributions (Ansolabehere and Snyder 1998; Romer et al. 1994), and higher federal spending in their districts (Cohen et al. 2011), and thus remain valuable. However, the degree of indepen-

dence chairmen have has varied over congressional history in a way that has altered what type of members attain and retain these positions, and subsequently how well they are able to leverage their position into legislative success.

Because they occupy such a significant role in the legislative process, committee chairmen are the main targets for party leaders that want to consolidate their power or backbenchers who find their legislative goals stymied (Rohde 1974). In this section, I briefly review the reforms that have altered the balance of power between the party leadership and committee chairs in order to show how institutional arrangement can insulate chairs from accountability or induce their responsiveness. In every case, a central point of contention is how committee chairs gain and keep their seats and the consequences of each system for patterns of bill sponsorship and consideration. During the last decade of the 19th century and the first decade of the 20th, the power structure of the House was known as Czar rule. Speaker Joseph Cannon exercised such control over the committee chairs that he referred to committee chairman as his "cabinet," far from coequal partners in House governance (Busby 1927). The party leadership reserved top chairmanships for the leaders. The Speaker chaired the Rules Committee, the majority leader headed Appropriations or Ways and Means, and the whip was the top of Judiciary (Cooper and Brady 1981). Structurally, there was little, if any, separation between the party leadership and committee leadership. Remaining chairs were hand-picked by the speaker, who was not shy about removing chairs that did not serve his interests (Maltzman, Wahlbeck, and Lawrence 2001). Eventually, the progressive wing of House Republicans grew tired of the powerful leadership. They joined House Democrats in a revolt against Cannon's iron rule (Jones 1968). The Democrats gained the majority in 1910 and introduced a much less centralized and more automatic process. They took away the power of the Speaker to appoint committee chairs, and both parties created "committees on committees" to handle requests for members to serve on committees[1] (Smith and Deering 1984). Chairs would be awarded through an arrangement that would persist for the next

[1]The Republicans created a separate committee on committees, whereas the Democrats vested that authority entirely in the Democratic contingent of the Committee on Ways and Means.

several decades - the seniority system.

Committee Era

From the 1920s through the 1960s, the House used a simple criterion for advancement: the longer you serve, the higher leadership position you attained within committees. The longest serving members occupied committee chairs, regardless of their ideological fit within the party. Chairs routinely served in their position for more than a decade, and many close to two. This system disproportionately benefited southern Democrats, whose electoral fortunes were rarely in question in a region that had functional one-party rule (Cover and Mayhew 1977). They became known as "lords" or "barons" in recognition of the control they wielded. Wilbur Mills, an Arkansas Democrat, was often called "the most powerful man in Washington" during his 16 year tenure atop the Committee on Ways and Means (Zelizer 2000). Graham Barden, a southern Democrat who spent fourteen years chairing the Committee on Education and Labor, used his power to effectively block federal aid to education and thwart challenges to his conservative banking policies (Smith and Deering 1984). Meanwhile, he regularly advanced legislation to support his district, with one reporter summarizing his philosophy "Anything that doesn't concern the Third District of North Carolina can't be too important" (Price 1986). Barden's actions are typical of his time and the institutional arrangement of the House that supported it. His bills, like any chair's bills, would be the ones that became law, and those that countered or ignored his policy or district interests would be stifled. This era of committee government is considered the apex of committee chair power in the twentieth century, where chairs were insulated from outside influence by virtue of longevity.

Subcommittee Era

By the 1970s, the junior Democratic membership grew more ideologically consistent, with more liberals being elected. The rank-and-file found themselves frustrated by chairs out of step with their policy aims who kept the legislation they introduced in the committee, with no chance of gaining a floor vote and becoming law. The 1970s brought a flurry of reforms aimed to rectify this disparity, known as the subcommittee bill of rights. This shook up the seniority system and brought in an era of subcommittee government, so called because subcommittee chairs were given more control over the consideration of legislation. Bills were required to be referred to subcommittees, and each subcommittee was given a staffer, increasing both their control and their capacity (Haeberle 1978; Rohde 1974; Rohde 1991). Additionally, the reforms kept members from serving as the chair of more than one subcommittee, distributing power more widely among the members. There were around 150 subcommittees, meaning that more than half of all Democrats chaired one. Further, subcommittee chairs went from being appointed by the full committee chair to being chosen by the majority party contingent on the committee (Sinclair 2006).

