

Why Bills Fail: Electioneering with the Legislative Agenda

by

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For my parents and Michelle

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TABLE OF CONTENTS

DEDICATION	ii
ACKNOWLEDGEMENTS	iii
LIST OF FIGURES	ix
LIST OF TABLES	x
CHAPTER	
I. Introduction	1
1.1 Bills as the Unit of Observation	3
1.2 Definitions	5
1.3 Preview of Findings	6
1.4 Plan for the Dissertation	7
II. A Theory of Agenda Allocation	10
2.1 Background	12
2.2 The Audience for Dead-On-Arrival Bills	15
2.3 Microfoundations	17
2.4 An Open Outcry Auction for the Legislative Agenda	20
2.4.1 Players and Preferences	21
2.4.2 Sequence of Play	23
2.4.3 Equilibrium Concept	24
2.4.4 Single Round Auction	24
2.4.5 Two Period Auction	25
2.4.6 Auctioning the Agenda Before an Election	26
2.4.7 Utility Functions	28
2.4.8 Conditions that Generate Dead-On-Arrival Bills	29
2.4.9 Maximum Bids	31
2.5 Auction Simulations and Comparative Statics	34
2.5.1 Electoral Uncertainty	34

2.5.2	Legislative Gridlock	39
2.6	Model Extensions	41
2.6.1	Post-Election Auction and Dead-On-Arrival Bills	41
2.6.2	Ordering the Agenda	47
2.7	Conclusion	48
2.8	Appendix	50
 III. The Electoral and Policy Consequences of Dead-On-Arrival Bills		52
3.1	The Strategic Timing of Dead-On-Arrival Bills	53
3.1.1	Selection Problem and Estimating Bill Passage Probabilities	53
3.1.2	Statistical Model	58
3.1.3	Independent Variables	59
3.1.4	Controls	61
3.2	Results	62
3.3	The Future Success Of Dead-On-Arrival Bills	68
3.4	Conclusion	74
3.5	Appendix	76
3.5.1	Dead-On-Arrival Bills Descriptive Statistics	76
3.5.2	Robustness Checks	78
3.5.3	Latent Variable Measure	81
3.5.4	Performance	84
 IV. How Interest Groups Incentivize Lawmakers to Focus On Dead-On-Arrival Bills		91
4.1	Interest Group Attention to Dead-On-Arrival Bills	92
4.1.1	Interest Group Propositions	93
4.2	Data and Statistical Models	94
4.2.1	Interest Group Campaign Advertisements	95
4.2.2	Legislative Scorecards	101
4.3	The Legislative Agenda's Order	108
4.4	Conclusion	112
4.5	Appendix	113
 V. Where's the Credit or the Blame? Reassessing Dead-On-Arrival Bills' Political Effects		120
5.1	The Proposed Effects of Dead-On-Arrival Bills	123
5.1.1	Blame Game Hypothesis	123
5.1.2	Reward Hypothesis	124
5.1.3	Rallying the Base Hypothesis	125
5.1.4	Campaign Issue Hypothesis	126

5.1.5	Dead-On-Arrival Bills and Counterfactuals	126
5.2	Border Funding Experiment	127
5.2.1	Survey Design	128
5.3	Results	130
5.3.1	Testing the Blame Game Hypothesis	130
5.3.2	Testing the Reward Hypothesis	134
5.3.3	Testing the Rallying the Base Hypothesis	141
5.3.4	Testing the Campaign Issue Hypothesis	143
5.4	Conclusion	146
5.5	Appendix	149
5.5.1	Blame Game Hypothesis Alternative Mechanisms	149
5.5.2	Reward Hypothesis Alternative Mechanisms	152
5.5.3	Survey Instrument	155
VI.	Conclusion	164
6.1	Contributions	167
6.2	Future Research	168
6.3	Implications	169
BIBLIOGRAPHY	172

LIST OF FIGURES

Figure

2.1	Probability Group Wins Auction as q_i^{t+1} Changes	36
2.2	Group Supporting Dead-On-Arrival Bill's Mean Bid	38
2.3	Probability Group Wins Auction As Gridlock Increases	40
2.4	Probability g_i Wins Auction As Its and g_j 's Valuation Change	45
3.1	Predicted Hazard Ratios for Dead-On-Arrival and Enactable Bills	65
3.2	Predicted Hazard Ratios for Bills in Unified and Divided Government	67
3.3	Predicted Probability Previously Failed Bill Is Enacted in Unified Government	73
3.4	Histograms of Latent Bill Passage Probabilities	83
3.5	Number of Type 1 Errors As Latent Measure Becomes Less Restrictive	86
3.6	Predicted Probabilities Bill is Enacted Based on Latent Measure	88
4.1	Predicted Probability Interest Group Ad Supports Majority Party	100
4.2	Predicted Probability Groups Allied and Opposing the Majority Party Rate DOA Bill	107
4.3	Figure 3: Predicted Probability of When a DOA Bill Gets Rated	111
5.1	Probability Moderates Blame Opposing Party for Blocking Dead-On-Arrival Bill	133
5.2	Change in the Probability Republican Respondents Rewards Its Party for Proposing DOA Bill Compared to Other Bill	138
5.3	Change in the Probability Democratic Respondents Rewards Its Party for Proposing DOA Bill Compared to Other Bill	139
5.4	Dead-On-Arrival Treatments	160
5.5	Compromise Treatments	161
5.6	Unknown Treatments	162
5.7	Control Treatment	163

LIST OF TABLES

Table

2.1	Players and Parameters	30
2.2	Conditions In Which DOA or Enactable Bill Wins Second Round	43
3.1	Latent Measure of Introduced Bills' Passage Probabilities (2003-2012)	55
3.2	Bills that Receive Floor Consideration, 2003-2012	56
3.3	Important Bills that Receive Floor Consideration, 2003-2012	56
3.4	Hazard Models of Bills Being Added to the Floor Agenda, 2003-12	63
3.5	Probability Failed Bill Gains Consideration or is Enacted in Subsequent Congress	72
3.6	Number of Dead-On-Arrival Bills that Gained Floor Consideration, by Congress	76
3.7	Percentage of Dead-On-Arrival and Enactable Bills that Reach the Floor, by Issue Area	77
3.8	Cox Models of Bills Being Added to the Floor Agenda, 2003-12	78
3.9	Weibull Models of Bills Added to the Floor Agenda Stratified by Congress, 2003-12	79
3.10	Bills Being Added to the Floor Agenda with Electoral Prospects Product Measure, 2003-12	80
3.11	Dead-On-Arrival Bills by Identification Method	82
3.12	Dead-On-Arrival False Positives By Measure	85
3.13	Probability Bill Is Enacted	87
3.14	Latent Variable Measure Codebook	90
4.1	Heckman Probit Model Predicting if Election Ad Supports Majority Party	99
4.2	Probability Allied Interest Group Rates Dead-On-Arrival Bill, Weighted Measure	104
4.3	Probability Interest Groups Rate Dead On Arrival Bills, Weighted Measure	106
4.4	Probability DOA Bill Is Rated Early in Legislative Session, 2003-12	110
4.5	Heckman Probit Model Predicting if Election Ad Supports Majority Party, Including Old Bills	113
4.6	Heckman Probit Model Predicting if Election Ad Supports Majority Party with Clustered Robust SEs by Interest Group-Election Year Dyad	114
4.7	Interest Group Scorecards, by Congress	115
4.8	Probability Allied Interest Group Rates DOA Bill, Including Rated Amendments	116

4.9	Probability Interest Groups Rate Dead On Arrival Bills, Including Rated Amendments	117
4.10	Probability Allied Interest Group Rates Dead-On-Arrival Bill, Unweighted Measure	118
4.11	Probability Interest Groups Rate Dead On Arrival Bills, Unweighted Measure	119
5.1	Probability Moderates Blame Obstructing Party for Border Issues, By Party	132
5.2	Probability Proposing Party is Credited for Advancing DOA Bill by Co-Partisan Respondents	136
5.3	Probability Citizens Credit Majority Party for Proposing Dead-On-Arrival Bill	140
5.4	Probability Partisans Choose to Vote After Learning About Dead-On-Arrival Bill	142
5.5	Probability Voters Mention Immigration/Border Issues as Campaign Issue	145
5.6	Probability Obstructing Party's Approval Decreases Among Moderates After Blocking DOA Bill	150
5.7	Probability the Public Blames Obstructing Party for Border Issues, By Party	152
5.8	Probability Partisans Approve of Co-Partisan Lawmakers for Proposing Dead-On-Arrival Bill	154
5.9	Probability Dead-On-Arrival Bill Increases Proposing Party's Approval .	155

CHAPTER I

Introduction

On January 19, 2011, House Republicans brought H.R. 2 - Repealing the Job-Killing Health Care Law Act to a vote. Even though Republicans knew repealing the new Affordable Care Act had no chance of enactment, they decided that this should be one of the first bills to consider in the 112th Congress. The legislation passed on a party line vote and was sent to the Democratic controlled Senate, where it was certain to die.

Over the next two years, House Republicans passed dozens of dead-on-arrival (DOA) bills¹ on topics ranging from offshore oil drilling, federal regulations, abortion, and payments to the United Nations. The House majority's continual focus on legislation intended to fail generated a narrative that Republicans lawmakers could not govern. Many argued this "Do Nothing" (Egan 2012) majority party deserved most of the blame for the extremist, uncompromising legislation that populated Congress's agenda (Mann and Ornstein 2012).

At the same time, Senate Democrats pursued a nearly identical legislative strategy. During the 112th Congress, they proposed dead-on-arrivals bills to reform campaign finance rules, raise taxes on the wealthy, restrict oil drilling, strengthen gender pay discrimination laws, among many others. In every case, these bills were advanced with the knowledge that House Republicans would not agree to them.

¹I use the terms dead-on-arrival bill and intended failure interchangeably throughout the dissertation. I refer to a discrete bill in Congress synonymously as a bill, legislation, or proposal.

Congress's focus on dead-on-arrival bills left political commentators grasping to explain this legislative behavior. The general consensus presented a dour view. These bills were "frenetic gestures and dramatic poses that quickly fade away to nothing" used "only to stoke the passions of liberal or conservative base voters" (O'Keefe and Farenthold 2013). However, absent from this discussion about a polarized and dysfunctional Congress was the reality that dead-on-arrival bills are nothing new. Rather, this type of bill has been proposed by majority parties in Congress for decades. Landmark legislation² such as the Family Leave and Medical Act, the Bush tax cuts, and the Class Action Fairness Act, were all at one time, dead-on-arrival bills.

The persistent use of this legislative strategy raises numerous questions about intended legislative failures, such as: what do lawmakers gain from advancing this legislation? When do legislators focus on DOA proposals? Who pays attention to dead-on-arrival bills? What are their short term political effects? What happens to these previously DOA bills once they can be enacted?

While dead-on-arrival legislation itself is puzzling, these bills raise larger questions about congressional lawmaking. DOA proposals are interesting because majority parties deliberately advance them in lieu of a compromise bill on the same topic or legislation that can be enacted on a different issue. Considering how legislators select among various legislative options, and the opportunity costs associated with this decision, is essential to studying why dead-on-arrival bills receive consideration.

Consequently, this project is a study of congressional agenda allocation. While I focus on DOA proposals in this dissertation, I do so to address two questions:

- Why does Congress prioritize certain issues but not others?
- How does issue attention today affect which bills become law in the future?

In this dissertation, dead-on-arrival bills will be the vehicle through which I examine

²As reported by David Mayhew in the extension data to Mayhew (1991).

these questions. Intended legislative failures are particularly suited for this study for three reasons. First, these bills defy the conventional wisdom for why certain proposals gain attention. An important, if not the most important, legislative consideration for lawmakers is whether a proposed policy can be enacted. If they cannot, it is generally argued, these proposals are censored from the legislative agenda (Krehbiel 1998; Baron and Ferejohn 1989). In contrast, dead-on-arrival bills arise even though they are doomed to fail. By examining both DOA and enactable bills, this dissertation clarifies the full range of lawmakers' incentives when constructing their legislative agendas.

Second, studying intended failures explicitly considers how bills compete for legislative attention. When studying lawmaking, it is nearly impossible to locate lawmakers' preferences relative to the status quo and potential alternative policies (see Clinton 2011 and Richman 2011 for reviews and two exceptions). When a policy is enacted, it is viewed as the best possible alternative the agenda-setter could enact (e.g., Tsebelis 2002; Krehbiel 1998). However, dead-on-arrival bills do not offer lawmakers any immediate policy utility. Thus, a crucial agenda setting question is how do DOA bills gain agenda space instead of compromise legislation on the same topic or enactable legislation on a different topic? Third, dead-on-arrival bills preclude the most commonly espoused reason for legislative failure, uncertainty. As a result, this legislation can be studied as a strategy used by lawmakers rather than a consequence of unsuccessful bargaining.

1.1 Bills as the Unit of Observation

The unit of observation throughout this project is a bill introduced in Congress. From a theoretical and empirical standpoint, my analysis begins when a policy is introduced by a member of Congress and becomes a discrete piece of legislation. Studying bills offers three main advantages compared to examining other potential units of observation (e.g., votes, amendments, or policy ideas more generally). First, to advance to the floor for

consideration, bills require collective action. With the rare exception of the discharge petition, in the contemporary Congress, the majority party engages in this collective action. Therefore, examining bills allows me to study the majority party as the key strategic actor that allocates agenda space to legislation.

Second, studying bills allows me to avoid interpreting whether procedural tricks used by the majority party makes a proposal dead-on-arrival. As I will discuss in Chapter 3, dead-on-arrival bills can fail in numerous ways. They can be blocked by an intra-chamber final passage vote, an intra-chamber cloture vote, being sent to the subsequent chamber for consideration, being vetoed by the president, among others.³ By examining bills, it is straightforward to account for all of the ways a majority party can have a bill intentionally die. Using other units of observations, such as votes, would make such an analysis much more difficult.

Finally, legislation is somewhat easily tracked within and between congresses. In a given term, the Library of Congress reports when bills are added to new legislation or are identical to other proposals.⁴ Bills also follow certain patterns that make them relatively easy to track between congresses. Legislators commonly retain the same short titles when re-introducing a bill, the Library of Congress's legislative summaries are similar, and tools exist to compare bill texts. Compared to tracking a single policy idea, the bill provides a standard unit that is much easier to classify as dead-on-arrival.

