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The Legislative Recycling Bin: A Reevaluation of the Policy Process

Angelina L. González-Aller

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**THE LEGISLATIVE RECYCLING BIN:
A REEVALUATION OF THE POLICY PROCESS**

by

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DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Doctor of Philosophy
Political Science**

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DEDICATION

Para mis hermanas.

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ABSTRACT

Congressional scholarship has long sought to understand the conditions under which a member of Congress is successful in converting a policy idea into a law. Two areas of this research, the bill sponsorship literature and the legislative effectiveness literature, have developed scholarly understanding on both the motivations and outcomes of bill sponsorship, as well as illuminating the conditions under which a bill is more likely to become law. The empirical approaches of these areas of study however, do not adequately capture the complexities of Congress. Most studies of the legislative process treat bill sponsorship and the policy process as a linear progression wherein an individual bill is introduced and either passes or fails in a given Congress.

Using a mixed-methods research design, this study demonstrates that a substantial amount of legislation in a given Congress has either been introduced in previous Congresses, or will be reintroduced in subsequent Congresses. As a result, many bills are not independent pieces of legislation, but rather, are “recycled” throughout time. Utilizing pooled data from the 96th to 113th Congresses (1979-2015) and new variables identifying recycled bills, this study determines that legislative recycling affects the scheduling of bills from committee and the likelihood of legislative success for members of the United States House of Representatives. Across multiple levels of analysis, recycled bills are found to be negatively associated with the likelihood of success, and patterns of legislative recycling indicate that some policy areas are more likely to have repeated bill introductions than others. In a legislative case study of the Congressional

Tri-Caucus's Health Equity and Accountability Act (HEAA), this study reviews the historical, institutional, and internal dimensions of a recycled policy proposal, finding that motivations for the reintroduction of HEAA include, but also extend beyond, the narrow purpose of lawmaking. Taken in sum, the study of legislative recycling adds both analytical and conceptual clarity to the study of Congress, and provides a number of departure points for future research.

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LIST OF ACRONYMS

ACA- Patient Protection and Affordable Care Act (Public Law 111-148)
 API- Asian Pacific Islander
 APIAHF- Asian & Pacific Islander American Health Forum
 CAPAC- Congressional Asian Pacific American Caucus
 CBC- Congressional Black Caucus
 CHC- Congressional Hispanic Caucus
 CHCI- Congressional Hispanic Caucus Institute
 CMO- Congressional Member Organization
 CWG- Health Equity and Accountability Act Congressional Working Group
 GOP- Republican Party
 HEAA- Health Equity and Accountability Act
 HHS- U.S. Department of Health and Human Services
 IOM- Institute of Medicine
 LES- Volden and Wiseman’s Legislative Effectiveness Score
 LEP- Volden and Wiseman’s Legislative Effectiveness Project
 LSO- Legislative Service Organization
 NCMHD- National Center on Minority Health and Health Disparities
 NIH- National Institutes of Health
 NLIRH- National Latina Institute for Reproductive Health
 MC- Member of Congress
 MHP- Mental Health Parity
 OMH- Office of Minority Health at HHS
 P.L.- Public Law
 RMM- Ranking Minority Member
 TARP- Trouble Asset Relief Program (2008)
 WREI- Women’s Research and Education Institute

DEFINITIONS AND TERMINOLOGY

Recycled Bill- A bill identified as having been previously introduced by the same sponsor and bearing the same title.

Singleton Bill- The first observation of a bill within the data. Singleton bills may be repeated in the future after which a singleton bill is referred to as the “original” introduction.

Novel Bill- a singleton bill that is not subsequently observed in the data.

Minority- U.S. racial and/or ethnic minority group.

CHAPTER ONE

INTRODUCTION

The United States Congress is both a lawmaking institution and a representative body. As the federal legislature, Congress's primary power lies in the ability to produce laws for the entire nation. One complication to this process is that the House of Representatives is made up of 435 members, all of whom are elected to two year terms, representing a specific geographic district and subset of the U.S. population. While there may be districts with similarities, no two are identical, and certainly no two elected officials are the same. The nation's geographically smallest and consequently most dense congressional district is New York's 13th, which takes up 10.25 square miles of land area. The largest geographic district, is of course, held by Alaska's at-large House Representative who represents roughly 741,894 people spread across the state's vast 570,641 square miles. Given the diversity of interests in Congress, and the variety of cross pressures Representatives face such as electoral constraints, political parties, and institutional conditions, it's no surprise that Congress has a reputation for gridlock.

While Congress makes laws for the nation, no member of its body is elected to represent the nation. U.S. history is marked by frequent accusations of Congress's ineffectiveness. President Truman famously called the 80th Congress the "Do Nothing Congress", despite the 80th Congress passing 4,132 measures (Sanchez, 2012). Political pundits penned the 112th Congress the least productive Congress since the Civil War, only to be knocked out of last place by the 113th Congress, until a wave of bills in the final moments of the 113th bumped the 112th back into last place (Huder, 2013; Newhauser, 2014; O'Keefe, 2014). The raw number of bills sent to the President's desk however, is only one measure by which we can evaluate Congress as a lawmaking institution. Political scientists are faced with the task of evaluating Congress in its duality, as a policymaking institution which produces policy outputs, and as a representative body wherein single members of Congress pursue their individual goals for the sake of their constituents, (or for a more personal motivations such as reelection or improving their stature within or beyond Congress).

In a lawmaking system premised on democratic accountability, scholars have long wondered how “good of a job” members of Congress and Congress as a whole are doing. Efforts to evaluate the quality of congressional representation has taken many forms, from studies on public approval of Congress, to the linkage between electoral margins and roll call votes, to studies of member behavior on bill sponsorship, cosponsorship, attention to casework and constituency services, and oversight of the federal bureaucracy... to name a few. One subset of this research seeks to understand the conditions under which a member of Congress is able to translate an idea into a bill and a bill into a law. Often called the “legislative effectiveness” of a member, or the “legislative success” of a bill, this area of research has led to a number of findings which have helped us better understand not only who passes bills in Congress, but how a member might advance a proposal through the legislative obstacle course and into law.

This dissertation is a product of years long efforts to bring my understanding of Congress as a political scientist and researcher, into closer balance with the often messy operations of Congress I observed on Capitol Hill. In 2013, I headed to Washington D.C. to for a Congressional Fellowship supported by the Women’s Research and Education Institute (WREI). I was fortunate to be placed in the office of U.S. Representative Lucille Roybal-Allard, a California Democrat, who at the time was celebrating her 10th election to the U.S. House of Representatives. The first week of my fellowship began with a whirlwind tour of Washington D.C.: a stop by the Congressional Research Service, a quick visit to some of D.C.’s top think tanks, a meeting with the Senate Historical Office, and finally a meeting with the Congressional Research Service’s Parliamentarian, Judy Schneider. Judy Schneider, a co-author of the *Congressional Deskbook*, is credited with teaching hundreds of members of Congress how to legislate (CMF, 2018; Gangitano, 2018).

I met Ms. Schneider with the incoming class of 2013 WREI fellows in a damp, windowless room, in one of the House office buildings. Unbeknownst to me, Judy’s knowledge and “creativity” were legendary on the Hill (Schakowsky, 2018), and within minutes Judy promptly destroyed any confidence I had in my understanding of how (and

why) Congress works.¹ It was then the formidable Ms. Schneider told me that Congress was not created to pass good policy, Congress was created to stop BAD ideas from becoming law, and that to get anything done in Congress you needed the three P's: **p**olicy, **p**rocedure, and **p**olitics. I carry these lessons with me now as both an instructor of political science, a policy advocate, and a researcher. It was also during my WREI orientation that I first grasped the concept of how long and recurring the policy process can be. As one policy expert explained that it had taken them 5 years to get the "Deadly Cancer Bill" passed, and that out of thousands of bills introduced about 400 would become law, most of which "declared National Watermelon Month", I realized there was large chasm between my understandings of Congress as a legislative staffer and as a congressional researcher.

Open any high school civics book and you find a nice clean story of how a bill becomes a law. Bills are introduced, sent to the committee, sent to the floor, passed by the House or Senate, sent to the other chamber where the process is repeated, and then sent to the President's desk for signature or veto. This story however, would be very much at odds with what I witnessed while working in Roybal-Allard's office. Not only is the development of policy much more involved, but the system of procedures and number of steps taken in advancing a bill in Congress is far more complicated and political, and often steeped in arcane rules and processes. Given this, it's no surprise that scholars have found that the legislative effectiveness of members is skewed by a variety of institutional and personal factors. Some members of Congress may be more attentive students of the dynamics of policy, procedure, and politics, while others may be effective coalition builders or dealmakers, and others may simply be more naturally talented lawmakers.

¹ I would like to point out that I am certainly not the only person Judy has "destroyed" (Bybee, 2013) and I very much appreciate Ms. Schneider's crash course in the legislative process where I learned the meaning of "germaneness," "committee of the whole," "suspension," and the differences between bills, House Joint Resolutions, House Resolutions, and House Concurrent Resolutions. I also credit Ms. Schneider with helping me to develop a healthy fear of the House Rules Committee.

Bill Sponsorship, Effectiveness, and the Legislative Process

Over the years, scholars have used a wide variety of variables and several differing methods in efforts to understand how members of Congress achieve legislative success. Taken together, the five decades of scholarship on this topic offer little consensus on what predicts a bill (or member's) likelihood of success. The few things scholars seem to agree on often reflect obvious expectations: members who serve as committee chairs are more effective than those without such prestigious positions, members of the majority party are generally more effective than those in the minority, and more senior members of Congress are more successful in advancing their proposals than newly elected members (Cox & Terry, 2008; Frantzich, 1979; Moore & Thomas, 1991; T. Scott & Bernard, 1993; C. Volden & A. E. Wiseman, 2014).

Aside from institutional advantages, there is also some reason to believe that members can influence their chances of legislative success through choices such as how frequently to sponsor and *what* they sponsor. For example, members who specialize in a specific policy area are generally more successful than members who sponsor many bills across several policy areas (Anderson, Box-Steffensmeier, & Sinclair-Chapman, 2003; Moore & Thomas, 1991; Craig Volden, Wiseman, & Wittmer, 2016). Craig Volden and Wiseman (2016) also demonstrate that members who sponsor more bipartisan legislation are more effective, while Anderson et al. (2003) demonstrate that legislative success may sometimes be a reward for party loyalty. Within the effectiveness research, seniority advantage can be understood as indicator of not only an increased position of institutional power, but also as member being more familiar with the "norms and folkways" of Congress (Matthews, 1960). Familiarity with norms and folkways suggest that members can and do learn how to be more effective. In other words, it is possible that a member of Congress can learn how to be an effective lawmaker. Similarly, the longer a member is in Congress, the more time they have had to develop a robust legislative portfolio.

In the evaluation of a member's effectiveness, many studies include variables such as their previous electoral margins or ideological extremity, which are most often measured off of the conditions of the previous Congress. The inclusion of variables from previous time points suggests that what happened in a previous Congress may affect a member's chances of success in a current Congress. This is an important nuance as I

suggest that not only member factors, but also bill factors from previous Congresses influence the likelihood of success in a current Congress. Bill sponsorship is a time consuming and resource exhaustive endeavor. In this area of research, scholars have noted that bill sponsorship serves purposes beyond the direct possibility of “making good public policy”. Bill sponsorship permits members to express opinions on issues important to specific constituencies (Rocca & Gordon, 2010), helps them to establish themselves as policy experts in a topic area (M. L. Swers, 2002), and helps them draw attention to an issue (Strand, Johnson, & Climer, 2008). Most of these goals can be fulfilled with any introduction of a bill, whether it is the bill’s very first appearance in Congress, or its fifth.

Legislative Recycling: Repeated Bill Introduction in Congress

If only about 5% of bills become law in each Congress, why would a member introduce all new proposals in each Congress?² At a news conference announcing the re-introduction of her bill to require employers to give employees advance notice of work schedules, Senator Warren was asked why legislators introduce bills when the political climate is inhospitable to such proposals. Senator Warren responded,

It is hard. I understand. And our party is not in the majority. But you don’t get what you don’t fight for. And that’s what this is about. It takes sometimes one try, sometimes it takes four, sometimes it takes six. I don’t know how many tries it will take (Pillis, 2015).

This dissertation is premised on the concept that legislators not only introduce, but are likely to reintroduce the same policy proposals throughout their time in office.

The process of writing a bill generally requires consultation from experts, exhaustive research of existing proposals, vetting with interest groups or stakeholders, and then the careful framing of the issue and preparation of text, which is sent to legislative counsel to be converted into legislative legalese and formatted as a bill. This process is a resource intensive endeavor and requires effort on not only the part of the legislator, but also their professional staff (R. L. Hall, 1996; Strand et al., 2008).

Depending on the scope and complexity of the issue, the amount of effort and time

² I can’t help but draw the comparison that this would be like assuming each journal submission by a researcher in a given year is a completely unique/independent paper and after a rejection or R&R the paper is abandoned and replaced by a brand new paper the next time.

required for policy development varies substantially. As the bill sponsorship literature suggests, not all legislation is created equal: some bills declare “National Water Melon Month”, while others propose major changes to the U.S. health care or education system, while others skillfully address an esoteric trade regulation. Important bill-based differences exist, and should be appropriately accounted for in models of bills sponsorship and legislative effectiveness. Similarly, in order to understand the effects of time and effort, the frequency with which a bill is introduced and reintroduced should also be measured.

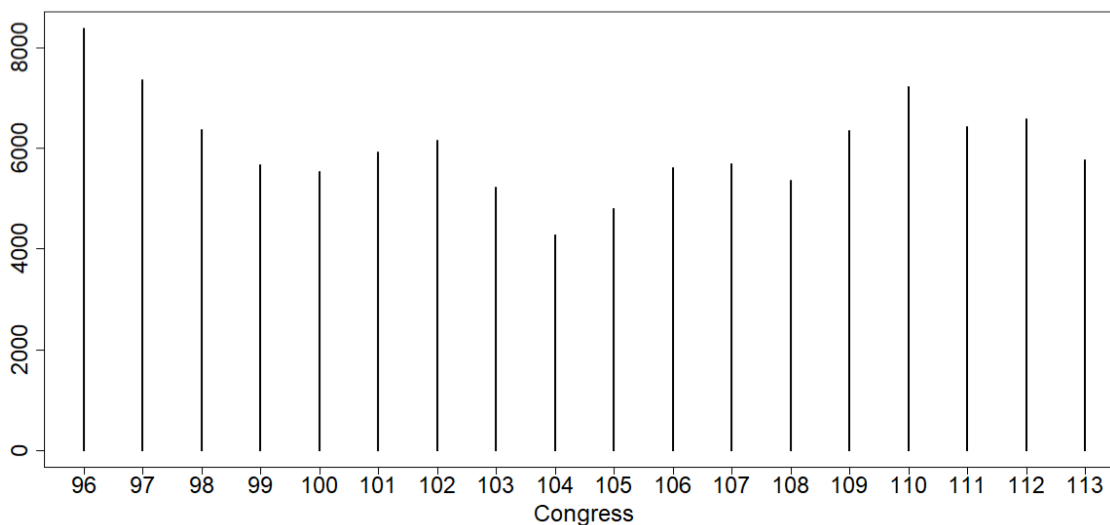
Format of the Dissertation

The dissertation is comprised of three empirical chapters: two quantitative evaluations of legislative recycling in the House of Representatives and one qualitative legislative case study. The House of Representatives is a natural beginning point for a reevaluation of bill sponsorship, and legislative effectiveness, in the context of legislative recycling. Under the original Constitution, the House was the only federal institution whose membership was selected by popular election. Two year terms were designed to ensure that House members would remain as close as possible to the people. Frequent elections were meant to ensure that citizens’ interests would be converted into public policy (Whitby, 2000)

The quantitative chapters review legislative recycling within the United States House of Representatives during a period of 36 years from 1979-2015. The analysis begins with the 96th Congress, which marks the removal of cosponsorship limitations in 1979, which resulted in an overall decrease in bill introductions (Oleszek, 2017a). Prior to the removal of the 25 cosponsor limit, it was common practice for Representatives to introduce duplicate bills to indicate support for a proposal (J. T. Scott & Bernard, 1992). For example, in the 93rd Congress 21,095 measures were introduced, while the 94th had 19,371 measures and the 95th had 17,800 measures introduced, many of which were duplicate introductions. According to Laband, Seals, & Wilbrandt (2015), following the rule change permitting unlimited cosponsors in 1979, there were 10,393 introductions in the 96th Congress, 9,158 in the 97th, and 8,098 in the 98th, a substantial drop in introductions as compared to Congresses with cosponsor limitations. The introduction of

duplicate bills as an expression of cosponsorship could complicate the study of legislative recycling, and for this reason, I begin my analysis with the 96th Congress.

Figure 1.1 Bill Introductions 96-113th Congresses



Note: The data used in this dissertation is restricted to H.R. bills, and therefore is slightly different from that of Laband et al. (2015).

All three empirical chapters approach the study of legislative recycling in an exploratory manner, eschewing formalized directional hypotheses in favor of open-ended research questions. *How can we identify recycled bills? What does legislative recycling mean for the effectiveness of legislators? What does legislative recycling look like? What differences exist between recycled and non-recycled bills? Why has the Health Equity and Accountability Act been introduced eight times? What do members hope to achieve by repeatedly introducing a bill that reliably dies in committee?* This exploratory approach allows me to entertain alternative paradigms for how the legislative process works, and permits the data to drive the direction of the study. At each step in the course of discovery, I adapt the data and methodology to appropriately fit the line of inquiry as information and questions become more refined along the way.

The first step in this process involves a large-N quantitative study split across two chapters reevaluating bill sponsorship and legislative effectiveness in a new light: breaking from the tradition of measuring each bill as an independent and discrete

observation. Chapter 2 begins this exploration by reevaluating the study of legislative effectiveness through the introduction of a legislative recycling variable. The third chapter continues the use of quantitative methods, seeking to better explain relationships between the phenomena of recycling, policymaking, and congressional behavior. The fourth chapter moves into a qualitative legislative case study designed to build understanding on why the Health Equity and Accountability Act is recycled and what recycling means for this specific policy proposal. In combination, this mixed-methods approach integrates multiple forms of data collection and analysis, drawing from the strengths of both quantitative and qualitative approaches in order to document, better understand, and develop the study of legislative recycling.

Chapter 2: Legislative Recycling and Legislative Success

In Chapter 2, I discuss the theoretical and empirical foundations for a reevaluation of legislative effectiveness in the context of legislative recycling. I review the extant literature and explain how legislative recycling could further our understanding of how bill success operates in Congress. I explain how students of Congress might measure recycled bills using existing data sources, and elaborate on how future data collection methods may also address the question. I then generate a legislative recycling variable and evaluate how it influences conventional models of legislative effectiveness. In a series of logistic models of bill success at the committee, floor, and public law level of the legislative process, I find that the addition of a legislative recycling variable adds explanatory value to models of legislative success, and that across all models, bills that are recycled are less likely to pass.

Chapter 3: Bill Recycling and the Policy Process

Building on this momentum, the third chapter moves the analysis upstream, exploring differences between bills, attempting to uncover the conditions influencing the likelihood that a bill will be repeated. Using results from Chapter 2 as a foundation, I expand the study of legislative effectiveness into evaluations of sponsor portfolios and policy topic areas in order to evaluate patterns in bill introduction and reintroduction. I then turn to a secondary review of legislative effectiveness, exploring in greater depth the effects that seniority and bill repetition have on the likelihood of a bill achieving legislative success. Findings from this chapter indicate that rates of bill repetition are

non-randomly distributed across policy topic areas, and that legislative recycling may help to explain seniority advantage in Congress.

Chapter 4: Allied Lawmaking 15 Years of Health Equity Policy

The final empirical chapter reviews repeated introductions of the Health Equity and Accountability Act (HEAA) from a qualitative perspective, combining archival research and key informant interviews to bring context to the underlying mechanisms driving frequent and consistent introductions of the proposal. Through an exploration of the historical, institutional, and internal dimensions of HEAA, this chapter seeks to better understand the motivations of legislative behavior and activity on HEAA over the course of its 15-year history in Congress. By conducting a thorough archival review of HEAA documents, speeches, and bill introductions, combined with testimony from a series of key informant interviews, this chapter provides a comprehensive historical analysis of the establishment and progression of a major health disparities policy initiative in the United States Congress.

By tracing the origins of the bill and following the proposal and its subsequent iterations through its 15-year history, this chapter chronicles a specific incidence of legislative recycling in an effort to take a detailed look at the logic, motivations, successes, and limitations of promoting a policy through repeated bill introductions. The legislative case study is informed by a series of key informant interviews with member of Congress, professional congressional staff, and policy experts who were (or are) involved in the development and introduction of the Health Equity and Accountability Act. Findings from this analysis indicate that the study of the Health Equity and Accountability Act provides a promising foundation for reevaluating scholarly explanations for congressional behavior and the effects, goals, and purposes of repeated bill introduction in Congress.

Conclusion

In sum, this dissertation takes an exploratory, yet important, step towards bringing the study of bill sponsorship and legislative effectiveness into better balance with the realities of congressional behavior and policymaking. Passing a bill is hard to do; it requires skill, effort, a keen sense of political appetites, knowledge of congressional

procedures, and likely other conditions political scientists have yet to identify. This dissertation intends to add analytical and conceptual clarity to the way in which students of Congress study and understand the legislative process. Understanding how and when things get done carries important implications for Congress as both policymaking institution and representative body.

CHAPTER TWO

LEGISLATIVE RECYCLING AND LEGISLATIVE SUCCESS

“I never thought any bill would take 12 years to pass... It has been 12 long years, but it’s worth every minute of the effort.”

-Rep. Jim Ramstad
(Frommer, 2008)

Between 1996 and 2008, over twenty bills with the goal of requiring health insurers to provide coverage for mental health services were introduced in the United States Congress. It took policy advocates twelve years of effort for the Paul Wellstone and Pete Domenici Mental Health Parity and Addition Equity Act of 2008 to reach President Bush’s desk. The signing of this bill was a landmark success for mental health advocates and a keystone achievement for a group of legislators who championed the cause in Congress for over a decade (Frommer, 2008; Lueck, 2008). In an interview following the bill’s passage, Senator Domenici was asked how he felt:

You know, I’m going to be dead-honest with you, it dragged on so long that I didn’t act like I normally would have... I was thinking it can’t be real. It was more like, ‘It’s finally over.’ It got so close and yet so far so many times. It’s amazing, not only because we got it done, but because, for a nation it has taken us so long” (Stephey, 2008).

The success of mental health parity reform in 2008 demonstrates not only the complexity of federal policymaking, but also the dynamics of time, strategy, and effort in Congress.

On my first day as a legislative fellow in the U.S. House of Representatives, my legislative director sat down with me and the other new hire. A stack of files sat in front of her, she stated “these are our boss’s bills, she’s hoping to get them all in this Congress, so we need to decide who’s taking what.” Over the course of the next several hours, we discussed each bill’s purpose and legislative history, leaving with a pile of bills for our respective portfolios. I would be managing the introduction of the SAFETY Act a bill to assist women in transitioning out of abusive relationships, the CARE Act to ensure

immigrant children had full access to education and weren't put at risk while working in agriculture, and the STOP Act to help communities prevent underage drinking and drug abuse.

Over the next several months, I would revisit the Congresswoman's floor speeches, one-pagers, "Dear Colleague" letters, and bills in order to update the proposals with the most recent statistics, newest terminology, and most convincing argumentation. One by one, the bills were updated, vetted by advocacy organizations and experts, and sent to legislative counsel for revision. Once the bills returned to the office, they were presented to the Congresswoman at which point she determined when they would be introduced, and how they would be promoted. This usually took the form of dropping the bill in the hopper, working with party leadership to procure a one-minute floor speech slot, and then the distribution of one-pagers and "Dear Colleague" letters in an effort to recruit cosponsors.¹ This experience would forever alter the way I envision the legislative process.

One of the most intriguing questions in the study of the United States Congress is why some members of Congress are better able to navigate the congressional labyrinth to successfully translate their policy goals into public law. In the two decades between 1995 and 2015, over 70,000 bills were introduced in the United States House of Representatives. Out of these 73,303 bills, only four percent reached the President's desk. With a bill failure rate of over 95%, congressional scholars have long sought to understand the circumstances under which a member of Congress (MC) successfully translates a bill to public law. Identifying the personal and institutional characteristics that permit some members of Congress to more effectively promote their legislation is crucial to developing a fuller understanding of political representation and the legislative process. This study furthers this body of work by demonstrating the importance of identifying and linking policy proposals over time. Much like the stack of bills I took to my desk on my first day, many individual bills in a given Congress have been previously introduced and, in some cases, have long histories on Capitol Hill. Understanding how

¹ Members may make one-minute speeches before or after legislative business on each day that Congress is in session. One-minute speeches are often coordinated through the Republican and Democratic Leadership to focus on particular topics, but the speeches are not limited to such topics and many members use one-minute speeches to promote their own policy proposals.

the introduction and subsequent reintroduction of bills over time influences the policy process provides students of Congress with a new approach to classic questions of the discipline.

In this analysis, I attempt to bring empirical methods of the study of legislative effectiveness into better balance with what I observed on Capitol Hill: by identifying and cataloging repeated policy proposals, and then exploring their effects on the incidence and frequency of legislative success. I first review the current methodological approaches to the study of legislative effectiveness before demonstrating that it is possible to link repeated bills according to sponsor and title. I then turn to an exploration of the effects of bill repetition on the scheduling of bills from committee, and the likelihood of being passed by the House, and becoming public law. In doing so, I hope to contribute to a more detailed understanding of legislative effectiveness in Congress by adding greater precision to our understanding of which policy proposals are most likely to become public law.

Approaches to the Study of Legislative Effectiveness

The authors of the U.S. Constitution created a Congress whose power sits squarely upon the ability to propose, discuss, and create public laws for the nation. The very first article the Constitution, states “All legislative power herein granted shall be invested in a Congress of the United States”. At the signing of the Constitution, the United States had not yet breached the Mississippi River, or yet stretched the length of the Eastern Seaboard. As the only national policy making institution, Congress has broad governing power over a nation, which now reaches from the Atlantic to the Pacific. Despite being established in the first article of the Constitution, the Constitution itself says very little about how Congress is to carry out the task of lawmaking or what specifically, “legislative power” is.

Throughout the course of 200 years, the institution has undergone a variety of changes: the creation of a complex committee system, the direct election of U.S. Senators, and the creation of restrictions on floor debate in the U.S. House of Representatives. These changes can be seen as natural adaptations for a governing institution of a changing nation or, as Barbara Sinclair puts it,

changes in the legislative process can be seen as the responses of members to the problems and opportunities the institutional structure and the political environment present to members as they pursue, as individuals or collectively, their goals of reelection, influence in the chamber, and good public policy (2007, p. 7).

Members of Congress have multiple avenues for making good public policy; chief among them is the introduction and passage of legislation.² Given the importance of the legislative process as a mechanism for democratic representation, scholars have long been fascinated with the workings of Congress. Understanding who, and under what circumstances, members of Congress achieve “good public policy” through the legislative process is a central component of the study of U.S. political institutions and democratic accountability in Congress.

Scholars often trace the beginning of the study of legislative effectiveness to Donald Matthews’ classic 1960 study of the U.S. Senate. In his work, Matthews developed an index of “legislative effectiveness” in order to study Senators’ “ability to get one’s bills passed” (Matthews, 1960). This work served as an early foundation for the study of legislative effectiveness in Congress and subsequent studies continued to build upon this work.³ Many early studies focused their efforts on the U.S. Senate—a logical choice given the obstacles of primary data collection. For example, Moore and Thomas (1991) explored the power of majority party rule on Senators’ effectiveness in the 99th Congress, while Schiller (1995) study of the 99th and 100th Congresses furthered understanding of the effects of seniority on bill sponsorship in the Senate. In one of the early studies of the U.S. House, Frantzich’s (1979) study provided insights into dynamics of success in the House, illustrating the connection between majority party status, seniority, and the potential for Members to influence their probability of success by specializing in certain policy areas.

² Among other efforts, members of Congress may try to make public policy through congressional oversight (Minta, 2011) or exerting influence on the Executive branch’s rulemaking processes (Copeland, 2008).

³ See (Anderson et al., 2003; Frantzich, 1979; R. L. Hall, 1996; Hibbing, 1991; Moore & Thomas, 1991; M. L. Swers, 2002). A similar line of research has also expanded to studies on state legislatures providing important avenues for comparison between legislative systems at the federal and state level (Bratton & Haynie, 1999; Ellickson, 1992; Miquel & Snyder, 2006; Weissert, 1991a, 1991b).

The work of Frantzich (1979) not only increased our understanding of the conditions under which bills become law, but furthered the methods by which scholars conceptualized legislative effectiveness. In his study, Frantzich established measurement concept of a “hit rate” or “batting average” capturing the percentage of bills that succeed divided by the total number of introductions for a dependent variable. The hit rate approach was continued in a study of the 99th Senate by Moore and Thomas (1991), as well as Jeydel and Taylor ‘s (2003) study of gender differences in effectiveness between Representatives during the 103rd , 104th, and 105th Congresses. A study of the 103rd Congress put forward by Anderson, Box-Steffensmeir, & Sinclair-Chapman (2003) the same year, opted to use count models to study effectiveness in the U.S. House. By using a count of the number of bills reported out of committee, passed by floor vote, and signed into law as a dependent variable, Anderson et al. (2003) established an alternate approach to the study of legislative effectiveness.

In their departure from the hit rate approach, Anderson et al. (2003) assert, our conceptualization of the dependent variable (legislative effectiveness) as a count of the number of bills by a member that move through the legislative process rather than the proportion of the bills enacted. This is an intuitively satisfying conceptualization because it reflects the way that most legislators and interested constituents are likely to measure success—namely, as a function of the number of bills on which the member receives positive action (358-9).

Indeed, in the world of overwhelming legislative failure, the success of any bill is likely more important than the success of a bill relative to the number of bills introduced. In 2007, Hasecke and Mycoff also selected to use a count model arguing that a hit rate approach fails to distinguish between members who introduce many or few bills (611).

Built on the foundation of the hit rate and count model approach, a recent body of work by Volden & Wiseman has made substantial improvements in the methods for evaluating the effectiveness of members of Congress. Volden and Wiseman construct a legislative effectiveness score (LES) for each member of Congress by categorizing bills into three categories: commemorative, substantive, and “substantive and significant,” and tracking the number of bills in each of these categories that a member of Congress introduces, receives action in committee, passes out of committee, passes the House, and becomes law. Volden and Wiseman’s LES is a refinement of the classic hit rate approach.

Whereas hit-rates capture the proportion of bills introduced which become law, the LES is capable of capturing the average “distance-travelled” by bills through various benchmarks on the way to becoming law. The LES also differentially weights bills by their significance. In other words, LES is a measure of legislative “work,” in the physical sense: an average of force times distance, i.e. the weight of bills and their distance travelled through the legislative pipeline. However, Volden & Wiseman’s LES score, like the studies before it, continues to identify each bill as an independent and discrete observation.

In this paper, I take incremental but important steps in this research agenda. In doing so, I hope to work towards building a more complete understanding of both the legislative process and the potential for legislative success within that process. The goals of this study are two-fold: first I aim to clarify the roles of legislative effort and time in the legislative process by more comprehensively evaluating bill sponsorship activity in the House of Representatives. Second, I seek to better understand how sponsorship trends in the introduction and re-introduction of bills affect the likelihood of legislative success. In doing so, I provide a foundation for a more comprehensive understanding of the lawmaking process, better capable of incorporating the effects of time and effort into our understanding of the legislative process and representative politics. Utilizing information for all voting members in the House of Representatives from the 97th to 113th Congresses (1981-2015), and through the addition of a new independent variable tracking the number of times a bill with the same title has been introduced by a given member of Congress, this study demonstrates that what previous scholars have treated as independent observations are actually related to previous or subsequent observations.

This new variable provides evidence that many bills in a given session of Congress are not unique observations but rather are “recycled” bills that have appeared previously or may appear again in subsequent sessions. The findings of this study indicate that the methodological approaches and assumptions used in many studies of legislative effectiveness should be adapted to reflect this phenomenon, and better account for the effects of recycled legislation. The paper proceeds as follows: I first offer a brief review of the extant literature and explore the problems in the current approaches to the measurement of legislative success. I then present my alternative methodology and

describe the data coding and collection process. Lastly, I report results using the legislative recycling variables and discuss how legislative recycling can be incorporated into studies of legislative effectiveness.

Improving the Study of Legislative Effectiveness

In a guest post at the Washington Post's Monkey Cage Blog, John Wilkerson, Nick Stramp, and David Smith provided news aficionados and congressional scholars with a concise and convincing argument that "bill success is a lousy way to keep score in Congress" (Wilkerson, Stramp, & Smith, 2014). In their article, Wilkerson et al. lay out four arguments as to why measuring the passage of bills by an individual Member of Congress is not an accurate measure of legislative effectiveness:

1. **All bills are not created equal.**
2. **Bills evolve.** Some bills undergo major substantive changes. Wilkerson, Stramp and Smith provide the example of H.R. 3590 introduced in the 111th Congress which was originally titled "The Service Members Home Ownership Tax Act of 2009" at a total of six pages in length. H.R. 3590, when it became law, was titled the Patient Protection and Affordable Care Act of 2009 (PPACA) and was 906 pages long.
3. **Bundling happens.** "Must pass" bills are often the focus of bundling efforts. As Wilkerson, Stramp, & Smith point out, "The USA PATRIOT Act of 2005 included numerous provisions having nothing to do with intelligence or terrorism."
4. **There is only one survivor.** When the House and Senate consider companion bills on the same subject, only one can go on to the president.

(Wilkerson et al., 2014).

This public critique of the study of legislative effectiveness was both timely and accurate. Some concerns, however, are more pressing than others. Point one, for example, where the authors argue, "some bills propose major reforms to the nation's education system. Others name post offices" (Wilkerson et al., 2014) was addressed to a limited extent by Anderson et al.'s (2003) use of a "hot bills" variable, Krutz's (2005) evaluation of 5 substantive policy areas, and more recently in greater depth by Volden and Wiseman's body of work which categorizes bills in greater detail (C. Volden & A.

Wiseman, 2014; C. Volden & Wiseman, 2011; Wilkerson et al., 2014).⁴ Thanks to a combination of identifiers, such as string matches that permit researchers to siphon off commemorative and private bills, congressional scholarship has advanced to a more detailed understanding of the relative success of some bills over others. While there remains room for refinement, recent research has succeeded in comparing bills naming post offices and schools against one another and bills that propose major policy changes against one another.⁵

Wilkerson et al.'s second point—that measuring bill success rates don't capture substantive changes to policy proposals—is a concern for both students of Congress and public policy. Substantive changes to bills occur at nearly every level of the legislative process: before introduction most bills are vetted by stakeholder organizations and following introduction the subcommittee, committee, floor, and reconciliation stages all provide opportunity for adaptation.⁶ However, the example provided by the authors, i.e. the morphing of a modest bill into a comprehensive healthcare reform policy, is an extreme circumstance. For the average standalone bill, the legislative process, with its many veto points, generally produces the moderation of policy goals rather than radicalization. While future studies may be able to better account for substantive changes made to proposals during the legislative process, I argue that for the majority of bills which manage to survive, the final outcome remains a good reflection of what the sponsor intended to accomplish when they introduced the bill.⁷

⁴ It's worth noting that Wilkerson, Stramp, and Smith's critique was published in February of 2014, the same year that Volden and Wiseman published *The Lawmakers*. As such, their critique was likely printed before Volden and Wiseman's approach became widely known within the discipline.

⁵ For example, Adler and Wilkerson's publicly available Congressional Bills Project data includes an "important bill" variable, which filters bills based on the presence of certain words in a title to identify bills that are arguably of minor importance. For example, bills to name buildings are fairly common and other bills transfer small plots of land (or buildings) from the federal to local governments. The Comparative Agendas Project also provides bill type identifiers and Volden and Wiseman's LES also has parameters to control for the relative significance and scope of proposals. Room for improvement remains, however, in better identifying and categorizing bills according to whether they are temporary or permanent legislative pieces. For example, see chapter 5 of E. S. Adler and Wilkerson (2012).

⁶ Not to mention the variety of changes, which may occur during the implementation process during which federal agencies attempt to actualize congressional policy directives with limited guidance and funding (and often competing political directives and goals).

⁷ While incorporating substantive changes made during the legislative process is certainly preferable, it is likely that bills which undergo radical changes like the Affordable Care Act will be somewhat controlled for with the use of an "important bills variable."

Wilkerson et al.'s third and fourth points, the use of bill bundling or omnibus legislating, and the survival of one companion bill, remain serious obstacles for students of Congress. The practice of attaching stand-alone bills to large pieces of moving legislation is a common strategy for lawmakers. For example, packaging a broad array of provisions into an omnibus bill has been shown to raise the saliency of an individually modest measure and make it possible to pass unpalatable but necessary provisions by pairing them with more popular proposals (Sinclair, 2007, p. 270). Moreover, the use of the omnibus approach has become an integral part of the congressional budget process and can even be argued to be the "new normal."⁸ Indeed, the Mental Health Parity Act of 2008, which opened this chapter, was ultimately attached and passed with the Troubled Asset Relief Program (TARP).

The mental health parity proposal, which Senator Domenici had been championing in Congress since 1996, was reintroduced early in 2007 in both chambers. Senators Domenici, Enzi, and Kennedy introduced the bill numbered S.558 in February of 2007, which quickly passed through the Senate HELP Committee two days later and was passed by unanimous voice vote attached to unrelated tax legislation months later in September of 2007 (Barry, Huskamp, & Goldman, 2010). Meanwhile, in the House of Representatives, H.R.1421, introduced in March of 2007, and championed by Representatives Kennedy and Ramstad, was delayed by multiple committee referrals, eventually reaching the House floor in March of 2008, passing by a margin of 268 to 148.⁹ Having passed both chambers independently, advocates of the bill were motivated to find a compromise bill that could be passed by both chambers. Negotiations between leaders in the Senate and House were productive and by the summer of 2008, a compromise bill seemed viable (Barry et al., 2010). However, by July of 2008, the proposal had stalled, and by the end of summer congressional activity plummeted as the Democratic and Republican Party conventions drew focus away from Capitol Hill towards Pennsylvania Avenue and the impending 2008 presidential election.

⁸ For such a discussion, please see the excellent work "*Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*" by Barbara Sinclair (2007)

⁹ The 110th Congress was under Democratic control in both chambers though the Democratic hold on the Senate was by a slim 51/49 margin. The House bill was passed with bipartisan support with 47 Republicans joining 221 Democrats.

In September of 2008, as Congress was embroiled in a debate over a \$700-billion rescue of the financial industry, and as the effects of the subprime mortgage crisis reached a climax with the federal government acquiring Fannie Mae & Freddie Mac on September 7th, and the Lehman Brothers investment bank filing for bankruptcy on September 15th, all congressional activity was pulled to deal with the global financial crisis. In a classic move of unorthodox lawmaking, Senate leadership brokered an unexpected deal: the financial bailout could be sweetened by the inclusion of the mental health parity bill. As told by Barry et al. (2010):

On September 29, the House of Representatives voted to reject the bailout package for the financial industry in defiance of President Bush and congressional leaders of both parties, who argued that the measure was crucial to stave off widespread financial collapse. Taking advantage of this window of opportunity, House and Senate leaders called up the parity bill for consideration. This development initially confused the parity bill's sponsors until Senate Majority Leader Reid explained that the leadership would use the parity bill as the vehicle to try to push through the bailout package. Parity advocates lobbied fifty-one members of the House who had cosponsored the parity bill but had voted against the financial bailout package to reconsider their vote. Thus, in an unexpected turn, the bailout was amended and passed under the House parity bill, H.R.1424. The parity law was passed as a “sweetener” to this unpopular but momentous law (422-3).