Beyond benefiting subcommittee chairs, the reforms induced accountability among the full committee chairs. The independence and power of chairs was curtailed. The Speaker was added to and became the chair of the Committee on Committees, with the majority leader and caucus chair joining him. the Committee on Ways and Means would be removed from the Committee on Committees altogether, and a separate Steering and Policy Committee was created (Deering 1982). The caucus, no longer seniority or the chairs themselves, were running the show, and the rank-and-file were ready to make the most of it. The greatest threat was that committee chairs now underwent automatic votes, which were allowed to be secret at the request of 20 percent of the members. The Democratic Party could now reject the most senior member. The seismic impact of these changes was felt at the beginning of the 94th Congress (1975-1977), the first after the reforms were passed. Secret voting ousted William Poage, who led Agriculture for eight years, Wright Patman, chairman of Financial

Services for twelve years and Small Business for twelve years before that, and Edward Hébert, who sat atop Veteran's Affairs for four years (Jones et al. 1977). All three were southern Democrats seen as out of step with the "Watergate Babies," the spate of liberal freshmen elected in 1974, and all three faced the consequences of institutional reforms that reduced chair independence.

Party Government

Through the late 1970s and 1980s, the Democrats slowly adopted procedures that gave more power to the party leadership. These slow moving reforms, though, contrast the rapidity of Republican rule changes in the 1990s. The 104th Congress came with the first Republican majority in 40 years and with it a sea change that would remake the House of Representatives. All the reforms of the subcommittee government era had been enacted by Democrats, largely in Democratic Caucus rules rather than chamber rules. Republicans, not indebted to that precedent, revised the rules significantly (Baughman 2006). Incoming Speaker Newt Gingrich, seen as the architect of the conservative triumph, made a centerpiece of his campaign the "Contract with America," a listing of reforms and legislation to be enacted within the first one hundred days (Evans and Oleszek 1997). Many of these proposed changes took on the committee system. For the first time since the 1946, the number of committees was reduced, this time by three, and the number of subcommittees was reduced by a third. Most significant was the redistribution of voting power of the House Republican Steering Committee, their organ in charge of awarding committee chairs. During the party's forty years in the minority, their chair selection process was moot, as they weren't selecting any chairs. In 1994, though, the reforms gave the party leader 5 votes and the deputy leader 2 votes, meaning that the party leadership, including whips and leader appointees, directly controlled 14 of 35 votes, and did not find it difficult to gather the remaining 4 votes needed for a majority. This change was followed by a three term limit on chairs, which meant that even the most senior members of the committee could not amass the personal power that chairs like

Wilbur Mills had and ensured that new chair slots would be regularly available as carrots the party leadership could dangle (Deering and Wahlbeck 2006). The reforms, though, went beyond what was promised in the contract. Authority was placed in the hands of the full committee chairs and away from subcommittees. Full committee chairs had control over all committee staff and were empowered to appoint subcommittee chairs, greatly reducing subcommittee independence. Subcommittee chairs were able to schedule meetings for their subcommittee, but were instructed by the rules to do so after consulting the full committee chair. Don Young, chairman of the Resources committee and later Transportation, described the balance of power: "If I was really nasty, there wouldn't be any subcommittees. There's no rule about having subcommittees. I run the committee, period. I keep what I want under my jurisdiction [at the full committee]" (Evans and Oleszek 1997).

Gingrich dictated that seniority should be only one consideration when determining chairmanships (Cann 2008). As the 104th Congress began, Gingrich hand-picked committee chairs, with Steering Committee approval as a mere formality. He violated the norm of seniority for three committees and only allowed some senior members to become chair after several meetings with Gingrich to ensure their support (Deering and Wahlbeck 2006; Owens 1997). The most notable of the latter group was Gerald Solomon, who became chair of the Rules Committee, one of the greatest sources of power in the House, who only gained the seat seniority would have automatically assigned to him after Gingrich was confident that he would support the party. A staffer for Majority Leader Richard Armey asserted "I think it ended up sending a very clear signal that you don't just rely on seniority: you've got to prove yourself as someone willing to pursue your agenda- or our agenda."(Owens 1997). Deputy Whip and future Speaker Dennis Hastert was even more direct, saying "The chairs will deliver on the leadership's agenda, because they know that if they fail, they won't be chairs anymore" (Cohen 1995, 531). It was apparent; only the chairs that served the party leadership would maintain their position. While Gingrich brought about stronger partisan considerations when determining committee chairs, the practice survived his congressional

career. The 107th Congress was the second congress after Gingrich resigned and the third after chair term limits were instituted. The latter fact meant that for the first time, the chairs selected by Gingrich had to step down. Instead, a reshuffling 7 of 15 chairs that changed hands went to former chairs of other committees. Thus, while their jurisdiction changed, the leadership structure stayed the same (Renka and Ponder 2008). The members who did receive new chairs were also party darlings, being ideologically closer to the party leadership (Deering and Wahlbeck 2006) and contributing more to the party leadership (Cann 2008). The people that held chairs were the ones that the party leadership felt would support them.