Throughout my dissertation, I focus on when a majority party chooses to send a bill to the floor for consideration. It is at this stage of the legislative process that a bill changes from being championed by a committee or a few members therein to affecting the entire majority party. The decision to bring the bill to the full chamber for consideration dictates

³This is one reason studying votes is not an ideal way to examine DOA legislation. Many intended failures in the Senate do not receive final passage votes. In the House, most DOA bills actually pass the chamber only to die later in the process.

⁴Wilkerson, Smith and Stramp (2015) note the challenges in using the Library of Congress database. In Chapter 3, I discuss how I matched bills using major titles and provisions rather than only relying on when the LOC and Congressional Research Service (CRS) report bills are identical.

whether the legislation will be used by the majority party for policy and/or political gain.

The two main concepts this project revolves around are dead-on-arrival bills and the majority's legislative agenda. Before proceeding any further, I define both concepts.

1.2 Definitions

Dead-on-arrival (DOA) bills or intended failures consist of three defining features. First, they are bills that have no chance of becoming law. This does not mean dead-on-arrival legislation can never pass. However, under the governing coalition in which the legislation is proposed, a veto player is guaranteed to block the bill. Second, an intended failure will not be enacted even when coupled with other proposals. While this project examines bills, more broadly, dead-on-arrival policies are the set of proposals that will fail, regardless of any procedural attempts used to enact them. Third, policymakers and political observers alike know that the legislation is doomed to fail. In other words, everyone is certain about a bill's fate if it advances through the legislative process. If all three conditions are met, a bill is considered dead-on-arrival.

There is an important distinction between a dead-on-arrival bill and an initial offer during a negotiation. DOA legislation does not serve as the opening salvo of a bargaining process. Rather, these bills are proposals that do not lead to concessions and policy compromises. To adopt Cameron's (2000) language, dead-on-arrival bills are singletons in the bargaining process.⁵ In Chapter 3, I discuss the empirical challenges of distinguishing intended failures from initial offers in a negotiation. I define the legislative (or floor) agenda as all bills the majority party sends to the chamber floor to be voted on for passage.⁶

⁵A dead-on-arrival bill can be brought up multiple times by a majority party. For instance, Republicans forwarded more than one bill to repeal the Affordable Care Act and, in 2008, Democrats forced President Bush to veto two SCHIP extension bills. Repeated DOA bills cannot be classified as attempts at negotiating. Instead, these bills are even more clearly DOA as the proposing party has made no effort to strike a bargain with the opposition.

⁶For stylistic reasons, I use the terms majority party, lawmakers, and legislators interchangeably

1.3 Preview of Findings

My project shows how dead-on-arrival bills are unique instruments used by legislators and their allied organized interests. The majority party uses intended failures to electioneer when it most needs electoral support. In exchange for its DOA bill gaining agenda space, an interest group provides legislators with political help. In doing so, the group pushes the majority party to adopt the intended failure as its working policy alternative. As a result, once the majority wins unified government, the previously dead-on-arrival legislation is more likely to be enacted.

This theory contrasts with the conventional view of DOA bills. Political scientists have effectively dismissed this legislation as political theater. In this view, the goal of dead-on-arrival bills is to appeal to voters through symbolic gestures. My theory and empirical results revise this argument in three ways. First, I find dead-on-arrival bills are not just used for political showmanship. The majority party strategically adds intended failures to its agenda in order to secure a reliable political return. Second, organized interests are the relevant audience for these bills. Allied interest groups consistently reward the majority party for advancing DOA legislation.

Third, and most importantly, intended failures are not symbolic. These proposals are an important mechanism for policy change. In unified government, previously DOA bills are enacted at much higher rates compared to other legislation. When a majority party controls government, it prioritizes the legislation interest groups pushed it to consider in the previous congressional term. This finding has important implications for understanding the role organized interests play in setting Congress's agenda, and which legislation will become law in the uniquely productive moments of unified government.

throughout the dissertation. In each case, I am referring to the set of representatives or senators that identify as members of the majority party in that chamber.

1.4 Plan for the Dissertation

In the remainder of the dissertation, I examine how majority parties in Congress determine their legislative agendas. I focus on dead-on-arrival bills as a way to understand how political considerations affect issue prioritization. The purpose of this project is to show 1) how lawmakers' electoral priorities and interest groups' policy goals affect which legislation gains consideration; and 2) how considering legislation today dictates a party's legislative agenda in the future.

In the next chapter, I develop a theory of how Congress decides to allocate its agenda space, with a focus on when and why a majority party chooses to add to the floor dead-on-arrival legislation, and not enactable bills. I begin by reviewing the literature on lawmaking, agenda setting, and politically motivated legislation. I then specify an open outcry auction model in which DOA and enactable bills compete to gain floor consideration in the U.S. House of Representatives or Senate. The model examines how interest groups can strategically increase the political value of legislation it supports in order to make that bill more attractive to legislators. Using simulations of the auction, I specify a series of empirical hypotheses concerning the conditions under which dead-on-arrival bills gain floor consideration and their propensity to become law in unified government.

In Chapter 3, I test the hypotheses generated by the auction model. My data includes every non-trivial bill introduced in the House or Senate from 2003 through 2012. Consistent with my model's predictions, I find dead-on-arrival bills are more likely to gain agenda space when control for government is competitive and veto players' policy preferences diverge. Additionally, I show that dead-on-arrival bills are not particularly rare. I document nearly 300 unique pieces of DOA legislation.⁷

Chapter 4 empirically addresses my theory's critical assumptions. I assess if allied interest groups actually reward majority party lawmakers for advancing DOA bills and if

⁷This is notable as 6 of the 10 years during this decade had unified government.

an auction is an appropriate way to model Congress's legislative agenda. Using interest group campaign advertisements and a novel dataset of legislative scorecards, I show that allied groups' electoral support for majority party candidates is greatly influenced by intended failures. Moreover, I find that the majority party orders its agenda in a manner consistent with the assumptions of an auction.

In Chapter 5, I consider the conventional views of dead-on-arrival bills. Using a survey experiment, I test whether voters are an important audience for intended failures. My results indicate that voters do not necessarily respond to this legislation in a politically meaningful way. My inconsistent and, in many cases, null experimental results suggest that if the public responds to DOA legislation, it does so in a more complex manner than previous studies have claimed. Taken together, Chapters 4 and 5 suggest that intended failures are politically valuable principally due to how interest groups react to them.

The concluding remarks situate this project in the broader political science literature. I examine how these findings improve our understanding of lawmaking, agenda setting, and interest group influence in the United States Congress. I discuss the practical implications of this study and focus on what this dissertation contributes to debates about reforming Congress.

My dissertation's main contributions are three-fold. First, this study reveals how electoral politics shape why Congress considers certain issues and not others. When a majority party has the chance to win unified government, the floor agenda becomes a tool used to electioneer, not make laws. When control for government is competitive, as it is in contemporary politics, we should expect to observe significantly more dead-on-arrival bills reaching the House and Senate floors.

Second, my dissertation highlights that intended failures are not a result of legislative dysfunction. Instead, they are a mechanism used by interest groups to improve a bill's future probability of enactment. DOA proposals are not symbolic bills used to politically grandstand. They are the foundation of partisan agendas in unified government.

Finally, I clarify that organized interests are the relevant audience for this legislation. As a result, the topics that will become DOA are the ones most salient to politically powerful interest groups allied with the majority party. This finding has implications for understanding how changes in the interest group environment affects legislative prioritization.

CHAPTER II

A Theory of Agenda Allocation

After becoming Speaker of the House, Paul Ryan detailed a new House agenda replete with dead-on-arrival bills. Ryan’s goal was to “...use this year [2016] as a sort-of dress rehearsal for a time when the party controls the White House” (Lillis 2016). At the same time, Speaker Ryan stated which DOA policies would not gain legislative consideration. House Republicans would not bring a bill to replace the Affordable Care Act (ACA) or tax reform proposals to the floor (Sherman and Bresnahan 2016). Such an explicit, and rarely stated, strategy to pursue dead-on-arrival legislation raises a number of questions, including: how did House Republicans decide which proposals to bring to the floor? Why did Speaker Ryan choose DOA issues other than an ACA replacement or new tax reform? Why did Republicans choose to focus on these proposals rather than bills that would lead to policy changes? What are the long term consequences of focusing on some dead-on-arrival bills and not others?

Notably, the literature on congressional lawmaking and agenda setting speaks very little to these questions. Dead-on-arrival bills are an anomaly in conventional theories of agenda allocation. Most studies emphasize the importance of changing the status quo in dictating when and why legislators advance a bill (e.g. Cox and McCubbins 2005; Tsebelis 2002; Krehbiel 1998; Baron and Ferejohn 1989). However, intended failures do not offer this opportunity. Political scientists have noted that some failed bills are politi-

cally motivated. This work presupposes voters pay attention to this legislative behavior (Lee 2011; Groseclose and McCarty 2001), an assumption other scholars have called into question (Cameron 2012). Additionally, no one has examined why some DOA bills gain legislative attention instead of enactable legislation or other intended failures.

In this chapter, I propose a theory that examines when and why any bill, including dead-on-arrival ones, gains agenda space. Using a game-theoretic auction model, I examine the conditions under which lawmakers prefer an intended failure compared to enactable legislation. The model considers how the majority party allocates agenda space to legislation. As the audience to the legislative process, interest groups reward lawmakers for sending their preferred legislation, enactable or DOA, to the floor.

The auction framework makes explicit the two trade-offs a majority party must consider when adding a dead-on-arrival bill to its agenda. First, the model clarifies when an intended failure is more valuable to legislators than an enactable bill. By definition, a dead-on-arrival bill does not offer lawmakers any policy utility while other legislation offers the prospect of changing an undesirable status quo policy. The auction shows when lawmakers are willing to forego making a policy change to pursue a DOA proposal. Second, the model explicates which dead-on-arrival bill a majority party will focus on. By examining how legislation competes for agenda space, this theory shows why lawmakers prefer certain DOA legislation relative to other intended failures.

The auction predicts that dead-on-arrival proposals are strategically added to the agenda when they provide the most electoral value to the majority party. Both interest groups and lawmakers benefit from adding intended failures to the floor. For legislators, these bills provide the political support necessary to win more power in government. For interest groups, getting their DOA bills on the agenda improves the legislations' prospects for future enactment.

The remainder of the chapter proceeds in three parts. I begin by reviewing the literature on dead-on-arrival bills. To introduce the logic of the auction model and emphasize

the importance of electoral politics to my theory, I specify a single period auction model in which intended failures are never added to the agenda. Next, I present a more complex two round auction with an election between the rounds. This model clarifies the importance of electoral politics when majority parties decide whether to add DOA proposals to the floor agenda. Finally, using simulations of this two round auction, I derive a series of hypotheses concerning when intended failures are likely to gain agenda space and why these bills are more likely to eventually become law.

2.1 Background

Scholars and journalists have long noted the existence of dead-on-arrival legislation. These bills have been analyzed using various terms, such as objectionable bills, veto bait, political footballs, partisan red meat, among others. Political scientists have been studying examples of these bills as a type of position-taking for decades with the Family Leave and Medical Act serving as the canonical example (Groseclose and McCarty 2001).¹ While scholars have begun noticing this legislation more often (Nather 2002), little work has considered why DOA bills gain agenda space. More generally, in studies of lawmaking and agenda setting, political scientists have focused on why bills become law and why proposals unintentionally fail, but have not focused on intentional legislative failure.

The literature on lawmaking focuses on why bills pass, not why they fail (Tsebelis 2002; Cameron 2000; Krehbiel 1998; Binder 2003; Mayhew 1991). For instance, bargaining models predict that intended failures are never sent to the legislative floor. In this situation, the agenda-setter anticipates that other pivotal (or veto) players will block the proposal and chooses not to waste his time in advancing the bill any further (Tsebelis 2002; Krehbiel 1998). Studies that focus on unsuccessful legislation emphasize unintentional reasons, such as uncertainty among policymakers, for generating failed bills (e.g.,

¹Democrats repeatedly proposed the Family Leave and Medical Act only to have President George H.W. Bush veto it. When President Clinton was elected, Democrats enacted the legislation.

Cameron 2000). However, by definition, uncertainty cannot explain why a majority party adds dead-on-arrival proposals to its agenda.

Similarly, work on legislative agenda setting addresses unsuccessful bills, but not intentional failures. Cox and McCubbins (2005) argue dead-on-arrival bills are an additional tool used by the majority party to censor undesirable legislation from becoming law. According to procedural cartel theory, proposals that will not be enacted are inherently “policy change[s] contrary to the wishes of the bulk of the majority party...” and can be classified as “quasi rolls,” if the bill fails on the floor, or “inconsequential rolls,” if the legislation is dead-on-arrival in the subsequent chamber (Cox and McCubbins 2005, 225).

Jenkins and Monroe (2015) clarify this logic and argue that disappointments, when the agenda-setter supports a proposal that fails on the floor, arise because the agenda-setter does not buy enough votes to move the policy away from the median voter. However, viewing dead-on-arrival bills as disappointments does not comport with how the majority party treats this legislation. Many times the majority party *chooses* disappointment when considering these proposals. A common tactic in the House involves party leaders suspending the rules and allowing a dead-on-arrival bill to fail by a two-thirds vote rather than pass it under a normal majority vote.² Similarly, the majority leader calling a cloture vote he knows will fail is the modal way this legislation dies in the Senate. The typology that captures rolls and disappointments does not necessarily capture the strategic nature of dead-on-arrival bills. Many DOA proposals are passed through a chamber with the knowledge they will fail at the next stage of the legislative process. As a result, DOA bills can appear to be disappointments or successes.

More generally, scholars note certain conditions under which majority parties place divisive legislation on the agenda. Aldrich and Rohde (2000) argue more extreme bills are sent to the floor as parties in government become more cohesive and distinct. However, they are silent on if and when these bills fail. Lee (2009) notes that the Senate’s agenda

²For example, 112-HR-3803: District of Columbia Pain-Capable Unborn Child Protection Act.

has focused on more contentious issues as competition for majority status has increased but does not examine the role of intended failures in creating this divisive environment.

A smaller literature recognizes that bills may advance solely for political reasons. Political scientists have examined veto bait, which are dead-on-arrival bills vetoed by the president (Martin 2012; Gilmour 2011; Groseclose and McCarty 2001; Gilmour 2002; Rohde and Simon 1985). The main claim in this literature is DOA legislation is used by the proposing actor (in this case, Congress) to create blame for the obstructing politician (the president). Groseclose and McCarty (2001) formalize this argument into a blame game signaling model where Congress can make the president look extreme to moderate voters by forwarding an intended failure. Martin (2012) and Gilmour (2011) argue the blame game model better predicts vetoes than a sequential bargaining model in which vetoes arise due to uncertainty about the president's preferences (Cameron 2000).