Though H.R. 1424 was introduced as the Paul Wellstone Mental Health and Addiction Equity Act of 2007, and discharged from three House committees bearing that title, H.R. 1424 reached the President’s desk as the Emergency Economic Stabilization Act of 2008.

This narrative runs counter to what we generally think of as legislating by rider: we generally think of smaller bills, which enjoy mixed support, as being attached to larger must pass omnibus bills or mandatory provisions in order for them to “slip through.” In this case, a broadly popular, substantive but modest bipartisan health insurance bill was used as the vehicle for an enormous and controversial “must pass” economic bailout bill. These unconventional processes result in the same outcome as passing standalone bills so far as policy is concerned. Mental health parity is law whether by standalone bill, or as part of a massive asset relief program: insurers now cover mental illnesses just like other medical conditions. While attaching a bill to a moving piece of legislation is one way to accomplish a goal, we posit that most members, if given a choice, would prefer to pass a standalone bill. At the same time, as with the case of

mental health parity, if the choice is either for the bill to pass as a rider or omnibus bill, or to not pass, policy proponents will likely choose to get it passed by any means necessary. Bundling of legislation still achieves a policy outcome, and much work remains to be done to measure, capture, and study this legislative strategy. In a similar vein, the modeling of companion bills through the two chambers of Congress remains one of the most promising avenues for the advancement of the study of legislation. For years, congressional scholars have studied one chamber of Congress with only cursory mentions of the opposing chamber, which plays an equal part in the passage of legislation. The pairing of legislative efforts between Representatives and Senators is a common practice and both Senators and Representatives expend energy in searching for a companion bill sponsor.

During the development of the 2014 Health Equity and Accountability Act (H.R. 5294), staff in the office Rep. Lucille Roybal-Allard spent considerable effort courting Senators to sponsor the bill. Unable to find a willing Senator to introduce the bill on her timeline, Roybal-Allard eventually introduced the bill without a Senate version, though the Health Equity and Accountability Act has both previously and subsequently been introduced with companion bills in the Senate chamber.¹⁰ However, Rep. Roybal-Allard was able to secure companion bill sponsors for other pieces of her legislative portfolio, including her signature public health newborn screening initiative. In the passage of the Newborn Screening Saves Lives Act in 2007 (P.L. 110-204), House and Senate bills were both introduced, but it was ultimately the Senate bill, sponsored by Sen. Chris Dodd, that reached the President's desk. A bill to make technical introductions to the new law was first introduced on April 14th by Senator Dodd but it would be H.R. 5919, introduced in the House by Roybal-Allard on April 29th, which would become public law (P.L. 110-237).¹¹ With a major data collection effort, the pairing of House and Senate bills would be possible, and the results likely to yield a major contribution to understanding of the

¹⁰ The qualitative portion of this dissertation, available in Chapter 4, explores the Health Equity and Accountability Act in greater depth.

¹¹ This study is keen to point out that the Newborn Screening Saves Lives Act had been introduced in both chambers of Congress in three previous Congresses. As H.R. 5703 and S.2890 in the 107th Congress, H.R. 4493 and S.106 in the 108th Congress, and H.R. 5397 and S.2663 in the 109th Congress. None of these iterations received any action within or beyond committee until the 110th Congress when H.R. 3825 was taken up in committee, reported to the House, and scheduled for a vote, though it was ultimately S.1858 that raced to the finish line, and was signed by the President.

legislative process. Unfortunately, at this time, no such data is available and if collection efforts are underway, I am not privy to such information.¹²

Nonetheless, it's difficult to dismiss Wilkerson, Stramp, and Smiths' argument that bill success is not an accurate measure of effectiveness. There are a number of ways to be an effective member of Congress, broadly speaking. For example, legislators may abandon efforts to create policy through legislation in unsympathetic Congresses by pressuring a politically aligned administration to implement policy changes via the regulatory or executive order procedures. A common strategy for minority party members whose party controls the White House is to bypass Congress altogether and ask the administration to adopt substantive policy changes in the enforcement and regulation of policies. While many of these administrative changes then become path dependent, changes in policy implementation by the executive branch do not carry the force of law, and can thereby be overturned by a future administration.¹³

In the case of less salient issues, administrative rule changes may be an effective method for achieving policy outcomes without requiring a bill to survive the political obstacle course of the legislative process. Our inability to comprehensively measure bundling, administrative policy changes proposed and supported by members of the legislative branch, substantive changes to bills made during the legislative process, or the success of one bill over its bi-chamber companion, certainly means that students of Congress have plenty of work to do. Nonetheless, understanding which and why a select number of bills do manage to survive the legislative process is an important and worthy avenue of research. While a policy outcome is accomplished regardless of whether a bill

¹² Future studies may be better able to track and account for the extent to which signed laws differ from their content as introduced, and such efforts are certainly encouraged. However, refinement to the study of legislative effectiveness has many approaches, and a marginal improvement in one area is not defeated by an inability to address all remaining issues. Thus, I assert that introducing the concept of legislative recycling to the study of legislative success and effectiveness, while currently coarse in its ability to track amendments and bundling, remains a contribution, and more accurately measures the conditions under which legislative success is achieved relative to previous studies. Moreover, research has demonstrated that legislative success influences a Member's ability to attract financial support from interest groups (Box-Steffensmeier & Grant, 1999) and demonstrates institutional power (Dodd, 1977) further making the achievement of legislative success a desirable outcome for members of Congress.

¹³ The Trump Administration, for example, has been very active in overturning Obama era decisions including but not limited to the Deferred Action for Childhood Arrivals policy, environmental rules on infrastructure, and restrictions on efforts by state officials to allow hunting of certain animals, like wolves and grizzly bears. For a running list of administrative changes see Eilperin and Cameron (2017).

is passed as a standalone, or as part of an omnibus bill, or whether a policy is changed through executive order, there is one important distinction: in all but one of these circumstances the legislator loses the ability to claim an undeniable and obvious credit.

Only lawmakers who pass their bill (or the lucky few chosen to sponsor an omnibus bill) get a copy of the bill with the president's pen used to sign it into law, elaborately framed to hang in their office. Even bills like the 2008 Mental Health Parity law, which was equally championed by Senators Domenici, Enzi, and Kennedy and Representatives Kennedy and Ramstad, only ends up with one sole sponsor. While all five of the members of Congress share in the credit for getting mental health parity passed, it is ultimately Representative Kennedy whose name carries the bill. While I make no argument that members of Congress pursue policymaking for the décor opportunities, I reassert that passing bills remains the gold standard of the policy process. As such, understanding the circumstances under which a member gets to join the elite group of "bill passers" remains an important scholarly question.

In this study, I utilize a bill-based approach allowing us to evaluate not only which members join the elite bill passers club, but also to identify and categorize what bills—and the issues therein contained—succeed in Congress. A bill-based approach permits us to identify repeated bills introduced by the same sponsor over time, and retain important bill-specific information (policy area, committee assignment) in addition to sponsor related variables in our analysis.¹⁴

Legislative Recycling and the Study of Bill Success

The addition of a repeated bill variable serves several purposes. First, it works to better match empirical methods to the observed realities of the policy process. Second, it helps to identify legislative efforts over a period of time. At the beginning of the 113th Congress, the average congressional career was 9.1 years (Matthew Eric Glassman & Wilhelm, 2017). The average length of service in the U.S. House peaked during the 111th Congress (2009-2010) with an average of 13.4 years of service (A. Roberts, 2010). The

¹⁴ While I am ultimately measuring bill success in this study, the use of the term "effectiveness" will likely make an appearance from time to time. While I will take every effort to be precise in defining effectiveness as a product of bill success, I wish to reassert the understanding that passing bills is not the only way in which a member of Congress can be effective. As such, a reference to "effectiveness" likely pertains to a member's ability to be effective in accomplishing legislative success.

element of time is especially important for studies of the legislative process because, of all a Representative's resources, time tends to be the scarcest commodity (R. Bauer, Pool, & Dexter, 1963; CMF, 2018; R. L. Hall, 1996). From this perspective, legislative recycling is both a convenient and rational choice: a bill that has already been written, vetted by stakeholders, and introduced, is much less time consuming and resource intensive the second time around. Thus, bills that were introduced but not passed, allow a member of Congress to reap the benefits of bill introduction without paying the full costs of new policy development.

The reintroduction of a bill can occur in several ways. Bills can be updated and reintroduced, a bipartisan bill can be moved from a minority party sponsor to a majority party sponsor, bills can be introduced in the other chamber as a companion measure, new members can introduce bills written by their predecessors, and so on. Table 2.1 illustrates some of forms of recycling observed throughout the course of my fieldwork in the U.S. House of Representatives.

Table 2.1
Observed Types of Recycling

Legislative Recycling	Bill is introduced by same sponsor in the same or different Congress.
Strategic Recycling	Bill is introduced by different sponsors according to partisan control of Congress, or for a strategic messaging or legislative purpose.
Legacy Recycling	Bill introduction passes from one sponsor to another following retirement or death.
Companion Recycling	Companion bills are introduced in both chambers of Congress

The primary focus of this analysis is on “legislative recycling” bills. These are bills which have been previously introduced, which did not become law, and are reintroduced by the same sponsor, exhibiting an “if at first you don’t succeed, try and try again” approach to policymaking. In some cases, the bills are carefully reviewed or updated, and in others they are simply returned to the hopper in their original form. Unlike

legislative recycling, strategic recycling can involve more than one sponsor. For example, strategic recycling may occur on bipartisan issues where authorship of the bill is shared between two or more sponsors of differing party affiliations. For example, the Child Support Responsibility Act, a proposal to strengthen case tracking and enforcement of child support requirements, was first introduced by Representative Patricia Schroeder (D-CO-1) in the Democrat controlled 103rd Congress. Representative Nancy Johnson (R-CT-6) reintroduced the bill in the Republican controlled 104th Congress. It is plausible that sponsorship of the bill traded hands following the shift in partisan control, or that the bill was introduced by the co-author in the subsequent effort to demonstrate the bipartisan nature of the bill. Future research would do well to explore the motivations and efficacy of such sponsor swapping strategies.

The third type of recycling dubbed “legacy recycling” differs from strategic recycling in that the reintroduction of a bill is not a political tactic or messaging statement, but the continuation of a member of Congress’s policy priorities following their retirement or death. The most obvious examples can be found by looking at the legislative portfolios of widows who succeeded their husbands in Congress. For example, Walter Capps, a California Democrat, unexpectedly died nine months into his first congressional term. Walter’s wife, Lois Capps, ran in and won, the special election to fill his seat. Once in office, she introduced a bill to amend the Social Security Act to waive a Medicare waiting period for individuals with amyotrophic lateral sclerosis, a bill identical to one Walter had developed and introduced during his short time in Congress.

Following the infamous fatal ski accident of her husband, Sonny Bono, Mary Bono Mack, a California Republican, won the special election for her husband’s vacant seat. In Congress, Mary Bono Mack became a strong advocate for one of her husband’s signature policy proposals: the Copyright Term Extension Act. In these situations, the bills are recycled much like in legislative recycling with the caveat that the bill was originally developed and introduced by a different member of Congress. The circumstances leading to legacy recycling need not be so dire; retiring members of Congress may “gift” their legislative portfolios to a colleague or even provide them to the member filling their seat, given they hold similar policy goals and ideological foundations.

The final form of recycling, companion recycling, is a regular practice in Congress where a Senator or Representative finds a colleague in the other chamber to introduce the proposal. Most often, these coordinated introductions are done simultaneously, though it is also possible that a bill is rushed to introduction in one chamber and an “other chamber” sponsor is recruited subsequently. The coordinated effort between House and Senate advocates for mental health parity in 2008, is an apt example of how companion bill recycling operates. In this chapter, I elect to focus exclusively on legislative recycling, as I believe it to be a natural beginning point for a reevaluation of the legislative process. In short, there is much work to be done, but we have to start somewhere.

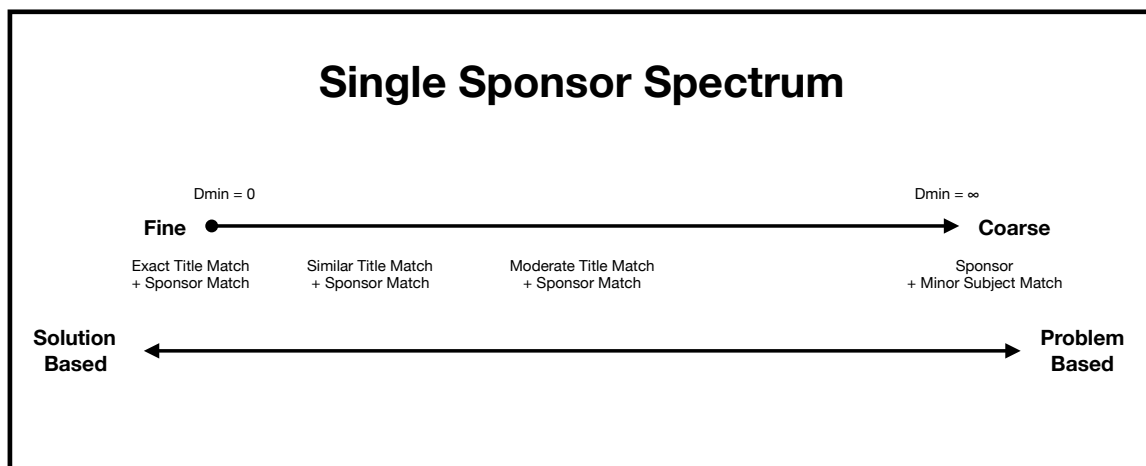
In addition to having various types of recycling, one can also visualize legislative recycling as a spectrum, where policy proposals exist along a range of similarities or differences. For example, in their study of policy change dynamics, Burstein, Bauldry, and Froese (2005) write,

How similar in content must bills be, to be viewed as manifestations of the same policy proposal? When bills are identical, this is no problem. And when they are very different it is no problem either. But what about intermediate cases, when bills are similar but not identical? On one side would be bills that address the same problem but propose different solutions...it would not make sense to see these as representing the same policy proposal. On the other side would be bills that differ only slightly; these it would make sense to treat as expressions of the same proposal. The problem, then, is to distinguish between bills so similar they may be treated as identical and those not similar enough (296).

As such, we can visualize a spectrum of legislative recycling as a range from specific pieces of legislation to address specific needs (such as private bills introduced to expedite the immigration process for a specific individual) to broad legislative goals accomplished incrementally through many steps (e.g. the enormously broad goal of curtailing the effects of climate change accomplished through funding research, raising environmental standards, protecting wetlands, the subsidization of alternative energy sources, etc.). On the left end of the spectrum, where bills are solution based, it's quite easy to identify recycled iterations. However, as you move to the right, it becomes more difficult to

determine at which point proposals may be considered different enough to constitute separate proposals.

Figure 2.1
Legislative Recycling Spectrum



In this analysis, I focus on single-sponsor legislative recycling in an effort to better isolate the effects of individual behavior and effort over time. In doing so, this analysis falls to the left side of spectrum by identifying repeated proposals by title matches and sponsors. Within the data, bills identified as repeats are policy proposals introduced by the same member of Congress in either the same Congress or over multiple Congresses.

The focus on single-sponsor legislative recycling serves two purposes; first it restricts our reevaluation of the policy process to the most conservative level: bills reintroduced by the same member of Congress under the same title. This is one of the most restrictive approaches to identifying recycled bills, and thus provides us with the most analytical certainty as to whether the repetition of bills over time influences the probability of legislative success. Second, the study of legislative recycling allows us to incrementally move to a more comprehensive understanding of the effects of individual behavior, time, and institutional processes within Congress. The study of the United States Congress remains, in my opinion to be in its formative stage. The U.S. Congress has undergone many changes since the ratification of the U.S. Constitution. Namely, the

addition of states through manifest destiny consistently redistributed power within the institution, finally settling with the current 50 states, 100 Senators and 435 House Representatives in 1959. In other words, Congress as we currently know it has not been around very long. The study of legislative effectiveness holds important implications not only for understanding the policy process, but also for situating our understanding of the policy process within a more comprehensive picture of democratic accountability, institutional health, and representation.

Data and Methods

Thanks to large-scale data collection projects such as Adler & Wilkerson’s Congressional Bills Project and Volden and Wiseman’s Legislative Effectiveness Project (LEP), opportunities for careful evaluation of the legislative process have never been more accessible. While early studies of legislative success were limited to one or a few Congresses (Frantzich, 1979; Jeydel & Taylor, 2003; Moore & Thomas, 1991; Schiller, 1995), more recent studies have succeeded in studying Congress over the course of a decade or longer (Cox & Terry, 2008; C. Volden & A. Wiseman, 2014; C. Volden & Wiseman, 2011; Craig Volden, Wiseman, & Wittmer, 2013). The primary data of this analysis comes from Adler and Wilkerson’s Congressional Bills Project, and consists of information on all bills from the 96th to the 113th Congresses (1979-2015).

For the purposes of precision, our analysis is limited to voting members of the House and to public H.R. bills.¹⁵ Additional variables were obtained from Volden and Wiseman’s Center for Effective Lawmaking project, and the Comparative Agendas Project. Detailed information on data coding and sources can be found in Appendix A. To accurately identify the effect of legislative recycling on the legislative process, this study returns to the use of the bill as the unit of analysis as seen in E. S. Adler and

¹⁵ The moniker “bill” only applies to legislation bearing “H.R.” and “S” titles, identifying bills introduced in the House of Representative and the Senate, respectively. The remaining forms of legislation, or resolutions, though similar to bills, do not carry the force of law. House Joint Resolutions or “HJRes”, for example, only apply to very narrow issues and constitutional amendments, while House Resolutions only affect the internal chamber. House Resolutions are often used to set the rules of debate or express the sentiment of the chamber. House Concurrent Resolutions, or “HConRes” are similar, but acted on in both chambers, and are never be sent to the President. These resolutions are often used to determine when Congress will adjourn, or to express the sentiments of both chambers (Oleszek, 2017a).

Wilkerson (2012); Burstein et al. (2005); Krutz (2005). Because recycled bills are not identified in Volden and Wiseman's LES, and a hit-rate model or percentage-based dependent variable would produce inefficient parameter estimates, a return to the bill-based approach is most appropriate for this particular analysis.

Dependent Variables

To evaluate the effects of legislative recycling within the legislative process, I analyze bill success at three different points: the committee level identifying whether a bill is *reported from committee*, the chamber level, identifying whether a bill *passes the House* by a roll call vote in the chamber, and the *public law* level. These three points in the legislative process all represent major advances on the legislative agenda, and conversely are the major veto points in a bill's path to become law. Using three separate models permits us to evaluate whether legislative recycling matters throughout the legislative process as a whole, or only at certain points in the congressional agenda. The three levels of analysis are all measured by dichotomous variables capturing whether the bill advanced beyond the current point of study. At all three levels of analysis, I use logistic regression to evaluate the effects of legislative recycling on bill success.

Key Independent Variable: Legislative Recycling

The primary goal of this study is to demonstrate that it is both possible and statistically important to identify repeated bills when evaluating legislative success across multiple Congresses. In doing so, we may be able to better identify the effects of time and effort on the likelihood of bill success, and more accurately understand how bill introduction influences the legislative process. The linking of repeated bills is an important step in properly specifying bill success models, adding additional rigor to statistical conceptualization of policy proposals. In the operationalization of bill repetition, data availability limits our ability to identify repeated bills to information such as sponsor, topic area, and bill title.

By searching for string matches in bill titles introduced by a single member of Congress over time, and crosschecking by major and minor topic codes, I believe that it is possible to identify and link bills that are substantively similar in content. Moreover,

there is some precedent for using string matches to identify repeated bills. In their study of the adoption of bill cosponsorship by the U.S. House of Representatives, Laband, Seals, and Wilbrandt (2015) use string matching to identify duplicate bills introduced by different sponsors in the U.S. House.¹⁶ Laband et al. (2015) identified duplicate bills by matching bill word titles, committee assignment, and major topic area. We emulate this approach to fit the study of legislative recycling by restricting the identification of repeated bills to a single sponsor over time.¹⁷

For the purpose of this analysis, I constructed a “legislative recycling” variable. This variable captures the frequency in which a bill title is repeated in the data. To control for possible overlap of titles, this analysis only identifies repeated titles that are introduced by the same sponsor. This is an important distinction because it is possible for two substantively different bills to be sponsored by different members but bearing the same title. For example, it is possible for both a Democrat and a Republican to sponsor a bill titled “Reform Medicaid Act”. Under such a circumstance, the bills would share a title, but consist of very distinct substantive content. This possibility poses a serious complication to this study, as very different bills with similar titles could erroneously be coded as repeats when they are ideologically or substantively inconsistent. By only identifying and coding bill titles repeated by the same member of Congress, we are able to avoid this caveat. Although the coding of repeated bill titles cannot guarantee that the actual content of the bills is identical, I argue that it is unlikely that a member of Congress would radically change their approach to an issue that they sponsor on.

Previous studies of legislative success have treated each bill as an independent and discrete legislative proposal. By linking bill titles introduced by a given sponsor, we are able to evaluate legislative success within the context of effort over time, and determine the extent to which the repetition of a policy proposal across Congresses may

¹⁶ Prior to the House’s adoption of cosponsorship, support for bills was expressed by the introduction of duplicate bills by other Members of Congress. After unlimited cosponsorship was adopted in 1967, thereby permitting members to express their support by cosponsorship, the introduction of duplicate bills decreased (Laband et al., 2015).

¹⁷ It is my hope that future efforts may be able to evaluate bill text similarity, further refining this process. Nonetheless, I argue that the identification of repeated bill titles by a single sponsor accurately links identical or contextually very similar bills. While it is possible for a bill to adapt over the years, it is unlikely that a bill reintroduced by the same Member of Congress will dramatically shift in content over the course of time.

influence the likelihood of bill passage. For example, Rep Stratton, a New York Democrat, introduced a provision to amend the Federal Election Campaign Act of 1971 in order to provide free radio and television time to candidates for federal office. Within our data, the bill is first observed in the 96th Congress, and last seen in the 100th Congress, which was also Representative Stratton’s final term in Congress. In each of these iterations, the bill was referred to the House Administration Committee and failed to advance, with the exception of H.R. 521, which received a subcommittee hearing in the 100th Congress. Heather Wilson, the former Representative for New Mexico’s first congressional district, also provides us with an example of legislative recycling. In her second term in the House of Representatives (107th Congress), she introduced a bill to incentivize high quality teachers and school officials to work in low-income schools by making such educators eligible for a tax credit. Over the course of her congressional career, Representative Wilson introduced the bill a total of four times.

Table 2.2
Legislative Recycling: Two Examples

Rep. Samuel S. Stratton [D-NY]	Rep. Heather Wilson [R-NM]
Free Political Broadcasting Act of 1979 H.R. 2357, 96 th Congress (1979)	Teacher Tax Credit Act of 2002 H.R. 3880, 107 th Congress (2002)
Free Political Broadcasting Act of 1981 H.R. 1451, 97 th Congress (1981)	Teacher Tax Credit Act of 2003 H.R. 1643, 108 th Congress (2003)
Free Political Broadcasting Act of 1985 H.R. 761, 99 th Congress (1985)	Teacher Tax Credit Act of 2005 H.R. 986, 109 th Congress (2005)
Free Political Broadcasting Act of 1985 H.R. 521, 100 th Congress (1987)	Teacher Tax Credit Act of 2007 H.R. 2287, 110 th Congress (2007)

In order to link bills such as these, I first transformed bill titles into a clean text version, removing subtle changes such as the difference between the Teacher Tax Credit Act of 2002 and the Teacher Tax Credit Act of 2003. By removing title text beyond

“Act” and clearing titles of punctuation and capitalization differences before searching for exact string matches, I was able to successfully identify bills as repeats following the title’s first appearance in the data. Additional information on the coding of the legislative recycling term is available in Appendix B.

Independent Variables: Institutional Factors

Majority Party members in the House enjoy a number of benefits. The House of Representatives requires a simple majority to pass legislation and the majority party controls the legislative agenda (Cox & Terry, 2008; Hasecke & Mycoff, 2007). As such, most research has demonstrated that majority party members are more successful than their peers who are in the minority party. We expect the influence of majority party status to be unaffected by the introduction of a legislative recycling variable. Following majority party status, committee chairmen hold substantial power over the committee agenda, and are therefore expected to be more successful in advancing their policy proposals (J. T. Scott & Bernard, 1992). We control for whether the bill sponsor is on the primary *committee of referral*, and for whether the sponsor *chairs a full committee*, or in the case of a minority party member, serves as the *ranking minority member*. We also include a variable identifying bill sponsors who are members of the Rules, Appropriations, or Ways and Means committees, often identified as the three most prestigious committees in the House. As a final measure of thoroughness, I include a variable identifying *unified control* of both chambers of Congress for analyses at the public law level.

Seniority has been demonstrated to influence both bill introduction and legislative success. New members of Congress are at a sizable disadvantage as they are not familiar with the processes and strategy required to move bills across the congressional agenda. Research has consistently demonstrated seniority within the chamber to positively influence legislative success (R. L. Hall, 1996; Hasecke & Mycoff, 2007; Hibbing, 1991; Matthews, 1960; Moore & Thomas, 1991; Schiller, 1995).¹⁸ Seniority is of particular interest to this study as the costs of bill sponsorship, in terms of resources and time, are

¹⁸ It is worth noting that some freshman members may be able to mitigate the effects of their inexperience in Congress by hiring experienced Hill staff. We are currently unable to include measures of staff quality, but such an effort remains an interesting line of pursuit for future research.

frequently cited as obstacles to policy development (Anderson et al., 2003; Moore & Thomas, 1991). More senior members of Congress have had more time to develop and introduce legislation and, over the years, are likely to have built a larger portfolio from which they may cull reintroductions.

Independent Variables: Individual Attributes and Political Factors

A conventional wisdom within congressional scholarship is that, like any other occupation, some policymakers will be more effective than others. Just as some lawyers or doctors are more successful than others, some members of the House of Representatives will simply just be better at lawmaking than their peers. To assess these differences among congressional membership, I include a number of variables identifying certain background characteristics, behaviors, attributes, and political factors that may explain why some members—despite institutional advantage asymmetries—may be more successful than others. Legislative effort has been conceptualized a number of ways in congressional scholarship. From writing “Dear Colleague” letters to floor speeches, frequency of travel to the district, and bill cosponsorship rates, scholars have used a variety of measures in efforts to capture behavioral differences among MC. In order to capture some measures of sponsor behavior, I include three variables: the *number of cosponsors* assigned to a given bill and the *diversity* and *size* of a member’s legislative portfolio.

While the effects of cosponsorship on the legislative process are hotly debated in congressional scholarship, I feel it is an important control for this analysis. Cosponsors are recruited through the distribution of Dear Colleague letters, during floor speeches, in personal conversations between members, and by advocacy organizations in support of the legislation—most often in close collaboration with the sponsor’s office. As a result, cosponsorship rates on a given piece of legislation usually reflect some of the self-promotion efforts made by a sponsor or the sponsor’s office. As one legislative aide explained,

if it’s a bill we are hoping to get action on, we’ll send [the congresswoman] to the floor with a cosponsorship sheet and get the [advocacy] orgs to put it out on their networks, we’ll put a good amount of effort into getting cosponsors, especially bipartisan sponsors. If it’s a bill we’re reintroducing but don’t think will move, we don’t put as much into it. We’ll email the offices of people who cosponsored the bill previously, but we don’t make our boss recruit directly (Interview).

Despite relatively weak links in empirical studies between cosponsorship and bill passage, the pursuit of cosponsors and cosponsorship remains a common practice in Congress (Anderson et al., 2003; Clark, 2013; House, 2015; Tollestrup, 2012; R. K. Wilson & Young, 1997). One of the most important findings within this scholarship indicates that cosponsorship matters most in the early stages of the legislative process by drawing attention to a proposal, which in turn may increase the likelihood that it will receive some action in committee (R. K. Wilson & Young, 1997). As such, cosponsorship plays an important role in the winnowing process of the committee level veto point. We include the raw number of cosponsors assigned to a given bill as a proxy measure for both bill quality and the legislative effort of a bill's sponsor.

Policy *specialization* is a variable created to control for different approaches to policy authorship. Some policymakers may choose to specialize in a specific policy area, while others may try to vet their chances by producing bills in a variety of different issue areas. Within the literature, many scholars point to Frantzich's metaphor of the "rifle" or "shotgun" approaches. The rifle approach suggests that a Representative will be more successful when they sponsor bills in a limited scope of policy areas, while the shotgun approach argues that sponsors can increase their chances by introducing a wider array of bills across several policy areas.¹⁹ To determine how the scope of a Member's bill portfolio may influence the chances of legislative success, I utilize Simpson's Diversity Index, where the degree of specialization for representative i in Congress t is

$$s_{i,t} = \sum_j p_{i,j,t}^2$$

where $p_{i,j,t}$ is the fraction of a member's bills in policy area j in Congress t . As an additional control, I include the total number of bills introduced by a Representative in a given Congress. In combination with the specialization variable, this measure allows us to control for differences between members who may sponsor several bills in several issue areas, or a few bills in a single issue.

¹⁹ In Frantzich's (1979) evaluation of the shotgun and rifle approaches, Frantzich found that "fellow representatives reward the congressman who takes the initiative in submitting an extensive range of legislation" (419). On the other hand, Moore and Thomas (1991) study of the U.S. Senate found support for specialization or the "rifle approach."

In addition to the individual strategies a Member may employ, certain individuals may face different political realities that shape or constrain their behavior while in office. I control for *electoral security* by following the example of Volden and Wiseman (2011, 2014). I include the percentage of vote the sponsor received in the previous election as well as the square of the vote percentage. To evaluate the extent to which ideological extremity may influence legislative success, I include a measure of sponsor ideology capturing the sponsor's distance to the chamber median calculated from Poole and Rosenthal's first dimension DW-NOMINATE scores. For the purposes of empirical rigor, I also include variables on a sponsor's background including whether they served in a *state legislature* before joining Congress, and variables identifying *women* and members of Congress who are *Latin@* and/or *African American*.

Independent Variables: Bill Variables

Not all bills are created equal; ensuring that we don't compare bills that name schools to bills and those that make reforms to social security is a necessary step for a well specified analysis of the legislative process. To account for this variation in bill scope and significance, I include three bill related variables: *important* bills, *minor* bills, and *message* bills. In any given Congress, there are a number of "must pass" bills, or bills which become serious political contenders and receive sizable media attention. Previous research has demonstrated a link between these bills and their probability of success (Anderson et al., 2003; Craig Volden & Alan E. Wiseman, 2014). Volden and Wiseman's LES codes bills as substantive and significant if the bill appears in as the subject of an end-of-the-year write up in the *Congressional Quarterly Almanac*. This is similar to Anderson, Box-Steffensmeir and Sinclair's (2003) coding of a "hot bills" variable identifying bills that were included in a cover story of the *Congressional Quarterly Weekly Report*. To accomplish a similar end, this study utilizes data from the Comparative Policy Agendas Project whose media dataset identifies bills that received a mention in the *Congressional Quarterly Almanac*, to construct a variable dubbed "*important bills*".

On the opposite end of importance, Adler and Wilkerson's Congressional Bills Project provides a filter to identify bills which are considered to be of minor importance. For example, bills to name buildings are fairly common and account for a large number

of laws that are passed. In a similar vein, bills that transfer small plots of land or buildings to the government and bills to provide special recognition to individuals or groups are also frequent and often successful. This filter was created by scanning bill titles for terms indicative of a minor bill such as “land exchange,” “medal,” or “coin”. Controlling for *minor bills* permits a more appropriate analysis between comparable pieces of legislation.

In recent Congresses, the House has reserved bill numbers H.R. 1-10 for assignment by the majority leader and bill numbers H.R. 11-20 for the minority leader (Brewer & Maisel, 2013; CQPress, 2012; Oleszek, 2017a). These bill numbers are retained by party leaders to promote their key legislative initiatives, and define the party platform. These low number bills, are often associated with the concept of “message politics” and generate broad attention as they generally represent the top agenda items for the majority and minority parties (Oleszek, 2017a). For example, the first ten bills of the 104th Congress are all sponsored by Republicans and relate to the GOP’s “Contract with America”. The practice seems to be discontinued in the 105th Congress. Although nine out of the first ten bills in the 105th Congress are sponsored by the majority party, they do not appear to be part of a strategic messaging initiative like in the 104th. At the outset of the 106th Congress, the House formally ordered the practice of reserving bills 1-10 for the majority party. Following the 111th Congress, the order was expanded to include the reservation of bill numbers 11-20 for use by the minority leader. We include a *message bill* variable identifying bills numbered 1-10, beginning with the 106th Congress and bills numbered 11-20 beginning with the 112th Congress.

Findings and Results

We begin by comparing models of legislative success with models that include a legislative recycling variable. At each level of analysis, I perform a logistic regression on the binary response variable. Two findings merit discussion. First, I find that the introduction of a legislative recycling variable makes a statistically significant contribution to our understanding of legislative success. The results for the models with the legislative recycling variable demonstrate that bills that are recycled are less likely to advance. The coefficient for our legislative recycling variable is negative and significant

at the .01 level suggesting a bill will either succeed on its first introduction, or will struggle to succeed as it is reintroduced over time. Second, the coefficients for the other independent variables are unaffected by the addition of a legislative recycling variable. The inclusion of a recycling variable adds explanatory power to the model without affecting variables previously demonstrated by researchers to affect the likelihood legislative success. For the sake of brevity, I discuss the “committee reported” results and then compare and contrast for the chamber and public law stages.

Table 2.3 reports results for models 1 & 2, evaluating the likelihood a bill is reported to the House from committee. Variables identifying various dimensions of institutional power are all significant and in the expected direction. Majority party status, seniority, and committee chairmanship are all positive and significant, suggesting that these positions provide Representatives with clout that is advantageous when attempting to move a bill out of committee. Along this line, membership on the primary committee of referral is also significant and positive. Members of the House who sponsor bills that are directed to committees on which they serve are more successful in moving their bills forward from committee than their peers who have bills in committee where they do not serve.

Of interest, membership in one of the House’s so-called power committees is significant, but negative. While initially this may be surprising, this finding is consistent with recent findings by Volden and Wiseman who posit that negative coefficients for members of the Ways and Means, Appropriations, and Rules Committees may be the result of such members exerting their influence procedurally on a handful of crucial measures (Craig Volden & Wiseman, 2009; C. Volden & Wiseman, 2011; Craig Volden et al., 2013). In other words, rank and file members of these prestigious committees may seek to make substantive policy impacts through committee business—such as the funding or defunding of key programs in the appropriations process, as opposed to trying to move a standalone bill to accomplish this goal.

The House Rules Committee does not produce substantive content, but has considerable power in determining the rules of debate and/or the amending of legislation on the House floor. Or as Mark Strand, author of a popular handbook for congressional staff puts it, the Rules Committee is the “traffic cop” of legislation in the House (Strand

et al., 2008, p. 68). The House Ways and Means Committee writes and approves revenue generating (taxation) legislation and is considered so powerful that members are not permitted to serve on any other committee. The House Budget and Appropriations Committee hold considerable power in determining how much money can/will be spent on specific government programs and policies (Copeland, 2008).²⁰ Given these roles, it's not surprising that members of the "power and prestige" committees may be less interested or focused on the passing of their personal legislative portfolio. Beyond institutional variables, I find that more ideologically moderate members are more successful in advancing their bills than those with more extreme ideologies. The coefficient for ideology is negative and significant indicating that members become less successful as their ideology score moves further from the chamber median.

Bill related measures also perform as expected. Important bills are more likely to be reported to the house from committees and minor bills also appear to enjoy an easier path out of committee. Message bills appear to struggle at the committee level, but subsequent analysis at the chamber level, and an additional review of message bills confirms that a large number of low number bills ordered by the majority leadership bypass regular order, and are brought directly to the floor for debate and action.²¹ Consistent with previous research, bills mentioned in the CQ almanac are more likely to be reported out of committee than bills that are not mentioned in the CQ almanac.

In regards to individual attributes and political factors, a number of interesting results are found. First, it appears that members can influence their likelihood of success through behavior. Members who specialize in policy by sponsoring multiple bills in a specific policy area are more likely to have a bill reported from committee than those who

²⁰ The House Budget Committee is responsible for authorizing spending (determining how much can be spent) while the Appropriations Committee is responsible for allocating specific funds within those parameters. In other words, "Budget authority is the power Congress gives to an official or institution to spend money, enter contracts, and employ personnel... On the other hand, a budget appropriation is the actual spending of money by Congress, supposedly only on the programs approved by the authorizing committees. A common analogy on the Hill to explain the difference between authorizers and appropriators is that of a drinking glass and water. Authorizers determine the shape of the glass—what programs are approved, who can be hired, what contracts can be entered into, etc. Appropriators decide how full the glass is going to be. Oftentimes, authorizers envision a lot more money than appropriators are willing to give them" (Strand, 2016).

²¹ A cursory review of bills that are coded "0" for reported to the House and "1" for pass House confirm that substantial percentages of identified message bills progress too quickly for committee consideration. It is not uncommon for a message bill to receive floor action within weeks or days, or in some circumstances, even on the day of introduction. These "fast track" bills are discussed further in Appendix A.

sponsor on a diverse set of issues. Second, there is a threshold effect for the number of bills sponsored. Bills that are part of a large legislative portfolio are less likely to be reported from committee. This finding tracks with the conventional wisdom that members of Congress can overextend their legislative priorities. For example, by sponsoring too many bills, they are unable to effectively advocate for each individual proposal.

These preliminary findings suggest that Representatives can hedge their bets for legislative success by sponsoring a limited number of bills in a few specific policy areas.²² I also find a positive and significant result for the number of cosponsors listed on a given bill; the more popular a bill is within the chamber, the more likely it will move out of committee. I also find a limited effect for members of Congress who previously served in state legislatures. At the committee level, the coefficient is positive, but only significant at the .1 level. In regards to identifying attributes, I find mixed results, which are promising avenues for subsequent analysis and exploration in Chapter 2 of this project. Bills sponsored by Black members of Congress and women are less likely to be reported from committee, though this trend does not extend to members of Congress who are identified in the data as Latin@s.

²² It is worth noting that some members of Congress may be less interested in the “making good policy” goal than the “get reelected” goal which may motivate an individual to sponsor bills for the purpose of position-taking as opposed to the purpose of implementing policy. In such a situation, a member may find the benefit of sponsoring many bills in many policy areas to be more aligned with their priorities than to sponsor fewer bills with the goal of seeing them implemented.