It was not long before the Democrats began to follow suit. Even in the 104th Congress, Minority Leader Richard Gephardt stripped Charlie Rose, who had challenged Gephardt for the leadership post, of his position as ranking member of the House Oversight Committee in favor of Vic Fazio, a member of the leadership who had never even served on the committee (Salant 1994). His successor, Nancy Pelosi, instituted interviews for ranking member candidates much in the same way Gingrich and Hastert had done. "She is establishing a new trend," said an aide to a rank-and-file Member. "It's set by the attitude of leadership that you need to be a team player. She's establishing herself as the leader of the Democratic Caucus. And in so doing showing that anyone who is loyal to the Caucus is loyal to her"(Billings 2005). When she gained the Speakership in the 110th Congress, Pelosi retained in the rules the three term limit for committee chairs despite the fact that it did not apply to any member, a gesture to show that the party was still in charge.[2] While the majority party may have changed, the control of the party leadership was now a hallmark of the era.

Even with chairs that were reliably loyal, party leaders exercised their influence in the bill drafting stage, despite legislative effectiveness credit nominally going to the committee chair that introduced the legislation. In the 104th Congress, the leadership had already directed, through the Contract with America, what the legislative agenda would look like, and left

[2]While John Dingall previously served as chair of the Energy and Commerce committee from 1981 to 1995, the rules specify consecutive terms and thus his reappointment to that position in the 110th Congress did not run afoul of the rules.

it to committee chairs to introduce the legislation, while party leaders held them to a tight schedule (Aldrich and Rohde 1997; Sinclair 1998). Sinclair (2016) shows that party leaders chose to bypass committee consideration of an increasing number of bills after the 104th Congress, even those that were introduced by the committee's chair. Most major legislation, such as the Affordable Care Act, American Health Care Act, and Tax Cuts and Jobs Act were introduced by committee chairs, but were in fact the product of long negotiations between the committee chair and party leaders rather than independent acts by the chair.

Legislative Productivity By Era

As the relationship between party leadership and committees has evolved, committee chairs have had to change how they operate in order to keep their positions, which has altered their patterns of bill authorship and legislative success. Individual legislative success has gone by many names, including entrepreneurship, productivity, and effectiveness, but has always meant the same thing - the ability of members to move their bills through the policy process. Numerous previous studies find that committee chairs regularly find the most bill success of any members (Wawro 2010; Volden and Wiseman 2014; Volden and Wiseman 2018). Subcommittee chairs, while less effective than chairs, also find themselves more productive than the rank and file. Most work, though, has focused entirely on individual characteristics of the member, such as gender or position in the institution, and assumes that the institutional design that influences the effect of those characteristics is stagnant. I now consider how the institutional eras and the reforms that defined them influenced the success that chairs and subcommittee chairs have found. Under all arrangements, chairs receive benefits by virtue of their position and have the main goal of keeping their chair. When the only way to advance in committees is by getting reelected, chairs will want to prioritize their individual legislative agenda - at the expense of other members - to pass policies broadly acceptable to their constituencies, and stop legislation that their voters would dislike.

When the reforms of the 1970s inaugurated the subcommittee government era, Democratic backbenchers sent shockwaves through the House by showing that they were willing to remove longstanding committee chairs. Immediately, the security of the seniority system was shaken, and the rank-and-file became a force that committee chairmen needed to accommodate. The junior members' chief complaint was their inability to get their legislation considered and passed. Chairs angling to keep their seats were no longer able to be a bottleneck that kept out legislation they disliked. The subcommittee chairs were the chief beneficiaries of this system. Making up a significant proportion of the majority party, they served as policy entrepreneurs that chairmen could no longer ignore. Chairs became more obliging with subcommittee chair bills, accepting a reduction in their legislative success in order to maintain the still potent privileges of the chair.

The rules underlying each power arrangement created incentives for committee chairs to follow. I expect that the legislative productivity of chairs and subcommittee chairs responded to those incentives. Chairs' unconstrained security allowed them to pursue their agenda unfettered during the age of the seniority system, while the subcommittee government era required deference to subcommittee chairs' legislative priorities in order to maintain their position. This leads to the following expectations.

H1:In the committee government era, committee chairs will be more legislatively productive than during subcommittee government.
H2:In the committee government era, subcommittee chairs will be less legislatively productive than during subcommittee government.

After the Republican Revolution, party leadership asserted their control over committee chairs. An echo of 1975, the most senior Republicans on the Appropriations, Energy and Commerce, and Judiciary committees found themselves without their expected chair. The party leadership made clear that vigorous pursuit of party policies would be required to oc-

cupy a committee chair. The modern House is noted for its centralization in the leadership, and the leadership's ability to shape the rules (Aldrich et al. 2013; Jenkins and Stewart 2016; Rohde 1991). However, the classic account of centralization leaves out which members are introducing the bills that the leadership wants. I contend that committee chairs are part of that centralization. Chairs in the era of party government are useful tools to the majority party. The chair, knowing that their preferences match that of the party leadership, advances the party's agenda, understanding that by doing so they will be able to keep their seat. The chairs no longer needed to acquiesce to the preferences of the rank-and-file members and subcommittee chairs, as that is not where the authority to award chairs lies. I anticipate that this selection mechanism in the party government era will result in productive, partisan chairs.