Besides creating blame, others have hypothesized dead-on-arrival bills create credit for the proposing actors and increase partisan turnout on election day. Gilmour (1995) claims lawmakers strategically disagree to gain credit from "enthusiastic constituents."³ Pierce (2008) suggests these bills are used to rally base voters to turnout on election day.

The conventional wisdom concerning dead-on-arrival legislation presents theoretical challenges. In particular, it is not clear why voters respond to intended failures. A signaling model implies the public learns new information about policymakers' preferences after observing a DOA proposal. For high-profile intended failures, it is unlikely voters learn anything new. It is reasonable to assume most citizens already knew Republicans opposed the Affordable Care Act and Democrats did not support the Iraq War.⁴ For less salient DOA bills, as Cameron (2012) notes, most voters are not paying attention. In many cases, intended failures on campaign finance, trade, and workplace safety do not

³Lind (2014) argues that Republicans proposed a DOA immigration bill prior to their summer recess so they could credit claim during town hall meetings in their districts.

⁴If they did not, it is unlikely these voters would be able to accurately attribute credit or blame to the correct party/candidate on election day.

generate enough public attention for effective signaling to occur.

A second possibility is that lawmakers signal their commitment to an issue by proposing a DOA bill. In this scenario, the majority party can take costly action to gain support from an attentive audience, such as an allied interest group. With this new information, the group will choose to provide electoral support to the committed legislators. However, policymakers cannot credibly commit to passing a dead-on-arrival proposal as doing so requires a different governing coalition.⁵ Any promise from the party to an attentive audience, such as interest group, is just that. Since lawmakers cannot credibly argue they can eventually pass a bill, it is unclear why organized interests should reflexively support this behavior. For intended failures to be useful, they must provide those observing the legislation some sort of reliable benefit.

In the next sections, I consider the theoretical microfoundations that underly a model of agenda allocation in the U.S. Congress. I examine who is the likely audience for dead-on-arrival bills and the assumptions that are necessary to produce an intended failure on the floor.

2.2 The Audience for Dead-On-Arrival Bills

To examine why dead-on-arrival bills gain agenda space, it is essential to consider the political return the majority party receives from these bills. Conventional accounts of intended failures suggest some segment of the public responds to this legislation (Lee 2011; Groseclose and McCarty 2001). Other political scientists note that voters are an inattentive audience and are unlikely to provide consistent credit or blame for intended

⁵Even if the majority party shows commitment to a DOA proposal and reneges, it is hard for a group to punish the majority party. Since intended failures almost always split the parties, an organized interest cannot help the opposition and hope it will advance the dead-on-arrival proposal. Pushing out lawmakers via primary is one enforcement mechanism, but systematically removing powerful lawmakers who control the agenda is difficult and may not solve the problem. Another veto player, such as the president, may still oppose the intended failure, leaving groups little recourse if the party does not fulfill its commitment.

failures (Lenz 2012; Cameron 2012; Bartels 2002; Mayhew 1974).⁶ If voters are not consistently paying attention to, much less rewarding lawmakers for advancing, DOA legislation, a different audience must be the target for these bills.

I argue that interest groups are the relevant audience for dead-on-arrival bills. Organized interests consistently provide lawmakers political support, particularly for supporting their issue positions.⁷ For a majority party, a group provides a reliable political return when the group's preferred policy is advanced through Congress.

Organized interests are willing to offer political support for a DOA bill for three reasons. First, interest groups are policy maximizers. Their main goal is to get and keep their policy preferences enacted.⁸ In other words, organized interests' time horizons are longer than lawmakers who are focused on winning their next campaign. As a result, groups are willing to pursue legislative strategies, such as advocating for dead-on-arrival bills, that may not provide immediate short term policy benefits. Second, organized interests are attentive to issues related to their goals. Groups engage officials on topics they care about and help shape the debate, outcome, and prevailing image of a legislative proposal (Baumgartner and Jones 1993; Mayhew 1974; Schattschneider 1960). More simply, groups know when a DOA bill arises on the agenda and which lawmakers are responsible for pushing it through the legislative process.

Third, dead-on-arrival bills can help groups solve their "alternative problem" (Light 1991; Kingdon 1984). For its policy to be considered for passage, an interest group needs to get its outcome viewed as the viable option to the status quo by the majority party. Steering policymakers towards adopting the group's alternative is an important step in this long-term process (Kingdon 1984). Even though a dead-on-arrival bill will not pass in

⁶Mayhew (1974) notes "[i]t must be emphasized that the average voter has only the haziest awareness of what an incumbent congressman is actually doing in office" (40).

⁷While political support can include donations, I use it to refer to the myriad of activities interest groups participate in to support allied legislators (Skinner 2007).

⁸Groups have other goals, such as maintaining a large membership, fundraising, and raising public awareness. I assume that when engaging with the legislative process, organized interests seek a policy outcome (i.e., maintain the status quo or have a new policy enacted).

the current session, improving its future policy prospects incentivizes organized interests to support legislators for advancing an intended failure.⁹

Anecdotal accounts show interest groups pay attention to DOA legislation. For example, in 2003, Republicans voted on a number of tort reform bills that were dead-on-arrival. In reporting on the issue, *CQ Weekly* noted, “[t]he issue pits one of the top allies of Democrats, trial attorneys, against a Republican-leaning coalition of insurers and health care providers. The American Medical Association (AMA), the nation’s largest physicians’ organization, has designated the issue as its top legislative priority” (Adams 2003). Similarly, “a wide-ranging business coalition” backed OSHA reform in 2005 (Swindell 2005) and unions backed card-check legislation in 2008 (Benson 2008). For these reasons, it is very likely interest groups provide the consistent political support necessary to get a dead-on-arrival bill, and not an enactable one, onto the legislative agenda.

2.3 Microfoundations

To begin developing my model of agenda allocation, I begin with a set of assumptions concerning interest groups and a majority party in Congress. None of the assumptions are unique to this work. Rather, they come from and are tested in the extensive literatures on US lawmaking, parties, and legislative organization. To examine why majority parties focus their agendas on DOA legislation, I adopt five assumptions:

Assumption 1: Interest groups pay attention to and reward or punish majority parties for their legislative activities.

This assumption is a natural extension from the previous discussion that interest groups are an audience attentive to lawmakers’ activities. By rewarding or punishing legislators,

⁹The value interest groups gain from having their policy as the defined alternative to the status quo should not be understated. Lawmaking conditions can change quickly, meaning whoever’s policy idea is available at that time will likely get their preferred legislation (Birkland 1997).

groups can influence the legislative process and increase their likelihoods of achieving their policy goals.

Additionally, interest groups provide political support to allied legislators. For example, a large literature examines organized interests' donation patterns in elections (see Stratmann 2005 and Roscoe and Jenkins 2005 for reviews). However, groups provide much more than money. They endorse candidates, coordinate get out the vote efforts, run campaign advertisements, among many other activities (Skinner 2007). In many cases organized interests are explicit about the link between legislative activity and their willingness to support or oppose a candidate. For instance, groups publish scorecards that rate the votes lawmakers take on legislation and mention legislators' voting records in campaign ads. Thus, for bills that generate interest group attention, it is reasonable to assume the majority party accrues some political reward or blame by working on that legislation.

Assumption 2: Majority parties are supported by their allied interest groups.

While there is variation in which groups provide contributions, endorsements, get out the vote drives, and other political support to party members, broadly speaking, majority parties receive political help from a consistent set of allied interest groups. Theoretically, this may be due to the fact that groups provide the foundation for what issues parties organize around (Bawn et al. 2012) or are an important faction of the party that provides resources to its candidates (Aldrich 1995). This notion is consistent with empirical work examining campaign contributions (Bonica 2013) and interest group networks (Grossman and Dominguez 2009).

Assumption 3: Within Congress, majority party members delegate procedural authority to a set of trusted legislators.

Delegating procedural authority helps the party solve internal collective action problems, protect lawmakers from taking tough votes, and maintain the party brand by cen-

soring ‘bad’ bills or forwarding agreeable ones (Cox and McCubbins 2005; Aldrich and Rohde 2000; Cox and McCubbins 1993).

Assumption 4: Attaining majority status and control of government is a valuable goal party leaders in government actively pursue.

This assumption is a standard feature of partisan theories of lawmaking (Lee 2009; Cox and McCubbins 2005) and theories of parties (Downs 1957). The implication of assumptions 3 and 4 is that majority party leaders bring bills to the floor that are in the best interest of the majority of their co-partisans. Any bill on the floor provides the majority party (in this case, a majority of its members) positive policy and/or political utility. As such, I model the bills the majority party, which can be understood as the leaders delegated to control the floor agenda, decides to bring to the floor for consideration.¹⁰

Finally, I assume that moving bills through the legislative process is costly.

Assumption 5: The majority party pays a one-time decision-making cost to bring a bill to the floor for consideration.

Research on agenda-setting emphasizes the difficulty in building consensus on a specific issue. Whether a majority party must “soften the ground,” create “value acceptability,” or develop a positive “policy image” (Baumgartner and Jones 1993; Kingdon 1984), it pays a decision-making cost when defining a new partisan policy alternative. Once legislation has been selected, it is challenging for parties to deviate from that choice. Individuals’ cognitive limitations and the time pressures on lawmakers prevent a majority party from constantly reconsidering its specific policy stance (Jones and Baumgartner 2005; Jones 2001). Switching to a new option requires legislators to pay the same costs in time, attention, and persuasion they already spent on the original plan.

¹⁰An important implication of these five assumptions is what topics will not be covered by DOA bills. In particular, dead-on-arrival legislation that splits the majority party will not be sent to the floor as party leaders seek to avoid politically costly conflict on the chamber floor (Cox and McCubbins 2005). As a result, issues that split Tea Party and mainstream Republicans will not arise as intended failures.

2.4 An Open Outcry Auction for the Legislative Agenda

In this section, I develop an open outcry auction model that explains when and why lawmakers choose to add a dead-on-arrival bill to the floor agenda. An auction model is theoretically useful as it highlights the complications inherent in studying congressional agenda setting. Specifically, an auction considers why a majority party prefers a dead-on-arrival bill rather than enactable legislation as well as why the majority chooses a particular DOA proposal among a set of possible intended failures. Examining both of these trade-offs is essential in understanding why agenda space is allocated to a given dead-on-arrival bill.

Other types of models do not capture this complexity. For instance, spatial and signaling models consider a single instance of policymaking (i.e., did a bill become law or what did that bill signal to an audience). By only focusing on a single piece of legislation, these approaches consistently find, in some variation, that DOA bills are politically motivated. However, the more interesting question is not whether these bills are political, but when is agenda space more useful for politics and not lawmaking? An auction explicitly considers the complex choices a majority party must make when weighing different legislative options. As a result, the auction clarifies how the majority party allocates agenda space and shows how bills compete for attention.

An open outcry or English auction, the type of game specified below, is an ascending-price auction. For many readers, this type of auction is familiar as it is commonly used to sell art or antiques, goods at an estate sale, or seized assets at a government-sponsored auction. At these auctions, the auctioneer begins by announcing his reservation price, the lowest price the auctioneer will accept. Next, bidders, whose valuation of the good being auctioned is private information, begin publicly offering sequentially larger bids. The auction concludes when a bid is made and no other bidder is willing to make a larger offer to the auctioneer. At that point, the good is sold at that price.

This type of auction is useful as it most closely resembles how interest groups pursue agenda space for their legislation. Through lobbying, donations or issue advertisements, organized interests indicate how much political support they are willing to offer the majority party for adding the bill to the floor agenda. However, how much a group truly values a given bill remains private information only known to that group. Other organized interests observe these ‘bids’ and can attempt to make their legislation more politically valuable for majority party lawmakers.

I focus on the unique circumstance in which a dead-on-arrival bill beats enactable legislation for agenda space. The model shows intended failures are more likely to arise on the floor when control for government is competitive and lawmakers have divergent policy preferences. Moreover, the game indicates that groups reward the majority for adding DOA bills to the agenda as doing so makes it more likely those proposals eventually become law when the groups’ allies control government.

2.4.1 Players and Preferences

The game consists of a majority party, P , and n interest groups, $G = \{g_1, g_2, \dots, g_n\}$. P has agenda setting power, the ability to decide which legislation is considered by the chamber. Each group seeks to have a bill enacted. Denote the set of legislation: $L = \{l_1, l_2, \dots, l_n\}$. For simplicity, assume each group is associated with a single bill (i.e., g_i advocates for l_i).

P selects at most one bill to include on its policy agenda. P ’s set of legislative options are: $A = \{\emptyset, L\}$. Legislation provides the majority party two types of utility, policy value, $v_p(l)$, and political benefits, b . Policy value is realized when a bill is enacted, otherwise $v_p(l) = 0$. Let $v_p(l) \in [-1, 1]$ be independently drawn from a cumulative distribution function, $F(\cdot)$. Additionally, assume all subsequent parameters are independently drawn from the same distribution and are elements of $[0, 1]$. I normalize all status quo policies

to $v_0 = 0$ for all players.¹¹ I define the probability of l becoming law as $q \in [0, 1]$. A bill's probability of enactment is the probability the bill, if sent to the floor by P , will be approved by the chamber as well as other veto players and become law. I assume a bill's policy value for P and the probability it can pass are common knowledge.

Political benefits, b , are any electorally useful activity provided to or on behalf of P by a group for placing its bill on the legislative agenda. These benefits are not conditional on enactment but are supplied by an interest group once its issue gains floor consideration. Additionally, the majority party pays a one-time decision-making cost when adding a bill to its agenda. Define P 's one-time cost of proposing a bill as $d \in [0, 1]$. Following Assumption 5, after being paid once, $d = 0$ for all subsequent instances in which l is offered by the majority party. P 's total utility is a combination of the policy and political benefits it receives from a bill, written as:

$$U_p(l_i) = q_i v_{p_i} + b_{p_i} - d_i \quad (2.1)$$

P uses the following tie-breaking rules. When two bids provide the same total utility, P chooses the bill that provides more policy utility; P prefers not to add a bill to the floor than to offer a bill that provides no utility; and if both bills provide the same total utility and policy utility, P selects bills using a lottery.