Table 2.3
Bills Reported to the House from Committee

	Model One		Model Two	
	Estimate	Z Value	Estimate	Z Value
Majority	0.87*** (0.04)	20.88	0.87*** (0.04)	20.91
Seniority	0.01*** (0.00)	2.80	0.01*** (0.00)	3.52
Referral Committee	1.18*** (0.03)	45.47	1.17*** (0.03)	44.98
Committee Chair	0.51*** (0.04)	12.93	0.50*** (0.04)	12.61
Committee RMM	0.13* (0.07)	1.85	0.11 (0.07)	1.63
Power Committee	-0.55*** (0.03)	-17.73	-0.55*** (0.03)	-17.66
Vote Share	0.02** (0.01)	2.09	0.02** (0.01)	2.29
Vote Share Squared	-0.00** (0.00)	-2.35	-0.00** (0.00)	-2.54
Important Bill	3.27*** (0.04)	76.52	3.26*** (0.04)	76.38
Message Bill	-0.98*** (0.36)	-2.74	-0.97** (0.36)	-2.70
Minor Bill	0.68*** (0.04)	18.15	0.68*** (0.04)	18.01
Ideology	-0.37*** (0.07)	-5.13	-0.34*** (0.07)	-4.77
Number of Cosponsors	0.00*** (0.00)	7.41	0.00*** (0.00)	7.63
Specialization	0.48*** (0.09)	5.61	0.48*** (0.09)	5.53
Portfolio Size	-0.02*** (0.00)	-18.01	-0.02*** (0.00)	-17.87
State Legislature Experience	0.04* (0.02)	1.73	0.04* (0.02)	1.66
Black Representative	-0.19*** (0.06)	-3.36	-0.19*** (0.06)	-3.36
Latino Representative	0.04 (0.06)	0.63	0.04 (0.06)	0.71
Woman Representative	-0.21*** (0.04)	-5.00	-0.21*** (0.04)	-4.84
Legislative Recycling	-- --	--	-0.12*** (0.02)	-6.38
Constant	-4.07*** (0.32)	-12.86	-3.10*** (0.32)	-12.64
N	105,636		105,636	

Note. Logistic regression, standard errors in parenthesis. *p<.1, **p<.05, ***p<.01

At the chamber level, there are some interesting similarities and differences. Table 2.4 reports results for the chamber level, or whether a bill successfully passes the House via a roll call vote. Our key variable of interest, legislative recycling, remains significant and negative as found in the previous stage of analysis. Of particular importance, message bills are more successful at the chamber level, reaffirming our suspicion that message bills put forth by majority party leadership circumvent the committee level, and are brought directly to the chamber for action. Unlike the committee level, I find that Latin@s are more successful than their non-Latin@ peers at this stage of the process.²³ We find reduced influence for political ideology at the chamber level, suggesting that bills sponsored by more ideologically extreme members may face more scrutiny at the committee level, but not a significant hurdle at the institutional level. We also find that the benefit of a highly specialized portfolio does not extend to more favorable outcomes at the roll call vote level. The coefficient for specialization is negative, but not significant, at this level of analysis. Meanwhile, the coefficients for Black members and women remain negative, but do not retain their significance at this stage of the policy process.

For the most part, institutional variables perform in a similar fashion as seen at the committee level. However, the introduction of the recycling variable in model 4 does result in a shift in coefficient direction for ranking members of committees, though the variable never reaches standards of statistical significance. Variables measuring electoral security retain their coefficient directions, but drop in significance at the chamber level. This may be a product of the reality of electoral constraints: it possible that electoral insecurity or security has an outsize influence on the types of bills introduced by the members, and therefore electoral constraints are most correlated with actions early in the legislative process such as introduction and committee consideration. A similar result

²³ One potential explanation for this may be the specific types of bills (e.g. policy area) that Latin@ members sponsor in. Chapter 2 explores this in greater detail.

presents itself for ideological extremity, which is negative and significant at the committee level, but negative and insignificant at the chamber level.²⁴

With the exception of message bills, bill-related variables continue to present consistent results. Both important bills and minor bills, which were more likely to be reported from committee, are also more likely to pass the House. It is possible that minor bills are what at Hill staff commonly refer to as “suspension bills”, which are generally understood to be small and non-controversial bills that are often considered under a “suspension of the rules” in the House, (Davis, 2015; Rybicki, 2010). As previously discussed, message bills perform well at the roll call level, and are more likely to pass than non-message bills. Of interest, I find that specialization is negative but not significant at the chamber level, while portfolio size has retained its significance and direction.

Prior experience in a state legislature becomes significant at the 0.01 level for this stage of the policy process. Lastly, the variables for descriptive characteristics shift in an interesting fashion. While the coefficients for Black members and women members retain their direction, both lose their significance while the variable identifying Latino@ members remains positive and gains significance at the 0.01 level. These similarities and differences indicate that the inclusion of a recycling variable and the use of the bill as a unit of analysis provides a good opportunity to add explanatory detail to the study of legislative success. Results from the public law level of analysis further confirm the need to explore these nuances in greater depth.

²⁴ I understand this to suggest that both ideological extremity and electoral constraints matter most at the earliest levels of the policy process, playing a major role in the types of bills introduced by these members, and therefore having a clear effect on the likelihood they will advance beyond committee. Once a bill sponsored by such a member moves beyond committee, electoral constraints and ideology may be less important.

Table 2.4
Bills Passed by the House

	Model Three		Model Four	
	Estimate	Z Value	Estimate	Z Value
Majority	0.80*** (0.04)	19.26	0.8*** (0.04)	19.31
Seniority	0.01*** (0.00)	5.51	0.02*** (0.00)	6.44
Referral Committee	0.92*** (0.03)	35.36	0.91*** (0.03)	34.77
Committee Chair	0.72*** (0.04)	17.96	0.70*** (0.04)	17.57
Committee RMM	0.02 (0.07)	0.26	-0.00 (0.07)	-0.01
Power Committee	-0.41*** (0.03)	-13.43	-0.40*** (0.03)	-13.33
Vote Share	0.01 (0.00)	1.58	0.02 (0.01)	1.87
Vote Share Squared	-0.00* (0.00)	-1.87	-0.00** (0.00)	-2.15
Important Bill	3.13*** (0.04)	78.20	3.13*** (0.04)	78.01
Message Bill	2.21*** 0.43	5.09	2.23*** (0.43)	5.13
Minor Bill	1.48*** (0.03)	45.30	1.47*** (0.03)	45.07
Ideology	-0.10 (0.07)	-1.33	-0.06 (0.07)	-0.85
Number of Cosponsors	0.00*** (0.00)	11.97	0.00*** (0.00)	12.27
Specialization	-0.03 (0.09)	-0.37	-0.04 (0.09)	-0.52
Portfolio Size	-0.02*** (0.00)	-23.65	-0.02*** (0.00)	-23.47
State Legislature Experience	0.07*** (0.02)	2.92	0.07*** (0.02)	2.84
Black Representative	-0.01 (0.05)	-0.27	-0.02 (0.05)	-0.29
Latino Representative	0.25*** (0.06)	4.29	0.26*** (0.06)	4.45
Woman Representative	-0.03 (0.04)	-0.63	-0.02 (0.04)	-0.42
Legislative Recycling	-- --	--	-0.17*** (0.02)	-8.65
Constant	-3.90*** (0.32)	-12.18	-3.80*** (0.32)	-11.88
N	105,636		105,636	

Note. Logistic regression, standard errors in parenthesis. *p<.1, **p<.05, ***p<.01

Table 2.5 reports results for the public law level of analysis for bills that passed the House (nested). At first glance, the results for the public law level appear to be dramatically different than the committee and chamber levels, several variables perform in unexpected ways. For example, majority party status is negative, which does not fit within any accepted theories of institutional power and congressional scholarship; cosponsorship is now negative, as are message bills. Previous studies on legislative success utilizing a bill-based approach have not nested their analysis by focusing exclusively on bills that pass the House.²⁵ An “un-nested” model utilizing all bills introduced, available in Table 2.6, provides a useful comparison to the nested model.

²⁵ For example, see (Craig Volden, Wiseman, & Wittmer, 2010; Craig Volden et al., 2016)

Table 2.5
Bills Passed by the House that Become Public Law (Nested)

	Model Five		Model Six	
	Estimate	Z Value	Estimate	Z Value
Majority	-0.29*** (0.08)	-3.54	-0.29*** (0.08)	-3.60
Seniority	0.01*** (0.01)	2.92	0.02*** (0.01)	3.14
Referral Committee	-0.25*** (0.05)	-4.76	-0.26*** (0.05)	-4.97
Committee Chair	0.21*** (0.06)	3.36	0.21*** (0.06)	3.27
Committee RMM	-0.16 (0.14)	-1.19	-0.18 (0.14)	-1.34
Power Committee	0.27*** (0.05)	5.04	0.27*** (0.05)	4.94
Vote Share	0.03** (0.02)	2.24	0.04** (0.02)	2.40
Vote Share Squared	-0.00** (0.00)	-2.03	-0.00** (0.00)	-2.18
Important Bill	0.35*** (0.05)	7.11	0.35*** (0.05)	7.11
Message Bill	-0.45 (0.34)	-1.34	-0.43 (0.34)	-1.27
Minor Bill	1.17*** (0.06)	18.82	1.16*** (0.06)	18.67
Ideology	-0.36*** (1.13)	-2.77	-0.35*** (0.13)	-2.64
Number of Cosponsors	-0.00*** (0.00)	-7.09	-0.00*** (0.00)	-6.94
Divided Government	0.03 (0.05)	0.53	0.04 (0.05)	0.82
Specialization	0.04 (0.15)	0.26	0.05 (0.15)	0.35
Portfolio Size	-0.01*** (0.00)	-3.98	-0.01*** (0.00)	-3.83
State Legislature Experience	0.01 (0.04)	0.22	0.01 (0.04)	0.13
Black Representative	-0.07 (0.09)	-0.79	-0.08 (0.09)	-0.83
Latino Representative	0.06 (0.10)	0.65	0.07 (0.10)	0.73
Woman Representative	-0.12 (0.08)	-1.60	-0.12 (0.08)	-1.54
Legislative Recycling	-- --	--	-0.16*** (0.04)	-4.46
Constant	-1.27** (0.56)	-2.27	-1.17** (0.56)	-2.09
N	10,378	-	10,378	-

Note. Logistic regression, standard errors in parenthesis. *p<.1, **p<.05, ***p<.01

The comparison of a nested model to an un-nested model provides some insights into the policymaking process in a bicameral legislature. First, model 7 demonstrates that when compared out of all bills introduced, many variables that predict success at the lower levels of the legislative process remain constant at the final stage. Bills sponsored by majority party members, more senior members of Congress, and committee chairs are more likely to become public law. Members on the prestigious Appropriations, Ways & Means, and Rules Committees are less likely to pass laws, potentially due to their outsize ability to influence policy via committee business. “Must pass” bills, or the big issues of a given Congress, are more likely to pass, as are minor issue bills. Message bills succeed in the House, but do not appear to be of interest to Senate, which due to institutional and procedural differences may find House majority party message bills unsavory.

Second, while majority party status is certainly helpful in moving bills through the House, it does not necessarily mean the Senate will be as interested. Indeed, model 6 results provide preliminary evidence that majority party bills may be too extreme for the Senate. Majority party status is negative and significant at the .01 level suggesting that minority members who manage to get the majority party to act on and pass one of their bills have a good chance of seeing their issue taken up by and passed on the Senate side. By institutional design, the U.S. Senate is more moderate than the House. As a result, a lot of House bills, even during unified government (and even less so in divided government) won’t see Senate action. The Senate has their own set of members and agenda to consider.

For the Senate to take up a House bill, it needs to be of high quality to compete with the Senate bills the chamber is predisposed to attend to. Indeed, in order succeed whilst in the minority party, your bill must be able to curry favor with the majority party. A purely partisan bill introduced by a minority party member has no chance of success. As such, a bill introduced by a minority party member and passed by the House requires strong bipartisan support. These bills are more likely to be popular in the Senate, which is known to produce more moderate legislation than the simple-majority-ruled House. In other words, bills sponsored and passed by members in the minority are likely to be both broadly popular (bipartisan) and of high quality. A minority party bill succeeding in the House is a clear signal to the Senate that they should consider it. Majority party bills on

the other hand, do not enjoy such signaling. For example, the estimated 50-70 bills to repeal the Affordable Care Act passed by the Republican controlled House, which received no action in the Senate, serve as a timely example.

When considering passage through the Senate, one might expect minority party members to have an easier time passing their bills when their party controls the Senate. In other words, if a minority party member can get their bill out of the House, they will have an easier time in the Senate as their party controls the chamber. Conversely, a minority party member under unified government has equally dismal chances in both chambers. Further analysis with an interaction, presented in Figure 2.2, shows that minority party effect is not conditional on divided government, though it is strongest in those cases. This makes intuitive sense. If you are in the minority of the House and your bill survives the majority rule House, your bill is likely high quality and broadly popular and has an ideologically compatible Senate to take up the issue. Majority party bills, on the other hand, void of a signal of their quality, find Senate passage to be difficult.

Figure 2.2
House Bill Passage into Public Law by Party

<u>Predicted</u>			<u>Observed</u>		
	Minority	Majority		Minority	Majority
Unified	baseline	-	Unified	baseline	-0.21±0.09
Divided	+	-	Divided	0.26±0.12	-0.32±0.13

Findings in Model 6 provide some indications of which bills the Senate may be most likely to act on. While residence on a powerful committee may not be particularly helpful in moving bills through the House, membership on one of these committees may be a signal to the Senate and improve the chances of a bill becoming public law. The result for membership on the committee of referral, however, is found to be in the

opposite direction. Serving on the committee of referral is helpful in moving a House bill through the chamber but does not extend to the Senate. Cosponsorship is also negative in the nested model, suggesting bills that enjoy widespread support in the House are not as popular with the Senate. This finding mirrors our explanation of majority party status in the nested model: what makes for a successful bill in the House may make for a less popular option in the Senate.²⁶

²⁶ To the best of my knowledge, no previous research has used a nested model in their analysis.

Table 2.5
Bills that Become Public Law (Un-nested)

	Model Seven	
	Estimate	Z Value
Majority	0.51*** (0.06)	9.16
Seniority	0.03*** (0.00)	6.50
Referral Committee	0.62*** (0.04)	17.23
Committee Chair	0.64*** (0.05)	12.43
Committee RMM	-0.06 (0.10)	-0.59
Power Committee	-0.14*** (0.04)	-3.71
Vote Share	0.04*** (0.01)	3.05
Vote Share Squared	-0.00*** (0.00)	-3.06
Important Bill	2.48*** (0.04)	58.14
Message Bill	-0.00 (0.35)	-0.00
Minor Bill	1.89*** (0.04)	47.39
Ideology	-0.24** (0.10)	-2.50
Number of Cosponsors	0.00*** (0.00)	2.59
Divided Government	-0.24*** (0.04)	-6.56
Specialization	-0.31*** (0.11)	-2.79
Portfolio Size	-0.02*** (0.00)	-18.94
State Legislature Experience	0.05 (0.03)	1.44
Black Representative	-0.01 (0.07)	-0.13
Latino Representative	0.24*** (0.08)	3.05
Woman Representative	-0.11 (0.05)	-1.87
Legislative Recycling	-0.24*** (0.03)	-8.34
Constant	-4.86*** (0.43)	-11.31
N	105,636	

Note. Logistic regression, standard errors in parenthesis. *p<.1, **p<.05, ***p<.01

Discussion and Conclusion

The findings of this analysis demonstrate that the inclusion of a legislative recycling variable produces results consistent with both congressional theory and empirical research. Moreover, the addition of a legislative recycling variable adds important explanatory power to the study of bill success. The inclusion of a recycling variable into models of legislative success also corroborates several findings of existing research. Unsurprisingly, I find strong support of the effect of institutional advantages such as being a member of the majority party, having served many years in Congress, or chairing a committee, all of which yield sizable advantages in a member's ability to advance their proposals on the congressional agenda. I find strong evidence that members of Congress are able to influence their chances of success through behavior, namely choosing to specialize in a policy area, and to sponsor bills (but not too many bills) that will be directed to the committees of which they are members.

There is also reason to believe that members are rewarded for sponsoring bills that obtain high rates of cosponsorship, as cosponsorship is positively associated with success at all levels of the process. Previous scholarship on the effects of cosponsorship has been mixed. The finding of significance across the committee, chamber, and public law level is encouraging for researchers, such as myself, who consider a bill's level of cosponsorship to be largely the result of member activity on the bill such as advertising of the bill through Dear Colleague letters, or advocating within one's party or caucuses to draw attention and support to the proposal.

Of particular interest is the difference of success at the public law level according to a nested versus un-nested model approach. Differences between the two models suggest that the U.S. Senate relies on chamber level cues in their decision to consider House bills. Namely, while the House is likely to fast track (skip committee) the majority leadership's initiatives as measured by the use of message bills in the later Congresses of our analysis, these bills—even under unified government—are likely too extreme for the Senate and therefore have low rates of public law passage. In a similar vein, results from the nested models suggest a bill sponsored by a member of the minority party, and passed by the House, is possibly cued as a high quality bill. As a result, minority party bills may be taken up quickly when they are passed on to the Senate, while

bills sponsored by the majority party, which do not benefit from such “quality cues” must compete with one another for Senate attention. I also find support for the concept of “must pass bills” as measured by bills that receive write-ups in the CQ Almanac. In general, the “hot issues” of a Congress, and bills of minor importance are more likely to be successful than other bills.

In regards to legislative recycling, across all levels of analysis, and in both nested and un-nested analyses of passage to public law, legislative recycling is negatively associated with the probability of passage, a finding significant at the .01 level. Bills are either successful on their first introduction, or will struggle when they are seen again. Ultimately, the analysis presented here leaves more unanswered than answered. Important questions remain as to the effects of recycling on the legislative process, from better understanding the conditions under which a bill is likely to succeed on its first introduction, to exploring the probabilities of passage in subsequent introductions and evaluating recycling across policy areas and sponsor attributes. We have done little here other than build the foundation for subsequent analyses. Additional analysis may be able to refine our understanding of legislative recycling as it pertains to legislative success. Perhaps certain types of bills are more likely to be recycled. Perhaps there is a threshold or non-monotonic effect where bills must either pass on their initial introduction or be introduced a certain number of times in order to advance.

It is my assessment that the results in the chapter demonstrate that study of recycling in bill success adds important clarity and conceptual rigor to the study of lawmaking. The average member of the House of Representatives serves five terms; understanding how their portfolios grow, change, or stay the same over time may yield important insights for understanding representative behavior and the legislative process. While admittedly limited, the linking of bills by title and sponsor provides some insights as to the effects of time on bill introduction, legislative portfolio development, and the legislative process. The results presented here indicate that further analysis is needed to determine how legislative effort and time, as measured by legislative recycling, influences the likelihood of legislative success in the United State House of Representatives. Given the robustness of these exploratory results, I continue the study of legislative recycling in the following chapter with the purpose of diving deeply into the

effects of legislative recycling, and using such a reevaluation as an opportunity to apply an intersectional lens to the study of representation and congressional policymaking.

CHAPTER THREE

BILL RECYCLING AND THE POLICY PROCESS

In Chapter 2, we outlined the theoretical and empirical foundations for attempting to measure the repetition of bills in Congress. We closed the chapter by demonstrating that it was both possible, and statistically important, to include a measure of bill recycling in models of bill success. These preliminary findings, however, mainly motivate the study of legislative recycling; and several important questions remain. In this chapter, we further interrogate why, and how, legislative recycling influences the legislative process, and the consequences this may hold for representative policymaking. *When does legislative recycling matter? Are there identifiable differences in recycling according to institutional positions or identifiable attributes? How might legislative recycling influence the policy process, and when is it appropriate to include recycling identifiers in the study of the legislative process?* In this chapter, we move upstream from our study of legislative effectiveness, into a study of legislative recycling itself, attempting to uncover the conditions under which a bill will or will not be repeated. In doing so, we aim to identify the sponsor, institutional, and bill level factors, that affect the likelihood of a bill being repeated in subsequent Congresses.

Two findings from Chapter 2 provide the foundation for the expansion of research we begin here. First, we find that on average, legislative recycling is negatively correlated with bill passage, thereby suggesting bills either succeed on their first introduction, or struggle to pass on subsequent introductions. Second, results from Chapter 2 demonstrated that differences in bill types and sponsorship behavior affects an individual bill's likelihood of success. Results found that characteristics of a sponsor's portfolio influenced an individual bill's likelihood of success. Both the level of specialization and the size of the portfolio, were significant at the committee level, with portfolio size significant and negative at all levels of the analysis. Differences in the likelihood of success were also found according to bill types, with important bills and minor bills more likely to pass, and message bills more likely to pass the House but less likely to become law. Taken in sum, these findings suggest that members of Congress can affect their

chances of success through sponsorship choice and behavior. In this chapter, we attempt to add greater precision to these findings, situating the results within the work of other congressional scholars, and articulating the limitations and opportunities of legislative recycling research.

Legislative Effectiveness & Legislative Recycling

The conventional wisdom that some members of Congress are more effective legislators than others stems from both theoretical and empirical work. As Weingast and Marshall (1988) explain, legislators come to Congress with differing backgrounds, individual talents, personal priorities, and constituency interests that vary substantially across areas of public policy. Furthermore, there is both strong anecdotal and empirical evidence to support the argument that members of Congress desire to be effective legislators. In his seminal work, Fenno (1978, 137) writes, “to the extent possible—even if it requires a bit of imagination—members will picture themselves as effective users of inside power”. Most importantly, as Frantzich (1979) points out, “[members of Congress] would prefer to have more, rather than less, legislation bearing their name”.

Being an effective legislator takes many forms. Chief among them is the ability to translate policy proposals into public law, which congressional scholars refer to as “legislative success”. A small but expanding literature has begun to explore the complexities surrounding bill sponsorship and legislative success, and uncover the circumstances under which a bill advances across the Congressional agenda (Anderson et al., 2003; Bratton & Haynie, 1999; Cox & Terry, 2008; Fowler, 2006; Frantzich, 1979; R. L. Hall, 1987, 1992; Hasecke & Mycoff, 2007; Hibbing, 1991; Matthews, 1960; Schiller, 1995; S. Thomas, 1991; Wawro, 2000; Weissert, 1991a).¹ This literature has led to the identification of a variety of factors including descriptive attributes, legislative activity

¹ For the purposes of this study, legislative success is used to describe bills that see major action such as being reported out of committee, receiving and passing a floor vote, and/or becoming a public law. Any one of these steps qualifies as a legislative success and indicates that the bill’s sponsor is an effective legislator. From this perspective, a legislative success is a bill that sees major congressional action, and therefore is distinguished from the overwhelming majority of bills that simply die in committee. Throughout the literature, several terms are used to describe differences in legislative success including “legislative effectiveness” and “legislative productivity”. This chapter will attempt to use the most appropriate term for the situation, but please assume their usage is relatively interchangeable.

and political skill, as well as institutional advantages, which at various times have been shown to influence the likelihood of a member of Congress achieving legislative success.

Despite the frequency with which students of Congress turn their attention to the study of legislative effectiveness, few universal truths have revealed themselves (S. Adler & Wilkerson, 2005). Indeed, one of the only consistent findings is also the most unsurprising: members of the majority party are generally more effective (Anderson et al., 2003; Cox & Terry, 2008; Frantzich, 1979; Jeydel & Taylor, 2003; Krutz, 2005; Moore & Thomas, 1991). In this chapter, we work to add additional analytical clarity to this scholarship by evaluating how patterns in bill sponsorship contribute to our understanding of the legislative process, and identifying the conditions under which a member might obtain success in advancing their proposals on the congressional agenda.

Before we dive further into our efforts to identify when, and how, legislative recycling occurs, and the effects it may have on the legislative process and legislative outcomes, we must first outline the limitations of our measures and data. The first of which, is that our data consists of public H.R. bills from the 96th-113th Congress, spanning 36 years from 1979-2015. As such, there is a moving window during which we can identify recycled bills. Naturally, all bills in the first year of our data, will be identified as singleton bills, as we have no ability to link repeated bills which exist before our data. The 96th Congress, however, is a natural starting point for a study of legislative recycling. Prior to the 96th Congress, House parliamentary rules capped bill cosponsorship at 25 members per bill. As a result, members frequently introduced duplicate bills as an effort to demonstrate support for a bill, if the original policy had already acquired the maximum 25 cosponsors (Laband et al., 2015). The introduction of duplicate bills as a sign of support often led to confusion, members and advocates often lost track of which bill they were supposed to support (Congressional Record, 10 October 1978: 34930). As a result, the 25-cosponsor limit was lifted in the 96th Congress, which led to a significant drop in duplicate bill introduction.² While it is likely that many bills introduced in the 96th Congress fit the definition of a recycled bill (having been introduced by the same member of Congress under the same bill title in a previous

² For example, the 95th Congress had 15,587 house bills introduced while the 97th Congress saw 8,094 bills introduced. The 96th Congress has 9,103 bill introductions (T. Scott & Bernard, 1993).

Congress), it is important we begin our research with a time period appropriate for the goals at hand.

In this chapter, we continue to look exclusively at examples of legislative recycling wherein a single member of Congress introduces a bill bearing a specific title and identified by a major topic area, and in a subsequent Congress introduces the same bill title with the same major topic area. Beginning fresh in the 96th Congress makes the most sense for the evaluation of legislative recycling. It is important, however, to accept and recognize that nearly all bills will be identified as singleton bills in the 96th Congress. Legislative recycling naturally operates on a moving window. First term members of Congress will introduce all singleton bills, and as they remain in Congress have more opportunities for reintroduction. Likewise, a member's window closes upon their retirement, death, or failure to win reelection, after which the same sponsor cannot introduce a bill. Accounting for these moving dynamics is an important component and complication to the study of legislative recycling.

Another limitation to the approach we use here is the restriction of repeated bills by bill title and sponsor. It is possible that the same member would reintroduce a textually similar or identical bill bearing a different title. One example from my time on the Hill comes to mind: Congresswoman Roybal-Allard's proposal to provide more extensive support services to women who have survived domestic abuse. When I arrived on the Hill, this bill was called the "SAFE" Act, which stood for the "Security and Financial Empowerment" Act. The bill had been introduced bearing that title in five previous Congresses, from the 109th (2005) to the 113th (2013) where I would assist the Congresswoman in reintroducing the bill. Preparing the bill for reintroduction was surprisingly simple; the 112th version was converted into a word document and sent to the office of Legislative Counsel to be reformatted. Legislative Counsel suggested we update the section titles of the bill, but beyond these cosmetic changes, there were no major adaptations to the bill from the 112th version to the draft that became the 113th version. Throughout the course of this process, I learned that Congresswoman Roybal-Allard had introduced a number of bills with the same goal: to assist survivors of domestic abuse by providing them with financial protections such as unemployment insurance and eligibility for Family and Medical Leave.

Table 3.1
Legislative History SAFE Act

104th Congress

Battered Women’s Employment Protection Act- H.R. 3837

Rep. Roybal-Allard, Lucille [D-CA-33] (Introduced 07/17/1996)

105th Congress

Battered Women’s Employment Protection Act- H.R. 851

Rep. Roybal-Allard, Lucille [D-CA-33] (Introduced 02/26/1997)

Battered Women's Employment Protection Act- S.367

Sen. Wellstone, Paul D. [D-MN] (Introduced 02/26/1997)

106th Congress

Battered Women’s Employment Protection Act- H.R. 5262

Rep. Roybal-Allard, Lucille [D-CA-33] (Introduced 09/21/2000)

107th Congress

Victims’ Economic Security and Safety Act- S.1249

Sen. Wellstone, Paul D. [D-MN] (Introduced 07/25/2001)

Victims’ Economic Security and Safety Act- H.R. 2670

Rep. Roybal-Allard, Lucille [D-CA-33] (Introduced 07/27/2001)

108th Congress

Security and Financial Empowerment Act- H.R. 3420

Rep. Roybal-Allard, Lucille [D-CA-34] (Introduced 10/30/2003)

SAFE Act- S.1801

Sen. Murray, Patty [D-WA] (Introduced 10/30/2003)

109th Congress

Security and Financial Empowerment Act- H.R. 3185

Rep. Roybal-Allard, Lucille [D-CA-34] (Introduced 06/30/2005)

SAFE Act- S. 1796

Sen. Murray, Patty [D-WA] (Introduced 09/29/2005)

110th Congress

Survivors' Empowerment and Economic Security Act- S.1136

Sen. Murray, Patty [D-WA] (Introduced 04/17/2007)

Security and Financial Empowerment (SAFE) Act- H.R. 2395

Rep. Roybal-Allard, Lucille [D-CA-34] (Introduced 05/21/2007)

111th Congress

Security and Financial Empowerment (SAFE) Act- H.R. 739

Rep. Roybal-Allard, Lucille [D-CA-34] (Introduced 01/28/2009)

Security and Financial Empowerment (SAFE) Act- S.1740

Sen. Murray, Patty [D-WA] (Introduced 10/01/2009)

112th Congress

Security and Financial Empowerment Act- H.R. 3271

Rep. Roybal-Allard, Lucille [D-CA-34] (Introduced 10/27/2011)

113th Congress

Security and Financial Empowerment Act-H.R. 1229

Rep. Roybal-Allard, Lucille [D-CA-40] (Introduced 03/15/2013)

Roybal-Allard first introduced this measure in the 104th Congress under the title “Battered Women’s Employment Protection Act”. She reintroduced the bill in the 105th and 106th Congress, but by the 107th Congress the bill, which underwent few substantive changes, got a title rebrand and was introduced as the “Victims’ Economic Security and Safety Act”. This title saw only one introduction. By the 109th Congress the bill got yet another title refresh, when it became the “Security and Financial Empowerment Act” or “SAFE” Act. The proposal also saw a number of companion bill introductions in the U.S. Senate as the “Battered Women’s Employment Protection Act” introduced by Senator Paul Wellstone in the 105th Congress, and as the “Victims’ Economic Security and Safety Act” in the 107th Congress.

Following Senator Wellstone’s untimely death in 2002, Senator Patty Murray took over as the Senate companion bill sponsor introducing the “SAFE” Act in the 109th Congress, the “Survivors’ Empowerment and Economic Security Act” in the 110th, and the “Security and Financial Empowerment” Act in the 111th, 112th, and 113th Congresses. In a sense, the bill had a memetic life of its own, being copied and transferred from one member of Congress to another, often with only slight mutations prior to subsequent reintroductions.

Table 3.2
SAFE Act Coding Example

104 th Congress Battered Women’s Employment Protection Act- H.R. 3837 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-33]	1	
105 th Congress Battered Women’s Employment Protection Act- H.R. 851 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-33]	2	
106 th Congress Battered Women’s Employment Protection Act- H.R. 5262 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-33]	3	
107 th Congress Victims’ Economic Security and Safety Act- H.R. 2670 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-33]	1	Novel
108 th Congress Security and Financial Empowerment Act- H.R. 3420 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-34]	1	
109 th Congress Security and Financial Empowerment Act- H.R. 3185 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-34]	2	
110 th Congress Security and Financial Empowerment (SAFE) Act- H.R. 2395 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-34]	3	
Job Protection for Survivors Act- H.R. 4015 Sponsor: Rep. Roybal-Allard, Lucille [D-CA-34]	1	Novel
Unemployment Insurance for Survivors Act of 2007- H.R.4016 Rep. Roybal-Allard, Lucille [D-CA-34]	1	Novel
111 th Congress Security and Financial Empowerment (SAFE) Act- H.R. 739 Rep. Roybal-Allard, Lucille [D-CA-34]	4	
112 th Congress Security and Financial Empowerment Act- H.R. 3271 Rep. Roybal-Allard, Lucille [D-CA-34]	5	
113 th Congress Security and Financial Empowerment Act- H.R. 1229 Rep. Roybal-Allard, Lucille [D-CA-40]	6	

This particular proposal, bears five different titles over its 17-year history in Congress. Within the data, however, I am currently only able to identify repeated bills, which bear the same title as their predecessors. In this dissertation, recycled bills are grouped under those respective titles: the “Battered Women’s Employment Protection Act” appearing 3 times, the “Victims’ Economic Security and Safety Act” making one appearance, the “Security and Financial Empowerment Act” appearing six times, and the Job Protection for Survivors Act” and the “Unemployment Insurance for Survivors Act” both making a single appearance.³ As such, out of a total of twelve introductions observed in our data, five bills are identified as “singleton” or “original” introductions. Out of these five singleton bills, three are unique observations, or what I have dubbed “never repeated” or “novel” bills. Only the “Victims’ Economic Security and Safety Act” (107th), and the “Job Protection for Survivors Act” and “Unemployment Insurance for Survivors Act of 2007” bills seen in the 110th Congress are solitary, “novel” policy proposals.

In evaluating how the repetition of bills over time influences the legislative process, and a member’s likelihood of achieving legislative success, it is important to situate findings within the measurement parameters. First, we must remember that we are only identifying bills as repeats when they bear the same title, and are introduced by the same sponsor. The study of the memetic lives of bills transferred and mutated across sponsors is a valuable line of further research under a more coarse-grained definition of “ideological recycling” as covered in Chapter 2. Here, though, we focus on obtaining traction under the strict scenario of similar titles with identical sponsors. Second, bill repetition occurs on a moving window throughout our data. It is both possible and probable that bills were introduced prior to the beginning of our data, and that bills are repeated after the close of our data. Third, opportunities for recycling have important time components, first term members of Congress have limited opportunities for introducing repeated bills, and bills cannot be repeated if the sponsor does not return in a

³ It is worth noting that the changes in the bill’s title reflect evolutions in discourse regarding the way in which survivors of domestic abuse are referred to. We rarely speak of “battered women” anymore and even the use of “victim” has been phased out by those favoring to refer to women who experience violence as “survivors” of domestic abuse.

subsequent Congress.⁴ By premising our research within these restrictions, and carefully employing the appropriate control variables, it is possible to mitigate data limitations.

Why Measure Recycling?

Legislation automatically dies when Congress adjourns at the end of its second session. Any bill that was not considered in that Congress would have to be re-introduced in the following Congress. As a result, in the first days of a new Congress, hundreds of policy proposals are introduced (Oleszek, 2017a). To date, congressional scholarship has not yet attempted to disentangle these “recycled” bills from the new policy proposals of the day. Fortunately, improving congressional data sources has spurred an evolution in congressional research methodology. Early studies were limited to simple associations and limited samples, while more recent studies have applied sophisticated statistical analyses with long lists of variables to multiple Congresses. This work, has informed our understanding of the legislative process and congressional politics, but several empirical and conceptual puzzles remain.

One such puzzle pertains to how policy proposals are identified and measured. Researchers interested in legislative effectiveness usually opt for one of two approaches: bill-level data and member-level data. Some questions are better suited to one approach, and some questions bring us into new territory of scales of policy somewhat in-between a bill-level and member-level. For example, in their study of congressional action on policy proposals, Burstein, Bauldry, and Froese’s (2005) study refines the concept of a “policy proposal” in order to better understand the circumstances necessary for legislative activity. In discussing how to conceptualize a policy proposal, Burstein et al. (2005) explain “we could define a policy proposal as a bill...it makes sense to focus on bills; they are distinct, easily identified entities, central to the legislative process, proposing solutions to public problems” (296). The identification of bills as policy proposals has certainly led to a substantial amount of attention on bill level analyses, which can take the

⁴ At the beginning of the 113th Congress, the average Congressional career was about 9 years. The average length of service in the U.S. House peaked during the 111th Congress with an average of 13.4 years of service at that time (Matthew Eric Glassman & Wilhelm, 2017; A. Roberts, 2010). The data used in this analysis spans a total of 36 years, running from the 96th-113th Congress (1979-2015). It is worth noting that first term members of Congress can and do reintroduce bills, though a lack of an established legislative portfolio restricts their ability to do so.

form of studying sponsorship and cosponsorship, predicting roll call votes on particular bills, and of course the preeminent questions of legislative success and effectiveness.

Burstein et al. (2005) further state, “bills die at the end of every Congress, so support for one can’t extend beyond two years.... members of Congress often introduce multiple, identical bills, and it wouldn’t make sense to gauge support for one and ignore the others” (296). In other words, Burstein et al. feel that the focus on individual bills by individual sponsors misses important effects at the aggregate level. Burstein et al. (2005) evaluate 60 randomly selected bills from the 101st Congress, and then searched for identical bill summaries in previous and subsequent Congresses, tracing back to the first time such a bill was found and forward until the policy proposal was either enacted, or disappeared from the legislative archives.

Burstein et al. (2005) succeed in finding multiple related policy proposals: “sets of nearly identical summaries were not difficult to identify, or to distinguish from other summaries. Members of Congress regularly introduce bills summarized in virtually identical ways, both within Congress and over time, and rarely propose alternative ways of expressing the same policy ideas” (Burstein et al., 2005, p. 297). They ultimately conclude that support for policy proposals can be measured by sponsorship trends in Congress. This approach to the evaluation of policy support and congressional bills pulls from both conventional studies of legislative effectiveness and from policy studies research which tends to look at bills on the aggregate, evaluating when Congress as a whole is legislatively productive, likely to take up specific issues, and even how policy proposals come to be.⁵

While common elements and theories drive lines of research in both the policy studies and congressional research, the two rarely converge. The introduction of legislative recycling into the study of legislative effectiveness, is not only for the purpose of attempting to build and improve effectiveness research, but also an effort to bring scholarship into better balance with what we observe Congress doing, and build bridges between these complimentary yet isolated areas of research. Or to borrow from Burstein et al. (2005) once again, “It would be more reasonable to think of a policy proposal as a particular alternative manifested in any number of highly similar bills, even if introduced

⁵ See for example, Kingdon (1995); (Sabatier, 1991).

in different Congresses” (296). As such, a policy proposal exists beyond the confines of a single bill, potentially existing in multiple bills and multiple Congresses over time.

The introduction of a legislative recycling variable to a multi-Congress analysis, is an incremental step to better conceptualizing policy proposals, which can be encapsulated in multiple bills over time. By doing so, we aim to add precision to the study of legislative effectiveness by studying policy proposals in a way that is both empirically rigorous and consistent with everyday understanding of congressional policymaking. In this analysis, we turn to a reevaluation of classic questions of effectiveness and bill sponsorship in order to better understand how legislative recycling operates, and how it might influence congressional processes and policy outcomes.

Data and Methods

The primary data of this analysis comes from Adler and Wilkerson’s Congressional Bills Project, consisting of information on all bills from the 96th to the 113th Congresses (1979-2015). Additional data from Volden and Wiseman’s Center for Effective Lawmaking project, and the Comparative Agendas Project are used to supplement information regarding bills and demographic information about their sponsors. Detailed information on data coding and their sources can be found in Appendices A and B. In order to provide more detailed information on how bill repetition occurs and operates in Congress, this analysis turns focus towards patterns in bill repetition, using some variables generated in the previous chapter, which capture the repetition status of a bill, as the dependent variables. For the purposes of precision, our analysis is limited to voting members of the House, limited to H.R. bills, and excludes private bills.⁶

In this analysis, we direct our focus away from the classic predictive questions of legislative success, and move towards exploratory questions designed to help us compose a more detailed understanding of bill introduction and the legislative process. By identifying ***which bills are more likely to be repeated, and whether there are identifiable***

⁶ In Chapter 2 we include a bill’s number of cosponsors as a proxy measure for bill popularity and MC legislative effort. Private bills cannot be cosponsored, and therefore are excluded from the analysis in Chapter 2 and subsequent analyses. Given the limited scope of private bills, we believe that excluding them from further study of legislative recycling is appropriate.

differences according to policy area, sponsor attributes, or institutional position, I aim to add additional clarity to the study of bill introduction as well as legislative success. To accomplish this, I have generated a number of bill identifier variables. In the previous chapter, we used string matching to generate a recycling variable identifying the number of times a bill title is repeated (holding sponsor constant) within the data. To further parse how legislative recycling operates, we have transformed this original variable into three other measures:

Repeat Number: This variable identifies the number of times a bill has been seen at the point of introduction. Singleton bills receive a score of one.

Repeated Bill: Logical indicating Repeat Number >1

Maximum Repeats: This variable collapses multiple iterations of a bill to a single observation quantified by the maximum number of times it has been seen in the data. For singleton bills, this is 1. For a bill repeated 6 times by the same sponsor, it will become a single observation with Maximum Repeats = 6.

Findings: What Does Recycling Look Like?