H3:In the party government era, committee chairs will be more legislatively productive.
H4 In the party government era, subcommittee chairs will be less legislatively productive.

These expectations may seem counterintuitive - strong committee chair control and strong party control produce the same observable implications about legislative productivity. Thus, it is important to draw upon congressional history to characterize the context of my theory and expectations. The independence of committee chairs during the seniority era, their insulation from removal, and their various institutional prerogatives brought their power. All of those strengths were significantly eroded in the 1970s and again in the 1990s. By asserting their control over which members became chairs and which members kept their chairs, the leadership ensured that it was in the chairs best interest to introduce and advance legislation that reflected the party priorities. Given the context, it is implausible that the same process is driving increased chair effectiveness in the committee government era and in the party government era, even if the observed results look similar.

Data and Modeling

Testing these hypotheses requires a measure of legislative productivity. I employ Volden and Wiseman's (2014) Legislative Effectiveness Score (LES), which is a summary measure of how far bills go through the lawmaking process from introduction until becoming law. The LES gives higher scores for members who introduce more bills and more important bills, and those whose bills advance further in the lawmaking process, normalized to a mean of one in each Congress, allowing for comparability across congresses.[3] For the present study, I analyze the Legislative Effectiveness Scores of every member of the U.S. Congress who served between the 93rd and 116th Congresses (1973-2021). I also leverage the component parts of their measure in order to have a more granular understanding of how chairs are gaining (and losing) productivity, to show how changes in individual productivity have influenced the House of Representatives as whole.

I estimate an equation that captures the effects of holding chairmanships and reform eras on effectiveness to test my first four hypotheses. The independent variable is the interaction between holding a committee or subcommittee chair and the era, each representing a different form of institutional arrangement. The first, "committee government," consists of the 93rd Congress, the earliest available data prior to the subcommittee bill of rights. Though most of the committee reforms were adopted in 1974, the final year of the 93rd Congress, the were not fully realized until the next year. Thus, the results presented here are likely a lower bound on pre-reform legislative productivity. The second period, which I call "subcommittee government," from the 94th to the 103rd Congress, covers the Democratic committee reforms, and the third, from the 104th to 116th, follows the reforms of the Republican Revolutuion and is referred to as "party government." Because multiple reforms happen simultaneously with each package, we can not empirically disentangle each changes's singular effect. However, I contend that looking at any individual reform misses the point. They were all part of a broad concerted effort to accomplish the same goal - reduce the independent power of

[3]The full detailing of the equation is reserved for the appendix.

chairs.

I control for variables that are standard in the legislative effectiveness literature, including seniority and its square, vote percent and its square, state legislative service and professionalism, ideology, majority status, and leadership status. I depart from previous studies of legislative effectiveness by employing a fixed effects model. As I am interested in the estimated effects of holding chairs varies over eras, this is appropriate, though it drops non-time varying characteristics that have been shown to influence productivity, such as race and gender. I also use heteroskedasticity robust standard errors clustered on member.

Results

In Table 3.1, I show first show Model 1, which is the typical model of legislative effectiveness (Volden and Wisemen 2014). This model pools all congresses and shows substantial effects of holding a committee or subcommittee chair, two of the three largest coefficients in the model. The second model adds an interaction term between being a chair and a factor variable indicating the committee government and party government Congresses. I use the period of subcommittee government as the omitted category both because it is more instructive to compare the period directly succeeding or directly preceding it. Model 3 interacts being a subcommittee chair with the same temporal indicator, and Model 4 includes both interactions. I find support in each model for the interactive effects, and that those interactions alter the degree of the coefficient considerably.

Table 1: The Effect of Chair and Subcommittee Chair Status Moderated by Institutional Era