Each group has a budget of political benefits it can provide P for adding the group's bill to the legislative agenda. A group's maximum budget is defined by the utility it receives from its legislation being enacted. A group's utility is written as:

$$U_{g_i}(l_i) = q_i v_{g_i} \quad (2.2)$$

where $v_{g_i} \in [0, 1]$ and is private information. Denote the maximum value a group is willing to pay as $b_i^{max} = U_{g_i}(l_i)$ and define the set of bids a group can offer as: $B_i = \{0, b_i^e, \dots, b_i^{max}\}$.

¹¹Player utilities are not based on spatial preferences. A negative value is a utility loss for P or g .

In auction terminology, a group's total valuation, $U_{g_i}(l_i)$, is an independent private value. Note that since P can only add one bill to its agenda, all of its political benefits come from an interest group's bid. To examine when a dead-on-arrival bill arises on the agenda, I define l_i as dead-on-arrival with its probability of enactment as $q_i = 0$. I assume all other legislation's probability of enactment is greater than 0.

2.4.2 Sequence of Play

P holds an open outcry auction where interest groups publicly bid to have their bills included on the legislative agenda. Define the majority party's reservation price as the bill it will add to the agenda absent any bids. P 's reservation price is the legislation that offers the party the most total policy utility, written as: $U_P(l_r) = \max q_r v_{p_r} - d_r$. For clarity, I write the reservation price, and the group advocating for that bill, with r subscripts. The auction proceeds as follows:

1. P announces its reservation price, defined as the bill that offers it the most policy utility: $U_P(l_r) = q_r v_{p_r} - d_r$.
2. Interest groups publicly and sequentially offer increasingly large bids.
3. When no new bids can trump the previous bid, the auction ends with the highest bidder paying its offer to P . The winning bill is sent to the floor for consideration.

This game differs from standard open outcry auctions. P evaluates bids based on the **total utility**, v_p and b_p , it gains from adding the bill to its agenda, not just the bid being offered by a group. An implication of this choice rule is the winning bill may not include the largest bid. This occurs because the policy utility associated with a given bill may be sufficiently high to ensure legislation is added to the agenda even if a group can only afford a small bid. While a departure from standard auction models, as Proposition 1 shows below, this feature of the game does not change groups' basic bidding strategies.

2.4.3 Equilibrium Concept

Auction models are solved by finding a Bayesian Nash Equilibrium. An open outcry auction with independent private values is a type of second price auction. This game follows a standard open outcry auction in two crucial ways. First, for every bidder, there exists a maximum bid it will not exceed. By assumption, this amount is a group's valuation.¹² Second, a bidder's maximum bid is private information. Since a group's valuation is known only to that player, and its maximum offer depends on its valuation, the game features independent private values. In these settings, an interest group offering bids up to its total utility is a weakly dominant strategy (Milgrom 1989; Milgrom and Weber 1982). Thus, solving for a unique equilibrium is trivial, as given the above assumptions, an interest group will remain in the auction until it submits its maximum possible bid, b_i^{max} . Instead, I focus on the conditions under which P includes a bill on its agenda when $q_i = 0$.

To do so, I focus on the three types of groups included in this game, namely: 1) groups who advocate for a dead-on-arrival bill (g_i); 2) groups who advocate for an enactable bill (g_j) and; 3) the group whose bill is selected as the reservation price (g_r).¹³

2.4.4 Single Round Auction

Consider a game in which P auctions a single space on the agenda. In this situation, a dead-on-arrival bill will never win:

Lemma 1. In a single period game, g_i will never bid for a bill when $q_i = 0$ and a dead-on-arrival bill will never be selected by P to be included on its agenda.

Proof: Contained in the appendix.

¹²As I show below, in many cases, a group's maximum offer will be less than its valuation, v_g .

¹³For simplicity, I focus on single groups from each of these categories. The results generalize to any n for each type, and situations with zero groups are special cases of the conditions I outline below.

P selects:

$$\begin{cases} l_r & \text{if } q_i = 0 \text{ and } U_p(l_r) \geq U_p(l_j) \text{ and } U_p(l_r) > 0 \\ l_j & \text{if } q_i = 0 \text{ and } U_p(l_j) > U_p(l_r) \text{ and } U_p(l_j) > 0 \\ \emptyset & \text{if } q_i = 0 \text{ and } U_p(l_{-i}) \leq 0 \end{cases}$$

In this auction, P never gains any utility, policy or political, from elevating dead-on-arrival legislation to the agenda. Moreover, g_i does not gain any utility from a dead-on-arrival bill so it does not submit a bid. The outcome from this auction is P selects the enactable bill that provides it the most positive total utility.

2.4.5 Two Period Auction

Scarce agenda space does not explain why a dead-on-arrival bill is not elevated to the legislative agenda. Consider a two period game in which the same auction is held sequentially.¹⁴

Lemma 2. In a two period game, g_i will never bid for a bill when $q_i = 0$ and a dead-on-arrival bill will never be selected by P to be included on its agenda.

Proof: Contained in the appendix.

This lemma extends the logic outlined above. In a two period game, the first auction is the game discussed in Lemma 1. In round 1, a DOA bill can never win the auction as a better alternative for P always exists. However, even if l_j or l_r is added to the floor in round 1, in round 2, P will not add a dead-on-arrival bill to its agenda. As long as

¹⁴Winning the auction only guarantees a bill receives consideration by the full chamber. Unless $q = 1$, the legislation will not necessarily be enacted.

P prefers doing nothing instead of advancing legislation that provides it zero utility, the DOA bill will never be sent to the floor. This simple model extends to n rounds. No matter how much agenda space P possesses, in this scenario, it will never add a dead-on-arrival bill to its agenda.

The noteworthy outcome from these simple models is what does not produce dead-on-arrival legislation. Gridlock, represented by small q values, and interest groups with large budgets cannot generate this legislative behavior. This stands in contrast to conventional views about why these bills are generally proposed. One explanation for DOA legislation is legislators default to dead-on-arrival bills when they cannot enact other legislation. This argument does not include the interest group's strategic calculation. Why would they reward this behavior if it is perfunctory?¹⁵

Additionally, this game indicates that a resource-rich interest group cannot simply convince legislators to propose a bill that will not become law. While large, well-organized groups may successfully bid for legislation outside the win set, it is not their size alone that dictates when a bill will be placed on the legislative agenda. Quite simply, gridlock and large interest groups are not sufficient conditions to incentivize a majority party to include a dead-on-arrival bill on its agenda.

2.4.6 Auctioning the Agenda Before an Election

Suppose P auctions its agenda in the shadow of an election. Consider a two round auction identical to the game above. In between auctions an election occurs that changes the party's preferences. Denote this change as $v_p^{t+1} \sim N(v_p^t, \sigma^2) \in [0, 1]$. Assume interest groups perceive this change as a shift in the probability its bill can be enacted after the election. Let $q^{t+1} \in [0, 1]$ be the probability a group's bill is enacted after the election.

¹⁵One counter-argument is this activity helps groups gain new members, donations, etc. While true, this suggests a very specific type of group will bid in equilibrium. For instance, groups with lagging memberships or ones whose donations come in small amounts from relatively inattentive people who need reminding of the cause will offer the most political benefits. While possible, anecdotally, these are not the groups who tend to incentivize these bills. Rather, large, well-organized groups offer the most political benefits, suggesting something besides boredom born out of gridlock is driving this behavior.

Assume this value is common knowledge.

P applies any political benefits, b_p , it receives from the pre-election auction to its campaign. When a group provides P political support, it alters the group's post-election policy prospects, q^{t+1} . I define g 's updated future policy prospects as:¹⁶

$$\begin{cases} q^{t+1*} = q^{t+1} + b_p & \text{if } q^{t+1} + b_p < 1 \\ q^{t+1*} = 1 & \text{if } q^{t+1} + b_p \geq 1 \end{cases}$$

where b_p is the bid the group pays to P . This function restricts the extent to which a group can 'buy' an election. Once a group is certain P will control government after the election, and its bill will become law, any additional political benefits provided by an interest group is treated as surplus and has no additional effect on the election outcome. For a group, the election changes its second round policy prospects. Denote this change as $q^{t+1} \sim N(q^{t+1*}, \sigma^2) \in [0, 1]$. Finally, I assume groups' valuations change between rounds as well. Let $v_g^{t+1} \sim N(v_g^t, \sigma^2) \in [0, 1]$ be private information known only to the group. The structure of the game is now:

1. P announces its reservation price: $U_p(l_r) = q_r v_{p_r} - d_r$.
2. Interest groups publicly and sequentially offer increasingly large bids.
3. When no new bids can trump the previous bid, the auction ends with the highest bidder paying the winning bid. The winning bill is sent to the floor for consideration.
4. P applies any political benefits to the election, generating updated future bill passage probabilities, q^{t+1*} .
5. Election occurs. P 's valuation is redistributed $v_p^{t+1} \sim N(v_p^t, \sigma^2) \in [0, 1]$. For groups, their bills' prospects and valuations are redistributed: $q^{t+1} \sim N(q^{t+1*}, \sigma^2) \in [0, 1]$

¹⁶Groups' post-election policy prospects can change when another group wins the auction. I address this possibility below.

and $v_g^{t+1} \sim N(v_g^t, \sigma^2) \in [0, 1]$.

6. Post-election auction occurs.

2.4.7 Utility Functions

P 's utility function does not change from the original game. A group's first round utility does not change from the original game and is defined as:

$$q^t v_g - b \tag{2.3}$$

where $q^t v_g$ is a group's utility from winning the auction and b is the bid it offers. When deciding to make P an offer, a group also considers how winning agenda space before the election, but not getting its bill enacted, changes its chances of winning the second round auction. A group's post-election utility consists of the expected utility of getting its bill enacted in the second round conditional on being eligible for the post-election auction (i.e., the group's bill did not become law prior to the election). The probability that a group who wins the first round auction does not get its bill enacted is $1 - q^t$. Thus, an interest group's total utility is written as:

$$q^t v_g + (1 - q^t)(q^{t+1} v_g) - b \tag{2.4}$$

where the first term is the utility a group gains from winning the pre-election auction. The second term is the utility a group receives from winning the post-election auction, conditional on the probability its legislation was not enacted in the first round. The third term is the bid a group offers to P . For a dead-on-arrival bill, $1 - q^t = 1$, meaning a group only considers its post-election legislative prospects. Equation 2.4 can be rewritten as:

$$q^t v_g + (1 - q^t)[v_g(q^{t+1} + b)] - b \tag{2.5}$$

where $q^{t+1} + b$ is the updated electoral probability the group's bill will pass in the future.

2.4.8 Conditions that Generate Dead-On-Arrival Bills

In the next section, I show the existence equilibria under which each type of interest group will bid for a bill in the pre-election auction. Before proceeding, it is important to note a group's post-election prospects can benefit from another group winning the first round auction and providing P political support. To take this into account, I add two additional parameters. Let $w \in [0, 1]$ be the previous bid a group observes in the auction before deciding whether or not to make P an offer. Define $\tau \in [0, 1]$ as a belief about how much a bid from another bidder actually improves a group's future policy prospects.¹⁷ The term τ_{ij} is the parameter that condition g_i 's utility from a bid submitted by g_j . For each group, there are one fewer τ parameters than there are total groups.¹⁸ Thus, the utility g_i gets from g_j winning the auction is:

$$\tau_{ij}(v_{g_i}(q_i^{t+1} + w_{ij})) \quad (2.6)$$

where $q_i^{t+1} + w_{ij}$ is g_i 's updated future policy prospects based on the most recent observed bid, v_{g_i} is its valuation, and τ_{ij} conditions how much g_i actually stands to benefit from g_j 's most recent bid. When a group loses the auction, its change in future policy prospects is written as: $q^{t+1} \sim N(\tau(q^{t+1} + w), \sigma^2) \in [0, 1]$, where the mean of the normal distribution is based on the bid that won the auction. Before proceeding any further, in Table 2.1, I provide a summary of the game's players and parameters.

¹⁷A different group may provide political support to P , but that may or may not help the other group's post-election prospects. For example, the political benefits the Business Roundtable provides Republican lawmakers also helps the Chamber of Commerce achieve its post-election policy goals. However, political support from the Family Research Council may help the Chamber of Commerce but will likely be used to help elect candidates who emphasize conservative social issues, and not necessarily, business issues.

¹⁸I use the same type of subscripts for w . w_{ij} is the bid g_i observes if g_j is the most recent offer to P .

Table 2.1: Players and Parameters

Symbols	Players:
P	Majority Party
g_i	Group advocating for DOA bill
g_j	Group advocating for enactable bill
g_r	Group advocating for enactable bill and that bill is reservation price
	Parameters:
v	Player's valuation of a bill
d	P 's one-time decision-making cost
q^t	Probability bill is enacted in first round auction
q^{t+1}	Probability bill is enacted in second round auction
w	Bid made immediately prior to a group's potential bid
τ	Belief about how other bids affect group's second round prospects
b	Bid offered by a group to majority party and political benefits gained by P

The conditions under which each type of group will make an offer are:

Proposition 1: An interest group bill will always submit a first round bid for its legislation if:

$$\left\{ \begin{array}{ll}
 U_p(l) > U_p(l_w) & \text{if } qv_p \leq q_w v_w \\
 U_p(l) \geq U_p(l_w) & \text{if } qv_p > q_w v_w \\
 q^t v + (1 - q^t)[v(q^{t+1} + b)] - b \geq \tau(v(q^{t+1} + w)) \\
 \text{For } g_r : \text{Another group bids}
 \end{array} \right. \quad (2.7)$$

Proof: Contained in the appendix.

where $U_p(l_w)$ is P 's total utility from the most recent offer it has received.¹⁹ For any group to make an offer to P , two conditions must be met. First, the bidder's offer must increase P 's total utility relative to the legislation that stands to win at that point in the

¹⁹When P has not received an offer, $U_p(l_w)$ is the reservation price.

auction. P 's tie-breaking rule dictates how large the group's offer must be. If P gains less policy utility from the group's bill relative to the bill that stands to win, the bidder's offer must strictly improve P 's total utility. If the party gains more policy utility from the new offer, the group only needs to make P indifferent between its bill and the legislation currently winning the auction. If the group's offer cannot meet this condition, the group's bid can never make P better off for adding the group's bill to the agenda.

Second, a group's bid must make it better off compared to the utility the group gains from the most recent offer to P made by another bidder. If the expected utility the group receives from making a bid provides it more utility than if the auction ended at that point, the group will bid. Finally, a third condition applies to g_r . Since this group's bill will win absent any bids, g_r only makes an offer if another bidder offers P more than the reservation price. If no one else bids, g_r wins by default and has its bill added to the agenda.