Legislative recycling occurs within a moving window for each member of Congress captured in the data. First term members are limited in their ability to recycle legislation, as they must first introduce a singleton bill, which is a time and resource intensive process. While a member's recycling window opens their first "day in the office", a member's window closes when they retire, lose reelection, or pass away whilst in office. As our data spans 36 years, and there are 435 voting members of the House, and the average congressional career is about 9 years, we are optimistic that we capture enough complete and partial windows within the data to have confidence in our analysis.⁷

Chapter 2 explored how bill reintroduction in Congress influences the policy process and a given bill's likelihood of advancing on the congressional agenda. We

⁷ Naturally, some windows are truncated by the beginning of our data (96th Congress) and the end of our data (113th Congress). Members who end their careers near the beginning of our data, or begin their careers towards the ends of our data, may not have full windows of opportunity. Fortunately, the length of our data and the rate of congressional membership turnover provide us with strong confidence in our analysis and results.

found strong evidence of a negative relationship between the reintroduction of bills and the likelihood of success at the committee, floor, and public law levels. To further vet this finding, I now turn our focus towards efforts to understand how recycling operates within Congress. Given that reintroduced bills are less likely to succeed, what makes a repeated bill different from a singleton bill that we don't see again? We begin this exploration by evaluating differences in bill introductions such as *what makes a bill more likely to be recycled and who is most likely to reintroduce a bill?*

By collapsing bills into a “repeated bill” variable identifying whether the bill is ever repeated within the data, we are able to compare differences between repeated bills and novel bills. As we are predicting the likelihood of a bill being recycled in the future, we use data points from the singleton (first introduction) point. Using data from the singleton introduction point allows us to evaluate differences in recycling according to a level playing field. For this reason, sponsor and bill variables represent the conditions at the bill's first introduction in Congress. The dependent variable for this analysis is a binomial variable, identifying whether a bill is a singleton bill that is not repeated (novel bill), or a singleton bill that will be seen again later in the data. By collapsing repeated bills into their singleton iteration, we can best identify and measure differences between novel bills and recycled bills. Given that Chapter 2 found recycling to be negatively correlated with legislative success, in determining what makes a bill more likely to be recycled, we can better understand which types of bills, and which conditions surrounding their introduction, makes for an easier journey in Congress.

We include several variables measuring institutional, contextual, and bill level factors, shown to influence bill sponsorship in Congress. We also include variables identifying the sponsor's gender and whether they identify as Hispanic/Latino or African American. Institutional variables include the sponsor's seniority, whether the sponsor is a chair of a full committee, and partisan control of Congress identifying whether the House and Senate are controlled by the same party (divided government) and whether the bill's sponsor is a member of the majority party. We include the sponsor's ideological score, as well as bill level variables such as whether the bill is an important bill, a minor bill, or a message bill. Table 3.3 presents results for a logistic regression of a multivariate model predicting whether a bill will be repeated.

Table 3.3
Bill Maximum Repeats

	Model One	
	Estimate	Z Value
Seniority	-0.01*** (0.00)	-2.88
Majority	0.01 (0.02)	0.55
Divided Government	-0.32*** (0.02)	-14.52
Committee Chair	-0.10 (0.04)	-2.58
Minor Bill	-0.22*** (0.03)	-7.02
Important Bill	-0.62*** (0.06)	-10.57
Message Bill	-1.65 (1.01)	-1.62
Ideology	0.80*** (0.05)	15.79
Woman Sponsor	0.11*** (0.03)	3.39
Latino Sponsor	0.11** (0.06)	2.01
Black Sponsor	-0.02 (0.04)	-0.48
Latina Sponsor	-0.20 (0.13)	-1.51
Black Woman Sponsor	0.29*** (0.08)	3.47
Constant	-1.59*** (0.03)	-49.61
N	74,901	

Notes. Logistic regression, standard errors in parenthesis.

p<.05, *p<.01

We find a number of bill and sponsor level variables to affect the likelihood of a bill being repeated. First, we find strong evidence that more senior members are less likely to introduce bills that will be repeated, and that more ideologically extreme sponsors are more likely to introduce bills that will be repeated. Bills sponsored by committee chairs are also less likely to be repeated. These findings mesh well with both conventional wisdom and congressional scholarship. In regards to seniority, a key assertion is that more senior members of Congress have had more time to familiarize themselves with the “norms and folkways” of Congress, the finding that seniority at the time of the singleton bill introduction is negatively correlated with the repetition of a bill, corroborates this assertion (Anderson et al., 2003).

With the exception of message bills, we find that bill type is related to the likelihood of repetition. Both minor bills and important bills are less likely to be repeated. Minor bills, such as those that rename buildings or transfer small plots of land from the federal government to state or local governments, or declare “National Watermelon Month” are generally not of national importance, are less controversial, and therefore are less likely to need repeated introductions. Similarly, “timely pieces of legislation” or the select few “hot bills” (Anderson et al., 2003) of the year are also less likely to be repeated. In Chapter 2, we found that minor bills and important bills are more likely to become public law, thus explaining why they are less likely to be repeated. The previous chapter also found that ideology was negatively correlated with bill passage, and here we find that bills sponsored by more ideologically extreme Representatives, are indeed, more likely to be seen again.

We also find differences in the likelihood of a bill being reintroduced according to differences in the social identity traits of the sponsor. Bills sponsored by women are more likely to be repeated, as are bills sponsored by Latino members of Congress. Following the singleton introduction, bills authored by women and Latino members of Congress are more likely to be reintroduced, with the direction and significance holding negative and significant for Black women despite the lack of a significant finding for Black MCs in general.⁸ The findings of model one point us in a couple of directions.

⁸ For a more complete discussion of findings regarding legislative recycling and personal attributes, please see Appendix C.

First, it is clear that the *type* of bill influences the likelihood of a bill being repeated, and that *some sponsors* such as women, and especially Black women, and more junior members of Congress are more likely to introduce singleton bills that will be repeated. The findings presented here indicate that bill sponsorship, bill reintroduction, and bill passage are all interrelated parts of a complicated process. Moreover, differences according to personal attributes carry important implications for scholars interested in the political incorporation of minority members of Congress. The finding regarding gender, and the differences according to race within gender, indicate the need for further research into how social identity interacts with congressional politics and the policy process.

Findings: Patterns in Recycling and Bill Topic Area

As established in Chapter 2 and the analysis above, not all bills are created equal; bills vary in their scope, saliency, and urgency. Common sense tells us that the content of a bill should influence its prospects for success. In a chamber with 435 members, all with the ability to introduce bills, surely some will be better than others.⁹ Moreover, in a Congress increasingly characterized by gridlock and inefficiency, are there specific issues that are more, or less prone to failure? Bill introduction in Congress is a common activity. While not all Members of Congress introduce bills in every session, the overwhelming majority not only sponsor, but sponsor with frequency. Between 1979 and 2015, members of Congress introduced an average of about 17 bills and resolutions per Congress (Oleszek, 2017a). Within the 36 years of data included in this analysis, there are only a few Members who did not sponsor a bill.¹⁰

Members of Congress also vary in their commitment to bills within their legislative portfolio. For example, in a discussion with a member of Congress regarding their legislative priorities, a member of Congress elaborated, “You have to prioritize your

⁹ Delegates from the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Island and Puerto Rico may also introduce legislation, though they are unable to vote in House floor roll call votes.

¹⁰ Since we utilize the bill as the unit of analysis, three individuals, a Mr. Donald Lukens who served one month of the 101st Congress before resigning due to a sex scandal and criminal charges, a Mr. Richard Tonry who resigned from Congress after four months in the office after being accused of campaign finance irregularities and election tampering, and a Mr. John Hutchinson who only served six months in Congress after winning a special election to fill a vacant seat, do not appear in our data. Given that none of these members served a full term, and as two of them ended up in jail, we’re not particularly disappointed to have left them out.

bills. Some have to just be a placer to keep it on your agenda. Those ones you introduce and you're done" (Interview). Determining a legislator's motives for sponsoring a bill, however, is not easy to deduce (S. Adler & Wilkerson, 2005; R. F. Fenno, 1978; Schiller, 1995). Some bills are introduced as instruments of position taking (Rocca & Gordon, 2010), whether that is a symbolic statement or to appease a constituency interest, others are introduced as part of an agenda setting effort. Some are introduced with the lofty goal of "seeing them become law, if not in this Congress then perhaps the next" (S. Adler & Wilkerson, 2005, p. 4).

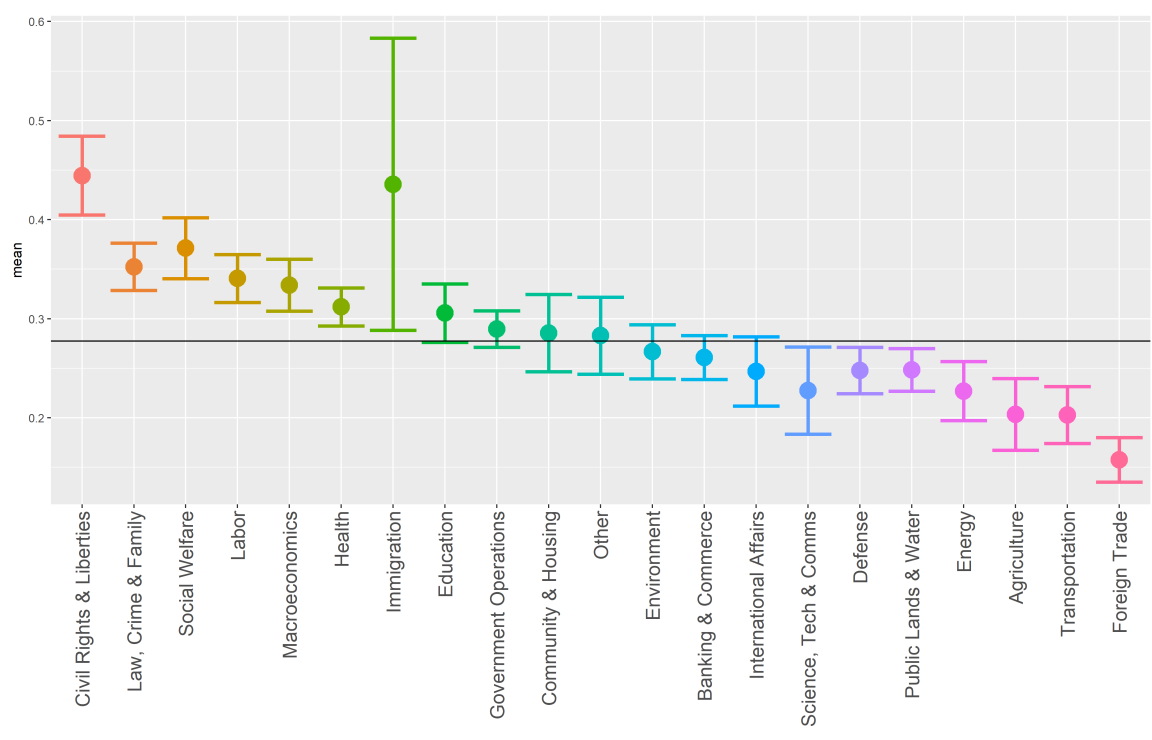
A natural next step is to review *which policy areas are most and least likely to be composed of recycled bills*. In their 2011 analysis of health policy gridlock, Volden & Wiseman used Library of Congress data from the 93rd-107th Congresses to review the success rates of different policy areas. They found that public lands bills had the highest success rate with 10.41% of bills passing, and that social welfare has the lowest passage rate with 1.33 percent of social welfare bills becoming law (239).¹¹ Most policy areas have a success rates ranging from 1.5-3, with the notable exceptions of International Affairs (6.46) and Government Operations (6.46). Volden and Wiseman (2011) take the relative success rates of policy areas to be indicative of how prone an issue area is to being gridlocked.¹²

In Chapter 2, we found consistent negative effects for legislative recycling. If gridlock in its simplest terms means "unlikely to pass", then *is it possible that so called gridlocked policy areas have high incidence rates of bill repetition?* The Comparative Agendas Project categorizes bills into major topic areas according to the single predominant substantive policy area. Utilizing these bill topic identifiers, I disaggregate bills by policy area to discern if there are patterns in bill reintroduction according to topic area. Figure 3.1 illustrates results for a poisson model predicting the Maximum Repeat with major policy topic as defined by the U.S. Policy Agendas Project.

¹¹ Between the 93rd-107th Congresses 6,305 social welfare bills were introduced, 84 of which became public law. Public lands on the other hand, saw 905 bills become law out of 8,693

¹² The table is titled, "Gridlock by Issue Area (93rd-107th Congresses)". While bill passage is a complex process with multiple factors, there do seem to be some topic area outliers (public lands, international affairs, and foreign trade), that have higher aggregate passage rates as compared to other policy areas (Volden & Wiseman, 2011, p.239).

Figure 3.1
Maximum Repeats by Bill Topic



Note. Poisson model of maximum repeats by major topic, units on the y-axis are log maximum repeats. Error bars are +/- 2 standard errors. N=86,828

A casual review of the figure confirms suspicions that some policy areas are more prone to recycling than others, and that policy areas with high rates of recycling are also policy areas that have low success rates (C. Volden & Wiseman, 2011). On the left are policy areas identified as civil rights & liberties, law crime & family, social welfare, labor, macroeconomics and health. On the right, we find foreign trade, transportation, agriculture, energy, public lands & water, and defense. These findings mirror the relative passage rates reported in “Breaking Gridlock”; the policy areas on the left all have passage rates below three percent, while the policy areas on the far right have passage

rates ranging from 3.9% to 10%.¹³ These preliminary results indicate that there are discernable patterns in the repetition of bills across differing policy areas.

This result is relatively unsurprising, and meshes well with common perceptions of U.S. policymaking. Policy areas such as health, social welfare, and civil rights, are highly salient and mired in controversy with deeply rooted partisan policy cleavages.¹⁴ In presidential election years, these topic areas usually receive national attention, with candidates presenting policy platforms to the public (Bader, 1997; Redford, 1969). The policy areas that exhibit lower rates of recycling, such as foreign trade, transportation, and public lands, are not policy areas likely to illicit strong responses from the general public.¹⁵ High recycling rates in the areas of civil rights and liberties, law crime and family, social welfare, labor, health, and immigration are potentially of significance for scholars interested in the dynamics of descriptive and substantive representation in Congress.¹⁶

While any given bill has the potential to become a highly salient source of political controversy, it certainly appears that some policy areas may have less difficulty in achieving legislative success, and also be less likely to have high incidence rates of legislative recycling. Further research is needed to identify the extent to which issue salience, recycling, and gridlock interact within the policy process. The preliminary results presented here, indicate that the frequency of legislative recycling in Congress is not randomly distributed: some policy areas are much more likely to be recycled than others. This has important implications for congressional research and broader consequences for the policy studies.

¹³ Differences in policy topics are the result of coding schema discrepancies between the Library of Congress and the Comparative Agendas Project, making exact comparison difficult. For example, the Library of Congress does not have an immigration policy topic area, and the inclusion of such an area is likely drawing bills from the “law, crime, & family” major topic area (Bevan, 2017; Dowding, Hindmoor, & Martin, 2015).

¹⁴ For such an example, see Jacobs and Skocpol (2010)’s summary of U.S. health care reform during the Obama administration or Hunter (1992) for a discussion of U.S. culture wars and politics.

¹⁵ This is not to say that there are not highly organized interest groups, or even members of Congress and voters, who keep issues such as agriculture or foreign trade on their radar, but rather that these policy dialogues usually occur outside of the splashy attention of traditional macro politics and mainstream news. Issues like the Farm Bill or NAFTA, are obvious exceptions to this rule, with the controversy over the Trans-Pacific Partnership (TPP) in the 2016 presidential election serving as another example to the contrary.

¹⁶ Appendix C has more on the question of diversity in Congress and the legislative process.

Findings: Patterns in Recycling and MC Seniority

One of the primary purposes behind the introduction of recycling variables is to better account for the effects of effort and time in the legislative process. While institutional and political constraints may shape the behavior of members of Congress, both scholarly and conventional wisdom tells us that members of Congress retain some agency within the organization, and thereby hold some ability to influence their standing whilst in office. Included in this, is the concept of innate ability, or that some members of Congress may simply be predisposed to the challenges of being a professional politician (C. Volden & A. Wiseman, 2014). For example, in March of 2016, at a Democratic primary debate, Hillary Clinton famously said, "look, I have said before and it won't surprise anybody to hear me say it, this is not easy for me... I am not a natural politician, in case you haven't noticed, like my husband or President Obama" (Gass, 2016). Members of Congress arrive in Washington with a wide variety of personal stories and professional backgrounds. Some members of Congress are seasoned politicians, having served in public office before Washington; others are lawyers, businessmen, veterans, or physicians.¹⁷

In addition to differences in their backgrounds, or what Volden and Wiseman call "innate ability", members of Congress may, and sometimes do, accrue the skills necessary to become effective lawmakers. In a study of the North Carolina General Assembly, Miquel and Snyder (2006), find that seniority dramatically increases state legislator's effectiveness. The increase in effectiveness begins as early as a legislator's second term, and is unlikely to decline, even for those serving up to nine terms (Miquel & Snyder, 2006). The findings of Miquel and Snyder (2006) match a rich body of literature which asserts that institutional advantages are associated with seniority in Congress (Goodwin, 1959; Polsby, Gallaher, & Rundquist, 1969; B. Roberts, 1990; Schiller, 1995).¹⁸ This body of research asserts that MCs who have served many years in

¹⁷ Members of Congress have also come from less conventional lines of work. Sonny Bono and Fred Grandy came to Congress after successful careers in music and television respectively, and John Glenn became a U.S. Senator after becoming the first American to orbit the earth when he was a NASA astronaut in 1962.

¹⁸ It is worth noting that some first term members may be able to mitigate the effects of their inexperience in Congress by hiring experienced Hill staff. We are currently unable to include measures of staff quality, but such an effort remains an interesting line of inquiry for future research.

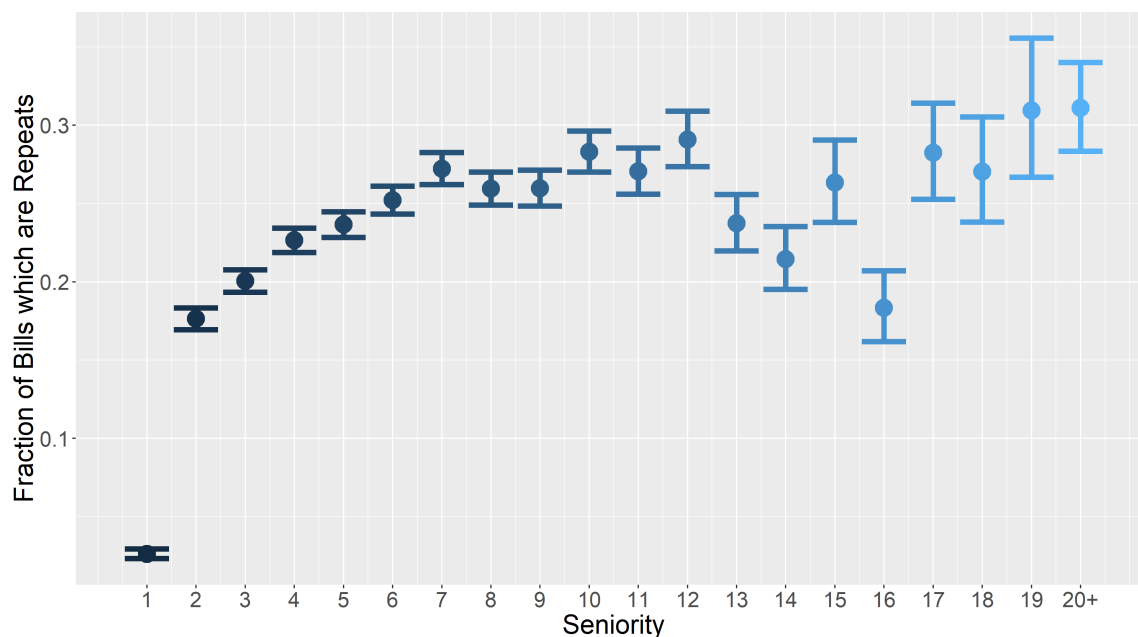
Congress are more familiar with congressional norms and the policy process, have more experience in coalition building, are more likely to hold leadership positions, and are more likely to have expertise in certain policy areas (R. Fenno, 1973; Goodwin, 1959; Hibbing, 1991; Moore & Thomas, 1991; B. Roberts, 1990; Schiller, 1995; Shepsle & Weingast, 1987; Woon, 2008). Conversely, new members of Congress are at a sizable disadvantage as they are not familiar with the norms and strategy required to move bills forward on the congressional agenda (Hibbing, 1991).

In her study of the Senate during the 99th and 100th Congresses, Schiller (1995) finds that seniority is positively associated with bill introduction,

freshmen Senators in their first two years introduce fewer bills than their colleagues; Senators in their second and third terms increase their sponsorship by a modest amount; and Senators in the fourth term or beyond introduce far more bills than their more junior colleagues (196).

It's not surprising that more senior members of the Senate are found to introduce more bills than their colleagues. Bill sponsorship is a time consuming activity and those who have been in Congress longer have had more time to invest in the development of legislation. Seniority is of particular interest to this study, as the costs of bill sponsorship, in terms of resources and time, are frequently cited as obstacles to policy development (Anderson et al., 2003; Moore & Thomas, 1991). More senior members of Congress have had more time to develop and introduce legislation, and over the years, will have built a larger portfolio from which they may draw reintroductions. Figure 3.2 illustrates the relative rates of bill repetition according to the number of years served in the House.

Figure 3.2
Repeat Rate by Seniority

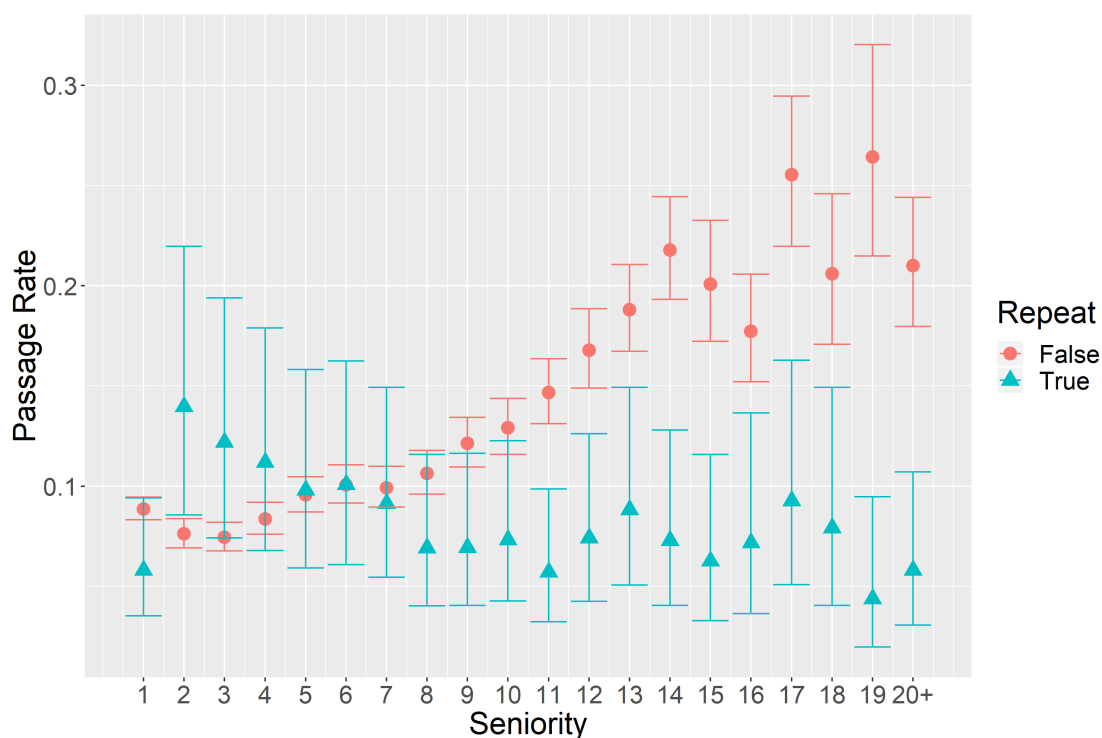


Note. Error bars are +/- 2 standard errors. N=107,371

Unsurprisingly, members of Congress in their first year have few repeated bills. Beyond the dull and obvious, the parsing of a member of Congress's legislative portfolio by repeated bill status gives us a small snapshot into the workings of bill sponsorship. First, the repeat rate, or the fraction of a MC's bills, which have been seen before, increases with seniority. Members of Congress accumulate repeated bills over time, but that trend levels off around year six, at which point the fraction of repeats in their portfolio seems to stabilize. By year 10, about 27% of the bills they introduce have been previously introduced. The pattern after year eleven becomes less convincing, likely due to the fact that the average congressional career is about ten years. Given that more senior members of Congress are found to be more effective than their less tenured peers, and that recycling is negatively correlated with bill passage, we have reason to believe that differences in singleton bill introduction and passage likely drive differences in aggregate levels of legislative success. To test for this possibility, figures 3.3 and 3.4

illustrate results for logistic regression of House and public law passage rates by seniority parsed by whether or not a bill has been seen before.

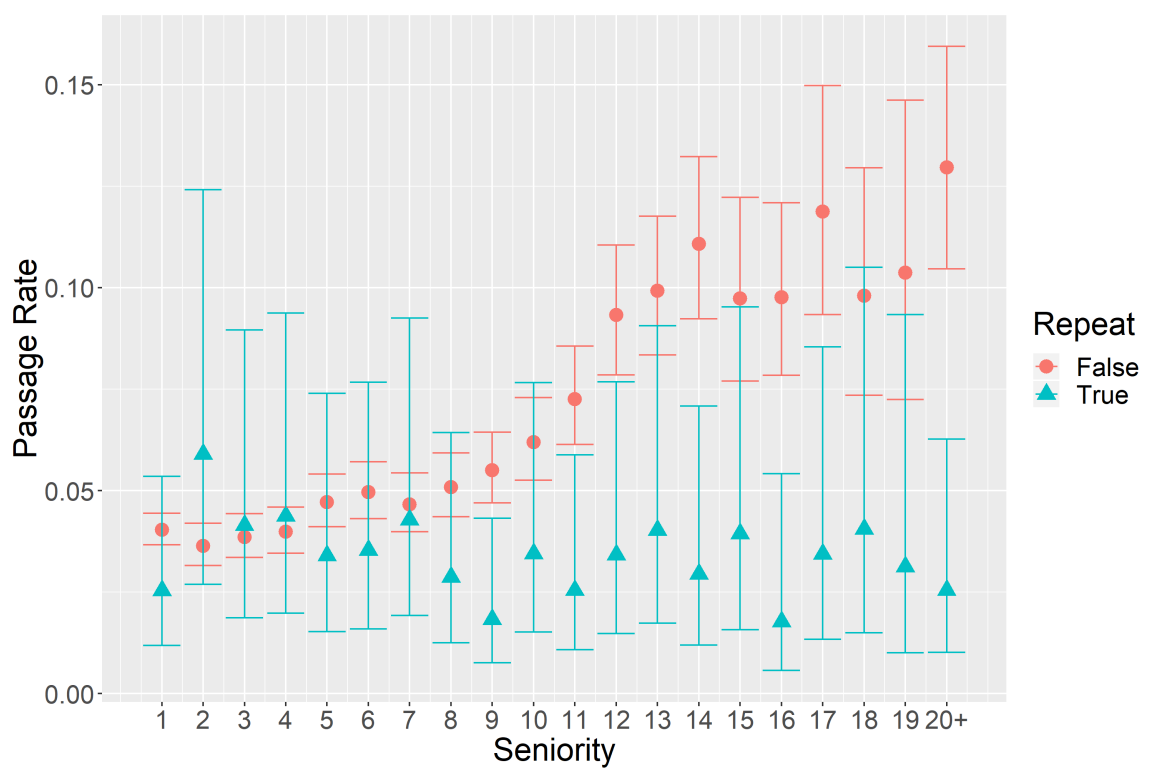
Figure 3.3
Repeat by Seniority: House Passage



Note. Logistic regression predicting passage. Error bars are +/- 2 standard errors. N=107,371

Results reported in Figure 3.3 suggest that freshman members of Congress experience a learning curve in their first congress. In fact, chances for passing a repeated bill are highest during the second session (year) of a member's first term. From year one to year two there is a significant increase in the passage of repeated bills. Beyond their second year, the passage rate of repeated bills slowly decreases and stabilizes over time. The opposite effect is seen for singleton bills. After year two, the passage rates of singleton bills begin to increase, with the trend continuing upwards until year 14, after which data limitations reduce our confidence in discerning a visible trend. Taken in sum, there is strong reason to believe that members of Congress adapt and learn throughout their time in Congress. As members spend more time within the House, it appears that they become more effective at introducing and passing singleton bills.

Figure 3.4
Repeat by Seniority: Public Law Passage



Note. Logistic regression predicting passage. Error bars are +/- 2 standard errors. N=107,371

Results at the public law level are similar to House passage trends: more senior members of Congress are more successful at introducing and passing novel (non-repeated) bills than their less senior colleagues. When studies of legislative effectiveness find that more senior members are more effective, that is likely due to more tenured member’s abilities to introduce and pass bills on their first introduction. More senior members of Congress do not appear to be more successful at converting recycled bills into laws; but they are better at getting bills passed on their first try. We also find support for the assertion that first term Representatives experience a rapid learning curve that extends beyond the chamber and into the public law level. A member’s second year in Congress is their most successful year for translating repeated bills into law, but this effect quickly diminishes. By year three, repeated bills and novel bills have the same passage rate. After year 5, increasing seniority leads to increasing passage rates of novel

bills. We take this as corroborating evidence that members of Congress can, and do, learn how to be more skilled lawmakers (Craig Volden & Alan E. Wiseman, 2014). As an additional measure of thoroughness, we repeat the analysis from Table 3.3 with an additional measure identifying whether a bill was referred to a committee in which the sponsor serves on.¹⁹ Table 3.4 presents results for a logistic regression of a multivariate model predicting whether a bill will be repeated.

¹⁹ Committee referral occurs after a bill is introduced and is therefore usually not included in studies of bill sponsorship.

Table 3.4
Bill Maximum Repeats with Committee Referral

	Model One	
	Estimate	Z Value
Seniority	-0.00 (0.00)	-1.08
Majority	0.03* (0.02)	1.67
Divided Government	-0.32*** (0.02)	-14.37
Committee Chair	-0.08** (0.04)	-1.97
Referral Committee	-0.23*** (0.02)	-11.34
Minor Bill	-0.27*** (0.03)	-8.44
Important Bill	-0.55*** (0.06)	-9.31
Message Bill	-1.65 (1.01)	-1.62
Ideology	0.81*** (0.05)	16.14
Woman Sponsor	0.10*** (0.03)	3.17
Latino Sponsor	0.11** (0.06)	2.04
Black Sponsor	-0.02 (0.04)	-0.60
Latina Sponsor	-0.18 (0.13)	-1.34
Black Woman Sponsor	0.30*** (0.08)	3.63
Constant	-1.54*** (0.03)	-47.87
N	74,901	

Notes. Logistic regression, standard errors in parenthesis.

*p<.1, **p<.05, ***p<.01

As expected, bills that are referred to a committee where the sponsor is a member are significantly less likely to be repeated. Moreover, the variable identifying the number of years served in the U.S. House retains its direction, but loses its significance. This suggests that seniority is significant only as a proxy variable for legislative skill and institutional prestige. When controlling for variables that capture skilled behavior, such as the ability to direct legislation to the committee on which you serve, the raw number of years you have served in Congress becomes less important in predicting whether or not you will recycle a bill. As explained by Davidson, Oleszek, Lee, and Schickler (2017) tenure in Congress “pulls members toward greater legislative specialization: members settle into the committee slots, cultivate expertise in a distinct policy field, and spend their time managing legislation and conduct oversight in that field”.

Seniority and committee chairmanship are also correlated, as it is exceptionally rare for junior members of Congress to obtain a committee chair position. Taken in sum, we take this to mean that one of the skills, which members of Congress learn, is how to become a policy expert and strategically direct their bills to committees where they serve.²⁰ Members of Congress who become policy experts in the issues addressed by their committee assignments are less likely to have to repeatedly introduce their bills, and are more likely to achieve legislative success. Seniority has long been a stable predictor of legislative effectiveness; the addition of a legislative recycling variable has added some clarity to our understanding of how seniority advantages may function within the legislative process.

Discussion and Conclusion

Understanding the institutional, political, and personal characteristics that make some members of Congress (or some types of policy proposals) more likely to become law is a keystone in our ability to evaluate the U.S. Congress as representative body and a

²⁰ As explained by Talbert and Potoski (2002), “strategic policy entrepreneurs” can craft legislation emphasizing a more parsimonious or less controversial issue dimension. Talbert and Potoski (2002), suggest, “a bill to reduce agriculture subsidies may fare better if packaged as a “deficit reduction” issue (and sent to the appropriate committee) rather than an “agriculture” issue; members of agriculture committees would very likely use gatekeeping authority to keep such an issue from reaching the floor” (p.889).

lawmaking institution. In this study, I find evidence that findings of greater effectiveness among more senior members of Congress in previous research may likely be due their ability to introduce and pass singleton bills. I find support of the “learning hypothesis” as a member of Congress’s second year in the House is their most successful year for passing a bill through the House and into public law.

I also find that more senior members of Congress may be more successful than their more junior colleagues at sponsoring bills that are directed to the committees on which they hold membership, thereby increasing their likelihood of advancing on the congressional agenda. This may be due in part to increased knowledge or skill in carefully crafting a bill to land in a specific committee, or a sign of policy expertise wherein a member of Congress holds membership on a committee where they have substantive policy expertise in the subject matter of committee business.

Moreover, some policy areas are less likely to have high rates of recycling, while others appear to be mired with gridlock, exhibiting high rates of bill repetition. Civil rights and liberties, law, crime and family, social welfare, labor, macroeconomics, and health bills have the highest rates of recycling, while defense, public lands and water, energy, agriculture, transportation, and foreign trade have lower rates of recycling. If recycling is to be understood as either an indicator or predictor of policy gridlock, there is reason to suspect that as an institution, Congress may be more receptive to some policy proposals than others. The findings of this study have both empirical and normative implications. If we have learned anything here, it is that the study of legislative recycling provides a promising vantage point from which we may review classic questions of the discipline. Of particular importance to this research project is the finding that despite increased success in the introduction and passage of singleton bills in the later years of their careers, members of Congress continue to recycle bills throughout their time in Congress. Why a member would continue to introduce a bill time after time, when they have clearly learned how to get other bills passed, is an important question for future research.

In concluding, I shall focus on three main points. First, it is my assessment that the study of legislative recycling adds additional depth and rigor to the study of the legislative process. We know that over time, many members of Congress regularly

introduce bills bearing the same title, and that these bills are less likely to pass. By comparing repeated bills to those that appear to be novel bills, we have uncovered some potential explanations for understanding how familiarity with the “norms and folkways” of Congress operate within the advantages associated with seniority. This is a useful contribution, and provides a natural departure point for future research into the mechanisms of seniority advantage in the legislative process. Second, we are left to grapple with some normative implications. What does it tell us about the health of representative policymaking to learn that some policy areas are more likely to be recycled than others? What do differences in the repetition of policy proposals over time tell us about the health of Congress as a democratic policymaking institution? What does it mean for political incorporation and descriptive representation to find that women members of Congress, and especially Black women are more likely to repeatedly introduce their bills? These normative questions merit further attention, and indicate a serious need for congressional research to continue to dive into questions of policy marginalization within the institution.

Third, my empirical critique of the study of the legislative process, and the supporting evidence in chapters 2 and 3 demonstrate the enormous task ahead. We have only yet begun to scratch the surface, and much remains to be done to bring the study of legislative effectiveness into harmony with the “textbook rule” breaking policy process so often observed on Capitol Hill. The research presented here is but a first step in measuring and modeling the repetition of policy proposals over time, and attempting to understand how time and effort influence the policy process. There are several natural expansions to this work, the first of which is to expand our ability to identify repeated bills to policy proposals that are textually similar, but bear different titles. The example of Representative Roybal-Allard’s “Security and Financial Empowerment Act” remains a potent example of the need to find ways in which to link bills beyond their title identifiers. Despite relying the restrictive approach of identical bill titles by single sponsors, here, results regarding the effects of legislative recycling are consistently robust and significant.

In addition to improving the measurement of legislative recycling, consistent significant and negative results for recycling variables indicate a need for studies to more

thoroughly explore the logic and mechanisms of recycling. Understanding the goals, purpose, and motivations for the repeated introduction of bills in Congress is a necessary step to properly understanding and evaluating the behavior of members of Congress. As such, students of Congress must approach the study of the legislative process with even more zeal and creativity. Only by doing so, can we gain a fuller understanding of how policy is made in Congress, and better capture the incredibly complex process by which things get done in Washington.

CHAPTER FOUR
**ALLIED LAWMAKING:
15 YEARS OF HEALTH EQUITY POLICY**

No one would accuse Capitol Hill of functioning like a Swiss watch. But with clock-like regularity, the African American, Hispanic American, and Asian American lawmakers of the Congressional Tri-Caucus have introduced the Health Equity and Accountability Act (HEAA) to every new Congress since 2007. And then, just as dependably, the bill dies in committee.

(Lyon, 2016, p. 2348).

The Health Equity and Accountability Act, or HEAA, is a landmark health equity bill developed by a collaborative effort of members of the Congressional Black Caucus (CBC), Congressional Hispanic Caucus (CHC), and Congressional Asian Pacific American Caucus (CAPAC), the sum of which is often called the Congressional Tri-Caucus. Since its initial introduction in 2003, as the Healthcare Equality and Accountability Act, there have been eight House iterations of this bill, all introduced by a member of CAPAC, CBC, or the CHC on behalf of the Tri-Caucus as a whole. The bill proposes major reforms aimed at eliminating racial and ethnic disparities in health and health care. The bill is also supported by a “community working group” comprised of a broad array of health equity advocates, scholars, researchers, health care provider groups and associations, professional groups, and organizations representing communities of color (APIAHF, 2018). While the bill has never received serious consideration in Congress, the Tri-Caucus and the HEAA community working group (CWG) remain committed to continuing the tradition of introducing HEAA in Congress

Despite several sources, (including the quote by Mr. Lyons above), who state that HEAA has been introduced in every Congress since 2007, HEAA’s first introduction can be traced back to 2003.¹ Representative Elijah Cummings first introduced the Healthcare Equality and Accountability Act on November 6th, 2003. That same day, Senator Tom Daschle of South Dakota introduced a companion bill in the United States Senate. Two years later, Representative Mike Honda reintroduced the Healthcare Equality and

¹ For other sources that erroneously cite 2007 as the first iteration of HEAA see (APIAHF, 2018; CAPAC, 2016; B. Lee, 2018; Mendoza, 2018)

Accountability Act in the 109th Congress. In 2007, during the 110th Congress, Representative Hilda Solis introduced the bill under an updated title, “The Health Equity and Accountability Act” (H.R. 3014). Since 2007, the Health Equity and Accountability Act has been introduced five times, appearing once in each Congress beginning with the 110th.

Table 4.1
The Health Equity and Accountability Act: U.S. House Introductions

Year	Congress	H.R.	Sponsor	Caucus
2003	108	3459	Elijah Cummings	CBC
2005	109	3561	Michael Honda	CAPAC
2007	110	3014	Hilda Solis	CHC
2009	111	3090	Donna Christensen	CBC
2011	112	2954	Barbara Lee	CAPAC
2014	113	5294	Lucille Roybal-Allard	CHC
2016	114	5475	Robin Kelly	CBC
2018	115	5942	Barbara Lee	CAPAC

In Chapters 2 and 3 of this analysis, I explored legislative recycling through a quantitative lens, observing trends in the repetition of bill titles by single sponsors and unveiling how the repetition of bills over time affects the legislative process and a member of Congress’s chances of achieving legislative success. Across the committee, chamber, and public law level, variables identifying recycled bills are negatively associated with bill success. In other words, Chapter 2 found evidence that bills that share a title with a previously introduced bill are less likely to advance on the congressional agenda. In chapter 3, I explored legislative recycling in greater depth, finding that certain policy topic areas, such as health related bills, are more likely to be recycled than others, and that greater effectiveness for more senior members of Congress may be the result of their ability to write and pass bills on their first try during the later years of their career.