	Dependent variable:			
	Legislative Effectiveness Score			
	(1)	(2)	(3)	(4)
Committee Government x Chair		2.076** (0.588)		2.290** (0.599)
Party Government x Chair		0.942** (0.245)		0.843** (0.246)
Committee Government x Subcommittee Chair			−0.398* (0.175)	−0.657** (0.179)
Party Government x Subcommittee Chair			−0.660** (0.083)	−0.598** (0.081)
Chair	2.721** (0.130)	2.109** (0.167)	2.632** (0.129)	2.081** (0.169)
Subcommittee Chair	0.663** (0.041)	0.691** (0.040)	1.031** (0.064)	1.028** (0.064)
Committee Government		−0.856** (0.142)	−0.503** (0.149)	−0.591** (0.146)
Party Government		0.190 (0.172)	0.574** (0.179)	0.436* (0.180)
Seniority	0.004 (0.013)	0.004 (0.012)	0.002 (0.013)	0.003 (0.013)
State Legislature	−0.698 (0.447)	−0.712 (0.437)	−0.784 (0.478)	−0.753 (0.469)
State Legislative Professionalism	−1.164 (1.248)	−1.040 (1.222)	−0.931 (1.259)	−0.850 (1.236)
Majority	0.940** (0.093)	0.900** (0.093)	0.977** (0.094)	0.955** (0.093)
Majority Leader	0.370** (0.102)	0.371** (0.102)	0.331** (0.102)	0.330** (0.102)
Minority Leader	−0.169** (0.063)	−0.172** (0.063)	−0.169** (0.063)	−0.171** (0.063)
Speaker	−0.422 (0.225)	−0.370 (0.222)	−0.498* (0.231)	−0.444* (0.226)
Power Committee	−0.150** (0.032)	−0.141** (0.032)	−0.164** (0.033)	−0.153** (0.032)
Ideological Distance	1.045** (0.236)	1.043** (0.235)	0.896** (0.240)	0.955** (0.238)
State Delegation Size	−0.022 (0.011)	−0.021 (0.011)	−0.022 (0.011)	−0.021 (0.011)
Vote Percent	0.032** (0.008)	0.031** (0.008)	0.031** (0.008)	0.031** (0.008)
Vote Percent Squared	−0.0002** (0.0001)	−0.0002** (0.0001)	−0.0002** (0.0001)	−0.0002** (0.0001)
Constant	−1.862** (0.459)	−1.051* (0.512)	−1.173* (0.535)	−1.145* (0.526)
Observations	10,307	10,307	10,307	10,307
R^2	0.642	0.646	0.646	0.649
Adjusted R^2	0.551	0.556	0.556	0.560
Residual Std. Error	1.015 (df = 8224)	1.010 (df = 8222)	1.010 (df = 8222)	1.005 (df = 8220)
F Statistic	7.079** (df = 2082; 8224)	7.191** (df = 2084; 8222)	7.189** (df = 2084; 8222)	7.294** (df = 2086; 8220)
Note:				*p<0.05; **p<0.01

Table 2: Marginal Effects of Chair and Subcommittee Chair on Legislative Effectiveness

	Chair	Subcommittee Chair
Committee Government	4.371 (0.599)**	0.371 (0.181)**
Subcommittee Government	2.081 (0.169)**	1.028 (0.064)**
Party Government	2.924 (0.180)**	0.430 (0.050)**

In Table 3.2, I calculate the marginal effects of holding a committee chair or subcommittee chair conditional on the institutional era. Holding either type of chair, unsurprisingly, is associated with higher legislative productivity throughout, however the amount changes substantially between the eras. Committee chairs were less than half as effective after the subcommittee bill of rights as they were in the 93rd Congress. During the era of party government, chairs were about forty percent more effective than the previous era. Subcommittee chairs are most effective during the subcommittee government era; holding such a position is associated with an increase of nearly a point. However, in both the committee government and party government eras that effect is halved. These numbers must be put into the appropriate context. The dependent variable is designed so that the mean is one in each congress. The benefit, then, of holding a chair during committee government, is four times the mean, clearly indicating that chairmen were among the most productive members of the House. These results support H1-H4 and show that institutional era significantly and substantially impacts the legislative pathways in the House of Representatives.

Having shown the individual changes by era, I exploit data on how far bills advanced in the legislative process to explore how changing individual legislative effectiveness affects the centralization of lawmaking broadly in the House. This enhances the previous analysis by considering the House of Representatives in its entirety rather than just a set of individual members. The number of committee and subcommittee chairs increased in 1974[4] and decreased in 1994.[5] Thus, if there were no changes to the individual legislative productivity of

[4]The Committee on Small Businesses was added as a standing committee and the number of subcommittees increased to nearly 150 over the course of the 1970s (Smith and Deering 1984).

[5]The Committees on Merchant Marines and Fisheries, on the Post Office, and on the District of Columbia were eliminated, and the number of subcommittees was reduced from about 120 to 81.

either group, we would expect that both committee and subcommittee chairs would make up a greater proportion of legislative activity during subcommittee government. As has been shown, though, individual changes in effectiveness did occur that went beyond the changes in the number of committees and subcommittees. In Table 3.3, I present the proportion of substantive and significant legislation for which chairs and subcommittee chairs were responsible at each stage of the legislative process.

Table 3: Proportion of Legislation Attributed to Chairs and Subcommittee Chairs by Era For Substantive and Significant Bills

Chair	Committee Government	Subcommittee Government	Party Government
Bill Introduced	35.6 %	28.9 %	34.3 %
Bill Received Action in Committee	40.1 %	28.6 %	34.1 %
Bill Received Action Beyond Committee	41.8 %	31.1 %	38.1 %
Bill Passed the Chamber	42.7 %	30.4 %	37.7 %
Bill Became Law	46.1 %	32.9 %	41.5 %
Subcommittee Chair			
Bill Introduced	61.6 % (41.3 %)	72.9 % (51.7 %)	43.6 % (40.8 %)
Bill Received Action in Committee	68.0 % (45.8 %)	76.4 % (54.9 %)	48.5 % (46.3 %)
Bill Received Action Beyond Committee	69.1 % (44.5 %)	77.4 % (54.2 %)	45.5 % (42.4 %)
Bill Passed	70.8 % (44.7 %)	76.9 % (54.4 %)	45.5 % (42.3 %)
Bill Became Law	62.4 % (38.2 %)	73.9 % (51.3 %)	47.2 % (43.7 %)

Note: Many committee chairs also serve as subcommittee chairs for other committees. I present the proportion for subcommittee chairs with chairs excluded in parentheses.