2.4.9 Maximum Bids

In this section, I describe the maximum bid a group is willing to offer P , conditional on the bidder choosing to make an offer. By knowing how much each a group is willing to offer the majority party, I can examine under what circumstances a dead-on-arrival bill wins pre-election agenda space.

Bid $\frac{-qv + \tau vw - vq^{t+1} + q^t v q^{t+1} + \tau v q^{t+1}}{-1 + v - qv}$: Assuming the group can exceed the reservation price, its largest bid makes it indifferent between its offer and the bid that stands to win the auction made by another group. This condition is written as:

$$q^t v + (1 - q^t)[v(q^{t+1} + b)] - b = \tau(v(q^{t+1} + w)) \quad (2.8)$$

and simplifies to:

$$b = \frac{-qv + \tau vw - vq^{t+1} + q^t v q^{t+1} + \tau v q^{t+1}}{-1 + v - qv} \quad (2.9)$$

A group will not offer a bid that exceeds this value. Doing so would mean a bidder pays more to P to get less utility than it would receive by allowing another group to win the auction. Importantly, this maximum bid changes throughout the auction. Since this condition includes the τ and w parameters, its value depends on which group offered the most recent bid to P . As a result, there may be cases in which a group is not willing to exceed the most recent bid and does not make an offer. However, a subsequent bid, particularly from a bidder that shares a low τ value with the group, may make it worthwhile for the group to make a new offer to P .

This situation leads to an auction environment with reentry based on interdependent values. These additional features principally affect the auction's efficiency (i.e., does the auction maximize the auctioneer's gain based on the available information) rather than the bidders' strategies (Izmalkov 2001; Krishna 2003). In a game with reentry and interdependent values, a bidder only makes an offer if it can improve its own utility by winning the auction and making the auctioneer better off with its bid. This condition can be understood as dictating when a group will make an offer or abstain at any point during the auction.

Bid v : In some circumstances, the maximum bid in Equation 2.9 exceeds a group's valuation, v . However, in an auction, a bidder is never willing to pay more than how much it values the item being sold. Therefore, if the next offer a group must offer exceeds its valuation of the agenda space, it will stop bidding.

Bidding when $q_i^t = 0$: The bidding strategy for the special case, when $q_i^t = 0$, includes an exception to the conditions outlined above. Since there is no chance of securing pre-election agenda space, a group's only consideration is improving its future policy

prospects. Assuming g_i meets the reservation point, it can offer three possible maximum bids. The first two possibilities are identical to the ones discussed above. The group will either bid to the point it is indifferent between its bid and the most recent offer or its valuation. The third potential maximum bid arises when g_i can ‘buy the election’ (i.e., $q^{t+1*} = 1$). In this scenario, g_i is not willing to pay more than the amount that makes $q^{t+1*} = 1$. Any additional resources spent is a waste as those political benefits do not increase g_i ’s utility.²⁰ Therefore, if g_i bids its indifference point or valuation and $q^{t+1*} > 1$, g_i will decrease its bid to the point it buys the election. This bid is:

$$1 - q^{t+1} \quad (2.10)$$

The maximum bids groups are willing to offer to P can be summarized as:

$$\left\{ \begin{array}{l} b_r^{max} \text{ and } b_j^{max} : \\ \min\left(\frac{-qv_g + \tau v_g w - v_g q^{t+1} + q^t v_g q^{t+1} + \tau v_g q^{t+1}}{-1 + v_g - qv_g}, v_g\right) \\ b_i^{max} : \\ \min\left(\frac{-qv_g + \tau v_g w - v_g q^{t+1} + q^t v_g q^{t+1} + \tau v_g q^{t+1}}{-1 + v_g - qv_g}, v_g, 1 - q^{t+1}\right) \end{array} \right. \quad (2.11)$$

A group’s maximum bid dictates its equilibrium bidding strategy. A bidder will stay in the auction as long as its offer is less than or equal to the minimum values in Equation 2.11. If its offer exceeds that value, it will drop out of the auction (albeit, due to the first condition, not necessarily permanently). In some cases, a winning interest group will pay its potential maximum offer, but in most cases it will not. Rather, the winning bid is an offer slightly larger than the second-to-last remaining group in the auction. Thus, the potential bids in Equation 2.11 are most useful for understanding groups’ equilibrium strategies and when they will exit the auction.

²⁰Groups advocating for enactable bills do not face this same restriction as they still gain more utility from winning the first round auction even if they bid enough to buy the second round one.

2.5 Auction Simulations and Comparative Statics

To understand when dead-on-arrival bills are more likely to win agenda space, I examine changes in the current policymaking environment and the majority's future electoral prospects. More specifically, I consider how changes in the level of gridlock (q_j and q_r) and a DOA bill's future chances of enactment (q_i^{t+1}) affect which legislation is added to the agenda.

Deriving and showing comparative statics from this game is difficult. A player's bid is based not only on its expected utility but also on the previous bid and the player's belief about how much the standing offer will help it (as captured by the τ parameter). Additionally, I do not make any assumptions about the auction's order.²¹ Groups can bid in any order as long as their offers meet Proposition 1's conditions. An auction can occur in which each player bids in the same order each time (e.g., $j, i, r, j, i, r\dots$), two players bid until the eventual winner is reached (e.g., $i, r, i, r\dots$) or any other imaginable combination. Thus, showing groups' maximum potential bids during the auction is not useful, as those offers may change based on who makes the next offer to P . Similarly, showing the end result from an auction leaves open the possibility that the result is aberrational, as a different game ordering may produce a different winner and bids. For these reasons, I simulated the game. For each change in the parameters of interest, I simulated 5000 auctions. In the next sections, I graph the probability a group wins the auction as a function of g_i 's electoral uncertainty and the amount of gridlock in the lawmaking process. Doing so reveals when dead-on-arrival bills are more likely to win agenda space relative to enactable legislation.

2.5.1 Electoral Uncertainty

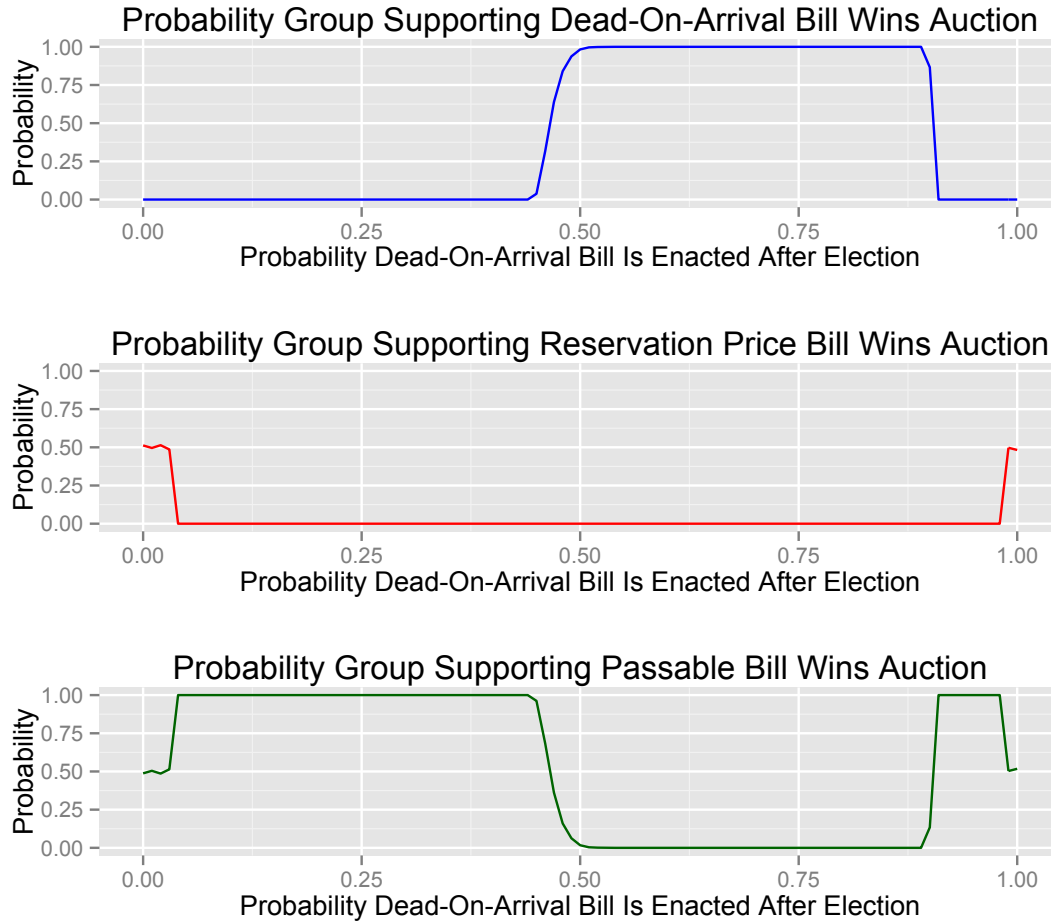
Electoral uncertainty is captured by the q^{t+1} parameter. As q^{t+1} approaches 0, a group believes the election will change the majority party's preferences in a way that its bill will

²¹The only restriction is r does not make the first bid since its bill is the reservation price.

have no chance of future enactment. More simply, the group believes its allies will lose control of the majority or other veto points in government. When $q^{t+1} = 1$, the group is certain the bill will become law. The simplest way a group can be so certain of its future prospects is if the group's legislative allies win unified government. Notably, g_i 's utility, and its bid, only depends on its potential future utility. Thus, its decision to make P an offer changes in accordance with its expectations about the future. To examine how changes in g_i 's perception about P 's electoral fortunes affects when DOA bills win agenda space, I plot the probability each group wins the auction as q_i^{t+1} changes:²²

²²The other parameters are set at: $v_{p_i} = 0.4$, $v_{p_j} = 0.02$, $v_{p_r} = 0.03$, $q_i = 0$, $q_j = 0.5$, $q_r = 0.6$, $d_i = 0.002$, $d_j = 0.002$, $d_r = 0.002$, $v_{g_i} = 0.35$, $v_{g_j} = 0.2$, $v_{g_r} = 0.05$, $q_j^{t+1} = 0.2$, $q_r^{t+1} = 0.4$, $\tau_{r_i} = 0.3$, $\tau_{r_j} = 0.9$, $\tau_{i_r} = 0.6$, $\tau_{i_j} = 0.5$, $\tau_{j_r} = 0.7$, $\tau_{j_i} = 0.7$. I assume a group must offer at least 0.001 in total utility to P more than the previous offer.

Figure 2.1: Probability Group Wins Auction as q_i^{t+1} Changes



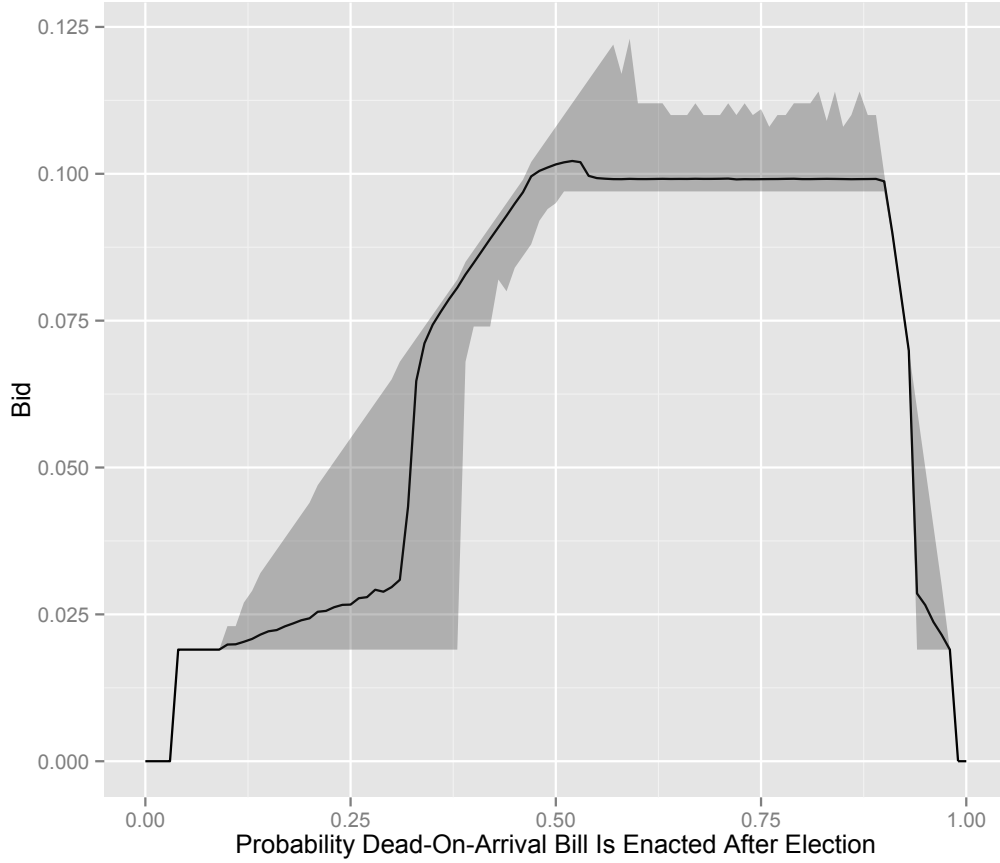
Note: Probabilities each type of group wins auction as q_i^{t+1} changes. Probabilities are generated from 5000 auction simulations at every hundredth interval (0.01) between 0 and 1.

As Figure 2.1 shows, the probability a dead-on-arrival bill wins agenda space increases when g_i has some uncertainty about which party will control government in the upcoming election. g_i 's probability of winning the auction, shown by the blue line in Figure 2.1, increases when the group is very uncertain about its future policy prospects. In this situation, g_i increases its bids as doing so can increase the likelihood its allies win more seats in the election. However, as it becomes very likely a DOA bill will be enacted after the election, because P will win control of government, it becomes less likely g_i wins

the auction. In this situation, g_i gains little future utility from improving P 's already outstanding electoral prospects. Moreover, when P has very little chance of gaining power in the election, g_i 's probability of winning the auction decreases to zero. This occurs because g_i 's post-election utility is very small, and as a result, it offers a low bid that rarely, if ever, wins the auction.