Despite the slim prospects for advancement and passage, many members of Congress continue to reintroduce bills throughout their congressional careers. In an

effort to widen our scope of understanding of legislative recycling, this chapter turns focus to a legislative case study of the Health Equity and Accountability Act, taking a specific piece of legislation and tracing its history in Congress, and the circumstances surrounding its reintroduction. In doing so, I aim to better understand the logic, motivations, and process behind the recycling of the Health Equity and Accountability Act. I first learned of the Health Equity and Accountability Act, while working as a Legislative Fellow in the House of Representatives. In the 113th Congress (2013-2015) I had the privilege of working for Representative Lucille Roybal-Allard, who was chairing the CHC's Health Taskforce at the time. In the 113th Congress, HEAA rotated back to the Congressional Hispanic Caucus after being introduced by Representative Barbara Lee in the 112th. Over the course of the next two years, I would witness as legislative tradition unlike anything I had ever read, heard, or observed.

A case study on the Health Accountability Act serves several purposes. First, a case study on such an unusual bill permits us to learn from an extreme, studying the margins to advance an understanding of legislative recycling that extends beyond the strict sponsor based limitations of the first two chapters. Second, as a bill written, introduced, and promoted as a Tri-Caucus initiative, HEAA provides a platform for better understanding legislative recycling as it pertains to minority members and policymaking in Congress.² Finally, as a bill with a 15-year history in Congress, HEAA presents an opportunity to carefully review the logic behind legislative recycling and bill introduction. In combination with Chapters 2 and 3, the addition of a HEAA case study should contribute to a broader understanding of the representative and policymaking consequences of bill repetition in the United States Congress. To accomplish this, I combine archival research with a series of key informant interviews aimed at better understanding how a bill like HEAA comes to be, why members of Congress continue to introduce it, and how the reintroduction of the bill helps them accomplish their representative and/or policymaking goals.

² Additionally, having completed most of my graduate education with the support of the Robert Wood Johnson Foundation Center for Health Policy at UNM, health equity is a policy area of personal and substantive interest to me. Having served as a fellow in the office of Roybal-Allard during which she introduced HEAA, also provided me with a strong foundation of which to build a case study on.

I begin with a review of research relating to congressional behavior and bill sponsorship in order to situate the legislative case study within existing scholarship. Then I move on to the genesis of the Health Equity and Accountability Act, tracing the roles of congressional caucuses, and previous federal actions on the creation of the 2003 Healthcare Equality and Accountability Act, and subsequent iterations of the bill. I then follow subsequent iterations of the 2003 bill, documenting any major changes, adaptations, or events in order to build a comprehensive history of the bill in Congress. Where appropriate, I present common themes from the key informant interviews within the historical context of HEAA. Finally, I turn to results from the key informant interviews for a summary discussion on the purpose, goals, and outcomes of HEAA.

Why Do Members Write Bills?

The vast majority of legislative behavior is defined and explained within the context of the “big three” factors established by W. E. Miller and Stokes (1963) and reiterated into Fenno’s (1973) tripod of member goals: members of Congress wish to be reelected, want to obtain influence, power, and status within the institution, and want to make good public policy. Within congressional scholarship, in particular, there is substantial agreement that passing policy is not only one of legislators’ three goals (R. Fenno, 1973) but a key component to their reelection (Mayhew, 1974) and one of the primary responsibilities of a member of Congress (Frantzich, 1979). However, as demonstrated in Chapters 2 and 3, the chances of passing a bill remain slim at best. In recent Congresses only about 5% of bills introduced become law (Braun, 2013). The dismal success rate seems to suggest that on average, bill sponsorship is either the pipe dream of otherwise rational members of Congress, or members of Congress have motivations beyond “making good public policy” that drive them to invest the time and resources necessary to develop legislation for introduction or reintroduction.

The development, writing, and subsequent introduction of legislation is widely understood to be one of the most time consuming and resource intensive endeavors, requiring major effort of behalf of both the member and their staff. Because a MC’s time is their scarcest commodity (E. S. Adler & Wilkerson, 2012; M. Bauer & Hibbing, 1989; R. L. Hall, 1992; R. L. Hall & Wayman, 1990), the decision to expend this precious

resource drafting legislation cues that bill sponsorship is of value to the legislator. A survey of House members conducted by the Congressional Management Foundation and the Society for Human Resource Management, found that while Congress is in session, members generally work about 70 hours a week and 35% of that time is spent on legislative or policy work.³

Throughout congressional research, it is widely understood that translating bills to public law is both a major goal and a major responsibility for members of Congress. As Anderson et al. (2003) put it, “the passage of a member’s legislative proposals is one of their primary goals”. Frantzich (1979) makes a similar point: “[members] would prefer to have more rather than less legislation bearing their name”. Despite agreement among scholars that a major goal for members of Congress is to author, introduce, and pass legislation, relatively little is understood as to why members of Congress devote so many resources to sponsorship when the odds of succeeding in passage are so clearly stacked against them. Legislative recycling further complicates this question: given a bill’s failure in a previous Congress, why would a member choose to reintroduce it in a later Congress?

Research on bill sponsorship and legislative success have indicated that, outside of “making good public policy”, bill sponsorship and the elusive legislative success, serve a number of purposes. Legislative success is valuable to members of Congress for reasons such as credit claiming (Mayhew, 1974), making good public policy (R. Fenno, 1973), demonstrating institutional power (Dodd, 1977), and attracting campaign support from interest groups (Box-Steffensmeier & Grant, 1999). On the bill sponsorship side, members can sponsor bills to curry favor with constituents or interest groups, establish themselves as policy experts, or to preemptively prepare for more favorable political conditions. In regards to position taking, free of the constraints of roll call voting, members can sponsor bills to establish their positions on issues which may not reach the floor for a vote (Mayhew, 1974; Rocca & Gordon, 2010; Schiller, 1995). For example, as illustrated in Swers (2002),

³ Legislative and policy work is defined as “such as developing, drafting and promoting legislation, studying public policy, preparing and attending committee hearings, meeting with staff, and speaking with other Members about legislative initiatives”. Other areas of work include constituent services (17%), campaign work (17%), press & media relations (9%), family time (9%), administrative & managerial work (7%), and personal time (6%)(CRM, 2013).

a member may sponsor a bill to draw attention to an issue, or to shore up the support of relevant interest groups. For example, a Republican subcommittee staffer explained that one congressman sponsors a human life amendment in every Congress even though he does not expect it to go anywhere. He continuously introduces this bill to draw attention to the pro-life position and to tell interested groups that ideally, this is what he would do if he had the support in Congress (33).

In other words, position taking through bill sponsorship, allows Members of Congress to formulate personal policy identities that are strategically aimed to curry favor with specific constituencies.

In addition to position taking, bill sponsorship, allows a member to establish themselves as policy expert (Schiller, 1995, 2006; M. L. Swers, 2002). For example, as illustrated in Swers (2002):

A staffer to a congresswoman who sponsored several bills to expand family and medical leave maintained that the congresswoman knows that these bills will not go anywhere while the Republicans control the majority. However, if the Democrats regain control, she will already have bill on it so she will be seen as an expert and will be able to be a leader, a player on the issue (Swers, 2002, p.33).

Consequently, it's not only possible, but likely that members of Congress who ultimately hope to translate their bills into policy understand that the political climate may be untenable, but introduce legislation to help them prepare for move favorable policy environments or for other purposes. As the agenda setting literature suggests, gradual development in the policy stream... is one of the reasons that entrepreneurs must work on their proposals over a long period of time, and not simply invent them instantaneously. When the window opens, it is too late to work up proposals from scratch; proposals must be ready long before that" (Kingdon, 1995, p. 227).

Bill sponsorship can therefore, also be understand as a policymaking strategy observed in a given Congress, but intended for an outcome in another. If a member of Congress is to seize a more favorable moment, they will need to be prepared.

The Health Equity and Accountability Act provides several conditions for the exploration of these concepts. Despite having a 2% chance of enactment in the 115th Congress (GovTrack, 2018), the Tri-Caucus not only chose to reintroduce HEAA, but

continues to plan future introductions.⁴ In the particular case of HEAA, it is clear there are motivations beyond introducing the bill for the purpose of legislative success. In particular, the rotation of HEAA through various caucuses and sponsors is a substantial departure from the credit claiming perspective of bill sponsorship, and established explanations for bill authorship and introduction. If sponsors lose the credit claiming and position taking benefits of sponsoring the bill in the following Congress, why are they willing to undertake the responsibility of reintroducing HEAA in any Congress? By tracing the origins of the Tri-Caucus, and legislation on health equity leading up to the creation of HEAA, this chapter explores the genesis, logic, and goals of a recycled policy proposal.

A Brief History of the Tri-Caucus

In recent decades, the U.S. Congress has become increasingly diverse with the election of both more women and more elected officials from a wide variety of racial and ethnic backgrounds (Hutchings & Valentino, 2004; G. Levy, 2017). In the 97th Congress (1981) approximately 6% of members were non-white; by the 107th Congress (2001), minorities accounted for 12% of all members (Bialik & Krogstad, 2017). The current 115th Congress is the most racially and ethnically diverse Congress in all of U.S. history, and retains the same number of women as the 114th Congress- a total of 104 women (Bialik & Krogstad, 2017; Dittmar, Sanbonmatsu, Carroll, Walsh, & Wineinger, 2017). Out of the 84 women serving in Congress, 34, or about 40 percent, are also women of color.⁵ Put another way, while women make up 19% of voting members of the House of Representatives, women make up much more sizable numbers within the subset of Representatives that belong to racial or ethnic social identity groups.

In 2017, there are 46 Black Representatives in the U.S. House, 18 or 41% of which are Black women. The 115th Congress has 13 Asian/Pacific Islander American

⁴ In a September 2018 HEAA CWG listserv email, the current CWG coordinators indicated that the bill would rotate thru the CHC in the following Congress.

⁵ “Of color” or “non-white” refers to individuals who are of African-American, Latino/Hispanic, Asian Pacific Islander, and/or of Indigenous ancestry. During the 115th Congress, the U.S. House membership included 84 women and 5 delegates, of which 34 are also Black, Latina, or Asian Pacific Islander, as well as 4 delegates who are Black, Latina, Asian Pacific Islander and Caribbean American, respectively (CAWP, 2017; CRS, 2018).

Members, 54% of which are also API women. A record number of 40 Hispanic/Latin@s hold membership in the 115th, 9 of whom (23%) are women. Across non-white racial and ethnic groups, women make up much larger presences than the aggregate number of women within the chamber. The gender and racial composition of Congress holds several implications for the study of Congress. Congress is both a policymaking and representative institution, which logically requires members of Congress to be responsive to the needs of the American polity. A central component of understanding this relationship is the concept of substantive representation, or the extent to which an elected official is “acting in the interest of the represented in a manner responsible to them” (Pitkin, 1972).

Members of Congress have a number of ways in which to achieve substantive representation, such as by producing *policy* congruent with the needs of their constituency, providing *services* (often called casework), *allocative* responsiveness where members direct funds and resources to their constituency, and a final component, symbolic representation, involves efforts on behalf of the elected official to build trust and support between themselves and their constituency (Eulau & Karps, 1977).⁶ In congressional research, a growing literature has demonstrated important behavioral differences between representatives of differing social identity groups. Namely that elected officials who are non-white or in the case of gender, those who are women, behave differently than their peers.⁷ In reviewing and evaluating the Health Equity and Accountability Act, a bill focused exclusively on the health needs of marginalized populations, written and supported by group of non-white members of Congress, many of whom are women, it is important to situate our discussion within the specific behavior and goals of the Tri-Caucus.

⁶ Representation is a normative concept that conveys a variety of meanings and criteria for evaluation. Scholarly understandings and definitions of what constitutes “normatively good representation” are expansive, overlapping and complicated, capturing a variety of values, norms, and manifestations such as dyadic (Mansbridge, 2003; Weissberg, 1978), collective (Fiorina, 1980; Weissberg, 1978), gyroscopic, anticipatory, retrospective (Mansbridge, 2003; Rehfeld, 2009) and substantive, descriptive, and symbolic representation (Mansbridge, 1999; Phillips, 1995; Pitkin, 1972).

⁷ For a snapshot of this research, I suggest (Canon, 1999; Fraga, Martinez-Ebers, Lopez, & Ramierz, 2008; Kerr & Miller, 1997; Minta, 2011; Minta & Sinclair-Chapman, 2013; M. L. Swers, 2005; S. Thomas, 1991; S. Thomas & Welch, 1991; Whitby, 2000; W. C. Wilson, 2010).

Congressional Member Organizations

Members of Congress have long gathered and organized to promote mutual interests (Matthew E. Glassman & Dilger, 2015; Hammond, 1998). From coalitions formed in member boarding houses when Congress first convened in Washington D.C., to informal groups advocating for a declaration of war against Great Britain in 1812, and into the modern caucus system, congressional history is full of examples of members of Congress organizing outside of the formal committee and political party systems (Caldwell, 1989; Matthew E. Glassman & Dilger, 2015). These groups have been identified with a number of monikers: study groups, caucuses, conferences, legislative service organizations, and the all encompassing “congressional member organization” or CMO.⁸ The term caucus is often defined as a voluntary association composed of members of Congress, which do not have recognition in chamber rules or line item appropriations (Hammond, 1998; Hammond, Mulhollan, & Stevens, 1985).⁹

CMOs have links to, but operate outside of, the two most prominent institutional features of Congress’s formal structure: the committee and party systems (Hammond, 1998). As a result, caucuses find themselves balanced between formal and informal processes. Congressional caucuses are informal in the sense that they have no recognition in chamber rules, and unlike the committee and party system, membership is entirely voluntary. On the other hand, caucuses are formalized in that they have identifiable structures, leadership systems, operating rules, and though often limited, many have additional resources. For additional details on the different types of congressional caucuses and the origins and development of CMOS’s, please see Appendix D.

Over the years, congressional caucuses have demonstrated the ability to exercise significant pressure on the policy process through both legislative and non-legislative

⁸ For the purpose of this study, caucus and congressional member organization, are used interchangeably.

⁹ Before the 104th Congress, the terms congressional Member organization, informal group and congressional caucus were all used to refer to informal Member organizations. Informal group was the most common term until the early 1980’s when the institutionalized nature of some groups and the subsequent regulation of those recognized as Legislative Service Organizations (LSOs) by the House Administration Committee, increased the use of the term congressional caucus. In the late 1980’s congressional Member organization had surpassed caucus to distinguish unofficial groups from official party caucuses. In the mid 90’s the House Oversight Committee began registering congressional Member organizations, which lead to congressional Member organization being used to identify groups registered and informal Member organization used to identify groups that are not registered.

mechanisms (Burgin, 2003; Hammond, 1998; Hammond et al., 1985). Caucuses are influential in their ability to employ legislative mechanisms such as the development and introduction of legislation, and supporting or opposing legislation taken up for a vote, and non-legislative mechanisms such as hosting policy briefings and informational meetings, providing testimony, floor statements, letters to administration officials or congressional leaders, and informal advice to executive officials and other organizations (Burgin, 2003). Caucuses serve a variety of purposes including representation, information exchange and policy expertise, coalition building, and policy development (Hammond et al., 1985). Unlike the formal party and committee system, caucuses have strategic flexibility permitting them to influence policy at all levels of government and the private sector (Hammond et al., 1985).

Table 4.2
History of the Tri-Caucus

91 st Congress Democratic Select Committee Est. 1969	Congressman Diggs proposed the DSC to foster the exchange of information among the nine African Americans serving in Congress, as well as between Black Representatives and House leadership. The informal group held meetings that were often social gatherings and had no independent staff or budgets
92 nd Congress Congressional Black Caucus Est. 1971	The 92 nd Congress opened with 13 members of the House. In February of 1972, the DSC met and accepted a recommendation put forth by Representative Clay to create a non-partisan, formal network for African American Members. Charles Rangel proposed the name “Congressional Black Caucus” which elected Diggs as its first chairman.
94 th Congress Congressional Hispanic Caucus Est. 1976	Established by five Hispanic Members of Congress-Herman Badillo (NY), Baltasar Corrada (PR), E. "Kika" de la Garza (TX), Henry B. Gonzalez (TX), and Edward Roybal (CA) in 1976, the Caucus was originally formed to serve as a legislative service organization through which legislative action, as well as executive and judicial actions, could be monitored to ensure the needs of Hispanics were being met (CHCI, 2015).
104 th Congress Congressional Asian Pacific American Caucus Est. 1994	Founded on May 16, 1994, by Congressman Norman Mineta, CAPAC is a bicameral caucus which works to promote Asian American and Pacific Islander (API) issues and advocates the concerns of Asian Americans and Pacific Islanders. The caucus generally includes members of East Asian, Southeast Asian, South Asian or Pacific Islander descent, as well as non-Asian members with large populations of Asian Americans and Pacific Islanders in their district (CAPAC).

House Minority Caucuses: the CBC, CHC, and CAPAC

The Congressional Black Caucus, or CBC was the first congressional caucus organized around a racial identity group. In 1969, the ten Black members of the House began informally gathering as the “Democratic Select Committee” to exchange information and coordinate with House leadership (Committee on House Administration, 2008). In 1971, the House of Representatives opened the 92nd Congress with 13 Black Representatives and the need for a formalized network grew more urgent. The Democratic Select Committee was discontinued, and the Congressional Black Caucus was founded to create a nonpartisan group for black legislators to “seize the moment, to fight for justice, to raise issues too long ignored and too little debated” (Clay, 1992). In doing so, the Congressional Black Caucus took on the task of acting as the representative voice for African Americans across the nation (Barnett, 1975; Clay, 1992, p. 116; Henry, 1977; J. B. Johnson & Secret, 1996).

The Congressional Black Caucus underwent its formative years during the Nixon Administration’s “politics of benign neglect”, reflecting a national political climate adjusting to the civil rights reforms of the fifties and sixties, characterized by thinly veiled anti-Black backlash, which resulted in the CBC struggling to find effective approaches to achieving its policy goals (Barnett, 1975; Ruffins, 1990). At its inception, the CBC faced several challenges: as a racially based caucus, the CBC had a small membership, and that small membership consisted of several junior members of Congress. The CBC membership included several newly elected Representatives who lacked the seniority, prestige and knowledge to effectively influence the congressional agenda and policy process (Barnett, 1975; A. B. Levy & Stoudinger, 1978). By the 94th Congress (1975), the CBC had succeeded in pressuring the Democratic party to improve committee assignments for CBC members, thus providing the CBC with more institutional clout and bargaining ability.

As the CBC gained its footing in the 94th Congress, five Hispanic members of Congress moved to create a Congressional Hispanic Caucus under similar auspices of the CBC: a caucus devoted to tackling issues of common concern to the Hispanic community. The CHC, however, faced an additional obstacle: the diversity of Hispanic members of Congress. The caucus was open to both Republicans and Democrats, and

competing regional interests often forced the caucus to focus on information sharing and communications rather than legislative priorities (Wasniewski, Kowalewski, O'Hara, & Rucker, 2014; W. C. Wilson, 2017). Much like the CBC, in the early years of its operation, the CHC struggled to advance its policy agenda in the Republican controlled Congresses. The CHC, however was successful in achieving some legislative non-decisions, blocking unfriendly legislation and formalizing an organized CHC coalition across a variety of issues (W. C. Wilson, 2017, pp. 75-79).

Since the late 1970's, Congress has slowly grown more diverse, and as membership in the CBC and CHC expanded, some growing pains have subsided. Both caucuses now have a number of senior members with powerful committee positions, and the caucuses have formalized structures and clear policy agendas. Established in 1994, the Congressional Asian Pacific Islander Caucus is the youngest of the social identity caucuses. CAPAC, unlike the CBC and CHC, has always been a bicameral organization comprised of both Senators and Representatives (Dawes, 2015, pp. 43-44). CAPAC is also the only one to admit members who are not personally of Asian Pacific Islander (API) descent, allowing members who have large API populations within their district to join as associate members (Fuchs, 2017).¹⁰

Coming Together: The Congressional Tri-Caucus

The CBC and later the CHC and CAPAC's mission statements all echo the concept of *surrogate representation* where a representative addresses the needs of a group outside of their electoral constituency (Mansbridge, 2003; Schildkraut, 2016). Or as Representative Stokes, the founding chair of the CBC's Health Braintrust, has said, "in addition to representing our individual districts, we had to assume the onerous burden of acting as congressman-at-large- for underrepresented people around America (N. Miller, 1970; Pinn & Laurencin, 2015; Singh, 1998). Representative Stokes also expressed this sentiment on the specific issue of minority health. As the only African American (for some 24 years) serving on a subcommittee where NIH officials regularly gave testimony, Stokes has said, "oftentimes when the heads of the various institutes at NIH would come before that subcommittee, I deemed it my responsibility to ask them pertinent questions

¹⁰ This is possibly due to the small number of API members of Congress.

relative to the state of health of African Americans and other minorities” (Ruffin, 2015, p. 22).¹¹ Similarly, a member of the CHC explains that though they first prioritized the needs of their district, they also saw a constituency beyond their district, “I do not represent Hispanics only in my district. I represent all my people” (J. B. Johnson & Secret, 1996). In a similar vein, CAPAC chair for seven years, Mike Honda explained that, “since 1994, CAPAC has been addressing the needs of the AAPI community in all areas of American life” (Honda, 2011).

The CBC, CHC, and CAPAC all fall under the category of what congressional scholars call “national constituency caucuses” who “perceive themselves as representing groups nationwide” (Hammond, 1998). As national constituency caucuses dedicated to issues addressing the needs of historically marginalized and underserved populations, it is of little surprise that the three minority caucuses found common ground. If the CBC, CHC, and CAPAC were individually formed to address the needs of their communities and to increase the visibility of these needs in Congress, it only logically follows, that in a chamber where you need 218 votes to pass a bill, the three minority caucuses found that in some circumstances, their communities were better served by acting as one.

The Congressional Tri-Caucus refers to a unification of the three major social identity caucuses in the U.S. Congress: the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus. Memberships in these caucuses are not without occasional controversy. For example, the CBC recently grappled with whether to admit Adriano Espaillat, who is Afro-Latino into the CBC (Caygle, 2017; Joseph, 2017; Vargas, 2017). In the current 115th Congress, Representative Espaillat is member of the CHC, but does not appear to have succeeded in his expressed goal of also joining the CBC.¹² At the same time, the CHC has struggled in determining whether to admit Republicans back into the CHC after Republican members

¹¹ For an in depth look at Representative Stokes’s career and his personal approach to representation, please see Chapter Two in *Going Home: Black Representatives and Their Constituents* R. F. Fenno (2003).

¹² As an Afro-Latino, Congressman Espaillat is both Black and Latino. Espaillat was born in the Dominican Republic, but moved to New York City with his family at an early age. Espaillat was also an undocumented immigrant, but later obtained a legal permanent status and became a naturalized citizen of the United States (Thompson, 2017). While Congressman Espaillat is not currently a member of the CBC, Mia Love, a Republican from Utah who had previously stated, “I would join the Congressional Black Caucus and try to take that thing apart from the inside out. It’s demagoguery.” is currently listed as a member (Henderson, 2015; Ross, 2015). Since the CBC was established, a total of eight Black Republicans have served in Congress, of which only half elected to join the CBC (King, 2017).

of the CHC resigned from the caucus over policy differences in the 1990's (Bernal, 2017; Cayble, 2017).

Despite quibbles regarding membership, the CHC, CBC, and CAPAC each retain a sphere of influence within the Democratic caucus and the Congress at large. When combined as the Congressional Tri-Caucus, they command a sizable voting block and wield considerable influence within and beyond the beltway. Formally organized in 2002, the Tri-Caucus was established to serve as “a collective caucus with the purpose of addressing issues of mutual concern” (E. B. Johnson, 2003). In 2002, there were 16 Hispanic Democrats, 5 API Democrats, and 35 Black democrats in the House (Ornstein, Mann, Malbin, Rugg, & Wakeman, 2014). In the current 115th Congress, there are a combined 88 Democrats in the House Tri-Caucus, and 6 members in the Senate (Ramirez, 2018). Key policy areas for the Tri-Caucus include immigration, health care, education, and economic development issues (E. B. Johnson, 2003). Since its creation 2002, the Congressional Tri-Caucus has coordinated in on a variety of issues and actions; one of which is the issue of racial and ethnic health disparities, which would take form in the introduction of the first comprehensive bill to redress health disparities, HEAA, in 2003.

Data and Methods

My principal goal in this chapter is to use the Health Equity and Accountability Act as a case study to expand understanding of the motivations, logic, goals, and outcomes of repeated bill introductions in Congress. As an information building exercise, I use a combination of archival research and key informant interviews to inform a case study on HEAA, and then situate the case study within results presented in the previous chapters of this dissertation. Although a case study on its own cannot produce probabilistic laws, case studies are useful for building cumulated knowledge and providing inference in complicated situations (Burgin, 2003; Russett, 1970).

In this chapter, I continue the practice of the previous two chapters: approaching the analysis from an exploratory perspective. *Why did the Tri-Caucus decide to develop and introduce HEAA? Why does the Tri-Caucus continue to reintroduce HEAA in untenable political climates? Has the reintroduction of HEAA made any impact on*

federal health policy? Why does HEAA rotate sponsors? This open-ended approach permits me to conduct the inquiry in a purely exploratory manner, allowing the data to direct the course of the analysis.

To accomplish this, the case study is built from data and results obtained through archival research and a series of key informant interviews. In combination, these two lines of information gathering are used to construct a comprehensive legislative case study on the Health Equity and Accountability Act. Before interviews were conducted, an extensive archival review of materials relating to the Tri-Caucus and HEAA was conducted. Records were requested from the Library of Congress, the Congressional Record, and member offices as well as from institutes or offices formally associated with the Tri-Caucus or HEAA working group. A timeline of events was then constructed to identify potential key informants for the study after which, participants were recruited to the study. A semi-structured interview approach was deemed the most appropriate for interviewing elites such as members of Congress, professional staff, and policy experts, as it permits the researcher to gather information on topics of interest while allowing the respondent the opportunity to introduce information that the researcher could not have anticipated (Berry, 2002; Harvey, 2011).¹³

Semi-structured interview approaches provide some continuity across different participants, but also permits the interviewer to build rapport and increase the likelihood of honest engagement, this is particularly important for interviews with elites who are often adverse to the “straitjacket” of close-ended questions (Aberbach & Rockman, 2002). Open-ended questions permit the participant to reveal meaning with a high degree of validity, as leading questions and forced responses are avoided (Peabody et al., 1990; Stephens, 2007). In the context of my research, the semi-structured interviews fits well

¹³ While scholars remain divided on what constitutes an “elite” most scholars agree that elites hold positions of relative power, authority, and decision-making capabilities. Zuckerman (1972) differentiates between elites and ‘ultra elites; explaining that while U.S. Senators as a whole are considered “elite”, within the membership of the U.S. Senate exists “a subset of particularly powerful or prestigious influential”, or the “ultra-elites” (60). Moreover, while the literature on the strengths and weaknesses of the semi-structured interview approach is broad, most scholars agree that semi-structured interviews provide the opportunity to gain an understanding of the values and experiences of the respondent in terms that are meaningful to them (Atkinson, 1990; Coffey & Atkinson, 1996; Denzin & Lincoln, 1994; Hammersley & Atkinson, 1995; Stephens, 2007; Warren, 2002).

with the subject of the study, the range of participants, and goals of the study at large.¹⁴ A series of open-ended questions was used to identify the major actors behind the creation of the bill, with an emphasis in attempting to trace the development of the Congressional Tri-Caucus's involvement on the issue of health disparities. Specifically, questions are designed to determine at what point HEAA was created, and the reasons behind the bill's rotation through the caucuses, and introduction by other sponsors. A sample of the study recruitment materials and interview protocols are made available in Appendix E.

Key informant interviews began with two initial participants who were very involved in congressional health disparity policy over the past two decades. Purposive and referral sampling was then used to identify interview candidates with varied perspectives and areas of knowledge in the topic of study. Referral sampling, or "snowball technique" was successful in recruiting an additional eight participants with perspectives important for the research to the study. Snowballing technique helps identify participants from people familiar with the area of study who can identify other individuals who have knowledge of the research topic (Beamer, 2002). In addition to the ten key informant interviews, a number of additional individuals agreed to speak briefly or offered to submit written comments on the subject.

In an effort to procure data of the highest quality, interviews were recorded and transcribed. Once a saturation point was reached, identified by the point at which interviews did not reliably produce new information, recruitment to the study was discontinued. To analyze the interviews, I used inductive coding techniques to identify key themes and construct narratives providing insights into the logic, goals, and successes or limitations of HEAA. Where useful, quotes from the key informant interviews are situated within the broader historical and archival research, producing a case study that is chronological and informative. An additional summary discussion of key themes from the interviews is presented at the close of the chapter.

¹⁴ The political science discipline has used interview methodology to study and understand elites for several decades. The first major forays into understanding legislative behavior Congress came from scholars such as Dexter (1969); R. Fenno (1973); R. F. Fenno (1978); R. L. Hall (1996); Huitt and Peabody (1969); Kingdon (1995); Matthews (1960) who all utilized elite interviews in their respective analyses. Indeed, as Berry (2002) points out, "for projects where depth, context, or the historical record is at the heart of data collection, elite interviewing using broad, open-ended questioning might be the best choice".

Federal Health Disparities Policy: The Lead Up to HEAA

Decades of scholarship on agenda setting and issue framing have shown that social problems do not necessitate political action simply because they are social problems, or even well documented, scientifically supported, social problems (Baumgartner & Talbert, 1995; Benford & Snow, 2000; Cobb & Elder, 1972; Cohen, March, & Olsen, 1972; Elder & Cobb, 1983; Gamson, 1992; J. Hacker, 1996; Kingdon, 1995; Nelson, 1984; Northington Gamble & Stone, 2006; Schattschneider, 1960). Social problems such as income inequality or health disparities must be translated into viable political issues by policy entrepreneurs (e.g. community, political, religious, or intellectual leaders) or a social movement (Benford & Snow, 2000). Furthermore, these issues must be framed in ways that facilitate government intervention through existing systems such as legislation, taxation, regulation, or government services (Cohen et al., 1972; Linder & Peters, 1989; Parsons, 1995; Stone, 2006).

The term *health disparity* primarily refers to population-specific differences in health factors such as the prevalence of disease.¹⁵ Health disparities exist along the socioeconomic lines of education, income, and occupation, but also along social identity attributes such as sexual orientation, gender, race, and ethnicity (Kawachi, Daniels, & Robinson, 2005). For racial and ethnic minorities in the United States, health disparities take many forms, from higher incidence of preventable disease and premature death, to lower access to healthcare and lower quality of healthcare. In the United States, patterns of health disparity are evident for African Americans, American Indians, Native Hawaiians and other Asian Pacific Islanders, as well as economically disadvantaged Hispanics/Latin@s (Williams & Mohammed, 2013).

Patterns of health disparities are far from universal, with substantial variation between, and within, population groups. The causes of health and health care disparities are complex, and have only recently begun to be explored deeply (Bahls, 2011; Woolf,

¹⁵ “Disparity” technically refers to a difference or variation, and does not necessary imply an injustice. In the United States, the term “health disparity” however, is almost always used to refer to differences that exist across racial and ethnic population groups. Included in this definition, is the implication that such disparities are unjust and preventable. While “health disparity” is still used broadly within the health research, politics, and policy world, much of the conversation has evolved to use the broader term of “health equity” which is a “principle underlying a commitment to reduce- and ultimately, eliminate- disparities in health and in its determinants, including social determinants” (P. A. Braveman et al., 2011; Braverman, Arkin, Orleans, Proctor, & Plough, 2017).

2017). For example, while aggregate national infant mortality rates have decreased in recent years, disparities among racial and ethnic lines have persisted; for Indigenous and Black populations, infant mortality rates are staggering. Native Americans and Alaska Natives have an infant mortality rate that is 60 percent higher than white populations, and in 2013, African American mothers experienced the highest rates of infant mortality at 11.11 infant deaths per 1,000 births (National Academies of Sciences & Medicine, 2017).¹⁶

Struggling for Recognition

Racial and ethnic health disparities have been documented since the early 20th century. W.E.B. DuBois's 1906 publication of *The Health and Physique of the Negro American* utilized census report vital statistics and insurance records to document the poor health of African Americans as compared to white Americans. In doing so, DuBois challenged a number of previous assertions such as Frederick Hoffman's 1886 *Race Traits and Tendencies of the American Negro* which supported racial inferiority as the cause of health disparities (Northington Gamble & Stone, 2006). However, like most issues pertaining to racial and ethnic minority groups during the early 20th century, the documentation of identifiable health disparities was not received with any urgency on the part of government actors or the scientific community. As a result, African American scholars and community leaders assumed the responsibility for efforts to address health disparities by producing independent research and establishing their own institutions such as hospitals, medical schools, professional societies, and movements (Dawes, 2015; Northington Gamble & Stone, 2006).

In the decades preceding the civil rights movement, the federal government made few efforts to address the health needs of minority populations. For example, in 1930, the U.S. Public Health Service assumed operation of National Negro Health Week, a public health movement established and promoted by African American leaders (Northington Gamble & Stone, 2006). Shortly after taking over organizing responsibility

¹⁶ For a recent review of the status of health disparities in the United States see (National Academies of Sciences & Medicine, 2017). It is worth noting that health disparities exist in both health outcomes (the distribution and burden of disease and morbidity) as well as in health care such as access to and quality of care.

for Negro Health Week, the Public Health Service established the Office of Negro Health Work, marking the first time that Black health care issues were institutionalized within a federal bureaucracy (Smith, 1995). The passage of the 1964 Civil Rights Act and the 1965 Medicare and Medicaid Acts resulted in the desegregation of most U.S. hospitals, and the creation of two major government health care programs providing access to care for at-risk populations: Medicare serving the elderly, and Medicaid serving low-income populations.

Despite these advances, the specific issue of racial and ethnic differences in health outcomes remained unattended to by both presidential administrations and the U.S. Congress. Ten years later, Congress addressed the issue of health disparities in Native Americans by passing the 1976 Indian Health Care Improvement Act in response to research findings highlighting serious health status differences between Native Americans and the general population. The Indian Health Care Improvement Act marks the first time federal legislation was leveraged to redress health disparities. In the late 1970's, under the leadership of Senator Edward Kennedy, the first congressional hearing on minority health was held in the U.S Senate, and by the early 1980's, advocacy groups and policymakers succeeded in drawing Health and Human Services (HHS) Secretary Margaret Heckler's attention to the issue of health disparities (Dawes, 2015). In 1984, Secretary Heckler established a Task Force on Black and Minority Health, which led to the landmark 1985 *Report of the Secretary's Task Force on Black and Minority Health*, which documented vast differences in health outcomes between racial and ethnic minorities and white populations in the United States (Heckler, 1985; Kelly, 2015).

Gaining Traction: The Heckler Report and Congressional Action

The findings from the Heckler Report led to the creation of the Office of Minority Health (OMH) at HHS in 1986, which was tasked with developing health policies and programs to redress and eliminate health disparities (Northington Gamble & Stone, 2006). In 1990, the National Institutes of Health (NIH) followed by establishing the Office of Minority Programs to coordinate research and information dissemination regarding minority health (Ruffin, 2015). During this same year, Congress passed the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527). The

bill was introduced by Congressman Henry Waxman, with original cosponsors Representatives Bill Richardson, Edolphus Towns, Louis Stokes, and Norman Mineta.

Although CAPAC was still four years from being established, it is here that we see the beginnings of inter-ethnic and racial collaboration on the issue of health disparities. Bill Richardson was very active in the CHC, chairing the caucus from 1984–1985, while Congressman Stokes was a founding member of the CBC. Congressman Norman Mineta is Japanese-American and one of the founders of CAPAC.¹⁷ The law called for the amendment of the Public Health Service Act “to provide for an improvement in the health of members of minority groups”; the law also expanded the responsibilities of the OMH to address the underrepresentation of minorities in health professions (Bush, 1990; Dawes, 2015; Ruffin, 2015). By 1993, Congress was wholly absorbed with the issue of health care as Clinton’s health reform negotiations drew all congressional attention and activity. Health reform in the 103rd Congress was destined for failure, and along with it, any hopes of incorporating health equity policies into a comprehensive reform bill (Brady & Buckley, 1995; Brady & Kessler, 2010; Dawes, 2015; Hansen et al., 1996; Steinmo & Watts, 1995; Yankelovich, 1995).

Though a comprehensive health care bill had been abandoned, both Congress and the President remained active on minority health issues. In 2000, Congress passed the Minority Health and Health Disparities Research and Education Act (Public Law 106-525) to address racial and ethnic disparities in health. One of the primary achievements of the law was the elevation of NIH’s Office of Research on Minority Health into the National Center on Minority Health and Health Disparities (NCMHD), a national research center with a larger budget, scope, and range of health disparities research and programs. While it was the Senate bill introduced by Senator Edward Kennedy that ultimately became law, the House companion bill demonstrated all the signs of a HEAA prequel. The bill was introduced by Representative Bennie Thompson, a member of the CBC, and the bill had been developed in close collaboration with Robert Underwood, the chair of CAPAC, and Lucille Roybal-Allard, chair of the CHC during the 106th Congress

¹⁷ It is worth noting that this collaboration, between Stokes, Richardson, and Mineta, while ultimately successful, was strained at times. In discussions leading up to the Disadvantaged Minority Health Improvement Act, Richardson and Stokes were often at odds, with Mr. Richardson pressuring for a stand-alone Hispanic health parity bill. While Richardson eventually endorsed the larger bill, the collaboration on an inclusive minority health bill was not seamless. Please see Dawes (2015) pages 36-38 for more.

(Clinton, 2000; Dawes, 2015, p. 48). Included in this law was a mandate for a comprehensive report on health care disparities, which would be delivered to Congress two years later.

In 2002, the Institute of Medicine presented Congress its highly anticipated report on disparities in health care: *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care* (Smedley, Stith, & Nelson, 2003). The report drew nationwide attention to health disparities (Ruffin, 2015, p. 60) and propelled congressional action in the form of a Tri-Caucus health equity bill.¹⁸ Throughout the course of interviews, several respondents point to combined efforts on health equity as the catalyst for unifying CAPAC, CBC and the CHC into the Tri-Caucus. The following quote illustrates how disparate standards for population groups in the 2000 Healthy People initiative unified the three caucuses around a common cause, and eventually led to the introduction of the Healthcare Equality and Accountability Act in 2003.

The Tri-Caucus had actually not worked very closely together prior to 2000. It was interesting because it wasn't because there were differences or disagreements among them, but I think each caucus was still trying to find itself.... It wasn't until President Clinton, in the late '90's started looking at this issue of racial and ethnic health disparities- that there was a real push to aggressively address it, and to do so with the Healthy People 2010 initiative. Prior to that, in Healthy People 2000, and before, there was actually double standard. One standard for Blacks versus white, one standard for Hispanics versus whites, etc. And so, at that point, that's when folks at the Tri-Caucus said "ok, you know what, let's come together and let's work together to address this issue, this is not appropriate".... From there, CBC, CHC, CAPAC, took the lead. They got language in requiring the IOM to do the [Unequal Treatment] report, they got language in requiring the agency for healthcare research to do an annual disparities report, which they have been doing, for the last 13 years. After that, folks recognized that they really needed to develop a comprehensive solution to racial and ethnic healthcare disparities, and that's when you see in 2003, the start of HEAA (Interview).

From this, we learn that an interest in reforming how health disparities were addressed in Healthy People played a role in moving the three minority caucuses towards collaboration on legislation. After achieving some success in adapting language and goals in HHS's Healthy People program, members of the CBC, CHC, and CAPAC were motivated to develop and introduce a comprehensive health disparities bill.

¹⁸ For an expanded timeline of events leading up to this point, please see Appendix F.