As these numbers show, throughout all analyzed periods, chairs and subcommittee chairs sponsor around 85 percent of substantive and significant legislation that became law. However, there is substantial variation between these periods. Under committee government, almost half of the substantive and significant bills that become law were introduced by committee chairs, whereas it is less than a third under subcommittee government. During the party government era, chair effectiveness rebounded, and chairs once again became responsible for over forty percent of significant bills that became law.

In Table 3.4, I present the proportion of lawmaking activity on all non-commemorative legislation. All the numbers are depressed when compared to Table 3.3 because the denominator is so much larger; many more lawmakers introduce legislation that does not necessarily have wide national implications. It is clear that chairs and subcommittee chairs are still the dominant forces in lawmaking, always introducing more than half of the non-commemorative

legislation that becomes law. While the difference between the data for committee chairs under committee government and subcommittee government looks similar to the trend and magnitude for substantive and significant legislation presented in Table 3.3, chairs under party government are making up a lower proportion of House-wide legislation than even under subcommittee government. This result indicates that chairs in the partisan era are increasing their effectiveness predominantly on significant legislation, which is reasonable in a circumstance where a centralized party leadership wants to focus on their priorities.

Table 4: Proportion of Legislation Attributed to Chairs and Subcommittee Chairs by Era For Non-Commemorative Bills

Chair	Committee Government	Subcommittee Government	Party Government
Bill Introduced	7.4 %	9.1 %	7.0 %
Bill Received Action In Committee	33.7 %	20.0 %	17.9 %
Bill Received Action Beyond Committee	34.9 %	27.2 %	21.5 %
Bill Passed the Chamber	36.2 %	26.6 %	21.0 %
Bill Became Law	38.8 %	28.2 %	26.2 %
Subcommittee Chair			
Bill Introduced	29.8 % (29.2 %)	40.0 % (38.7 %)	24.4 % (24.4 %)
Bill Received Action In Committee	61.9 % (49.7 %)	61.1 % (53.5 %)	36.6 % (36.3 %)
Bill Received Action Beyond Committee	62.8 % (49.4 %)	68.9 % (56.2 %)	36.4 % (35.8 %)
Bill Passed the Chamber	63.4 % (49.3 %)	68.5 % (55.7 %)	35.7 % (35.1 %)
Bill Became Law	57.9 % (45.8 %)	66.4 % (54.0 %)	36.0 % (35.2 %)

Note: Many committee chairs also serve as subcommittee chairs for other committees. I present the proportion for subcommittee chairs with chairs excluded in parentheses.

Potential Alternative Explanations

I have shown that patterns of bill authorship in the House differ based on the institutional rules guiding the relationship between the party leadership, committee chairs, and rank-and-file members. I now consider two potential alternative explanations for my findings. First, I examine whether these results represent a change in the way the House operates or just a difference between how Republicans and Democrats run committees. Second, I explore whether this is a function of changes in House rules or of something in the broader political environment.

Party government has persisted and has endured changes in majority status in a way

that was uncommon through the end of the twentieth century and beginning of the twenty-first. The 40 years of Democratic majority that ended in 1994 were followed by 12 years of Republican majority. However, the past fifteen years have seen as many flips in party control of the House as the previous sixty (Lee 2016). Though each party has distinct methods with which they approach committee governance, reforms during the era of party government showed similar attempts to subjugate committee chairs. The parties both increased the leadership voting bloc on steering committees[6], and Democrats maintained chair term limits with their 2006 electoral victory. Though Democrats were slower to adopt these processes than Republicans, they were in place by the time that the Democrats won back the majority. I expect, with the adoption of those strategies, that the Democratic chairs will similarly have become responsive to the party leadership and perform similarly to their Republican colleagues.

In Table 3.5, I present the results of a model using only data from the party government era. I interact the majority party with chair and subcommittee chair status and find that there are not significant differences in chair or subcommittee chair effectiveness based on what party controls the House. Thus, I find no evidence that chairs and subcommittee chairs differ in productivity based on what party controls the majority, suggesting that the Democrats' rule changes, which mimicked the Republican effort, achieved the same result. Party leadership asserting control over committee chairs is bipartisan.