The parabolic shape shown in Figure 2.1 generally describes when g_i will win the auction but its location along the x-axis shifts as the model's parameters change. One way to gain additional insight about when a dead-on-arrival bill is more likely to gain agenda space is to examine g_i 's mean bid as q_i^{t+1} changes. Doing so reveals how g_i 's bids increase relative to P 's electoral prospects, even if g_i loses the auction. In Figure 2.2, I plot g_i 's mean bid as q_i^{t+1} moves from 0 to 1. This figure shows when g_i is willing to offer larger bids to P , and as a consequence, increases the likelihood it wins the auction. The bounds represent the maximum and minimum bids g_i made at each simulated level of q_i^{t+1} :

Figure 2.2: Group Supporting Dead-On-Arrival Bill's Mean Bid



Note: The mean bid offered by g_i as q_i^{t+1} changes calculated after 5000 simulations at every hundredth interval (0.01) between 0 and 1. The bounds represent the minimum and maximum bid made by g_i at a specific value of q_i^{t+1} .

Figure 2.2 more generally reveals g_i 's bidding strategy. When q_i^{t+1} is small, the group offers lower bids as it believes it is unlikely P will win power and enact the dead-on-arrival bill in the next session. As q_i^{t+1} increases, g_i 's bids increase and reach their peak when the group is uncertain about which party will gain control of government. In this scenario, the group's bids are most useful in helping the party electioneer, as additional political support makes it more likely than not that the intended failure will become law in the future. Finally, as g_i is confident P will win power, it decreases its bid. Any large offer will not improve the party's electoral prospects and the likelihood the dead-on-arrival bill

is enacted after the election. Based on this result, I hypothesize:

Hypothesis 1a: As a majority party's electoral prospects improve, dead-on-arrival bills are more likely to be added to the agenda.

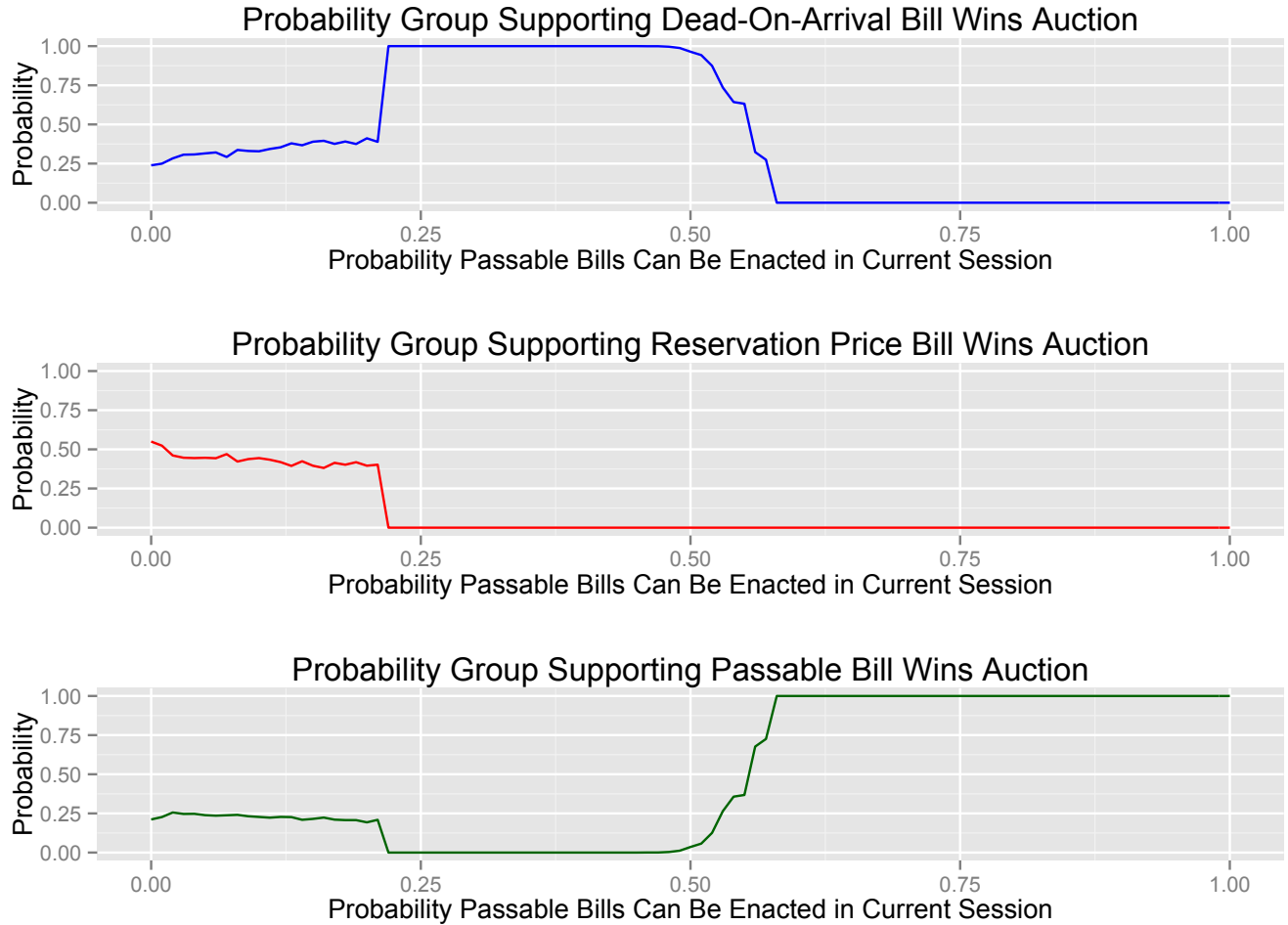
Hypothesis 1b: As it becomes very likely the majority party will control government after the next election, dead-on-arrival bills are less likely to be added to the floor agenda.

2.5.2 Legislative Gridlock

In addition to an intended failures' future prospects, I consider how gridlock in the pre-election auction affects when dead-on-arrival bills secure agenda space. Scholars have long noted that bills are harder to enact when veto players do not share the same preferences or partisanship (Binder 2003; Tsebelis 2002; Cameron 2000; Krehbiel 1998; Ferejohn and Shipan 1990). While it seems intuitive that difficult lawmaking conditions lead to more intended failures being added to the agenda, it is not because DOA bills' values increase. Instead, more of the floor agenda is devoted to dead-on-arrival bills because the relative value of other proposals decreases.

Gridlock is measured by how likely it is enactable legislation can become law, q_j^t and q_r^t . When these parameters are small, it is unlikely any legislation will become law. As these parameters increase, policymakers are more inclined to enact non-DOA bills. To show how changes in the level of gridlock affects when DOA bills arise on the agenda, I plot the probability each type of bill - l_i , l_r , and l_j - wins the auction as q_j^t and q_r^t increase. For simplicity, I set $q_j^t = q_r^t$; however, the general trends outlined below are robust to when these parameters change at different rates.

Figure 2.3: Probability Group Wins Auction As Gridlock Increases



Note: Probabilities each type of group wins auction as q_j^t and q_r^t change. Probabilities are generated from 5000 auction simulations at every hundredth interval (0.01) between 0 and 1.

The results in Figure 2.3 present a complex bidding environment. At very high levels of gridlock, all types of bills have a reasonable chance of winning the auction. This occurs because no group gains much additional utility from getting its bill enacted before the election. Therefore, groups are willing to free-ride off of one another to improve P 's electoral prospects.²³

²³Importantly, this strategy changes as the τ parameters become smaller. As τ approaches 0, groups simply offer their maximum bids and the group that provides P the most utility always wins.

In a mostly gridlocked legislative environment (i.e., when all bills' probability of enactment is less than 0.5), there is some probability a DOA bill wins the auction. However, once an enactable bill becomes more likely than not to become law, the probability a dead-on-arrival ends up on the agenda decreases. With policymakers willing to enact l_r and l_j , g_r and g_j offer large bids. These groups are confident winning the auction means their legislation will most likely become law. As a result, when legislative veto players share similar policy preferences, and q_j^t and q_r^t are sufficiently large, dead-on-arrival bills stand little chance of gaining agenda space. Yet, as gridlock increases, intended failures always have some chance of winning the auction. I hypothesize:

Hypothesis 2: As veto players' policy preferences diverge, the likelihood a dead-on-arrival bill is added to the agenda increases.

2.6 Model Extensions

To this point, I have focused exclusively on when a dead-on-arrival bill can secure agenda space in the pre-election auction. However, this model, and the auction model framework more generally, offers additional insights concerning DOA legislation and agenda setting in the U.S. Congress. In this section, I focus on two extensions of the model. First, I consider how previously dead-on-arrival bills fare in the post-election auction. I show that by winning the first round auction, a previously DOA bill is more likely to become law after the election. Second, I consider how auctioning agenda space affects the order in which the majority party adds bills to the floor.

2.6.1 Post-Election Auction and Dead-On-Arrival Bills

Begin by considering the two round auction examined above and assume a dead-on-arrival bill wins the first round auction. As a result, the previously DOA legislation is

more likely to win agenda space compared to other legislation. This becomes clear by examining P 's expected second round utility.

Recall, after the election the majority party's valuation for each bill is redistributed $v_p^{t+1} \sim N(v_p^t, \sigma^2) \in [0, 1]$ and each group's valuation for its legislation is redistributed $v_g^{t+1} \sim N(v_g^t, \sigma^2) \in [0, 1]$. P and G 's expected valuation is $E(v^{t+1}) = v^t$. Each probability a bill is enacted is redistributed $q^{t+1} \sim N(q^{t+1*}, \sigma^2)$. Groups' maximum bids are written as $v_g^{t+1}q^{t+1}$. For a dead-on-arrival bill to beat another bill in the second round auction, the following condition must hold:

$$v_{i_p}^{t+1}q_i^{t+1} + b_i > v_{j_p}^{t+1}q_j^{t+1} + b_j - d_j \quad (2.12)$$

where the left side of the equation is P 's utility from a dead-on-arrival bill that won the first round auction and the right side is the utility from another bill.²⁴ Since P paid its one-time decision-making cost, d_i , after the first round, it is omitted from this equation. To see why previously DOA legislation is advantaged in the second round, consider P 's utility from each bill but exclude d_j . The three ways these utilities can relate to one another are:

$$\begin{cases} v_{i_p}^{t+1}q_i^{t+1} + b_i > v_{j_p}^{t+1}q_j^{t+1} + b_j \\ v_{i_p}^{t+1}q_i^{t+1} + b_i = v_{j_p}^{t+1}q_j^{t+1} + b_j \\ v_{i_p}^{t+1}q_i^{t+1} + b_i < v_{j_p}^{t+1}q_j^{t+1} + b_j \end{cases} \quad (2.13)$$

In the first circumstance, in which the previously DOA bill's (l_i) utility is greater than another bill (l_j), it is straightforward that P prefers l_i to l_j . In the second situation, in which the utilities are equivalent, P still prefers l_i . Once l_j 's decision-making cost,

²⁴If P 's utility from each bill is equivalent, the winning offer depends on which bill provides it more policy utility, as per P 's tie-breaking rule.

which is greater than zero, is subtracted from that utility, l_i always provides more utility to P . In the third scenario, l_i can still win the auction. Rearranging Equation 2.12, and reintroducing the decision-making cost term, the condition under which a previously dead-on-arrival bill wins the second round auction over another bill is:

$$d_j > v_{p_j}^{t+1} q_j^{t+1*} + b_j - v_{p_i}^{t+1} q_i^{t+1*} + b_i \quad (2.14)$$

If d_j is greater than the surplus policy and political utility P receives from l_j relative to l_i , then l_i will still win the second round auction. Only when l_j 's decision-making cost is sufficiently small will that legislation defeat a previously dead-on-arrival bill. I summarize these scenarios below:

Table 2.2: Conditions In Which DOA or Enactable Bill Wins Second Round

Winner	Utilities	Condition
g_i	$v_{i_p}^{t+1} q_i^{t+1*} + b_i > v_{j_p}^{t+1} q_j^{t+1*} + b_j$	—
g_i	$v_{i_p}^{t+1} q_i^{t+1*} + b_i = v_{j_p}^{t+1} q_j^{t+1*} + b_j$	—
g_i	$v_{i_p}^{t+1} q_i^{t+1*} + b_i < v_{j_p}^{t+1} q_j^{t+1*} + b_j$	$d_j \geq v_{j_p}^{t+1} q_j^{t+1*} + b_j - v_{i_p}^{t+1} q_i^{t+1*} + b_i$
g_j	$v_{i_p}^{t+1} q_i^{t+1*} + b_i < v_{j_p}^{t+1} q_j^{t+1*} + b_j$	$d_j < v_{j_p}^{t+1} q_j^{t+1*} + b_j - v_{i_p}^{t+1} q_i^{t+1*} + b_i$

As Table 2.2 shows, in most circumstances, l_i wins the second round auction rather than l_j . Only when another bill provides P more utility than l_i and that legislation's decision-making cost is sufficiently small will it win the second round auction. Rather, it is more likely the previous DOA bill wins the post-election game. I hypothesize:

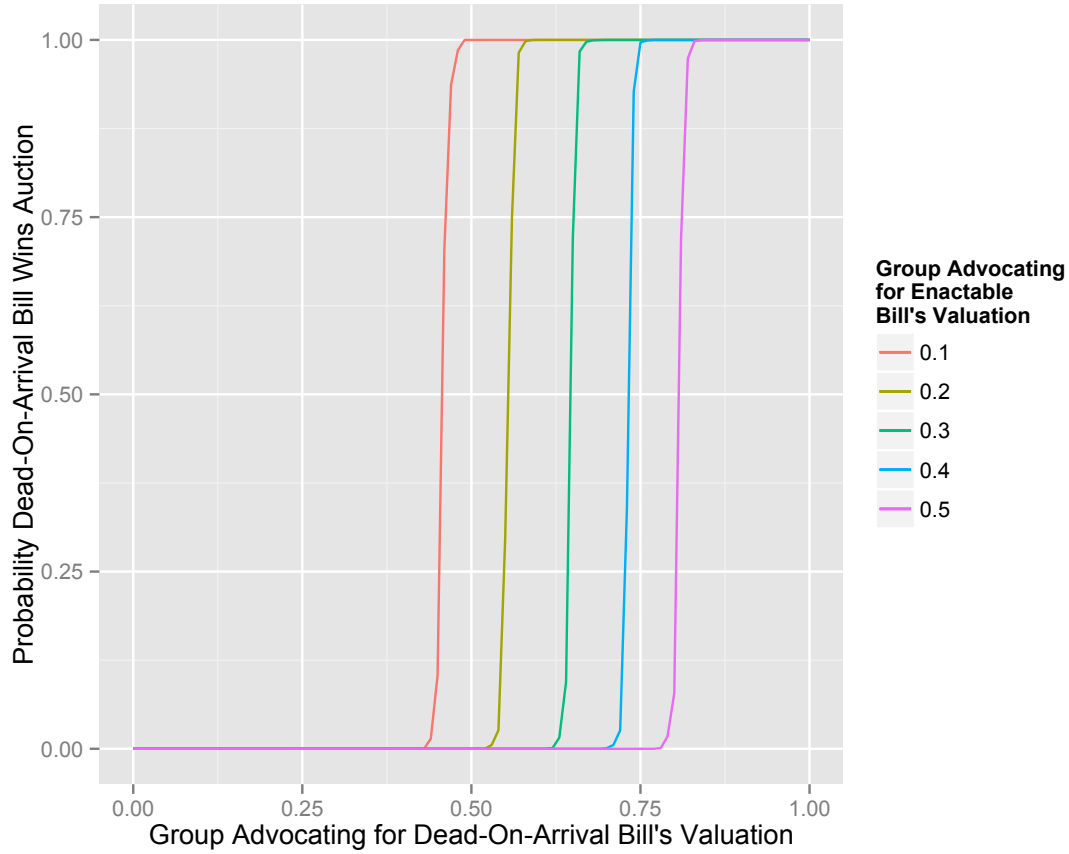
Hypothesis 3: Conditional on a majority party gaining control of government, dead-on-arrival bills proposed prior to the election are more likely to gain floor consideration relative to new legislation.