HEAA 2003-2018: The Creation of a Tradition

In 2003, during a Congress controlled by Republicans in both the House and Senate, and with President George W. Bush in the White House, the Congressional Tri-Caucus introduced their comprehensive health policy initiative designed to reduce and eliminate health disparities in the United States. Dubbed the Healthcare Equality and Accountability Act, this 432-page bill marks the beginning of a now 15-year old Tri-Caucus tradition. Following some evolutions over the years, this Tri-Caucus health disparities bill has grown into an 800+ page proposal marked by regular introductions by rotating sponsors, a Tri-Caucus health disparities conference, and the formation of a HEAA congressional working group (CWG). In the following sections, I trace each iteration of HEAA, drawing from interviews and relevant documents in order to build a detailed historical record of HEAA in the United States Congress. Where appropriate, I construct narratives elaborating on common themes, and highlight insights into the logic of the HEAA approach.

The Early Years: HEAA 2003-2008

Upon the introduction of the 2003 Healthcare Equality and Accountability Act in the U.S. House of Representatives, Congresswoman Jackson Lee spoke on the floor to commemorate the event, and recognize individuals who worked on the development of the bill:

I rise today because I am very proud to be joining with my colleagues in the offering of the Health Care Equality and Accountability Act of 2003, I believe one of the singular legislative initiatives of this century. I congratulate the gentleman from Maryland (Mr. *Cummings*), chair of the Congressional Black Caucus; the gentlewoman from the Virgin Islands (Mrs. *Christensen*), chair of the Congressional Black Caucus Health Brain Trust; House Democratic leader *Nancy Pelosi*; Senate Democratic leader *Tom Daschle*; Senator *Edward Kennedy*; as well as leaders of the Congressional Hispanic Caucus, the gentleman from Texas (Mr. *Rodriguez*); Congressional Asian Pacific American Caucus; and the Native American Caucus. This has been a tremendous coming together recognizing the need for curing disparity in health care in America (S. J. Lee, 2003).

A few days later, on November 20th, during a special order organized by the CBC in opposition of the GOP's reform initiative, H.R. 1, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, members of the Tri-Caucus championed

the Healthcare Equality and Accountability Act as an alternative.¹⁹ Representatives Cummings, Jackson-Lee, Christensen, Owens, and Lee took the floor with specific mentions of the “Tri-Caucus” or H.R. 3495 in their statements (149 Cong. Rec, H11862-H11868, 2003). Representative Cummings argued,

Some have said that [the CBC] is the conscience of the Congress. I would submit that we have been the conscience of this nation. To this end, the Congressional Black Caucus, the Asian Pacific American Caucus, the Hispanic Caucus, and the Native American Caucus introduced the Healthcare Equality and Accountability Act of 2003. This comprehensive and ambitious legislation will improve the lives and livelihoods of all Americans and signifies a historic milestone towards providing equal access to affordable and quality health care (Cummings, 2003).

As the first iteration of HEAA, the Healthcare Equality and Accountability Act of 2003 is unique in several ways. First, the bill was developed with input and coordination from the CHC, CBC, and CAPAC along with the Native American Caucus, Senators Kennedy and Daschle (who introduced the Senate companion bill), and Democratic Party leadership including Nancy Pelosi. While Democratic leadership and the Native American Caucus was involved in the development of the bill, it was the CBC, CHC, and CAPAC who took on the majority of the work. Moreover, it was the close collaboration between the CBC, CHC, and CAPAC on health equity issues in the early 2000’s, from changing language and goals in the Healthy People program, to the passage of the 2000 Minority Health and Health Disparities Research and Education Act, and the development and introduction of the first HEAA in 2003, that solidified collaboration between the three caucuses and may have even led to the use of the “Tri-Caucus” name. As one former congressional staffer explained:

[Hilda Solis] was the one that came up with that. That's when they came up with this unifying name [Tri-Caucus] and it was agreed that, every caucus should have a leadership role [in HEAA] because it is not one caucus that dominates the Tri-Caucus (Interview).

¹⁹ Special orders are speeches that take place after the close of official legislative business. A special order is usually a 60 minute time allotment, permitting a MC or several MCs to deliver speeches on their topic of choice (Schneider, 2008).

The 108th Congress closed without action on H.R. 3495, but an important precedent was set, and the first major congressional effort to eliminate health disparities was codified in legislative text.

The Healthcare Equality and Accountability Act was reintroduced in 109th Congress as H.R. 3561 by CAPAC chair, Mike Honda on July 28th, 2005. Senator Akaka introduced a Senate companion bill a day later on July 29th. The 2005 bill is nearly identical in content to the 2003 version, with the only notable difference being a small expansion and renaming of title VIII to include the establishment of a Native American Health and Wellness Foundation.²⁰ The Tri-Caucus was once again joined by House Democratic Leader Nancy Pelosi and the Congressional Native American Caucus for bill introduction fanfare (LaPrensa, 2005). Despite these efforts, the bill, much like HEAA in 108th Congress, met a swift death in committee. The midterm elections, held in the final months of the 109th Congress, however, provided renewed hopes for the Tri-Caucus as Democrats seized the majority for the 110th Congress.

The 110th Congress brought a number of developments for the Tri-Caucus. Democratic leader, Nancy Pelosi, became Speaker of the House, and with this changing of the guard the Tri-Caucus seized new opportunities to promote health equity policy. HEAA was introduced by Representative Hilda Solis in the 110th Congress and assigned bill number H.R. 3014. In the lead up to introduction, Representative Solis, who had been involved in the development and introduction of both previous iterations of HEAA, said the following:

I am pleased to once again be working with my colleagues in the Congressional Black Caucus, the Hispanic Caucus, and the Congressional Asian Pacific Islander Caucus to develop a comprehensive tri-caucus health disparities bill. Our bill will address the importance of language access, health professions, training, data collection and health coverage for immigrants. Our colleagues in the Senate are also working on a disparities bill, and I hope that they too will pass legislation that will truly save the lives of millions of minorities. We must do more to better the health of our population, which includes all communities of color (Solis, 2007).

In the 110th Congress, the bill title is changed from “Healthcare Equality” to Health Equity” in an effort to “bring the title into line with developments in health disparities research, removing the focus on health care and to look at health disparities more from a

²⁰ For a comparison of HEAA bill length and major title headers, please see Appendix G.

social justice perspective” (Interview).²¹ The bill also received a heavy trim, dropping from ten titles in the 109th version, to a streamlined five titles in the 110th version.

On the Senate side, a more modest bipartisan bill took form as the Minority Health Improvement Act and Health Disparity Elimination Act (S.1576), which was introduced by Senators Edward Kennedy, Thad Cochran, Barack Obama, Richard Durbin, Hillary Clinton, Sherrod Brown, and Jeff Bingaman.²² At this point, we observe growing differences between House and Senate approaches for addressing health disparities. The 110th Congress was the first time that a HEAA Senate companion bill was not introduced, and the competition of Senator Kennedy’s bipartisan bill with Solis’s HEAA bill led to some sharply worded clashes between Representatives and Senators (Hughes, 2008). By the close of the 110th Congress, deep cleavages between the chambers would be visible with Senators favoring a “something is better than nothing approach” and the House based Tri-Caucus remaining steadfast in their commitment to a Tri-Caucus vetted, comprehensive bill (Dawes, 2015, p. 54).

In May of 2008, Representative Solis was campaigning within the House leadership for a hearing on HEAA (Solis, 2008). Solis’s efforts paid off with a hearing on H.R. 3014 before the House Energy and Commerce Subcommittee on Health the following month. The hearing on HEAA was the first congressional hearing on health disparities in over a decade (Bhattacharya, 2013). The hearing, however, came late in a presidential election year, and congressional activity waned as members of Congress became absorbed with their own primary elections and campaigns. With the election of Barack Obama to the presidency in November of 2008, the Congressional Tri-Caucus turned its focus towards the prospect of comprehensive health care reform in the upcoming 111th Congress.

²¹ For a discussion on the differences of equality and equity see (P. Braveman, 2006; Braverman et al., 2017).

²² It is worth noting that a bill bearing the same title was introduced by Senators Kennedy and Frist in the 109th Congress (S.1576). As a “bipartisan bill” the Senate legislation addressed health disparities in a more limited manner, though the bill was still considered a comprehensive approach (Hughes, 2008; M. Thomas, James, & Lillie-Blanton, 2007).

HEAA and Health Care Reform

The 111th Congress returned HEAA to the hands of the Congressional Black Caucus, where Delegate Donna Christensen, a former emergency room doctor was leading the CBC's Health Braintrust. With all of Congress focused on brokering the passage of comprehensive healthcare reform, the Tri-Caucus seized an opportunity to incorporate elements of HEAA into the comprehensive reform bill. As one Tri-Caucus member puts it,

We had to get on board real fast. In 2008, folks were having private meetings, Democrats were having private meetings about what they were going to do to advance health reform, but there were no conversations about health equity. We were saying [to other members] my god, you know we have data on the cost of health disparities, we know how many lives are lost to this- you've got to address this in comprehensive health reform (Interview).

Before Obama was even sworn in, conversations on the direction of health reform were already in deep negotiation. The Obama-Biden transition team selected Senator Tom Daschle, the HEAA 2003 Senate sponsor, as the leader of the "Health Care Policy Working Group". A document from the Obama-Biden Transition Project, obtained during a key informant interview, illustrates that recommendations for specific language on health equity provisions were lifted from the Health Equity and Accountability Act.

Language from HEAA was cited as a source for health care reform provisions for cultural and linguistic competence in health care, and improving health care workforce diversity.²³ The inclusion of language taken directly from the 2007 version of HEAA (H.R. 3014) is an example of how legislative recycling may operate in light of a policy window. Given the outsized role that health care policy played in the 2008 election, it's no surprise that the Obama-Biden transition team turned to existing pieces of legislation for guidance in crafting a comprehensive reform proposal. The inclusion of HEAA provisions in transition documents, however, was far from a guarantee of inclusion, as a final bill was yet to be drafted and passage was even more uncertain.

Come the beginning of the 111th Congress, members of the Tri-Caucus wasted no time in meeting with House Minority Leader, Nancy Pelosi, to lobby for the reform bill to include specific efforts to address health equity. Similarly, in a White House meeting

²³ The document is titled "REACH Principles of Health Care Reform: Ensuring Health Equity".

with President Obama, it was the Tri-Caucus represented by CHC chair Lucille Roybal-Allard, CBC chair Barbara Lee, and CAPAC chair Mike Honda, who pressed for what would become the Affordable Care Act (ACA) to include specific health equity provisions (Dittmar, Sanbonmatsu, & Carroll, 2018). Throughout the drafting of the ACA, health equity provisions were buttressed by an organized national working group comprised of stakeholders, advocacy organizations and individuals, who worked with Congress and President Obama to incorporate as many health equity provisions into the reform bill as possible (Dawes, 2015; Taylor, 2017). As explained by a member of the group,

We started the working group, we brought all these folks together: the advocates, the associations, the community organizations, a very diverse group of folks and then together we pushed and pushed and pushed to develop a strategy to get health equity into the health reform law (Interview).

This was the first step towards an organized HEAA congressional working group (CWG), and the inclusion of stakeholder groups was a key strategy for both the inclusion of health equity provisions in the reform bill, as well as for overall passage.²⁴

In early June of 2009, the CBC was galvanized into action when communications from President Obama regarding the reform bill made no mention of health equity (Dawes, 2015, p. 115). On June 9th, the CBC called a health equity news conference and sent letters to the White House leading to a break through when the White House agreed to convene a meeting on health disparities and health reform (Dawes, 2015). The Tri-Caucus and the working group carried this momentum into a subcommittee hearing on health disparities and health reform where Tri-Caucus members, Del. Donna Christensen, Rep. Hilda Solis, and Del. Madeleine Bordallo made the case for including health equity provisions in the reform bill.²⁵

With the release of a comprehensive health reform bill still looming large, Delegate Christensen took HEAA to the hopper on June 26th, 2009. The following month, House Democrats revealed a 1,000-page plan for overhauling the U.S. health care system.

²⁴ Many scholars cite interest group opposition to Clinton's health reform as a cause for its failure. The Obama Administration strategy differed from Clinton's in early and involved inclusion of stakeholder groups in both policy discussions and development (Hansen et al., 1996; Jacobs & Skocpol, 2010; Oberlander, 2010; Skocpol, 1995; Steinmo & Watts, 1995).

²⁵ Ways and Means Subcommittee on Health: Hearing on Addressing Disparities in Health and Healthcare: Issues of Reform, June 26, 2009.

In early November, with a vote on the House reform bill scheduled the following day, the CBC spoke to the press on the steps of the Capitol: CBC Chair Barbara Lee spoke in favor of the bill, highlighting the inclusion of health disparities provisions,

when no one else was speaking about ethnic and racial health disparities, the Congressional Black Caucus and the Tri-Caucus put those issues with our Health Equity and Accountability Act on the table. Our leadership heard us- they recognize why its extremely important to include the elimination of health disparities in this bill (C-SPAN, 2009).

Delegate Donna Christensen of the Virgin Islands, would further elaborate,

[health disparities are] a heavy toll on our communities. It is very clear that we cannot afford not to do this. The costs we incur from health disparities far exceed the costs associated with eliminating them, in money as well as lives. This is why early on, the CBC assumed a leadership role in the health care debate. Our championing of health equity as a social justice issue and a civil rights issue did not begin this year, it began with the inception of the CBC about 40 years ago. And so, as we stand on the verge of passing this historic bill with provisions that the Congressional Black Caucus has long championed, we are not about to let this opportunity to be lost (C-SPAN, 2009).

On November 7th, the House of Representatives passed the House reform proposal H.R. 3952, the Affordable Health Care for America Act, on a party line vote. Thanks to tireless efforts from both the working group and Tri-Caucus members, the bill moved over to the Senate with a number of health equity provisions included within it. On December 24th, the Senate would pass its own version of health reform on a 60-39 party-line vote. Thanks largely to the national working group on health disparities, the Senate version of the ACA included an entire section on health equity titled, “Options to Address Health Disparities” (Dawes, 2015, pp. 97-128). Despite actions by both chambers of Congress, reconciliation on a final bill was still a dramatic three months away.

It was during this extended period of intense negotiations on the development of a reform bill that the Tri-Caucus coalition faced its first tests, and reached its first successes on health equity. Democrats held 255 seats in the House of Representatives, 64 of whom were members of the Tri-Caucus. House leadership would need the support of the Tri-Caucus to pass any bill, and in the lead up to the vote conflicts were common. Both the CHC and CAPAC threatened to block the bill if provisions barring undocumented

immigrants from purchasing health insurance were included (Bendery, 2009; Dinan, 2009) while the CBC clashed with House leadership over the extent to which the bill addressed the underinsurance of minority children (CBC, 2009) and the inclusion of a public option (Zimmermann, 2009). While the public option ultimately failed, the Tri-Caucus's coordinated efforts to address the issue of health disparities both made it into the bill, and survived the reconciliation process to ultimately become law.

The final version of the ACA consists of ten titles, all of which contain some aspect focused on health equity, and throughout the text there are thirty-five specific mentions of "health disparities" (Grogan, 2017).²⁶ The passage of the Affordable Care Act with the included health equity provisions was a major success for the Tri-Caucus. Tri-Caucus involvement in the development of the ACA began before President Obama even took office, as demonstrated by the inclusion of HEAA language in Obama-Biden Transition Project documents, and required dedicated and sustained effort on behalf of health equity advocates and the Tri-Caucus from development to passage.

The introduction of HEAA in 2007, despite the fact that the bill (much like all of its predecessors) died in committee, was clearly important for preparing for the 2009-2010 health reform battle. As one congressional staffer put it,

Without HEAA we might not have gotten those provisions. Without there having been a marker there, already ready to go... so that when conversations on health reform started to get traction, we were already ready. You're prepped, you know what you're pushing for, you've got a bill with language in it in your hand, you're set. With the ACA, HEAA was already a thing. It had already been introduced long before the ACA negotiations. Having that language ready, language that's been vetted and has member support, that makes it easier to incorporate into a piece of legislation that is moving. That's important. To be honest, that how a lot of stuff gets done (Interview).

²⁶ For example, in addition to increasing access to care, the ACA includes several provisions that specifically address the needs of underserved populations including the creation of offices of minority health at agencies within HHS, raising the level of attention on health disparities across divisions, provisions to increase health workforce diversity, improve and expand access to community health centers, revise data collection standards, and create a National Prevention Council (M. Hall, Graffunder, & Metzler, 2016). The ACA also elevated the NCMHD to the National Institutes on Minority Health and Health Disparities (Ruffin, 2015). The final version of the ACA weighed in at a total of 2,700 pages, and over the course of the next several years would be transformed into 20,000 pages of regulations (Braun, 2013).

The idea of being ready for the moment when you can get something done, is a common theme among interview respondents, a concept highly reminiscent of Kingdon's (1995) policy windows. As another policy expert states,

We keep introducing this bill, so that whatever opportunity arises, we'll be able to make sure that we're not behind the curve. By keeping up with this, we've been doing our due diligence. Having language that has been vetted, that'll get you the buy-in. So one, we have the latest and greatest research, and two, we have the buy in from the advocates. That usually takes time, and time is limited when something is moving. You want them drumming that beat externally, and helping get a must pass bill passed, and helping us make sure this section or title, or whatever we tacked on is left on and not chipped away during negotiations. That is why it's absolutely necessary to keep the momentum and keep updating and reintroducing, it is an incredible work of art in my opinion. It is the most comprehensive bill ever introduced that addresses health disparities (Interview).

Caucuses working to prepare viable proposals "ready for a chance to move forward" has also been documented in Burgin's (2003) evaluation of the Diabetes Caucus. Burgin writes, "[The Diabetes Caucus] did not just sit and wait in the wings with its ideas. Rather it engaged in a long process of softening up the public, specialists, and other decision makers to its ideas" (2003). Similarly, the actions of the Congressional Tri-Caucus during the development and passage of the ACA, is marked by coordinated efforts to get buy in from other members of Congress, stakeholder groups, and anyone else who might have needed "softening" to the idea of health equity provisions.

In its work to ensure the inclusion of health equity provisions in the ACA, the Tri-Caucus demonstrated its entrepreneurial ability to capitalize on the availability of a policy window. The introduction of HEAA in the 110th Congress, gave health equity advocates and the Tri-Caucus the advantage of preparation for health care debates in the 111th Congress. The subcommittee hearing in the 110th Congress drew attention towards the specific issue of health disparities, and further vetted HEAA with stakeholder groups and members of Congress outside of the Tri-Caucus membership. The inclusion of a congressional working group during the 111th Congress ensured that forces from within and beyond Congress were working to raise the profile of health disparity issues, and reduced the chances of health equity provisions being left behind as negotiations moved forward.

The passage of the Affordable Care Act was potentially a once in a lifetime opportunity for the Tri-Caucus. Thanks to the 2008 election, health equity advocates in Congress had the benefit of being in the majority party in both chambers, with a filibuster proof majority in the Senate. With Obama in the White House, proponents of health equity policy had a President who openly stated health equity was a priority, and had been active on the issue during his time in the Senate (Dawes, 2015; Gillion, 2017; Hughes, 2008). The passage of ACA in 2010 was a landmark legislative victory attributed to political, institutional, and strategic efforts that defied the odds (Beaussier, 2012; J. S. Hacker & Skocpol, 1997; Jacobs & Skocpol, 2010; Oberlander, 2010; Steinmo & Watts, 1995). A bill of this magnitude is an uncommon occurrence, and the inclusion of health equity provisions within the final ACA bill, a considerable victory for the Tri-Caucus.

HEAA in the Age of Republican Control

The Democratic majority in the House would be short lived as the midterm elections in November of 2009 ushered in a new era of Tea Party politics in Washington.²⁷ The new Republican controlled Congress quickly brought H.R.2, Repealing the Job-Killing Health Care Law Act, up for a vote. The bill passed the House on a party line vote but immediately stalled in the Senate, which remained under a narrow margin of Democratic control. Such would begin the new era of Republican led efforts to repeal the Affordable Care Act, leaving the Tri-Caucus with slim prospects for advancing health equity policy.²⁸ Nonetheless, the Tri-Caucus moved once again for the reintroduction of the Health Equity and Accountability Act.

²⁷ Scholarship on the Tea Party movement indicates that Tea Party conservatism grew out of dissatisfaction with the 2008 election, and mobilized in opposition of President Obama and the Democratic agenda. Tea Party conservatives, are overwhelmingly white, male, and strongly opposed to tax increases, with racial resentment coloring much of their opinions on redistributive policies (Arceneaux & Nicholson, 2012). Opposing health care reform was a signature rallying point, with Tea Party activism approaching violence during the ACA debates (Skocpol & Williamson, 2012). The election of several Tea Party Republicans to Congress in the 2009 midterm, many of whom campaigned on the issue of repealing the ACA, sharply pulled the Republican Party to the right (Dawes, 2015, p. 169; Ragusa & Gaspar, 2016; Williamson, Skocpol, & Coggin, 2011).

²⁸ In 2012, the Supreme Court upheld the constitutionality of the ACA, motivating Republicans to hold another vote to repeal the law. On July 11th the House of Representatives voted with all 244 Republicans and 5 Democrats in favor of repeal, which marked the 33rd, partial or whole, repeal attempt. (CRS, 2017; Liptak, 2012; Pear, 2012)

In the 112th Congress, Barbara Lee was chair of the CAPAC Health Taskforce. Representative Lee, a California Democrat represents the Oakland area and is a former chair of the CBC, and as a representative with a large API population within her district, a member of CAPAC. Heavily involved in HEAA from the very beginning, Barbara Lee came to the reintroduction of HEAA in the 112th Congress with seasoned expertise. Building off the success of working with health equity stakeholder groups during the previous Congress, and to help with the workload of introducing the bill, an official HEAA congressional working group (CWG) was formed. As two respondents explain,

After health reform passed, some of the groups saw it necessary to develop another working group, to specifically bring people in on HEAA- to help craft it, to get input, buy-in, so [HEAA CWG] was modeled after what we did during health reform (Interview).

In 2011, it was Barbara Lee's turn to introduce the bill, her office was working really closely with the API community, and so the Asian Pacific Islander American Health Forum (APIAF), took the lead in reorganizing the group that had gotten started during the previous Congress. APIAF got the first community working group going. That was the first time there was a community working group that was much more engaged in the process of developing the [HEAA] language (Interview).

With the assistance of the newly formed CWG, Barbara Lee introduced the Health Equity and Accountability Act, H.R. 2594, a freshly scrubbed version of HEAA consisting of ten titles and weighing in as the largest version of HEAA yet: a total of 637 pages and ten titles. Several months later, Senator Akaka would introduce an identical Senate companion bill (S.2474), the first bicameral introduction of HEAA since 2005 (CAPAC, 2012; Inouye & Akaka, 2012). Despite efforts on behalf of the Tri-Caucus to draw attention to the bill (Chin, 2012; B. Lee, 2011; Solis, 2011), the Tri-Caucus recognized that pursuing health equity policy through congressional action was a “waste of time”, turning their attention to the implementation of the ACA in the Obama administration. As one former member of the Tri-Caucus put it,

With Republicans in the House, we knew new legislation was going nowhere. But Obama was in the White House and the ACA was barely a year old, so HHS and other departments were focused on trying to make this law happen. The regulatory process is long and complicated, so we looked there to make sure that the things we got into the ACA were going to be implemented full scale (Interview).

As the 112th Congress came to a close, the November 2012 elections reaffirmed a divided government for the 113th Congress, with Democrats retaining narrow control of the U.S. Senate, and the U.S. House remaining solidly under Republican control, while Barack Obama was elected to a second term.

A similar strategy as the 112th Congress took place in the 113th Congress as HEAA cycled back to the CHC for introduction by CHC Health Taskforce Chair, Lucille Roybal-Allard.²⁹ Given that some time had passed since the passage of the ACA, both Tri-Caucus staff and the CWG took the 113th as an opportunity to carefully reevaluate and update the bill. The Asian & Pacific Islander American Health Forum passed the responsibility of managing the CWG to the National Latina Institute for Reproductive Health (NLIRH), whose staff served as the primary liaisons between key Tri-Caucus staff and the CWG. As one congressional staffer explains,

At this point it needed a pretty significant re-write and it ended up taking a while. That was another year we relied heavily on the CWG to get the conversation moving and get the work done. With the ACA, there were a lot of issues in terms of implementing it, so there were a lot of provisions that needed work (Interview).

In September of 2013, at the request of Representative Michelle Lujan Grisham, a member of CHC, the University of New Mexico in Albuquerque convened a health equity conference.³⁰ Attendees included local scholars, researchers, and policy experts as well a large contingency of organizations, groups, and individuals who were part of the CWG. As announced at the conference, the 113th version of HEAA was developed to retain the ten title approach introduced in the 112th Congress (NLIRH, 2016), but the reviewing and drafting of a fully vetted bill spilled into the second session of the 113th Congress. While health equity advocates continued to carefully monitor the administration's roll out of the ACA, the Republican House leadership continued efforts

²⁹ I joined the office of Lucille Roybal-Allard as a legislative fellow in health, labor, immigration, and housing policy in January of 2013.

³⁰ The conference was titled "Practices and Policies That Promote Health Justice" and held at the University of New Mexico's main campus on September 6th & 7th, 2013. Informally called the "Tri-Caucus Health Disparities Summit", this conference is yet another tradition of HEAA. Having already hosted this summit in her district, Roybal-Allard requested Lujan Grisham host it in 2013. Previous summit locations include San Diego, Oakland, the Virgin Islands, Los Angeles, Miami, and Washington D.C. to name a few. Organizing the summit usually falls to the responsibility of the individual or caucus who is responsible for introducing the bill. The first Tri-Caucus "Health Care Conference" took place in 2003, when HEAA was first introduced in Congress (Solis, 2004).

to repeal, delay, or replace the Affordable Care Act (CRS, 2017). By the summer of the 113th's second session, Roybal-Allard introduced HEAA as H.R. 5294 stating,

The Congressional Tri-Caucus, over the past 10 years, has been tireless in its effort to educate Congress and the country about the disproportionate burden of premature deaths and preventable illnesses existing in our minority communities. Towards that end, the Tri-Caucus developed a national strategy for the elimination of racial and ethnic health disparities. The keystone of this strategy is the Tri-Caucus Health Equity and Accountability Act, first introduced in 2003 and every Congress since.

HEAA, in many ways, is unique. First, the bill and its introduction rotates each Congress among the three caucuses. This year, as chair of the CHC Health Task Force, I have the distinct honor of carrying on the tradition by introducing the bill for the 113th Congress.

Second, and most importantly, HEAA outlines the collective institutional knowledge of a diverse group of policymakers, health professionals, and advocacy organizations from throughout the country on what policies are needed to halt, reduce, and eliminate health disparities.

At the beginning of each new Congress, the HEAA working group convenes and several hundred minority and health advocacy organizations meet on a regular basis to discuss the bill and update it based on new research and recommendations to meet the ever-changing needs of our Nation's most vulnerable populations.

Also, just as the bill introduction rotates each Congress between Member offices, the leadership of the HEAA working group rotates among advocacy organizations. In the 113th Congress, this effort was spearheaded by the National Latina Institute for Reproductive Health, whose members I commend for their deep commitment to social justice and for their tireless work on this bill, which included coordinating the input of over 350 health and minority advocacy groups. The HEAA is a principled living road map that can be used by policymakers and providers alike (Roybal-Allard, 2014).

The 113th would predictably close without any action on HEAA or other health equity policy. In the 113th Congress, HEAA was on its 6th introduction, having rotated through the CBC, CAPAC, and the CHC twice. If passage of HEAA was the primary focus of the Tri-Caucus, introducing the bill in such an inhospitable political climate, particularly given the amount of labor required to reintroduce the bill, would certainly defy logic. However, Roybal-Allard's floor speech points us in several directions for understanding

the motivations behind repeated introductions of HEAA. First, Roybal-Allard calls HEAA a “roadmap”, a term that is popular with a number of study participants:

It’s important to update and introduce. I think they do that because it is a framework, a roadmap- it carries the institutional memory. Members of Congress come and go, and staff comes and goes, but this bill carries the institutional memory about what is important in addressing health disparities. It's a living document that changes and gets updated, but it gets passed on so that it's very easy to go back and see what it was, and how it's been updated, it’s meant to be a reference (Interview).

In a similar vein, a member of the Tri-Caucus elaborates that HEAA is a roadmap not only for eliminating health disparities, but also for educating members of Congress who are not members of the Tri-Caucus:

there is such a lack of understanding by [members of Congress] about the specific issues and concerns of minority and poor communities. HEAA is really a roadmap for how to deal with these issues (Interview).

In the case of the 113th Congress in particular, the Tri-Caucus appears to have been motivated to reintroduce the bill for reasons beyond the potential for policymaking. HEAA serves important messaging, representative, and referential purposes. According to statements from interview respondents, the bill is reintroduced to ensure that members of the Tri-Caucus remain proactively informed about health disparities, and have a current policy proposal for addressing health equity. The bill also exists for purposes of institutional knowledge- as a document to codify the status of health disparities, the need to redress them, and a roadmap for doing so. This “roadmap” is to inform not only members of the Tri-Caucus, but also future members, and health equity advocates across the nation. The creation of this roadmap also serves messaging and representative purposes. As one expert puts it,

The Tri-Caucus, they care about these issues, when they go home to their districts they see what's going on, and they see the post ACA piecemeal healthcare system that folks have to access... and so you have to have a document, a policy document that says this is a roadmap. And it doesn't have all of the answers, but this is a roadmap (Interview).

Thus, we can understand HEAA to be a piece of legislation meant to address the needs of Tri-Caucus constituency, demonstrating to communities experiencing health inequity that Congress, or at a minimum, the Tri-Caucus, is paying attention and making an effort.

Overall, the introduction of HEAA in the 113th Congress appears to be an exercise in proactive legislative development. The Tri-Caucus introduced the bill knowing full well it would die in committee, but they took the 113th Congress as an opportunity to thoroughly refresh the bill. In doing so, the Tri-Caucus and the CWG ensured that HEAA remained an effective aspirational roadmap and educational tool, all while supervising the administration's rulemaking and ACA implementation processes.

The 114th Congress convened under solidified Republican leadership in both chambers of Congress. Prospects for passing any health equity provisions were slimmer than ever. As HEAA moved over to the CBC, Representative Robin Kelly requested the Urban League direct the CWG. The bill underwent less drastic changes than in the 113th Congress, but both the CWG and Tri-Caucus “did our due diligence, having each of the titles reviewed to assess whether or not there were any technical changes, or updates” (Interview). In a new development for HEAA proceedings, Representative Kelly's office released a self-titled health disparities report “to examine nationwide health disparities and lead policymakers and medical thought leaders in a meaningful direction in improving health outcomes in the United States” (Kelly, 2015). On June 14th, 2016, Rep. Kelly introduced the 7th iteration of the Health Equity and Accountability Act, which was assigned bill number H.R.5475.

Much like HEAA in the 112th and 113th Congresses, H.R. 5475 immediately stalled in committee, while the House leadership continued aggressive efforts to repeal and rollback the ACA.³¹ Indeed, as a spokesperson for Rep Kelly said, “we know we are not going to get a comprehensive bill passed. We know there is no appetite for that. We are focusing on trying to tweak around the edges and on finding partners” (Mendoza, 2018). One member of the Tri-Caucus painted a bleak picture stating, “at this point in time, with the total dysfunction of Congress, basically nothing is happening and we're more in the role of trying to prevent disaster for lack of a better word” (Interview). Unfortunately, the 2016 elections had nothing but bad news for the Tri-Caucus, as

³¹ On January 8, 2016 President Obama vetoed a Republican bill to repeal the Affordable Care Act. Senate Republicans had cleverly used a reconciliation process as the vehicle for the bill- by parliamentary rules; reconciliation bills cannot be filibustered, thereby bypassing a key veto point for Senate Democrats. At this point in time, Republicans had led over 50 votes to repeal the ACA (Fabian, 2016).

Republicans retained control of both chambers of Congress, and Donald Trump was elected to the presidency.

In the 115th Congress, Barbara Lee became the first member of Congress to introduce HEAA more than once as the bill rotated back through CAPAC where she continues to serve as the CAPAC health taskforce chair. Similarly, APIAHF once again assumed the role of lead organizer for the CWG (APIAHF, 2018). The bill was once again reviewed for developments in research, treatments, or relevant policy. For example, as one health equity policy expert explains,

For example, with hepatitis, there's been so many changes with the types of drugs on the market and treatment recommendations have been updated recently: CDC has updated their recommendations and the like, so there's just a lot from a technical aspect that really needed to be looked at in this Congress (Interview).

Once the Tri-Caucus and CWG were satisfied that HEAA was once again comprised of the “latest and greatest” information, Representative Lee introduced H.R. 5942, on May 23, 2018. Plans for a Senate introduction by Senator Hirono are scheduled for the fall of 2018, making CAPAC the only part of the Tri-Caucus to consistently produce companion bills. As one former congressional staffer explains,

To be fair, one of the challenges that we've had in getting it introduced consistently on the Senate side, is because there are no caucuses over there. Even if there are Senators who are associated with the different Tri-Caucuses, it's hard, because there aren't standing caucuses, there isn't consistent participation. The Senate is also just a very different chamber, and the way that it considers bills, Senators who take on an issue, that is their issue. We have the same in the House, but because the Senate is a much smaller, there's a lot more ownership of issues in the Senate (Interview).

Additionally, research has also indicated that the Senate, which is far less diverse than the House, is less responsive to minority interests (Minta & Sinclair-Chapman, 2013). CAPAC's success in procuring companion bills may be a result of the caucus's long-standing tradition of operating as a bicameral caucus (Dawes, 2015, p. 44).

In the forthcoming 116th Congress the tradition is expected to continue, with the CHC already making plans for reintroduction. With the current introduction of HEAA in the 115th Congress, HEAA has matured into a 15 year old Tri-Caucus tradition. The Healthcare Equality and Accountability Act of 2003 marks the beginning of coordinated

health equity advocacy and policymaking through a Tri-Caucus policy initiative. Since 2003, HEAA has evolved into a major legislative tradition that encompasses its own norms, processes, and customs. As explained by one congressional staffer,

since [HEAA] first came out in 2003, it has grown exponentially. As research has come out, as studies have been conducted, we are more informed every single year, and HEAA is updated to reflect the latest and greatest in terms of the research. When HEAA first came out, there was very limited research on health disparities (Interview).

As the health disparities research enterprise has expanded (Ruffin, 2015) the scope, specificity, and goals of HEAA have also expanded. The inclusion of a HEAA congressional working group can be understood as the product of HEAA workload expansions, and intensive effort surrounding health equity initiatives during the 2008-2010 health care reform debates. Taken all together, the eight introductions of HEAA, between the 108th and 115th Congresses are all intentional, coordinated, and strategic efforts of the Tri-Caucus to address the issue of health disparities.

Perspectives and Insights on HEAA Recycling

Through a series of interviews with members of Congress, congressional staff, and policy advocates who were involved in the creation, development, and promotion of the Health Equity and Accountability Act, we have gained additional knowledge and understanding of successes and limitations of the Tri-Caucus approach to addressing health disparities. The cooperation of the Congressional Tri-Caucus on the issue of health disparities departs substantially from traditional policymaking processes; the bill rotates sponsors, there are established traditions such as the Tri-Caucus health disparities summit, and the bill is supported and championed by a highly organized congressional working group.

Throughout the course of trying to better understand HEAA as legislative proposal that has been introduced in every Congress “like clockwork”, we have uncovered a number of insights into the motivations, goals, and outcomes of legislative recycling. One of the clearest findings is that recycling of HEAA in Congress is a proactive measure for having solutions (in the form of vetted language) ready for when a policy window presents itself. This preemptive approach suggests that members of

Congress, do seek to “make good policy” and that the Tri-Caucus believes that HEAA is good policy and makes consistent efforts to be prepared for a policy window. As two former congressional staffers put it,

It's putting the goal out there: one day we will get to that. And I think it's possible, why wouldn't it be possible? There are some things I'm sure the insurers will hate, doctors will hate, and there are those realities, right- the interests... but who knows? Who knows? (Interview).

I think it's important to be proactive and not reactive. I think that [HEAA] helps us to keep up with the latest in research, the latest innovations that can be used to address this issue... there's this criticism of law that we're always behind, and this is to ensure that should an opportunity arise like the Affordable Care Act, or with Medicare Access and CHIP reauthorization, or whatever other major bill is a must pass bill, that we're able to take perhaps a section or a title of that bill and tack it on to a must pass bill (Interview).

In tandem with statements focused on being ready for policy windows, many respondents reported that most health equity policymaking opportunities would come not in the form of a wholesale passage of HEAA, but rather as an opportunity to implement parts of the bill by incorporating them into another piece of legislation.

A common theme in the story of HEAA is an understanding on the part of members of Congress, policy experts, and congressional staff that, on occasion, there will be a “moving” or “must pass” bill, at which point there is an opportunity to translate legislative provisions into public law. The successful inclusion of HEAA provisions in the ACA, and the example of mental health parity in Chapter 1, (where a broadly supported, but somewhat modest health reform policy became the vehicle for a 700 billion dollar bank bailout), are apt examples of what scholars call “unorthodox lawmaking”, which seem to increasingly be the norm in Congress. Even the final passage of the ACA, where the reconciliation process was used in order to avoid a Senate filibuster (following the election of Scott Brown to fill Senator Kennedy’s seat), points us to the extreme lengths that congressional leadership will go to in order to get something done (Beaussier, 2012).

Throughout the course of the key informant interviews, the most unifying response from participants -without a doubt- is the uniqueness of HEAA. When asked if

they were familiar with any other bill with a similar introduction pattern as HEAA, every respondent reported that they did not know of any other bill remotely similar to HEAA.

For example,

With the caveat that I haven't studied every single bill, I will say I can't think of anything. I've been in health policy now for quite a number of years, I've spoken with the gurus on this, and I don't ever remember this being mirrored or repeated, replicated by any others (Interview).

I've been in Congress 13 years, and I've never seen anything else like this (Interview).

While several respondents were quick to point out that it's not unusual for members who developed legislation in tandem to take turns introducing it, a systematic, organized introduction pattern like HEAA remains unique. When asked about the motivations for such an introduction pattern, most respondents described collective ownership as the motivation. For example,

It's passing the torch for sure. At first it was like a gentlemen's agreement, so the Tri-Caucus agreed to work on this together and they would rotate because it doesn't belong to one single caucus. It belongs to all three. Now it's normalized, we've been doing this for years, everyone knows how it works. And, have I seen this elsewhere? No, I don't think I have. So it is rare in that sense (Interview).

I feel the reason why we do it that way is that one, it doesn't feel like one community owns it, I see it as credit sharing, but it's also our shared responsibility right? We can't leave certain brothers and sisters that we live amongst out, so it should be a collective effort. It's this idea of collective effort on equity, we all have a stake in it, and that's how I understood it as to why it happened. I can't think of another bill that's done this way, so it's really cool (Interview).

I think when they first looked at it, it was so that [no caucus] would have sole ownership and everybody would have ownership. This way everybody would be equally committed to helping develop the bill, to promoting it, and to carry on its principles (Interview).

HEAA's rotation through the three minority caucuses is an intentional strategy in collective ownership and responsibility. By sharing the bill among the three caucuses, the Tri-Caucus ensures that a collective health equity bill is introduced in each Congress and that the interests of no single identity group take dominance. At the same time, each caucus and identity group shares in the responsibility and credit of the bill. While HEAA has no formalized rules or operations handbook, there is a deeply understood system of

norms and processes particular to the bill that have been developed, refined, and reaffirmed over time. What began as a “gentlemen’s agreement” is now a 15-year-old tradition codified in congressional speeches and press releases and repeated over time.