Second, any study of institutions faces the difficulty of disentangling whether change in practice is the result of institutional design or broader political forces that shape the environment in which that institution exists. Studies of Congress benefit from its bicameralism, where both the House and the Senate face the same context, but with differing design. In this case, the Senate did not alter committees substantially, and certainly did not pass reforms packages as sweeping as the subcommittee bill of rights or those listed in the Contract with

[6]As discussed previously, Republicans added the leadership contingent to their steering committee all at once during the rule changes in the wake of their 1994 victory, while Democrats added leadership appointees throughout the 1990s and 2000s.

Table 5: The Effect of Holding a Committee or Subcommittee Chair in the Party Government Era Moderated by Majority Party

	Dependent variable:
	Legislative Effectiveness Score
Democratic Majority x Chair	0.354 (0.399)
Democratic Majority x Subcommittee Chair	0.051 (0.105)
Democratic Majority	0.151 (0.282)
Chair	2.749** (0.219)
Subcommittee Chair	0.395** (0.060)
Seniority	−0.002 (0.024)
State Legislature	−1.042 (0.642)
State Legislative Professionalism	−0.886 (1.440)
Majority	0.800** (0.154)
Majority Leader	0.467** (0.103)
Minority Leader	−0.073 (0.062)
Speaker	0.004 (0.287)
Power Committee	−0.149** (0.047)
Ideological Distance From Median	0.822* (0.386)
State Delegation Size	−0.018 (0.017)
Vote Percent	0.044* (0.012)
Vote Percent Squared	−0.0003** (0.0001)
Constant	−0.878 (0.807)
Observations	5,629
R^2	0.647
Adjusted R^2	0.544
Residual Std. Error	0.955 (df = 4359)
F Statistic	6.296*** (df = 1269; 4359)
Note:	*p<0.05; **p<0.01

America. Thus, changes to the productivity of chairs or subcommittee chairs in the Senate that correspond with the timing of those reforms would be indicative that something about the political environment was the true driver of change. I examine that possibility in Table 3.6[7], which uses effectiveness data from of senators that are constructed in the same way as the House data (Volden and Wiseman 2018).

None of the findings surrounding committee chairs are replicated in the Senate. As the Senate did not have the same committee reforms that the House did, these results are unsurprising. There is no evidence that major changes in legislative effectiveness occurred in an institution under the same national political context, but without the associated rule changes. Senate subcommittee chairs during the era of the committee government are no less effective, but they are during the era associated with party government. While interesting, this finding is beyond the scope of this paper.

Discussion and Conclusion

The defining feature of any legislative body is their capacity for lawmaking. Thus, the members who are legislatively successful reflect how the institution is governed and how power is distributed. I argue the three eras analyzed show three different power arrangements. Throughout, committee and subcommittee chairs are more effective than their fellow members, but the degree changes considerably. When committee chairmanships are awarded automatically on the basis of seniority, chairs can pursue their policies in a variety of ways without being concerned for the safety of their position. In the subcommittee government era, chairs needed to please the junior members of the party, and so subcommittee chairs found themselves advantaged. In the modern day, it is party that controls the award of chairmanships, but once the party leadership has ensured the loyalty of the chair, chairs are able to pursue their goals effectively.

[7]For readability, I present only the main coefficients in here. In the appendix, I include the full table with controls.

Table 6: The Effect of Chair and Subcommittee Chair Status Moderated by Institutional Era in the Senate

	Dependent variable:
	Senate Legislative Effectiveness Score
Committee Government x Chair	0.245
	(0.376)
Party Government x Chair	0.106
	(0.138)
Committee Government x Subcommittee Chair	−0.146
	(0.126)
Party Government x Subcommittee Chair	−0.198**
	(0.060)
Chair	0.929**
	(0.110)
Subcommittee Chair	0.427**
	(0.064)
Committee Government	0.362
	(0.238)
Party Government	−0.497
	(0.288)
Observations	2,397
R^2	0.615
Adjusted R^2	0.532
Residual Std. Error	0.684 (df = 1974)
F Statistic	7.467*** (df = 422; 1974)
Note:	*p<0.05; **p<0.01

This finding exists in spite of voluminous literature that shows a shift toward the power of party leadership that overtook the power once associated with committee chairs. I do not dispute those previous studies; I argue instead that this analysis adds to them by providing important nuance about the role of committee chairs in a partisan House of Representatives. Committee chairs have found their increased success at the cost of their independence. Present day party leaders select chairs based on their anticipated support of the party, rather than their seniority, and created a system to rotate chairs to prevent them from accruing too much individual power. In essence, mid-century chairs were productive because they could not be removed. Modern chairs are productive because they can be.

I further demonstrate that these changes in individual productivity have a significant impact on whose legislation becomes law. Despite making up just 20 members[8], modern chairs introduce over 40 percent of the substantive and significant legislation that becomes law, an increase of 26 percent over the proportion for which chairs were responsible in the subcommittee government era. In a time where reform is unlikely for the foreseeable future (Rickert and Smith 2020), the success of partisan chairs will likely proceed as it has for a quarter of a century.