Besides being favored over bills that have not received floor consideration, in the post-election auction, previously dead-on-arrival bills are more likely to be enacted compared

to other bills that also failed in the first round. In other words, if two bills, one DOA and one enactable, fail prior to the election, after the election (and conditional on the previously dead-on-arrival becoming enactable), the former intended failure is more likely to gain floor consideration. This occurs even though P has already paid the decision-making cost associated with both bills. The reason previously dead-on-arrival bills can beat other failed bills is because groups supporting intended failures tend to have much larger valuations than groups advocating for enactable bills. This feature is what allows DOA legislation to win the pre-election auction and advantages intended failures after the election.

Since P only receives political utility from intended failures, a group must be able to offer the majority party a bid sufficiently large that it outweighs the policy and political utility other proposals offer. The main parameter that dictates bid size for g_i is v_{g_i} , its valuation. Other groups can win the pre-election auction with much smaller valuations because their bills offer P policy utility. To visualize this gap in groups' valuation sizes, I plot the probability g_i wins the auction for a DOA bill and that group's valuation. Keeping all other parameters equal, I change the value of g_j 's valuation of its enactable bill. Each line plots the probability an intended failure wins the auction, given g_i 's and g_j 's valuations:

Figure 2.4: Probability g_i Wins Auction As Its and g_j 's Valuation Change



Note: Probability g_i wins auction based on its own valuation. Each line represents a different value of v_{g_j} , the group's whose valuation g_i is competing with. Probabilities are generated from 5000 auction simulations at every interval.

In the pre-election auction, g_i 's valuation must be significantly larger than g_j 's to have any chance of winning agenda space. This logic extends to the difference in valuations between g_i and any group supporting a enactable bill. As a consequence, intended failures are more likely to win floor consideration in the post-election auction as well. To understand why, consider a slightly modified two-round auction model. The players, sequence of play, and utilities of the game remain the same with one exception. In the first round, P adds the *two* most valuable bills to its agenda. In other words, the game ends when

there are two bidders left.²⁵ Additionally, assume that the enactable bill that wins a spot on the first round agenda is not enacted. As a consequence, that legislation can win the second round game in which only one bill wins the auction.

During the election, players' valuations are redistributed $v^{t+1} \sim N(v^t, \sigma^2)$. In expectation, a group's post-election valuation is equal to its pre-election one. Thus, in general, g_i 's valuation in the second round auction is very large, while other groups that also won the pre-election auction can have much smaller valuations. If the lawmaking environment now makes it possible for a previously DOA bill to become law ($q_i^{t+1} > 0$), this bill is much more likely to get floor attention relative to other bills. Examining P , g_i , and g_j 's post-election utilities show why this is the case. For each bill, P 's second round utility is identical to Equation 2.1. An interest group's utility is:

$$U_g = q^{t+1}v^{t+1} - b \tag{2.15}$$

Unlike the first round auction, in this game, bidders only consider the utility they receive from winning the auction. Rearranging Equation 2.15 indicates a group's maximum bid is $b = q^{t+1}v^{t+1}$. Assuming all else equal except each group's valuation, it is clear why former intended failures are more likely to win the second round auction. If $v_{g_i} > v_{g_j}$, which is generally the case, then g_i can offer a larger bid than g_j . Consequently, in the post-election game, l_i is more likely to gain agenda space compared to other legislation that also won the pre-election auction. I hypothesize:

Hypothesis 4: Conditional on a majority party gaining control of government, dead-on-arrival bills proposed prior to the election are more likely to gain floor consideration than legislation that failed for other reasons.

²⁵This modification changes a bidder's strategic calculation. Rather than considering the utility it receives from the previous bid, it weighs making an offer against the second-to-last bid made.

2.6.2 Ordering the Agenda

The final extension concerns testing the key feature of the auction model: that majority parties order their agendas by placing more valuable bills ahead of less valuable ones. The crucial assumption of the model is that a group can secure agenda space by making its bill more attractive to the majority party. If P uses some other process for determining its agenda, an auction is not a useful way to understand the strategy that leads to dead-on-arrival gaining legislative attention. To test the auction's appropriateness, I consider whether more valuable legislation is prioritized by the majority.

One challenge in assessing legislation's value is that measuring a bill's policy utility is notoriously difficult.²⁶ However, since dead-on-arrival bills only provide political utility, which can be measured, I can examine the order in which intended failures are sent to the floor. My model's basic claim is that DOA legislation that provides the majority party more political benefits should be proposed before DOA bills that provide less support. This prediction contrasts with conventional wisdom that intended failures are emphasized during the election season (e.g., Cassata 2014). In this alternative view, dead-on-arrival bills are brought to the floor during the spring and summer of an election year in an effort to appeal to voters. If bills brought up earlier in the term garner more political support than ones sent to the floor closer to the election, then there is support for the auction framework. However, if groups do not reward bills with any regard to timing during the congressional session or do so more frequently near election day, then there is support these bills are targeted at voters when they are most attentive to politics. I hypothesize:

Hypothesis 5: Dead-on-arrival bills that provide the majority party more political benefits are added to the legislative agenda earlier in the congressional term.

²⁶This requires locating the utility lawmakers receive from the proposed alternative relative to the status quo. Locating the status quo, much less how relevant policymakers feel about the new legislation, has proven a daunting task.

2.7 Conclusion

In this chapter, I have presented an open outcry auction model that shows the conditions under which interest groups can secure agenda space for dead-on-arrival bills. My model indicates intended failures are more likely to gain floor attention when the majority party has uncertain electoral prospects and the lawmaking system is gridlocked. Additionally, I show that securing agenda space for a DOA proposal before the auction makes it more likely that legislation gains floor consideration in the future. Conditional on the majority party winning unified government, my model predicts intended failures are more likely to gain agenda space relative to newly proposed legislation and enactable bills that failed before the election. By subsidizing the party's decision-making cost when legislation is DOA, the group makes it cheaper for the party to advance that proposal compared to a new bill. Moreover, if an interest group is willing to pay to get its proposal on the agenda, a previously intended failure is more likely to win agenda space compared to another bill that also failed in the previous session.

The auction model presents novel short term electoral and long term policy implications associated with dead-on-arrival bills. In the short term, intended failures provide the majority party political support when it most needs it. When the majority party, and by extension its allied interest groups, are uncertain about which party will control government after an election, groups are most willing to compensate the party for a DOA bill. This suggests DOA bills are electorally useful to lawmakers and not simply perfunctory attempts at position-taking. In the long term, intended failures are more likely to secure agenda space in future sessions. The implication is this future attention makes it more likely these bills eventually become law. More generally, the model indicates that today's DOA proposals portend a majority party's legislative agenda once it gains control of government. In these uniquely productive policymaking moments, interest groups have previously used intended failures to ensure their issues remain party priorities, and are

enacted by its allies in government.

These short and long term implications arise due to the differing time horizons between lawmakers and interest groups. For the majority party, winning more seats or veto points in the upcoming election is its main concern. This proximate electoral goal incentivizes legislators to use the floor agenda as a tool to generate political support. As policy demanders, interest groups have longer time horizons. While they may not be able to get their preferred policy enacted today, organized interests use DOA bills to make it more likely their bill is enacted in the future. By subsidizing the majority's decision-making cost upfront, groups get lawmakers to adopt the policy as its working alternative to the status quo.

Finally, the auction model offers novel insights about dead-on-arrival bills. Other studies emphasize that DOA legislation is politically motivated and argue voters respond to these proposals. However, it is not clear what the public gains from this legislation and if voters actually provide consistent political support for this legislation. This chapter clarifies when and why DOA bills arise on the agenda, and emphasizes the consistent political return interest groups provide for these proposals. By emphasizing groups' longer policy time horizons, the model indicates DOA bills are part of a strategic interaction in which each player clearly benefits. Furthermore, the auction stresses the key underlying question concerning intended failures: why are they elevated over enactable legislation on the floor agenda? By directly modeling how bills compete for attention, this game provides new insights about why a majority party prefers to use its agenda to electioneer rather than enact new laws.

2.8 Appendix

Proof of Lemma 1: Single Round Auction

Proof. For g_i to make an offer, its bid must meet the condition $q_i v_{g_i} > 0$. Since $q_i = 0$, this condition is never met. Therefore, g_i does not bid and $U_p(l_i) = 0$. ■

Proof of Lemma 2: Two Round Auction

Proof. Lemma 1 proves why a dead-on-arrival bill will never win the first round auction. Consider the case where the reservation price is negative and g_{-i} 's bids do not meet the condition $U_p(l_{-i}) > 0$. In the first round, no bill is added to the agenda. The second round conditions are identical to the first; therefore, P 's tie-breaking rule precludes any bill being added to the agenda.

If $q_i = 0$ and $U_p(l_j) > 0$ or $U_p(l_r) > 0$, whichever bill's total utility is greater and exceeds 0 will be selected by P . If the selected bill is enacted, P 's round 2 options are $\{\emptyset, l_i, l_j\}$ (and l_j or 0 is the new reservation price) or $\{\emptyset, l_i, l_r\}$. The minimum reservation price in either scenario is 0. Since $U_p(l_i) = 0$, by P 's tie-breaking rule, l_i never wins the auction. If the bill selected in the first round is not enacted, P 's round 2 options are $\{\emptyset, l_i, l_j, l_r\}$. This second round auction is identical as the one proven in Lemma 1. ■

Proof of Proposition 1:

Proof. By construction. Begin with the second condition. A group only offers a bid if, by winning the auction, it is better off than if the auction ends and the previous bid wins the game. This condition is written as:

$$q^t v + (1 - q^t)[v(q^{t+1} + b)] - b \geq \tau(v(q^{t+1} + w)) \quad (2.16)$$

If this condition does not hold, the group prefers that the previous bidder wins the auction and does not bid. Assume the bidder meets the condition above. Benefiting from

its bid is not sufficient for a group to make an offer. In addition to knowing how it benefits from its offer, the bidder also knows how much P will benefit from its bid relative to the most recent offer. P only accepts an offer if it improves its total utility compared to the total utility it receives from the most recent bid submitted. Write this condition as:

$$\begin{cases} U_p(l_m) > U_p(l_w) & \text{if } q_m v_{m_p} \leq q_w v_{w_p}, \\ U_p(l_m) \geq U_p(l_w) & \text{if } q_m v_{m_p} > q_w v_{w_p} \end{cases} \quad (2.17)$$

where the left-hand term is the bid made by the group and the right-hand side is the previous bid P received. If a group's bill provides P less or the same amount of policy utility than the standing bid, by P 's tie-breaking rules, the total utility from the group's bill must be strictly larger than the previous bid to guarantee P prefers its bill. If a group's bill provides P more policy utility, P 's total utility from the new bid must be greater than or equal to the previous bid.

If a group gains utility from its offer and its bid does not meet the above condition, it will not make an offer to P . The group has complete information and knows P will not accept its bid. Therefore, the group does not make an offer. Only if a group's bid meets the conditions in Equations 2.16 and 2.17 will it make a bid to P .

Consider the special case of g_r . Since its bill is the reservation price, it does not need to bid to win the auction if no other bids have been made. Therefore, it will only enter the auction if it can meet the conditions in Equations 2.16 and 2.17, and if another group has offered a bid that will win absent any other offers. If any of these three conditions do not hold, g_r will not bid. ■

CHAPTER III

The Electoral and Policy Consequences of Dead-On-Arrival Bills

While dead-on-arrival bills generate significant political commentary, few systematic accounts of this legislation exist. From a lawmaking standpoint, this is not surprising. Once the DOA bill fails, the policymaking story is over. As a result, political scientists have not tracked the prevalence or topics of intended failures over a sustained time period. Since these proposals are viewed as symbolic position-taking, scholars have not examined these bills' fates once a majority party achieves unified government.

In this chapter, I provide a systematic analysis of dead-on-arrival bills from 2003 through 2012. I proceed in two parts. I begin by testing the first two hypotheses from Chapter 2. I find DOA bills are added in a manner consistent with my model's predictions. Intended failures are more likely to gain floor consideration when control for government is competitive and lawmakers have divergent policy preferences. Next, I examine the third and fourth hypotheses generated by the auction model. These hypotheses predict previously DOA bills, relative to other legislation, are more likely to gain floor consideration, and eventually become law, in unified government. My results support this prediction, indicating that previously DOA bills are privileged by the majority party after it wins control of government.

3.1 The Strategic Timing of Dead-On-Arrival Bills

The population of observations for my analysis is every bill introduced in the House or Senate from 2003 through 2012 (the 108th through the 112th congresses).¹ This ten-year period is a particularly useful time to examine intended failures. During this decade, there was ‘classic’ divided government (110th Congress), unified government in which both parties held power (108th, 109th, and 111th Congresses), and ‘quasi’ divided government (112th Congress).²

Recall, Hypothesis 1 predicts that dead-on-arrival bills are more likely to receive floor consideration when control for government is competitive in the upcoming election. Hypothesis 2 predicts intended failures are more likely to arise on the agenda when lawmakers’ policy preferences diverge.