Moreover, the Tri-Caucus itself is an intentional strategy for the purposes of policymaking, representation, and solidarity amongst social identity groups. As one policy expert puts it,

I think [HEAA] is really evidence of the power of collaboration. I think it shows how committed the Tri-Caucus has been, and how they believe that they are the voice of the underserved. They are the conscience- I know the CBC says it's the conscience of the Congress, but I would say that is true of the entire Tri-Caucus when it comes to these issues. (Interview)

In collaborating on the issue of racial and ethnic health disparities, the three minority caucuses pursue the representation of their specific communities in tandem with the others: whether it is Black Americans, Asian Pacific Islanders, or Hispanic/Latin@s across the nation, the combination of the CBC, CHC, and CAPAC into the Tri-Caucus creates a new surrogate constituency: marginalized communities as a whole. The rotation of HEAA introductions through the caucuses not only ensures that the bill continues to fairly address the needs of each subpopulation, but also demonstrates to marginalized people wherever they may be, that there is a united coalition of legislators working to represent and address their needs in Congress.

Another common theme with interview respondents is the basic concept of “power in numbers” indicating that the Tri-Caucus is a tool for the individual caucuses to raise the profile of their single-identity causes in a way that is more accessible and visible to the Congress as a whole. As CAPAC chair Mike Honda in the 112th Congress puts it:

CAPAC joins the Congressional Black and Hispanic Caucus to form the Congressional Tri-Caucus, which makes up 37.7 percent of the House Democratic Caucus. The Tri-Caucus’s formidable bloc has helped strengthen the voices of the respective underserved communities. During healthcare reform, the Tri-Caucus was able to include provisions in the legislation that would help end health disparities, collect disaggregated data, and include the U.S. territories in our health care system (Honda, 2011).

Or as another policy expert explains, the unified Tri-Caucus approach was instrumental in effectively wielding power during critical policy windows:

There is strength in numbers. Putting it another way, the Black Caucus could have had their own Black specific priorities, which normally happens. CHC has their Hispanic specific priorities and CAPAC has their Asian-Pacific priorities. In this case, they felt that there was strength in numbers, so they coalesced around priorities that overlap in the different communities. It was perfect timing, in 2007, the Democrats took over the House of Representatives, they became the majority and we elected Congresswoman Pelosi as speaker of the House and our members of the Tri-Caucus were appointed to leadership positions of various committees, so there was momentum to get things done (Interview).

Touching on several common themes such as a representative imperative, policy roadmap, and strength in numbers, another respondent elaborated:

This bill is recognition of the dire need: if you're not just going reduce but eliminate health disparities and create health equity, these are the things, in a world of limited resources, and limited time, these are the things we should focus on. The theory behind working in a coalition is really basic: there is strength in numbers (Interview).

In this context, Tri-Caucus efforts on health equity and HEAA serve the dual purposes of “strength in numbers” and solidarity. HEAA is bolstered by the support of three independent caucuses acting as one, and the rotation of the bill is designed to ensure that ownership of the bill remains collective, and that no single caucus’s interests dominate the bill. The repeated introductions of HEAA by rotating sponsors is an intentional representative and policymaking strategy. For HEAA in particular, legislative recycling is a necessary tool for ensuring commitment to the proposal, and sustaining the coalition that supports it.

The creation of the Tri-Caucus has important consequences for scholars of substantive and descriptive representation in Congress, as there is some evidence the minority members of Congress may be marginalized within the institution. Hawkesworth (2003)’s findings, for example, suggest that race-gendered mechanisms such as stereotyping, exclusion and marginalization reinforce power hierarchies in the U.S. Congress thereby making it more difficult for women and minorities to promote their policy goals. Evidence that the Tri-Caucus can exert pressure on House leadership and policy outcomes during times of Democratic control is demonstrated by the inclusion of HEAA provisions in the ACA, though their ability to exert influence in GOP Congresses (despite their growing numbers) appears to be seriously limited.

When the CBC was formed, it was done under the auspices of serving as a representative at large for Black Americans across the nation. The Tri-Caucus, exhibits similar traits, in trying to represent the needs of all marginalized communities in the country, at least in regards to health equity. In addition to being a preemptive policymaking strategy, the reintroduction of HEAA is a representative strategy, “It’s important to show these communities you haven’t given up, that you are still trying and still advocating. Even when you’re in the minority, you have to do it” (Interview). Or as another respondent put it,

HEAA is a statement of ideals and priorities, it's a document you could go to and it tells a story in a lot of ways. There's a lot in the bill, there's a whole lot in the bill. It's a thousand page bill, but the issues it strives to address are things that affect the morbidity and mortality of communities, these are real people at the end of the day, whose health matters and so who, but their elected officials, who has sworn a duty to be responsive to those issues? (Interview)

Discussion and Conclusion

In the previous chapters of this dissertation, we reviewed cases of legislative recycling wherein a single member of Congress reintroduces the same proposal over time. In this chapter, we moved into the analysis of an unusual case of legislative recycling where a single policy proposal is introduced in every Congress over the course of 15 years, with little indication that reintroductions will ever be discontinued. Since its initial introduction in 2003, as the Healthcare Equality and Accountability Act, HEAA been introduced eight times in the House of Representatives, all by a member of CAPAC, CBC, or the CHC on behalf of the Tri-Caucus as whole. While the bill has never received serious consideration, the Tri-Caucus and the HEAA community working group remain committed to continuing the tradition of reintroducing HEAA. The Tri-Caucus and CWG use the bill as a representative and political strategy, as well as a vehicle for codifying collective institutional knowledge on the issue of health disparities and how to address them.

As a political strategy, the recycling of the bill ensures that members of the Tri-Caucus are consistently prepared with current, vetted, and stakeholder supported legislative language to address health disparities. This is done as a proactive measure, so that when a policy window appears, legislators are prepared. There is also a underlying

assumption that despite introducing a comprehensive health disparity bill, any legislative success in health disparity policy will likely take the form of the passage of a narrower stand-alone bill, or the incorporation of health equity provisions into a “must pass” bill. Another alternative is circumvention of the legislature, by working with the administration to implement health equity policy through department rulemaking or the executive order process. As a representative strategy, HEAA exists to ensure that the needs of communities facing health disparities are made visible in each and every Congress.

While HEAA is a unique policy proposal characterized by specific traditions and norms, making generalizations difficult, common themes may point us in directions to help better understand bill introduction and legislative recycling in Congress. First, in the case of HEAA, and likely other policy proposals, legislative recycling is an intentional policymaking strategy. Members may choose to reintroduce a bill in an unfavorable political climate for the purpose of being prepared in the event of a policy window in a future Congress. Policy windows take many forms, such as a more favorable political climate where passing a stand alone bill is more likely (HEAA in the 110th Congress, perhaps) or as a moving piece of legislation where provisions can be culled from an existing piece of legislation and incorporated into a must pass bill (HEAA and the ACA in the 111th Congress). The recycling of bills also serves important messaging and position-taking purposes, allowing members to demonstrate continued commitment and attention to an issue of concern.

Another important concept illustrated by HEAA is the use of bill introduction and reintroduction as a method of codifying congressional knowledge. Metaphors of a HEAA “roadmap” suggest that some policies are also introduced for the purposes of archiving collective institutional knowledge and providing educational resources for other (and future) policymakers. This is reminiscent of the concept of “legacy” recycling discussed in Chapter 2, where a member takes on an issue introduced by a previous legislator. All together, an exploration of the history, logic, motivations, process, and goals of the Health Equity and Accountability Act suggests that repeated bill introduction in Congress can be intentional, sophisticated, and multifaceted approaches to policymaking and representation. In the particular case of health disparities, the creation

of the Tri-Caucus and their signature health equity proposal was the result of a collective effort of minority members of Congress attempting to comprehensively address an issue of importance to minority populations.

The advancement of health equity on behalf of the Tri-Caucus takes many forms, from coordinated efforts during the Bush and Clinton administrations to pass laws to address health disparities such as the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527) and the subsequent Minority Health and Health Disparities Research and Education Act of 2000 (Public Law 106-525), as well as efforts to improve the extent and manner in which existing programs (Healthy People) address health equity, to the development introduction and reintroduction of HEAA, the incorporation of HEAA provisions into the ACA, and careful oversight of the implementation of the ACA, the Tri-Caucus has demonstrated far reaching and consistent efforts to address the health and health care needs of minority populations. Although prospects for passing HEAA “wholesale” remain small, one thing is clear, while implementing HEAA in its entirety is certainly a goal of the Tri-Caucus, it is far from the singular or even primary goal. In closing, we turn to another quote from the individual with whom we opened this chapter: “for all its admirable intentions, the bill appears to be meeting its usual fate [death in committee] this year. Predictgov.com, a website that evaluates the chances of a bill’s passage, gives it a 1% probability. Maybe next session?” (Lyon, 2016).

CHAPTER FIVE

CONCLUSION

There are two things you don't want to see being made - sausage and legislation.

Otto von Bismarck

This dissertation is centered on two primary goals: to see if we could identify and measure some forms of legislative recycling, and to determine if affected our understanding of bill sponsorship, legislative effectiveness, and congressional politics as a whole. This process took the form of asking several open-ended questions over the course of three empirical chapters. In Chapter 2, I demonstrated that legislative recycling is a common practice in Congress, and that we can and should include measures of legislative recycling in studies of legislative effectiveness. Second, through a mixed methods study design, chapters two and three sought to help us better understand why and how legislative recycling operates in Congress. Throughout the course of this project, I have both corroborated existing research, and added additional clarity and detail to our understanding of how the legislative process and congressional politics operate.

Chapter 2: Legislative Recycling and Legislative Success

In Chapter 2, I introduced a new measure identifying recycled bills into the study of bill success. This addition produced findings a number of findings, which add specificity to our understanding of *who* is most likely to pass and bill, *how* they might pass it, and *what* they are likely to pass. In regards to the *who*, we find support for established predictors of legislative effectiveness: more senior members of Congress, those who are committee chairs, and those who enjoy the benefit of being in the majority party are all more likely to be successful in advancing their proposals through the legislative process. Members of the prestigious House Appropriations, Budget, Commerce, Rules, and Ways and Means committees are found to be less effective in advancing their personal bills on the congressional agenda, likely due their preoccupation with making substantive policy differences in committee work.

I also find some indications of how a member might influence their likelihood of success. Members can improve their prospects of legislative success by specializing in a policy topic area, keeping their legislative portfolio a manageable size, and by sponsoring bills that will be referred to committees of which they are members. A comparison of a nested and un-nested model at the public law level produced some puzzling findings initially, but further evaluation suggests that institutional differences between the House and Senate produce legislative cues that influence the Senate's responsiveness to H.R. bills.¹ Similarly, beginning with the 106th Congress, House leadership has reserved bill numbers 1-10 for leadership priorities. These highly partisan "message" bills are often brought directly to the floor for a vote, and are very likely to pass the House, but immediately stall in the Senate, even when the same party controls the House and Senate. In general, the Senate seems largely unconcerned in the majority rule House's political posturing efforts.

In terms of *what* gets passed, there is evidence that both bill based factors and sponsor behavior influences the likelihood of legislative success: minor bills and important bills are more likely to pass. If a member is the chosen or "lucky" sponsor of a "must pass" bill, or a minor bill, such as a proposal attempting to declare "National Watermelon Month", their prospects of success are more encouraging. The final bill based variable we must recognize, is also our key independent variable: legislative recycling. Across the committee, floor, and public law levels, legislative recycling is significant and negative; bills that have been previously introduced are less likely to achieve success at every level of the legislative process. This finding not only confirms my original suspicion- legislative recycling exists and influences the legislative process, but provides the foundation for more in depth exploration of the legislative recycling term and its relationship with legislative success in Chapter 3.

¹ The finding presents itself in the form of a negative and significant finding for bills sponsored by majority party members in a model of legislative success at the public law level consisting of bills that were passed by the House (nested approach). H.R. bills sponsored by the minority party and passed by the House signal to the Senate that the bill is a high quality bipartisan measure and thus, the Senate receiving such a cue, is more likely to act. H.R. bills, sponsored by majority party members however, have no such signaling benefit, and therefore have a negative relationship with public law passage in a nested model.

Chapter 3: Patterns in Bill Recycling and the Policy Process

In this chapter, focus turned to efforts of better understanding legislative recycling itself, attempting to uncover the conditions under which a bill will or will not be repeated, and then evaluating differences between repeated and non-repeated bills. This chapter found evidence that rates of recycling are not randomly distributed in Congress, but that bills in specific policy areas are more likely to be repeated than other policy areas. Policy areas such as civil rights & liberties, law, crime & family, social welfare, labor, macroeconomics and health have significantly higher bill repetition rates. On the other end, we find foreign trade, transportation, agriculture, energy, public lands & water, and defense to have significantly lower rates of bill repetition. High rates of repetition in specific policy areas carry both empirical and normative consequences. First, how might future studies of effectiveness control for policy topic differences, and second what do high rates of recycling in topic areas of substantive interest for specific constituencies mean for the health of Congress as a representative body? Specifically, what do high rates of repetition in the areas of civil rights & liberties, law, crime & family, social welfare, and health mean for the representation of traditionally marginalized groups such as women, African Americans, Asian Pacific Islanders, and Latinx peoples?

A second contribution in the analysis of legislative recycling comes from comparing differences in legislative success according to whether a bill is novel (never repeated) or recycled. Scholars have long argued that more tenured members of Congress are imbued with sizable institutional advantages, whether that is being a committee chair, or having successfully obtained a committee assignment in a policy area of interest, holding a leadership position with your party or a caucus, or simply being a more veteran lawmaker familiar with the norms and folkways of Congress, seniority is assumed to hold several benefits. Nearly every study of legislative success finds a positive association between effectiveness and years within the chamber.

What legislative recycling has contributed to our understanding of seniority advantage is that higher legislative effectiveness for more senior members of Congress is possibly attributed to increased success in introducing and passing novel bills. In other words, it is very possible that over time, members become more skilled policy crafters: writing bills that will be directed to their committee, or introducing bills during a policy

window where the likelihood of passage is high. This skill however, does not seem to apply to an increased ability to convert older legislative proposals into law. Despite becoming more successful in passing singleton bills, recycled bills continue to struggle throughout the course of their many introductions.

Legislative recycling patterns indicate that for many members of Congress, there appear to be a number of policy proposals that simply are and remain, unlikely to pass. Whether this is due to these bills being what the Congressional Research Service's Parliamentary expert, Mrs. Schneider, might call a "BAD idea" which the legislative process is appropriately stopping from becoming law, or message bills which were never truly intended to become law, or policy proposals that a gridlock prone Congress is simply adverse to taking up: recycled bills are consistently found to be less likely to succeed. Taken in combination with the previous chapter, I argue that the introduction of legislative recycling variables to quantitative reevaluations of bill sponsorship and legislative success are a fruitful lines of inquiry meriting serious consideration and additional research.

Chapter 4: The Congressional Tri-Caucus and Health Equity Policy

Chapter 4 approaches the concept of legislative recycling from an alternate viewpoint, focusing on a single policy proposal, and carefully tracing its genesis and development over time. Through a combination of archival research involving the acquisition and review of relevant documents such as bills, floor statements, press releases, statements submitted to the Congressional Record, as well as sources such as books, articles, and news articles, combined with a series of key informant interviews, this study takes a deeper look into the logic, motivations, and outcomes of repeated introductions of the Health Equity and Accountability Act.

One of the clearest findings of this analysis is that the recycling of HEAA in Congress is a proactive policymaking measure; members of the Tri-Caucus prepare and reintroduce HEAA even when it is unlikely to pass in order to be ready for an opportunity to advance the proposal. This preemptive approach suggests that members of Congress, do seek to "make good policy" and that the introduction of bills during inhospitable political climates is a strategic effort to be prepared for a more hospitable moment. The

repeated introduction of a HEAA is also seen a messaging strategy. As one congressional staffer put it:

“Why are we introducing bills? I used to ask myself that working for a freshman member of the minority... But you have to. You can’t let an issue die. You introduce something, otherwise you send the signal to the nation that we are turning a blind eye to something important and you’re telling your colleagues that we’ve quit on the issue. Significant change takes a really long time... you introduce bills even when they have no chance, to send a message. It means something to someone and most importantly, it tells the institution that we’re not quitting (Interview).

This chapter also provided insights into the representative role perceptions of minority members of Congress, many of whom reported feeling a moral responsibility to address racial and ethnic health disparities, and an understanding that the combined “power in numbers” of the Tri-Caucus is more effective at addressing this issue than the individual caucuses. From HEAA, we also learned that legislative recycling serves educational purposes, as the Tri-Caucus and health equity advocates see the introduction of HEAA in each Congress as a way to document the collective institutional knowledge of how to eliminate health disparities. In a similar vein, HEAA is also understood as a roadmap for current and future members of Congress, or for anyone else who may require such a roadmap. The success of transferring components of HEAA into the ACA indicates not only how legislative recycling may operate in light of a policy window, but also carries consequences for quantitative evaluations of the policymaking process as studies of bill success are unable to account for whether a bill or portions of a bill are incorporated into a different bill which becomes law.

Lastly, we hear from a number of respondents on how repeatedly introducing a bill is a message to constituents that they remain committed to issues that affect them, as well as a signal to other members of Congress indicating that you haven’t abandoned the issue. Taken together, the repeated introduction of HEAA is performed for both strategic policymaking purposes as well as a tool for performing representative duties. Tri-Caucus members use the bill as a vehicle to draw attention to the issue of health disparities, and through repeated introductions demonstrate consistency and dedication to the issue. While HEAA is only one bill, and an unusual one at that, information gleaned from archival research and from the statements of key informants has provided many

directions for future research, and it is likely some common themes from HEAA apply to other bills and recycling more broadly- but of course- that is for future research to confirm.

One common theme emerges from these chapters, in any given Congress, many of the bills introduced are not independent observations. Many bills have either been introduced in a previous Congress or will be introduced again. Moreover, the recycling of bills over the course of a member's career in Congress serves many overlapping purposes and goals, of which bill passage is only one. In some cases, legislative recycling serves a specific policymaking purpose such as preparing for a policy window or documenting a policy as a roadmap for other or future policymakers. The re-introduction of bills also yields many of the same benefits as bill authorship such as position taking, the ability to draw attention to an issue, and a way to demonstrate enduring commitment to an issue.

Most of the findings of this dissertation were uncovered through a process of exploration where open-ended questions were pursued through both quantitative and qualitative methods. I feel that this approach is an important alternate to the standard directional hypothesis testing methods common in congressional research. As "unorthodox lawmaking" becomes increasing the norm, scholars must continue to look for creative ways to study Congress that matches the complexity and messiness, which so often characterizes the legislative process. As one former congressional staffer lamented:

It's always hard to get something done, especially in recent years with the fights about the budget and sequestration, the multiple government shut downs, and budget caps, and short term resolutions and the like. The forever quest for regular order that has been elusive the last couple decades... (Interview).

In order to properly understand Congress as both a representative body and the producer of national laws, scholars must work to ensure that our methods and measurements appropriately capture the realities of Congress.

Expanding the Study of Legislative Recycling

If this analysis has taught us anything, it is that there is much more to be done. What has been accomplished here is akin to chipping off a speck of ice to demonstrate

that there is an unattended iceberg in the study of Congress. The insights brought to us in Chapters 2 and 3 are found by the use of a highly restrictive bill linking criteria: identical bill titles sponsored by a single sponsor. Bill titles may change, but bill content may stay the same. As demonstrated by the example of Roybal-Allard's SAFE Act (Tables 2.1 & 2.2), the restriction of identical bill titles is useful as it gives us strong confidence that linked bills are if not identical in content, then at least very similar. The SAFE Act, however, remains very similar in content but the title has been rebranded over the course of its 17-year lifespan. Moving beyond a title based bill linkage system is the next logical step for a more sophisticated and comprehensive recycling variable. More sophisticated measures of recycling such as linking bills by percentage matches of their content, will likely yield more confidence in our understanding of how legislative recycling operates. In particular, a more robust measure of legislative recycling is necessary to help us better understand both why recycled bills are less likely to pass, and what recycled bills are likely to be. Once this step is accomplished, scholars may begin to look towards modeling Congress the way it was designed: as a bicameral federal legislature: linking companion bills in both chambers to accurately identify incidences of bill sponsorship and legislative success.

To borrow once again from Roybal-Allard's legislative portfolio, the passage of the Newborn Screening Saves Lives Act in 2007 (P.L.110-204) provides an example of the importance of modeling companion bills in the study of legislative effectiveness. Senator Dodd first introduced the Newborn Screening Saves Lives Act in August of 2002. Representative Roybal-Allard would introduce a H.R. bill in the House, a few months later, in October of 2002. In 2007, both House and Senate bills were reintroduced, but it was ultimately the Senate bill, sponsored by Senator Dodd, that reached the President's desk (P.L.110-204). A bill to make technical introductions to the new law was first introduced on April 14th, 2008 by Senator Dodd, but it would be H.R. 5919, introduced by Roybal-Allard on April 29th, which would become public law (P.L. 110-237).

While both Representative Roybal-Allard and Senator Dodd can claim credit in having introduced a bill that became law, single chamber evaluations (as we have done here in only studying H.R. bills) limits the ability of researchers to model Congress in the

way it operates: as a bicameral legislature. With a major data collection effort, the pairing of House and Senate bills is possible, and the results likely to yield new insights and contributions to understanding of the legislative process. In addition to improving the study of bill sponsorship through expanded evaluations of legislative recycling, much work remains to be done in properly categorizing policy proposals.

Improving bill-based measures is another critical step to properly understanding Congress. Thus far, scholars have done moderately well in siphoning off bills that name schools or other such watermelon month “minor issues”, and we have introduced some measures attempting to capture “must pass” bills, but much remains to accurately measure the wide variety of bills introduced in every Congress. Determining methods of identifying bills that are temporary, such as programs authorized with sunset dates, or compulsory responsibilities such as bills that keep the government running or raise the debt ceiling (E. S. Adler & Wilkerson, 2012; S. Adler & Wilkerson, 2005) or distinguishing whether bill is a messaging effort or a symbolic bill which is “long on goals, short on means to achieve them” (W. C. Wilson, 2017), are just a few directions the improvement of bill measures can take.

Congress is an incredibly complex institution made up of 535 separate fiefdoms. Members of Congress differ in the priority of their goals, and the means by which they intend to accomplish them. Understanding individual and collective outputs of the U.S. Congress requires careful evaluation, patience, and precision. If scholars are to fairly evaluate Congress as a representative body and the nation’s primary policymaking institution, we must continue to approach the study of Congress with creativity and ever-increasing rigor. We must continue to work to bring measurements and methodologies into balance with the observable realities of congressional politics, procedures, and behavior. Legislative Recycling is just one route to take on the path to doing so, and one that I hope many others will choose to take.

APPENDIX A

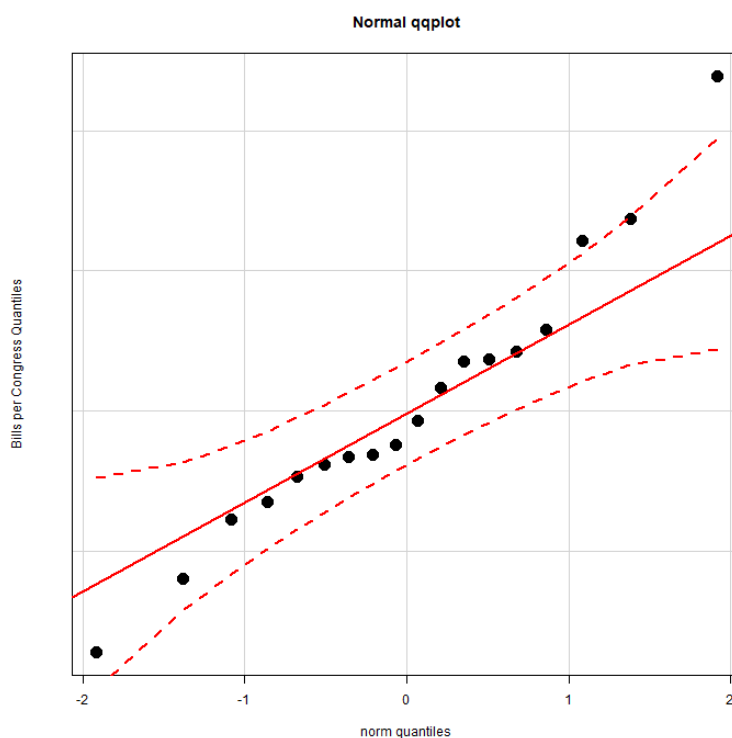
Quantitative Data Sources and Selection

The following section describes the data used in chapters 1 and 2. The data consists of all H.R. bills introduced by voting members of the U.S. House of Representatives during the 96th to 113th Congresses (1979-2015). The primary data was obtained from Adler and Wilkerson’s Congressional Bills Project. The Congresses included in this study are diverse, thereby allowing for analysis to take place under many political contexts including divided and unified control of Congress. The 97th, 98th, and 99th Congresses were divided by a Democratic majority in the U.S. House and a Republican majority in the U.S. Senate, while the 113th Congress had a Republican majority in the House and a Democratic majority in the Senate. The 100th, 102nd and 103rd as well as the 110th, 111th, and 112th Congresses were controlled by Democratic leadership in both chambers while the 104th-109th Congresses had unified Republican leadership.

As an additional precaution, we exclude private bills from our analysis. Private bills generally proceed through regular order, but unlike public law, which deal with individuals only by classes, private laws apply to “one or several specified persons, corporations, [or] institutions” (Davis, 2013). As Davis (2013) explains, “private legislation is premised on the idea that general law cannot cover all situations equitably, and sometimes Congress must approve legislation to address unique problems that public law either created or overlooked” (1). Unlike bills which become public laws, private bills are not permitted to have cosponsors (Oleszek, 2017b). Given our use of a cosponsorship variable as a proxy measure for both bill support and sponsor effort, we deem it appropriate to exclude private bills from analysis.¹

¹ Most private bills deal with immigration issues (such as adjusting the immigration status of a specific individual or family) or claims against the government (Davis, 2013). Given that these bills have narrow scopes, I argue that the credit claiming benefit and electoral connection of bill sponsorship is heavily reduced and therefore private bills should not be compared against public bills in an analysis of legislative effectiveness. That said, it is worth mentioning that private bills are also recycled. As Davis 2013, writes “Between 1986 and 2013, the average time from the first introduction of a private legislation in Congress requesting relief to resolution of the case by enactment of a private law was over two years. During the same period, the longest case took more than 8,934 days—more than 24 years—from the first introduction of a private bill to enactment of a private law resolving the claim.” (7).

Figure A.1
Bill Introductions 96th-113th Congress



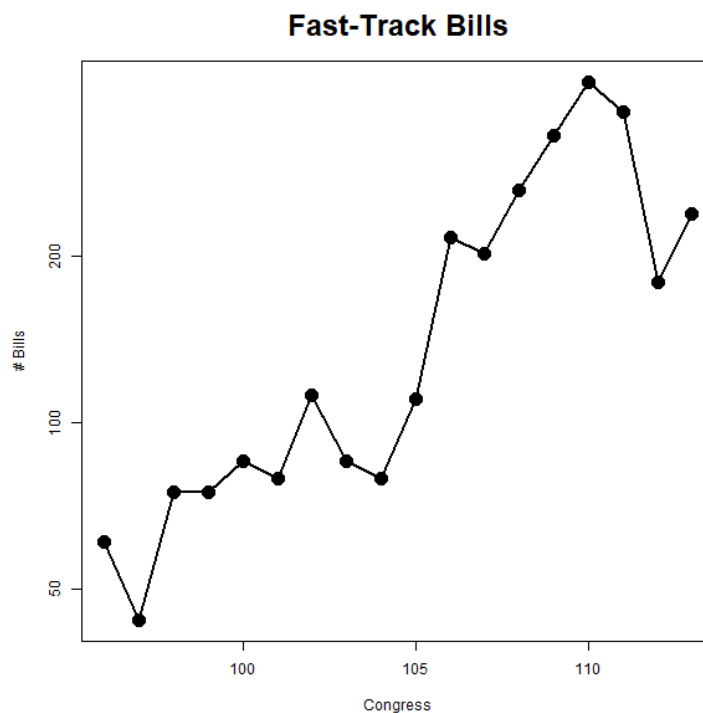
After limiting our analysis to public H.R. bills introduced by voting members of Congress, we find a normal distribution of bills from the 96th to the 113th Congress, as evidenced by the quantile-quantile plot above. The maximum number of bills is observed in the 96th Congress with 8,391 and the minimum is observed in the 104th Congress with 4,282 bills. The standard deviation is 965, and all Congresses are observed within two standard deviations of the mean of 6,042 bills per Congress. The data closes with the 113th Congress, the most recent time period with publicly available data.

Regular Order Bills and Fast Track Bills

In order to ensure a well-specified model, it is necessary to control for differences in the legislative process. Previous studies have evaluated the success of bills at each stage of the legislative process: determining their fates within committee, on the house floor, and becoming public law. In “regular order” legislative process bills are introduced, considered in committee, and sent to the floor for further debate and amendment (Oleszek, 2017a). In such circumstances it would be necessary to nest the

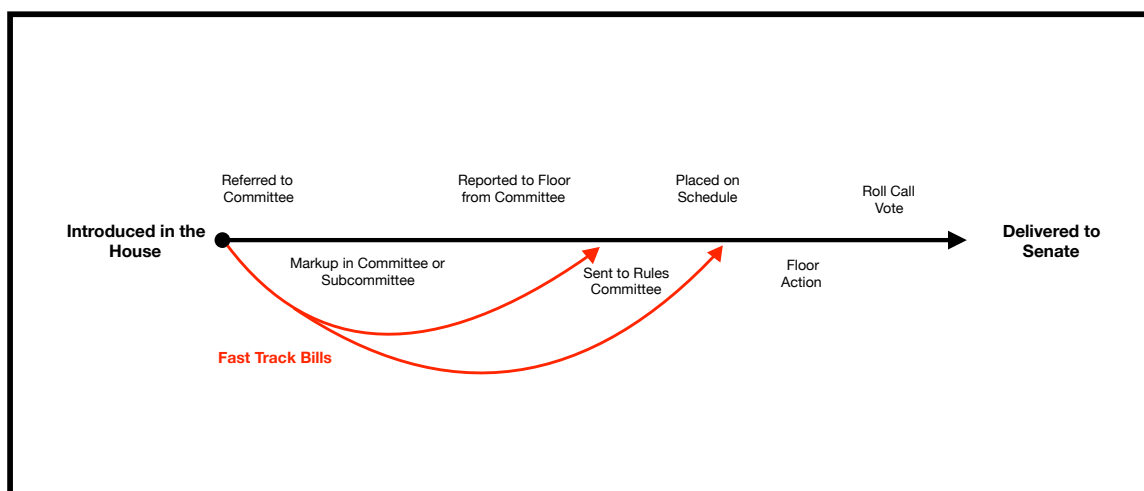
models of analysis within one another. Only bills that pass committee should be evaluated at the roll call stage, and only bills that pass the House should be evaluated at the public law level. However, many bills do not proceed through regular order.

Figure A.2
Fast Track Bills 96th-113th Congress



A large number of bills within our data are recorded as passing the House but not being reported from committee. For the purposes of clarity, we dub these bills “fast track bills.” A random review of some of these bills suggests these bills were intentionally not processed through regular order. A number of them are quickly scheduled for floor action within days or sometimes even on the same day of introduction, thereby not providing committees with enough time to act. A key power of majority leadership is the control of the legislative agenda and the ability to bypass veto points in the legislative process.

Figure A.3
Legislative Process United States House of Representatives



This practice, often called “committee circumvention” occurs when the committee markup state is partially or completely bypassed and leadership takes the responsibility of preparing a measure for floor action (Evans, 2001, p. 227). For example, Newt Gingrich, who served as House Speaker from 1995-1999, is well known for frequently bypassing the committee system in the pursuit of the Republican agenda (Evans, 2001). As such, we are unable to nest bills according to regular order at the stages before the public law level. In order to guarantee we do not accidentally omit fast track bills from our analysis, we only nest our analysis at the final tier of the legislative process; while it is possible for a bill to proceed if it is not reported out of committee it is impossible for a bill to proceed to the President’s desk if it does not survive a House roll call vote first. As a result, the N for models at the committee (Reported to House) and chamber (pass House) levels is the same, with a total of 105,636 bills included in the analysis. Once nested from bills that have successfully passed the House, we are left with 10,378 bills for the analysis of the public law level.

Table A.1
Codebook 96th-113th Congresses

Variable	Coding Scheme	Source
Reported House	1=bill reported to House floor from committee; 0 otherwise	Congressional Bills Project
Pass House	1=bill passes the House, sent to Senate; 0 otherwise	Congressional Bills Project
Public Law	1=bill passes the Senate and is signed by President; 0 otherwise	Congressional Bills Project
Repeated Bill	Number of times bill title is introduced by same MC	Calculated from Congressional Bills Project
Repeated Bill squared	Number of times bill title is introduced by same MC, squared	String matched variable calculated from Congressional Bills Project
Legislative Recycling	Number of times bill title has been introduced by the same Member of Congress	Calculated from Congressional Bills Project
Important bill	1= bill is mentioned in the Congressional Quarterly Almanac	Comparative Agendas Project: Congressional Quarterly Almanac Data
Minor bill	1=bill is of minor importance; 0 otherwise	Congressional Bills Project
Message bill	1=bill is designated by majority or minority leader; 0 otherwise	Calculated from Congressional Bills Project
Cosponsor	Number of bill cosponsors	Congressional Bills Project
Majority Party Member	1= sponsor is member of majority party; 0 otherwise	Congressional Bills Project
Party Leader	1= sponsor holds a party leadership positions; 0 otherwise	Congressional Bills Project
Member of Referral Committee	1= sponsor is member of referral committee; 0 otherwise	Congressional Bills Project
Committee Chair	1= sponsor is a chair of a full committee; 0 otherwise	Congressional Bills Project
Subcommittee Chair	1= sponsor is a chair of a subcommittee; 0 otherwise	Congressional Bills Project
Subcommittee or Committee RMM	1= sponsor is a ranking minority member of a committee or subcommittee; 0 otherwise	Congressional Bills Project
Power Committee	1= sponsor is a member of the Rules, Appropriations, or Ways and Means committees; 0 otherwise	Calculated from Congressional Bills Project
Ideological Extremity	Distance to chamber median, first dimension DW-Nominate Score	Calculated from Congressional Bills Project
Tenure	Number of years sponsor has served in the House	Congressional Bills Project
First Term	1= sponsor is serving in their first term; 0 otherwise	Calculated from Congressional Bills Project
Vote Share	Percent of the vote sponsor received in previous election	Center for Effective Lawmaking
State Legislator	1= sponsor served in a state legislature before joining Congress; 0 otherwise	Center for Effective Lawmaking
Specialization	Simpson Index of major topic policy areas clustered by member and Congress	Calculated from Congressional Bills Project
Black	1=sponsor is Black; 0 otherwise	Center for Effective Lawmaking
Latino	1=sponsor is Latino/a; 0 otherwise	Center for Effective Lawmaking
Woman	1=sponsor is a woman; 0 otherwise	Congressional Bills Project

APPENDIX B

Coding of Recycling Term

Bill titles in the Adler and Wilkerson data are obtained from the Library of Congress's Thomas database, and therefore reflect any errors in in the digital archives or bill titles as recorded. To minimize subtle variations between otherwise identical bills titles (such as an additional comma, change in "Act of YEAR", or capitalization) bill repetitions were calculated off of clean text transformations that removed capitalization, punctuation and end of title years. Once bill titles were linked, holding the sponsor and major topic constant, new variables measuring recycling were created. Two variables identifying recycling bills are utilized in the analysis. First, an identifier is assigned to each bill observation indicating the number of times this title has been introduced by the same sponsor. Second, for the purpose of understanding how the recycling of legislation functions, we created a variable capturing the maximum number of times a bill is repeated. The distribution of maximum repeats provides a natural cutoff point, permitting us to remove outliers with 14 or more repetitions. As such, we exclude the eight bills that appear in the data more than 14 times. We are left with following distribution:

Table B.1
Maximum Repeats

Repeat Number	Frequency
1	63324
2	11877
3	2718
4	886
6	116
7	53
8	19
9	19
10	9
11	3
12	6

The evaluation of a randomized sample of 30 bill titles, suggests that the content of bills bearing the same title (introduced by the same MC) are very likely to be either identical or near identical in nature. Although bill titles are a less than a perfect proxy for the actual content of the bill, there is good reason to believe that repeated bill titles do indeed represent repeated policy proposals. This is particularly true for bills bearing the same title, introduced in the same policy area by the same MC over time. There is little empirical or theoretical reason to suspect that any major differences exist between the content of bills bearing an identical title. While it is possible for minor changes to be made to bills over time, it is my assessment that marginal improvements, such as the updating of language or the use of more recent data, is an important part of the recycling process as recycled bills must compete with newly generated bills and, therefore, though drafted in previous years, must be continually updated in order to remain competitive against freshly drafted “novel” bills.

APPENDIX C

Descriptive Representation and the Study of Legislative Success

Since the publication of Hawkesworth's (2003) seminal analysis of race-gendering in the United States Congress, American political scientists have begun to devote more time to the study of the effects of race and gender in political institutions, and the consequences it has for representative democracy. For over a decade, feminist scholars have asserted that increasing the number of women in elected office is a necessary prerequisite for achieving substantive representation of women's policy preferences (Mansbridge, 1999; Phillips, 1995). In a similar vein, a growing body of empirical research has demonstrated that women in elected office and the polity hold different perspectives on the importance of social welfare programs, education, family issues, and health.

Studies of voter preferences in the electorate have demonstrated that women are more likely to support increased spending on social services and to more heavily value issues such as education and health care in their voting calculus (Kaufmann & Petrocik, 1999; Manza & Brooks, 1998; Seltzer, Newan, & Leighton, 1997). Studies of women and racial or ethnic minorities in elected office have demonstrated that such "descriptive representatives" behave differently than white men, including having different leadership styles, issue agendas, deliberative styles, and voting preferences, as well as differences in participation at various points of the legislative process (Bratton, Haynie, & Reingold, 2006; Gamble, 2007; Kathlene, 1994; Minta & Sinclair-Chapman, 2013; Reingold & Smith, 2012; Rocca & Sanchez, 2008; Rocca, Sanchez, & Nikora, 2009; C. Rosenthal, 1998; C. S. Rosenthal, 2000, 2002; Saint-Germain, 1989; M. Swers, 2001; M. L. Swers, 2002; Whitby, 2000; W. C. Wilson, 2010).

Moreover, research on intersectionality, or the overlapping of social identities such as race, ethnicity, gender and class, has demonstrated the importance of recognizing the heterogeneity of various identity categories (Crenshaw, 1991; Shields, 2008; Smooth, 2011). In so far as we might expect to see differences according to whether a member of Congress is Black or white, or a woman or a man, would it not logically follow to also find differences according to whether a woman is Black or white? Including intersectional theory and methods, however, is a complicated and specialized process

(Choo & Ferree, 2010; Hancock, 2007) of which we are ill suited to accomplish here. That said, intersectionality remains an area of interest to me, and so here I ascribe to the idea that some effort is better than no effort, and take a moment to see what I might glean from trying to understand how legislative recycling may operate according to differences in social identity.

In Tables 3.3 and 3.4, we found that bills sponsored by women, Latinos, and Black women were more likely to be repeated. Findings of differences in the propensity to recycle bills according to race and gender are difficult to explain, but certainly suggest that growing diversity within the congressional membership may have consequences for the policy process and the question of intersectionality. In other words, in regards to the likelihood of repeating a bill in Congress, women, and especially Black women are more likely to reintroduce bills. Members of Congress who are Latina/Hispanic and a woman (such as our perpetual example of Congresswoman Lucille Roybal-Allard) do not appear to be significantly different from white women in their recycling behavior. African American women, however, are different from both black men and white women in their propensity to recycle their legislative portfolio.