Previous studies have missed important variation in individual bill success based on institutional arrangement. The productivity of chairs and subcommittee chairs is conditional on the rules under which they operate. This analysis sheds light on how the relationship between parties and committees evolve. In a period where party is seen as singularly important in their control over the House of Representatives, this study shows that committees are still specifically useful, not as independent entities, but as agents of the party. Finally, this work serves as a caution to anyone studying the U.S. Congress, and in particular the use of legislative effectiveness scores. Drastically different institutional processes generate similar scores, which highlights their limitations as an explanatory tool. Legislative effectiveness scores demonstrate bill sponsorship, but are not a proxy for power or influence in Congress.

[8]The Committee on Homeland Security was added in the 107th Congress in the wake of the September 11, 2001 terrorist attacks.

Additionally, pooling together large swaths of data that span decades can mask important variation as the House changes its rules. A careful consideration of historical context is necessary for fully characterizing the House of Representatives through time.

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Appendix

In the following equation, I show how legislative effectiveness scores are calculated, following Volden and Wiseman (2014).

$$LES_{alpha} = \left[\begin{array}{l} \left(\frac{\alpha BILL_{it}^{C} + \beta BILL_{it}^{S} + \gamma BILL_{it}^{SS}}{\alpha \sum_{j=1}^{N} BILL_{jt}^{C} + \beta BILL_{jt}^{S} + \gamma \sum_{j=1}^{N} BILL_{jt}^{SS}} \right) \\ + \left(\frac{\alpha AIC_{it}^{C} + \beta AIC_{it}^{S} + \gamma AIC_{it}^{SS}}{\alpha \sum_{j=1}^{N} AIC_{jt}^{C} + \beta AIC_{jt}^{S} + \gamma \sum_{j=1}^{N} AIC_{jt}^{SS}} \right) \\ + \left(\frac{\alpha ABC_{it}^{C} + \beta ABC_{it}^{S} + \gamma ABC_{it}^{SS}}{\alpha \sum_{j=1}^{N} ABC_{jt}^{C} + \beta ABC_{jt}^{S} + \gamma \sum_{j=1}^{N} ABC_{jt}^{SS}} \right) \\ + \left(\frac{\alpha PASS_{it}^{C} + \beta PASS_{it}^{S} + \gamma PASS_{it}^{SS}}{\alpha \sum_{j=1}^{N} PASS_{jt}^{C} + \beta PASS_{jt}^{S} + \gamma \sum_{j=1}^{N} PASS_{jt}^{SS}} \right) \\ + \left(\frac{\alpha LAW_{it}^{C} + \beta LAW_{it}^{S} + \gamma LAW_{it}^{SS}}{\alpha \sum_{j=1}^{N} LAW_{jt}^{C} + \beta LAW_{jt}^{S} + \gamma \sum_{j=1}^{N} LAW_{jt}^{SS}} \right) \end{array} \right] * \left[\frac{n}{5} \right]$$

Where $BILL$ refers to the introduction of a bill, AIC refers to a bill receiving action in committee, such as a hearing or markup, ABC refers to the bill receiving action beyond committee, $PASS$ refers to if the bill passed the House, and LAW refers to if a bill becomes law. α, β, and γ refer to the weights put on commemorative, substantive, and substantive and significant legislation, which are one, five, and ten respectively. Commemorative legislation includes bills that name post offices, substantive and significant bills include those that received a write-up in Congressional Quarterly, and substantive bills are all others. The equation is scaled so the average for each Congress is equal to one.

In Table A.1, I present the full results of the model for effectiveness in the US Senate. The main results, of course, are identical to the ones presented in the paper.

A.1: Full Model of House Reform Packages on Senate Legislative Effectiveness

	Dependent variable:
	Legislative Effectiveness Score
Committee Government x Chair	0.245
	(0.376)
Party Government x Chair	0.106
	(0.138)
Committee Government x Subcommittee Chair	−0.146
	(0.126)
Party Government x Subcommittee Chair	−0.198**
	(0.060)
Chair	0.929**
	(0.110)
Subcommittee Chair	0.427**
	(0.064)
Committee Government	0.362
	(0.238)
Party Government	−0.497
	(0.288)
Seniority	0.157**
	(0.025)
Seniority Squared	−0.006**
	(0.001)
State Legislature	−2.673**
	(0.987)
State Legislative Professionalism	17.104**
	(4.982)
Majority	0.315**
	(0.068)
Majority Leader	0.101
	(0.093)
Minority Leader	−0.020
	(0.057)
Power	−0.133**
	(0.045)
Ideological Distance from the Median	0.236
	(0.192)
Vote Percent	−0.003
	(0.014)
Vote Percent Squared	0.00003
	(0.0001)
Constant	−0.284
	(0.477)
Observations	2,397
R^2	0.615
Adjusted R^2	0.532
Residual Std. Error	0.684 (df = 1974)
F Statistic	7.467*** (df = 422; 1974)
Note:	*p<0.05; **p<0.01