Figure 3.1 of this analysis demonstrated that certain policy topic areas are likely to have higher rates of repetition. A common argument for proponents of descriptive representation is that descriptive representation holds not only symbolic purposes, but that descriptive representatives also provide superior substantive representation to marginalized populations. While substantive representation can take many forms, Whitby (2000) argues that the “main component of the concept is policy responsiveness” and that “the policy-making process lies at the heart of substantive representation and is crucial to an understanding of how well Congress and its members are responding to black interests”(5). A cursory review of Figure 1 indicates that many of the policy areas that have high rates of recycling (and low rates of passage) are the policy areas of which descriptive representative are most likely to be active in. Figure C.1 demonstrates the results of binomial logit illustrating the policy areas where women members of Congress sponsor bills. Women in Congress sponsor heavily in the traditionally defined “women’s issue” areas of health, education, civil rights & liberties, and law, crime & family.

Figure C.1
Sponsorship of Bills by Topic: Women Representatives

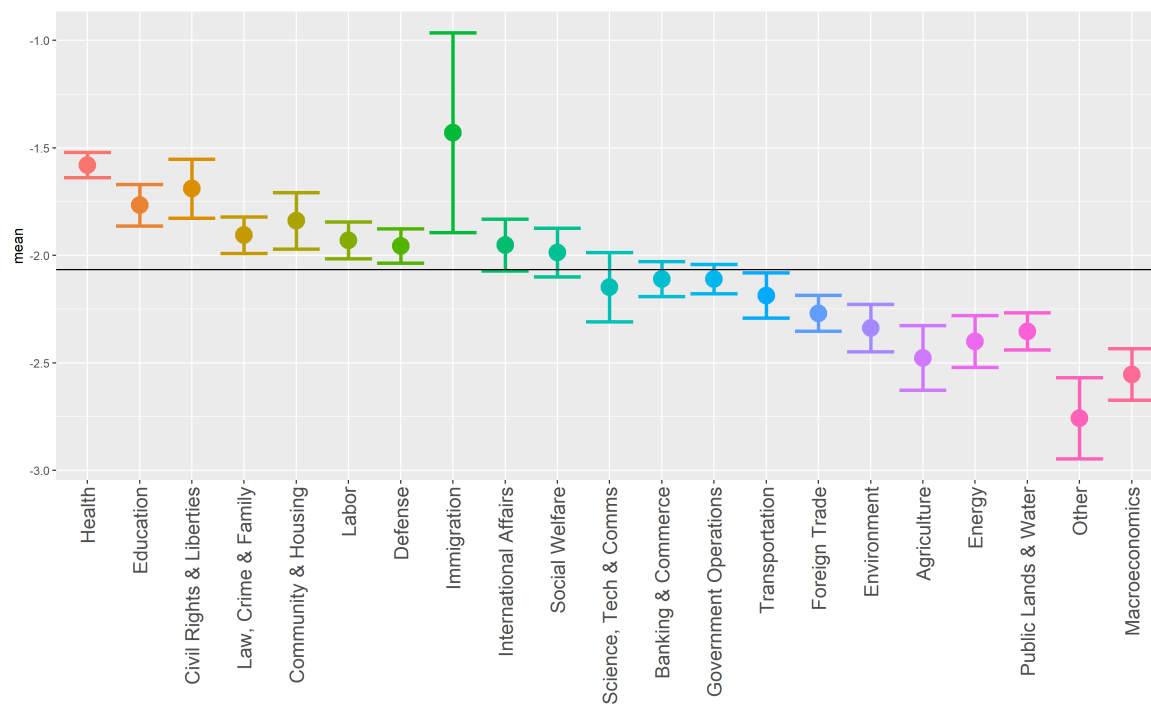


Figure C.2 reports results for African American members of Congress. African American sponsors tend to favor bills in civil rights & liberties, community & housing, government operations, law, crime & family issue areas, and appear to be less interested in sponsoring on the issues of defense, agriculture, energy, environment, and public lands & water.

Figure C.2
Sponsorship of Bills by Topic: Black Representatives

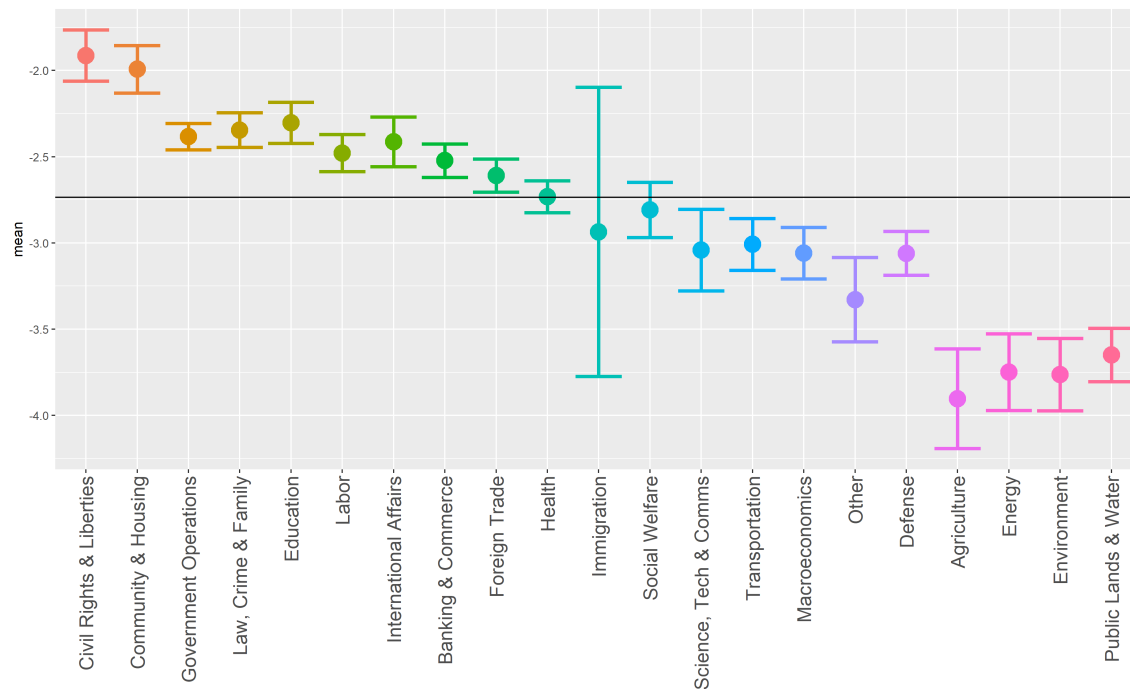
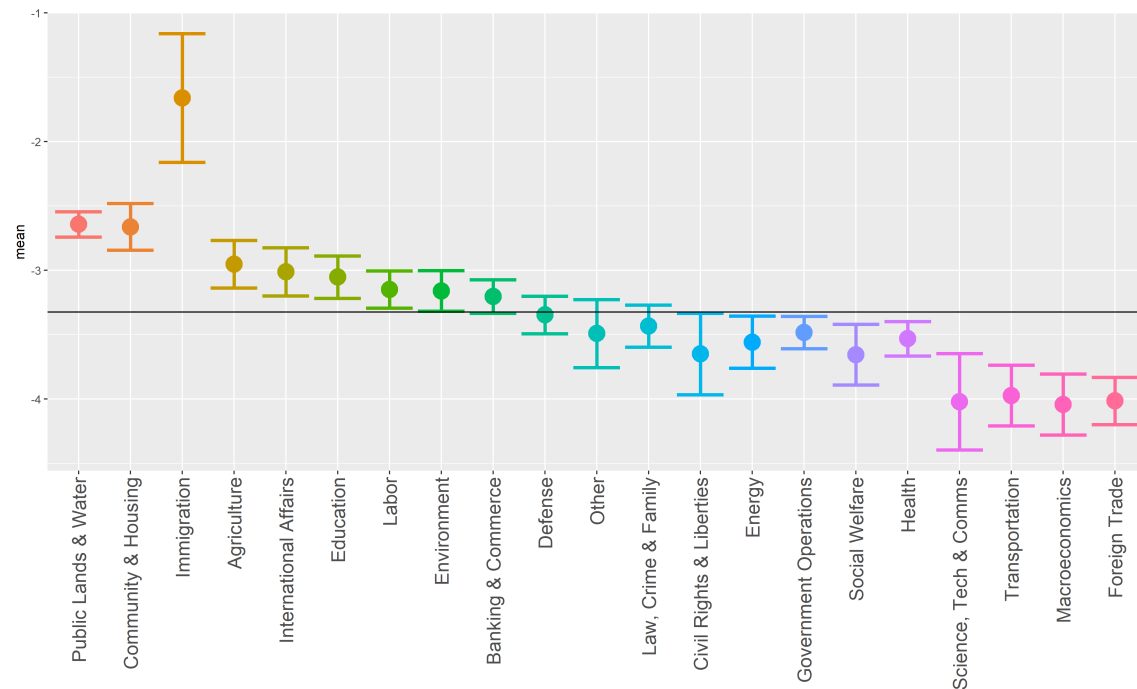


Figure C.3 reports results for Latin@ members of Congress. Latin@ members of Congress appear to be most active on issues of public lands & water, community & housing, immigration, agriculture, and international affairs. Latin@ members of Congress appear to be less interested in sponsoring on issues of health, science & technology, transportation, macroeconomics, and trade.

Figure C.3
Sponsorship of Bills by Topic: Latin@ Representatives



In Chapter 2, we found that bills sponsored by women and Black members of Congress were less likely to be reported from committee, while bills sponsored by Latin@ members were more likely to pass the House. One potential explanation for these differences may be attributable to the different issue agendas promoted by women, Latin@, and African American Representatives. Future research on legislative recycling and policy gridlock should carefully incorporate descriptive representation components in an effort to understand why some policy areas are less likely to have high rates of recycling, and why some issue areas, particularly those of importance to people of traditionally marginalized social identity groups are so likely to exhibit high rates of recycling.

While we are poorly situated to thoroughly investigate the crossroads of descriptive representation, intersectionality, bill sponsorship, legislative recycling, and legislative effectiveness here, we can set a foundation for better evaluations down the line. These preliminary results, certainly point to the need to do so. Legislative recycling

and legislative success interact with social identity attributes in surprising and interesting ways. Data limitations muddy our ability to clearly understand how and why these differences exist, but one potential explanation appears to be that the issue agendas of women, Latinos, African Americans, African American women, and Latina members of Congress differ in important ways with underlying consequences for bill introduction and reintroduction, and the likelihood of achieving legislative success.

APPENDIX D

History and Context: Legislative Service Organizations in Congress

Research on congressional caucuses can be divided into three areas of interest: research explaining and exploring the existence of caucuses within the U.S. Congress (Caldwell, 1989; McCormick & Mitchell, 2007; Miler, 2011), the effectiveness of caucuses in achieving legislative goals (Hammond, 1998; Loomis, 1981; Stevens, Mulhollan, & Rundquist, 1981), and the extent to which caucuses operate as cohesive voting blocs (Gile & Jones, 1995; A. B. Levy & Stoudinger, 1976; Menifield, 1998; Pinney & Serra, 1999; Ragusa & Gaspar, 2016). This literature has identified seven different types of congressional member organizations.

Types of Congressional Member Organizations

Congressional scholars have identified 7 distinctive types of CMOs:

1. Intraparty CMOS: consist of subsets of political parties such as the House Freedom Caucus and the House Progressive Caucus;
2. Personal Interest CMOS: focus on broad single concerns that often cut across the policy domain of more than one committee such as the Sustainable Energy & Environment Coalition or the Children's Caucus;
3. Industry CMOS: advocate the interests of a particular industry such as the Wine Caucus or the Coal Caucus
4. Regional CMOS: advocate for the interests of a particular region such as the Congressional Tennessee Valley Corridor Caucus;
5. State or District CMO's: advocate the interests of a particular state or district such as the California Democratic Congressional Delegation;
6. National Constituency CMOS: advocate the interests of particular constituency such as the Congressional Black Caucus, or the Veterans Caucus;
7. Diplomacy CMOS: advocate for improving foreign relations with another country or region of the world such as the Friends of Thailand Caucus or the Congressional Asia-Pacific Economic Cooperation Caucus.

The original typology by Hammond (1998) identified types 1-6, while type 7 was added by Matthew E. Glassman and Dilger (2015).

The Democratic Study Group (DSG) established in 1959 is considered by many to mark the beginning of the modern caucus system in Congress (Matthew E. Glassman & Dilger, 2015; Hammond, 1998; Loomis, 1981). In the 1960's, two more groups followed: the Republican moderates' Wednesday group and the antiwar Members of Congress for Peace Through Law group. Throughout the 1970's, Member groups began to gain momentum, and by the end of the decade there were 45 identified groups. During this

period of CMO expansion, the Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Women's Caucus were all established.

Electoral and institutional factors contributed to the growth of caucuses and remain important factors in their enduring presence within Congress. During the 1970's the growing influence of television media, and the professionalization of electioneering coupled with a decline of party affiliation in the American electorate led to an emphasis on individualistic and candidate-centered campaigns, which fed into the allure of caucuses which could offer assistance in keeping re-election constituencies primed (Singh, 1996). Institutional factors such as a dissatisfaction with the party leadership system also played into appeal of caucuses, as the variety of causes provided more avenues into achieving representational and policy goals (Singh, 1996). The rapid growth of informal groups in the 1970's resulted in creation of regulations aimed at ensuring informal member groups did not circumvent House ethics rules.

In July of 1979, rules were issued requiring Member groups receiving funds for their operations from member budgetary allowances to register with the Clerk of the House as a legislative service organization and to submit bookkeeping and staffing records to the Clerk.¹ The most well established caucuses applied for, and successfully obtained LSO status. During this period, the typical LSO operated off a budget built from a pool of contributions by members from their staff salary and official expenses funds, which were both part of official appropriations for House members (Caldwell, 1989). Several LSOs received additional support from private sources ranging from foundations to businesses aligned with caucus goals. Among the ranks of registered LSO's were the Congressional Black Caucus established in 1971, the Congressional Hispanic Caucus established in 1976, and the Congressional Caucus for Women's Issues established in 1977.

By the 1980's the role of LSO's and informal groups in Congress had become a topic of controversy for both congressional scholars and government watchdogs. Affiliations with outside foundations brought some (such as the CBC, the Sunbelt Caucus

¹ See Matthew E. Glassman and Dilger (2015) for a complete list of regulatory requirements. During this time, caucuses either had to register as a "Legislative Service Organization" or remain unregistered and fully independent. Registering as an LSO permitted the use of offices in House buildings, franking privileges, and access to congressional research and informational resources (Singh, 1996).

and the Caucus for Women's Issues) under scrutiny, and prompted a series of media reports suggesting that some LSO spending and staffing decisions violated congressional ethics rules regarding the use of taxpayer funds (Matthew E. Glassman & Dilger, 2015; Singh, 1996). For example, in the early 1980's the Congressional Black Caucus and the Congressional Hispanic Caucus received the overwhelming majority of their funds from private sources. The CBC for example received 95% of its operating budget (around \$400,000 from private sources) while the CHC obtained 80% of its operating budget from private sources (Caldwell, 1989).²

An expose on the Travel Caucus published in the *Wall Street Journal* highlighted the potential for ethics abuses, "corporations can't contribute to a Congressman's election campaign, or give cash to a congressional committee... But some clever folks discovered that there isn't any prohibition on corporate giving to congressional caucuses... [The caucus] disputes suggestions that [it] is a government-supported lobby... [But] lobby or not, the caucus wields political clout"(Caldwell, 1989). As the media turned a spotlight on the workings of caucuses, the House Administration Committee responded by forming an Ad Hoc Subcommittee on Legislative Service Organizations in 1981. A series of hearings brought diverse opinions to the fold with some Members arguing LSOs played a critical role in Congress by enabling members to more effectively carry out their official duties, and asserting that LSOs were necessary to compensate for the failures of the party and committee system, with others asserting they were fronts for ethics abuses, nepotism and over-complicated the legislative process (Caldwell, 1989). The October 1981 regulations stipulated that all fundraising activities were to be moved from all government premises. The CHC made the decision to maintain a legislative support organization on Capitol Hill (CHC), and move the non-profit fundraising organization (CHCI) to a new home (CHCI, 2015).

Following a May 1993 House hearing, which highlighted concerns about lax filing practices of LSO financial reports, The Committee on House Administration, chaired by Congressman Charlie Rose (D-NC) released new LSO regulations effective

² It is important to note that the small membership of the CBC and CHC would have made raising funds from public sources such as members clerk-hire allowances difficult as there is only a small number of members from which to cull allowances. Larger organizations such as the Democratic Study Group have more members from which they may pool contributions for operational needs.

January 1, 1994. These new rules eliminated LSO bank accounts outside of Congress, required LSOs to file budgets and year-end statements, and subjected LSO employees to House ethics rules (Matthew E. Glassman & Dilger, 2015). These reforms, however, would be short lived. The 1994 congressional election ushered in a new era of congressional control, and in December of '94 incoming House Speaker Newt Gingrich announced the intention to prohibit LSOs.

In addition to the concerns of ethics violations, caucuses were politicized in that most LSO's emerged and thrived under Democratic controlled Congresses and participation in caucuses was greater among Democrats, making LSO reform a difficult practice of self-regulation (Singh, 1996). Unhindered by these constraints, the new House leadership set a course to swiftly eliminate caucuses. Caucuses had become serious obstacles in constructing majority coalitions and in doing so, presented a challenge to the authority of political parties and party leaders (Singh, 1996). During this period of turmoil, on May 16, 1994, Congressman Norman Mineta of California established the Congressional Asian Pacific American Caucus (CAPAC) to promote the interests of Asian American and Pacific Islander (AAPI) communities.

For the new House leadership, failures to significantly reform LSOs under Democratic controlled Congresses provided political leverage for including the elimination of LSO's within the GOP's "Contract with America". National constituency caucuses such as the CBC, CHC and Congressional Caucus for Women's Issues were especially vocal in opposition efforts (Matthew E. Glassman & Dilger, 2015). For these organizations, potential elimination was not only a loss of a resource, but a blow to Congress's ability to fulfill its representative duties. During floor debate Representative Cardiss Collins (D-IL) argued for the preservation of LSOs:

Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations in the House of Representatives. As a member of several invaluable legislative service organizations, I know first-hand the important role they have played in analyzing and promoting legislation to assist members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus and the Congressional Caucus for Women's Issues, LSOs have enable Americans who are significantly underrepresented in Congress to have a more united and more effective voice in the legislative process.³

In previous Congresses, national constituency caucuses had succeeded in resisting reforms that would have decreased their influence in Congress. Owing largely to the fact that these caucuses, especially the Black and Hispanic Caucuses and the Congressional Women's Caucus were dominated by Democrats. As Representative Swift (D-WA) said in the hearing on LSO reform "if it were not for the Black and Hispanic caucuses and the Congressional Women's Caucus our job would be open and shut. You are complicating our lives".⁴ Unhindered by fears of upsetting racial and ethnic subgroups of their party, the House GOP was able to eliminate LSO's on the first day of the 104th Congress.⁵

Despite the loss of LSO status, the Congressional Black Caucus, Congressional Hispanic Caucus, Congressional Caucus for Women's Issues, and Congressional Asian Pacific American Caucus reorganized as CMOs and continued their efforts in Washington. Having recently founded CAPAC, Congressman Mineta (D-CA) argued that if the elimination of LSOs "requires that each caucus member duplicate within his or her individual office the work that could be done more efficiently and at a lower cost by one person working for an LSO, then so be it. The ironclad commitment we have made to effectively providing representation will not waver" (Hammond, 1998, pp. 211-212). The Congressional Caucus on Women's issues reorganized with a new nonprofit organization, Women's Policy Inc., which employed several former caucus staffers and

³ Representative Cardiss Collins, "Rules of the House: House Resolution 6", remarks in the House of Representatives, Congressional Record, volume 141, part 1 (January 4, 1995), p 482.

⁴ Remarks of Congressman Swift, Report of the Ad Hoc Subcommittee on LOSs of the Committee on House Administration, 97th Congress, Second Session (Washington, DC: Government Printing Office, 1982)

⁵ It is worth noting, that this trend remains true today. In the 113th Congress the House of Representatives included 43 African Americans (all members of the Democratic party), 13 Asian-Pacific Islanders (all Democrats), and 33 Latin@s, 26 of whom were Democrats. As a result, the only racial or ethnic member group with a Republican membership is the GOP response to the Congressional Hispanic Caucus, the similarly titled "Congressional Hispanic Conference".

continued to offer services previously housed within the caucus (Hammond, 1998). Meanwhile the Congressional Black Caucus was celebrating its 25th anniversary and undergoing major shifts in caucus membership and structure. While the CBC had been an LSO for the past ten years, the caucus had operated as a member organization for 15 years before obtaining LSO status. As the CBC returned to its pre-LSO operational structure, CAPAC and the CHC also adjusted to the new era of caucuses in Congress.

APPENDIX E

Interview Recruitment and Protocol Materials

Recruitment Letter



Firstname Lastname
 Organization
 Work Address

Month-day, 2015

Dear Firstname,

My name is Angelina González-Aller and I am a PhD candidate in the Department of Political Science at the University of New Mexico. I am conducting a study that explores how the experience of working in Congress affects legislative behavior and democratic representation. A part of this project includes a case study on the Health Equity and Accountability Act (HEAA). Specifically, my research seeks to understand how increasing diversity within the U.S. Congress may influence policy outcomes. A component of my research design is to interview policy advocates involved in developing and promoting HEAA. You are being asked to participate in this study because your organization's involvement in the HEAA working group makes your experiences, perceptions, and opinions very valuable to this study.

The purpose of the interview is to understand, from your perspective, the opportunities and constraints of working to promote health equity in Congress, and to gather some information about the process behind the Health Equity and Accountability Act. The interview will take about 25-35 minutes. If you prefer, the interview will be anonymous, otherwise with your permission, I may use some identifying information when the results of the research are written up. If you agree to the interview, you have the right to withdraw your participation at any point during the study.

If you have any questions, or are willing to participate in the study, please feel free to contact me.

Thank you for your consideration,

Angelina L. González-Aller
 PhD Candidate
 Department of Political Science
 Robert Wood Johnson Foundation Dissertation Fellow
 MSCC05 3400, 1 University of New Mexico
 Albuquerque, NM 87131-0001
aaller@unm.edu, 1-505-350-3632



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Recruitment Handout p.1



Going to Work: Diversity in the United States Congress

Research Summary

Angelina González-Aller, from the Department of Political Science at the University of New Mexico, is conducting a research study as part of her dissertation project. The purpose of the study is to gather information that will help to build scholarly understanding of the Health Equity and Accountability Act. You are being asked to participate in this study because you are a staff member for an organization involved in health equity policy. Your experience in this role means your opinions and perceptions on the policy process are of value to this study.

Your participation will involve a discussion, which will last approximately 35 minutes. Your involvement is voluntary, and you may choose not to participate. The interview will be scheduled according to your convenience, and take place at the location of your choosing. Throughout the course of this study, I expect to interview about 15 to 25 people including policy advocates, as well as Members of Congress and congressional staff.

If you prefer, the interview will be anonymous. This means I will make substantial efforts to conceal your identity by omitting or obscuring any information that could lead to your identification. Otherwise, with your permission, I may quote you by name or use other identifying information, when the results of the research are reported. You may choose to be "on the record" or request anonymity prior to the discussion. Additionally, you have the right to choose not to participate or to stop, or even withdraw, your participation at any point in the study.

The interview will be audio recorded in order to assure accuracy in capturing your responses so that it can be transcribed later for analysis purposes. The digital audio recording will be labeled with a number and kept in a password-protected computer. Only the principal investigator, Ms. González-Aller, will have access to the audio recording. Once the audio recording is transcribed, the recording will be destroyed. All data will be kept in a locked file in Ms. González-Aller's office.

The potential risks associated with this study are expected to be minimal. If you have any questions about this research project, please feel free to call Ms. González-Aller at (505) 350-3632 or her advisor, Dr. Michael S. Rocca at (505) 277-0111.



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Recruitment Handout p.2



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at the University of New Mexico

What will happen if I decide to participate? If you agree to participate in the study:

1. You will schedule an interview with Ms. González-Aller, which will be conducted by phone or in person, at your convenience.
2. With your approval, the interview will be audio recorded in order to assure accuracy in capturing your responses and so that it can be transcribed for analysis. The audio recordings will be encrypted and securely stored. Only the principal investigator will have access to the audio recordings. Your name and any other personal information will not be kept on the tapes. At any time you may request that the recorder be turned off. You may decide to end the interview at anytime.
3. You will be asked for some demographic information, such as your full name, contact information, and employment history. You will be asked for your recollection and opinions about how the Health Equity and Accountability Act came to be developed and how Members of Congress, and policy advocates, promote health equity policy.
4. The interview will last approximately 25 minutes. Additional interview time may be needed for clarification.
5. The interviews will be transcribed and analyzed for study. Participants will be de-identified, and only pseudonyms will be used to protect confidentiality unless explicit permission is given to reveal your identity. The recordings will be deleted as soon as the transcriptions are checked for accuracy. All information will be encrypted, and kept under password protection. Small segments of the conversation may be used for publication or educational purposes, always without any identifying information, unless explicitly permitted by you.
6. There will be no direct benefit to you from your participation in this study. However, the information you provide may help scholars better understand Congress as a work place and how Members promote health equity policy.



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Recruitment Handout p.3



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at the University of New Mexico

What are the risks or side effects of being in this study?

The researcher does not anticipate that this study will involve any major risks. There are no costs associated with this study except the interview time, and you will not receive any monetary or non-monetary benefits for your participation.

Can I stop being in the study once I begin?

Your participation in this study is completely voluntary. You have the right to choose not to participate or to stop or even withdraw your participation at any point.

Whom can I call with questions or complaints about this study?

If you have any questions at any time about the research study, you may contact the primary researcher, Angelina González-Aller, at (505) 350-3632 or aaller@unm.edu.

If you would like to speak with someone other than the research team, or have questions regarding your rights as a research participant, you may call the UNM Institutional Review Board at (505)-277-2644. The UNM Institutional Review Board is an organization at the University of New Mexico responsible for providing independent oversight of safety, and ethical issues, related to research. For more information, you may access their website at <http://irb.unm.edu/>.



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Interview Protocol

Semi-structured Interview Protocol Sample

Instrument Title: HEAA Case Study, Policy Advocate Interviews

Total Participant Time Required: minimum of 25 minutes, maximum of 1 hour and 30 minutes.

Introduction and Informed Consent

1. **Greeting:** *Hello/Good Morning/Afternoon. My name is Angelina González-Aller, thank you for agreeing to meet with me.*
2. **Explain the purpose of the interview:** *I am a PhD candidate at the University of New Mexico completing my dissertation research, which focuses on the role of informal processes, rules and norms on the legislative process. I'm especially interested in better understanding how the tri-caucus promotes health equity and understanding how the HEAA bill and working group was developed. As such, I would like you to feel comfortable with saying what you really think and how you really feel.*
3. **Explain the use of audio recording:** *With your permission, I will tape-record our conversation. Tape recording is helpful to me because it allows me to carry on an attentive conversation without missing any details.*
4. **Informed consent:** *I would like to begin by reviewing the informed consent paperwork that you were sent earlier in the week. Give the participant a copy of the approved Informed Consent for Interview participants, allow the participant to read over the form.*

If you have any questions about the consent form please let me know. Wait until participant indicates that they have finished reading the form. As a reminder, this interview is "off the record" which means I will make substantial effort to ensure you have confidentiality by using pseudonyms, withholding information that could lead to your identification, or even altering information to prevent your identification.

While I cannot guarantee total anonymity, I believe that it is very unlikely that you could be identified. Nonetheless, you should carefully weigh this decision and know that you can change the status of your interview, or end the interview and withdraw from the study at anytime. Do you have any questions? Wait for response. Please indicate that you understand these terms by signing below.

Provide the participant with a copy of the informed consent form and emphasize the contact information should the participant have questions at a later time.

Audio Recording

1. Prepare the audio recorder and discuss the process with participant. *As discussed, I am going to record our discussion today so that I will not miss any important details for our conversation and allow me to focus entirely on our discussion. I will securely store the recording on my computer and once the recording has been transcribed or written down word for word, I will delete the recording so that no one else will have access to our discussion. Do you have any questions?*
2. Begin recording. *Thank you, let's begin.*

Interview Discussion (use prompts as needed)

1. I'd like to begin by asking you how long you have worked for your organization and how you became involved in working on HEAA.
 - a. What is your job title, and what was your involvement in the HEAA working group?
 - b. What is the mission of your organization and how does HEAA fit or relate to that mission?
2. Could you tell me a little bit about the HEAA tradition? Who are the major actors and what are the major events?
 - a. Do you know when this all first began?
 - b. Do you know who was involved in the creation of HEAA?
3. Now I'd like to ask you about your organization's involvement in HEAA. Do you know how long your organization has been involved with promoting HEAA?
 - a. Can you tell me how your group came to be part of the HEAA working group?
 - b. What is the goal of the HEAA working group and what role does it play in developing or promoting the bill?
4. HEAA is an interesting bill. As I understand it HEAA rotates through the tri-caucus and is introduced by a different Member each Congress. Is this correct?
 - a. So the health taskforce chair of the caucus gets to introduce the bill? Doesn't this mean that Members devote a lot of time and effort into developing a bill, which will lose their name in the next Congress?
 - b. Under these circumstances, why do you think a Member would sponsor the bill?
 - c. Do you know of any other bills that share some of these "quirks"?
5. HEAA is a very large bill and is unlikely to pass, even in a democratic controlled Congress. If HEAA is unlikely to be implemented, why does the tri-caucus devote so much time and resources to the bill?
 - a. What is the value of having a comprehensive bill on health disparities?

- b. Do you know of any provisions from HEAA that have been implemented as stand alone bills or as parts of other bills?
6. Do you have any other comments or are there any other questions you wish I had asked?
7. Could you recommend any other individuals for me to interview?
8. Closing (5 minutes)
 - a. Thank the participant
 - b. Closing remarks

Thank you again for helping me with this study. Do you have any questions about anything? Thank you.

END RECORDING

APPENDIX F

Key Events and Federal Actions on Health Disparities Timeline: The Lead Up to HEAA

1906	WEB DuBois publishes <i>The Health and Physique of the Negro American</i>	Used data such as census reports, vital statistics and insurance record to document the poor health of AA's in comparison to white Americans. Refuting claims from Frederick Hoffman's 1886 <i>Race Traits and Tendencies of the American Negro</i> which asserted poor health status of AA's was due to racial inferiority DuBois's book emphasized the role of social conditions in health outcomes (Northington Gamble & Stone, 2006).
1930	The United States Public Health Service assumes operation of National Negro Health Week	National Negro Health Week was first held in Virginia in 1915, which gained the attention of Booker T. Washington who moved the program to Tuskegee to give it a national focus. Between 1915 and 1930, AA's in 32 states participated in Health Week Activities (Northington Gamble & Stone, 2006).
1932	USPHS establishes the Office of Negro Health Work	The Office of Negro Health work was the first time that black health care issues were institutionalized within a federal bureaucracy. The Office operates until 1950 when it is closed under the auspices of integration (Smith, 1995).
1944	Publication of Gunnar Myrdal's <i>The Negro Problem and Modern Democracy</i>	Highlighted lasting effects of slavery and racism on the social and economic conditions, family structure and political awareness of African Americans (Kennedy, 2005)
1946	Hill-Burton Act	Congress passes Hill-Burton Act to provide funds for the construction of health care facilities. The law prohibited the refusal of medical services based on race, religion, or national origin, but upheld "separate but equal" facilities (Ruffin, 2015).
1964-1965	1964 Civil Rights Act and the 1965 passage of Medicare and Medicaid	Resulted in the desegregation of most U.S. Hospitals.
1972	Tuskegee Syphilis Study Concludes	After 40 years, the Tuskegee Syphilis Study ends. The study involved 600 black men: 399 with syphilis, 201 who did not have the disease. The study was conducted without study participants' informed consent.
1976	Indian Health Care Improvement Act (IHCA)	Passed by Congress in 1976, motivated by public health research findings that highlighted the gross disparities between the health status of Native Americans and the general population.
1979	U.S. Department of Health, Education and Welfare releases the Belmont Report	Produced in part due to problems stemming from the Tuskegee Syphilis Study (1932-1972) the Department of Health, Education and Welfare created ethical standards and guidelines to protect human subjects in research (Ruffin, 2015).
1979	U.S DHHS created Healthy People 2000	Healthy People is a national health promotion and disease prevention program with the objective of improving the health of the American people.

1984	Secretary of Health, Margaret Heckler recognizes racial and ethnic health disparities.	Secretary of Health, Margaret Heckler sends report card on health status to Congress documenting disparities in the burden of death and illness according to race leading Secretary Heckler to establish the Task Force on Black and Minority Health to conduct a comprehensive and coordinated study of health disparities.
1985	Heckler Report Released	Heckler’s task force releases their ten-volume report in October 1985. It provided extensive documentation of excess deaths in minority populations.
1986	Office of Minority Health (OMH) established	As a result of the Heckler Report, the Department of Health and Human Services swiftly established the OMH. The OMH is tasked with implementing task force recommendations, as well as planning and coordinating activities across HHS that deal with minority health.
1990	NIH creates Office of Minority Programs (OMP)	Following efforts by HHS Secretary Louis Wade Sullivan, the Office of Minority Programs was created to coordinate research and information dissemination and to guide the NIH’s minority health research agenda (Gillion, 2017; Ruffin, 2015).
1990	HHS releases Healthy People 2000 Objectives	In September 1990, the Department of Health and Human Services released Healthy People 2000 a strategy for improving the health of Americans by the end of the century. The objectives included the “reduction of health disparities” (CDC, 2009; Dawes, 2015).
1990	Disadvantaged Minority Health Improvement Act of 1990	The Disadvantaged Minority Health Improvement Act of 1990 was passed (Public Law 101-527). The bill was introduced by Congressman Henry Waxman with original cosponsors Bill Richardson, Edolphus Towns, Louis Stokes, and Norman Mineta. The law called for the amendment of the Public Health Service Act “to provide for an improvement in the health of member of minority groups and for other purposes. The law also expanded the responsibilities of the Office of Minority Health to address the underrepresentation of minorities in the health professions (Ruffin, 2015).
1992	CDC creates Office of Minority Health	The Centers for Disease Control and Prevention establish the Office of Minority Health
1992	Minority Health Initiative	The Minority Health Initiative at NIH was launched with \$45 million in funding for health disparity programs.
1993	NIH Revitalization Act of 1993	The NIH Revitalization Act was passed (Public Law 103-43) by Congress in 1993. Proponents of the 1990 Minority Health Bill, such as Congressman Stokes were again active in expanding the federal government action on health disparities. This law codified the OMP into a congressionally mandated office, providing the newly named Office of Research on Minority Health (ORMH) with a more permanent and influential role within the NIH (Ruffin, 2015).
1998	President’s Initiative on Racial and Ethnic Health Disparities	In February of 1998, President Clinton, Surgeon General David Satcher, and HHS Secretary Donna Shalala announced an initiative to eliminate racial and ethnic health disparities by 2010 (Dawes, 2015; Gillion, 2017).

2000	Minority Health and Health Disparities Research and Education Act of 2000	Congress passed the Minority Health and Health Disparities Research and Education Act (Public Law 106-525) to address racial and ethnic disparities in health. One of the primary achievements of the law was the creation of the National Center on Minority Health and Health Disparities at the National Institutes of Health (Dawes, 2015; Ruffin, 2015). Among other responsibilities, the center was tasked with establishing programs to address the underrepresentation of minorities in the health research workforce (Clinton, 2000). The law also directed the Agency for Healthcare Research and Quality to issue an annual report on racial disparities in healthcare.
2002	Unequal Treatment Report Issued	The Institute of Medicine released its comprehensive report (mandated by Public Law 106-525) documenting pervasive and extensive health care disparities throughout the United States.
2002	Tri-Caucus Established	Tri-Caucus consisting of the CBC, CHC, and CAPAC was established to address issues of mutual concern such as immigration, health care, education and economic development (E. B. Johnson, 2003).

APPENDIX G

HEAA Title Iterations

108th Congress

Healthcare Equality and Accountability Act

H.R. 3459 Sponsor: Elijah Cummings (CBC)

432 pages, 8 titles:

- I. Coverage of the Uninsured
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Reducing Disease and Disease-Related Complications
- V. Data Collection and Reporting
- VI. Accountability
- VII. Strengthening Health Institutions That Provide Healthcare to Minority Populations
- VIII. Miscellaneous Provisions

109th Congress

Healthcare Equality and Accountability Act

H.R. 3561 Sponsor: Mike Honda (CAPAC)

447 pages, 9 titles:

- I. Coverage of the Uninsured
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Reducing Disease and Disease-Related Complications
- V. Data Collection and Reporting
- VI. Accountability
- VII. Strengthening Health Institutions That Provide Healthcare to Minority Populations
- VIII. Anne Dodge Wauneka and Susan La Flesche Picotte Native American Health and Wellness Foundation

110th Congress

Health Equity and Accountability Act

H.R.3014 Sponsor: Hilda Solis (CHC)

255 pages, 5 titles:

- I. Culturally and Linguistically Appropriate Healthcare
- II. Health Workforce Diversity
- III. Data Collection and Reporting
- IV. Accountability and Evaluation
- V. Improvement of Health Care Services

111th Congress

Health Equity and Accountability Act

H.R.3090 Sponsor: Donna Christensen (CBC)

353 pages, 6 titles:

- I. Culturally and Linguistically Appropriate Healthcare
- II. Health Workforce Diversity
- III. Data Collection and Reporting
- IV. Accountability and Evaluation
- V. Improvement of Health Care Services
- VI. Eliminating Disparities in Diabetes Prevention Access and Care Act

112th Congress

Health Equity and Accountability Act

H.R.2954 Sponsor: Barbara Lee (CAPAC)

637 pages, 10 titles:

- I. Data Collection and Reporting
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Improvement of Health Care Services
- V. Improving Health Outcomes for Women, Children, and Families
- VI. Mental Health
- VII. Addressing High Impact Minority Diseases
- VIII. Health Information Technology
- IX. Accountability and Evaluation
- X. Addressing Social Determinants and Improving Environmental Justice

113th Congress

Health Equity and Accountability Act

H.R.5294 Sponsor: L. Roybal-Allard (CHC)

756 pages, 10 titles:

- I. Data Collection and Reporting
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Improvement of Health Care Services
- V. Improving Health Outcomes for Women, Children, and Families
- VI. Mental Health
- VII. Addressing High Impact Minority Diseases
- VIII. Health Information Technology
- IX. Accountability and Evaluation
- X. Addressing Social Determinants and Improving Environmental Justice

114th Congress**Health Equity and Accountability Act**

H.R.5475 Sponsor: Robin Kelly (CBC)

786 pages, 10 titles:

- I. Data Collection and Reporting
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Improvement of Health Care Services
- V. Improving Health Outcomes for Women, Children, and Families
- VI. Mental Health
- VII. Addressing High Impact Minority Diseases
- VIII. Health Information Technology
- IX. Accountability and Evaluation
- X. Addressing Social Determinants and Improving Environmental Justice

115th Congress**Health Equity and Accountability Act**

H.R.5942 Sponsor: Barbara Lee (CAPAC)

840 pages, 10 titles:

- I. Data Collection and Reporting
- II. Culturally and Linguistically Appropriate Healthcare
- III. Health Workforce Diversity
- IV. Improvement of Health Care Access and Quality
- V. Improving Health Outcomes for Women, Children, and Families
- VI. Mental Health
- VII. Addressing High Impact Minority Diseases
- VIII. Health Information Technology
- IX. Accountability and Evaluation
- X. Addressing Social Determinants and Improving Environmental Justice

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