3.1.1 Selection Problem and Estimating Bill Passage Probabilities

Hypotheses 1 and 2 concern when the majority party will add a dead-on-arrival proposal to the floor agenda. Therefore, for every bill introduced in Congress, I need a reliable way to assess if a bill has zero probability of passing. To determine this, I used two approaches. First, for bills that reach the floor, I identified intended failures using contemporaneous news reports. I isolated the set of bills that did not pass during a congressional term and excluded policies that were modified and passed in a different form.³ To code dead-on-arrival bills that reach the floor, I searched *CQ Weekly* for contemporaneous news concerning that bill. I coded a bill as dead-on-arrival if those reports explicitly said the legislation had no chance of becoming law.⁴ If *CQ Weekly* was ambiguous con-

¹I exclude ceremonial, commemorative or trivial (e.g., land conveyances) legislation as well as House and Senate resolutions.

²This variation ensures advancing DOA bills is not a party-specific strategy or only arises in unified or divided government.

³For instance, if one version of the Department of Defense Authorization did not pass but a second version did, the first bill is not considered dead-on-arrival. I follow Cameron (2000) and consider this behavior a type of bargaining or coordination between policymakers.

⁴Cameron (2000) finds that veto threats tend to lead to concessions. Thus, many veto threats are not associated with intended failures even if the legislation does not pass. To avoid miscoding legislation

cerning a bill's fate, I searched the Proquest Newsstand database for any indication a bill was dead-on-arrival.⁵

The most reliable way to determine if a bill is DOA is to examine *CQ Weekly's* reporting on the bill.⁶ While the articles themselves do not necessarily use the term 'dead-on-arrival,' a bill's fate can be inferred from the reporting. For instance, when writing about 112-HR-910: Energy Tax Prevention Act of 2011, Koss and Symes (2011) reported that a Senate amendment that mirrored the House bill had previously failed and that President Obama had threatened to veto the legislation. Koss and Symes (2011) also quoted Senators John D. Rockefeller IV (D-WV) and Benjamin Cardin (D-MD) who both noted the bill would not gain enough support from Democrats to pass the Senate. Similarly, when writing about 111-HR-5987: Seniors Protection Act of 2010, Weyl (2010) reported that the bill received a vote because "Democrats sought to underscore their political priorities even though the bill's outcome was not in doubt."

Second, I estimated the latent probability a bill can be enacted, which is a defining feature of an intended failure. For bills that do not reach the floor, there is no consistent way to categorize legislation as DOA. This creates a selection problem where, if I only used news reports to identify DOA bills, I would only observe whether legislation is dead-on-arrival once it becomes an outcome of interest.⁷ The latent variable addresses

that generates a veto threat, I checked the OMB's statement of administrative position to determine what part of the bill the president deemed dead-on-arrival. If Congress passed the same bill with the dead-on-arrival provision, I coded it as DOA.

⁵The most common evidence used by news outlets to deem a bill dead-on-arrival involves prominent legislators (e.g., a party leader or committee chair) or the president announcing the legislation would not become law. In no instances did these announcements generate concessions that led to a modified version of the bill being passed. Other situations include a bill being brought to the floor after the companion bill failed in the other chamber and legislation being brought up again after an identical bill had previously been defeated.

⁶There is no single type of reporting or coding within an article that ensures a bill can be classified as DOA. That said, there are useful indicators that help expedite the coding process. For example, one step I use to identify an intended failure is by examining the 'Box Score' that accompanies many *CQ Weekly* articles. *CQ Weekly* reports the 'next likely action' to take place on the bill. If they reported 'None' as the next likely action, I closely examine why the legislation would not move through the rest of the legislative process. Of course, a report of no further action on the bill does not guarantee it is DOA and many articles do not include a box score.

⁷Other work on this topic generally ignores this issue. For instance, many studies of presidential vetoes examine variation among bills the president vetoes. These studies do not consider the set of bills

this problem by estimating the probability any introduced bill will be enacted. A bill is recorded as DOA if its latent value of passage equals zero.

Using eleven factors commonly viewed as relating to a bill’s prospects in Congress, I calculate weighted and unweighted sums that return the probability that a piece of legislation can become law (Adler and Wilkerson 2003-2012*b*). The latent variable includes factors related to the proposal’s sponsor, features of the bill itself, and the legislative environment in which it is introduced (see the Appendix for the full latent variable specification).⁸ The measure conforms with conventional views of what legislation is likely to pass Congress. For instance, Ron Paul’s attempt to exempt the industrial hemp industry from marijuana regulations was the legislation that recorded the lowest value between 2003 and 2012. The bills with the highest enactment probabilities were Department of Defense reauthorizations. In Table 3.1, I report the number of dead-on-arrival bills as well as median and maximum bill enactment probabilities in each congress. The unweighted measure is reported in parentheses next to the weighted one:

Table 3.1: Latent Measure of Introduced Bills’ Passage Probabilities (2003-2012)

	Total Bills	Dead-On-Arrival Bills	Median Pr(Passage)	Max Pr(Passage)
108th Congress	8061	1342 (1043)	0.135 (0.137)	0.662 (0.607)
109th Congress	10189	1498 (953)	0.135 (0.142)	0.619 (0.596)
110th Congress	10528	284 (264)	0.124 (0.150)	0.601 (0.592)
111th Congress	10337	500 (392)	0.210 (0.198)	0.611 (0.569)
112th Congress	9986	917 (669)	0.105 (0.123)	0.812 (0.522)
Total	49101	4541 (3321)	0.143 (0.151)	0.812 (0.607)

The weighted and unweighted measures return similar results, albeit the unweighted measure reports fewer bills as being dead-on-arrival or very likely to become law. During this ten-year period, 5073 bills were sent to the House or Senate floor. I find 278 (weighted)

Congress could send the president to block.

⁸This method follows a similar approach used by Volden and Wiseman (2014) to estimate members’ latent effectiveness as legislators. While I do not directly incorporate their legislative effectiveness scores (which are only available for House members), my latent measure incorporates aspects of their findings by noting how individual and institutional characteristics make it more likely a bill will be enacted.

or 276 (unweighted) DOA bills were added to the agenda.⁹ As a first step in examining this legislation, I assessed how much of the floor agenda was devoted to dead-on-arrival bills. I joined the set of intended failures with all other legislation that reached the floor and created three discrete categories: *Became Law*, *Dead On Arrival*, or *Other Failed*. In Table 3.2, I report the percentage of bills, by type, from 2003 through 2012.

Table 3.2: Bills that Receive Floor Consideration, 2003-2012

Bill Type	Total	Divided Government	Unified Government
Dead On Arrival	5% (277)	9% (172)	3% (105)
Other Failure	35% (1765)	35% (677)	34% (1088)
Became Law	60% (3026)	56% (1059)	62% (1967)

Not surprisingly, most bills that reach the floor in the House or Senate become law. Forty percent of bills on the majority party’s agenda do not pass, most of which are not DOA. However, most laws and other bill failures are on minor issues. In Table 3.3, I subset the data on important bills, as defined by whether the legislation received coverage in a *CQ Weekly* annual legislative summary article.

Table 3.3: Important Bills that Receive Floor Consideration, 2003-2012

Bill Type	Total	Divided Government	Unified Government
Dead On Arrival	11% (90)	21% (52)	7% (43)
Other Failure	19% (146)	16% (36)	20% (110)
Became Law	70% (592)	63% (159)	73% (433)

⁹One concern with this approach is that I exclude killer amendments that could change an enactable bill to one that is dead-on-arrival. This is not an issue for three reasons. First, as a practical matter, *CQ Weekly* never reported that a bill became an intended failure because of an amendment. Additionally, none of the bills identified as DOA using the latent variable method had any amendments proposed. Second, DOA bills do not exhibit the features that make a proposal susceptible to a killer amendment. Jenkins and Munger (2003) note that killer amendments arise when a majority party is divided on an issue. However, intended failures are on topics that almost always unify the chamber caucuses. These bills are politically divisive and generally produce party line votes. Third, successful killer amendments are very rare (Wilkerson 1999). Excluding them from this analysis means, at most, I will miss a few idiosyncratic cases. Even if these cases do exist, *CQ Weekly’s* lack of coverage indicates these amendments are unimportant in the first place.

Once properly parsed, dead-on-arrival bills become a much more important feature of the congressional agenda. In divided government, most important failed bills are sent to the floor with the intention they will fail. Even in unified government these proposals make up a quarter of all unsuccessful bills. The content of DOA bills further indicate their outsize importance on the legislative agenda. These proposals cover a myriad of notable and contentious policy topics, including the Affordable Care Act, U.S. policy in Iraq, children's healthcare, tort reform, workplace safety, union elections, campaign finance reform, renewable energy, oil drilling, abortion regulations, among others.

In fact, these dead-on-arrival bills represent some of the most recognizable legislation during this ten year period. Perhaps the most familiar DOA bill in this data set is 112-HR-2: Repealing the Job-Killing Healthcare Law. Additionally, many of the most intense partisan fights, besides repealing the ACA, are represented by the intended failures Democrats or Republicans advanced during this decade. For instance, repealing the estate tax, an issue Republicans stridently fought for during the 108th and 109th Congresses, is represented by two separate DOA proposals that gained floor consideration. During the 110th Congress, Democrats passed nearly a dozen intended failures related to the Iraq War. In the same term, Democrats passed two doomed S-CHIP extension bills as well as the DOA Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act.

For all of these high-profile examples, intended failures also include less publicized issues. For example, during the 109th Congress, Republicans forwarded DOA bills that would change oil refinery permitting requirements (109-HR-5254) and the criteria for designating an animal as endangered (109-HR-3824). Most importantly, adding DOA bills to the agenda is not only a Republican or Democratic strategy. From 2003 through 2012, Democrats and Republicans each controlled five chambers in Congress. In this decade, Republicans added 57 percent (159) of the intended failures that received agenda space and Democrats forwarded the other 43 percent (119).

Moreover, the dead-on-arrival bills that receive floor consideration are noticeably differ-

ent than enactable legislation that is given agenda space. For instance, intended failures tend cover more divisive issue areas (as defined by the Policy Agendas Project codebook). The three most common topics featured in DOA bills are: 1) healthcare (14 percent); 2) the economy (13 percent); and 3) labor, employment, and immigration issues (11 percent). In contrast, the most common issues that enactable bills cover are: 1) public lands (16 percent); 2) government operations (10 percent); and 3) defense (10 percent)¹⁰ Additionally, DOA and enactable legislation differ in the coverage they receive from political observers. For a DOA bill that reaches the floor, *CQ Weekly* publishes nearly two times as many articles (5.78) compared to an enactable proposal (2.99).

Although intended failures represent a relatively small portion of the agenda, these proposals are not on trivial matters. In fact, they tend to be on particularly divisive issues and generate significantly more commentary than enactable legislation. The importance of these issues suggests majority parties do not simply pepper the agenda with DOA legislation, but strategically use these bills for significant political gain.

3.1.2 Statistical Model

For Hypotheses 1 and 2 the outcome of interest is when legislation is added to a chamber's floor agenda. The dependent variable is coded as 1 if a bill is sent to the floor, and 0 otherwise.¹¹ I specify a hazard model with a Weibull distribution in which the unit of analysis is the bill-day dyad.¹² This data structure takes into account the time-varying nature of a majority party's electoral prospects (Box-Steffensmeier and Jones 2004, 98). My results are robust to other hazard rate distributions, such as a Cox proportional

¹⁰The Appendix includes a full count for each issue area.

¹¹If a bill passes the House and is later introduced in the Senate, a new observation is recorded for when the House proposal receives floor consideration in the Senate. The same is true for Senate bills sent to the House.

¹²By using the Weibull distribution, I make the assumption that the likelihood a bill is added to the agenda monotonically decreases the longer it is pending. This is reasonable particularly after taking into account features of the bill that influence its time pending, such as its complexity, committee referrals, and if it is must pass legislation. Additionally, the longer a bill is in committee it is more likely the proposal has been subject to winnowing (Krutz 2005) or some other form of negative agenda control.

hazards model.¹³

Once a bill is introduced, it ‘survives’ a certain number of days in committee before it ‘expires’ and receives floor consideration. For clarity, I refer to an expiration as being added to the floor agenda, and a proposal’s survival as the bill pending in the House or Senate. The model is written as:

$$h(t|x) = pt^{p-1} + \exp(\alpha x) \quad (3.1)$$

where h is the hazard, α are the coefficients, x are the covariates, t is time, and p is the shape parameter. Since I assume the hazard decreases the longer a bill is pending, I expect $p < 1$.

3.1.3 Independent Variables

To test Hypothesis 1, I measure a majority’s *Electoral Prospects* using data from the Iowa Electronic Betting Market (IEM). The IEM produces a daily probability for which party will win control of the House, Senate or presidency in the upcoming election. I measure a majority party’s *Electoral Prospects* using the lowest probability that party will win control of the House, Senate or presidency. This approach bases the likelihood the majority wins unified government on its most difficult electoral circumstance. Even if a party is very likely to win two institutions but not the third, its prospects for controlling government remain low.¹⁴ During midterm elections, the presidency score is fixed at one

¹³The main downside to using a hazard model approach is I implicitly assume committees have limited control over their agendas as a majority party can pull a bill from committee and send it to the floor. An alternative approach that avoids this problem is to use a logistic regression in which I examine if a bill received floor consideration. The results I present below are robust to logit model specifications in which I use the same time-varying structure as the hazard model (the dependent variable is if a bill is added to the floor). Additionally, my findings are robust to a model in which I subset the data on bills that gain floor consideration. That model shows DOA bills, relative to enactable bills, are more likely to be sent to the floor when control for government is competitive and in divided government.

¹⁴A natural inclination is to treat the House, Senate, and presidency as joint probabilities and use the product to measure electoral prospects. However, these probabilities are not independent and are conditional in complicated ways that vary by election. For instance, studies of presidential coattails show who is on the ballot in other races affects each institution. The joint probability almost certainly

or zero depending on whether his co-partisans are in the majority.

The IEM does not open at the start of a congressional term, so I imputed a party's future electoral prospects for those dates. I calculated the probability the majority party will win an institution as follows. First, I counted the total number of competitive seats in the House or Senate. Second, I counted the number of seats the party needs to win to secure the majority. I defined a seat as competitive if the district/state voted for the presidential candidate of the opposite party in the last election or if the district's competitiveness score is between 0 and -10 (Griffin 2006).¹⁵ I calculated the probability a party would win enough seats for a majority, given the number of competitive elections.¹⁶ After an election, I set this variable at one if the party wins all three lawmaking institutions or zero if there will be divided government.

Hypotheses 1a predicts a positive relationship between dead-on-arrival bills being proposed and a party's electoral prospects. Hypothesis 1b predicts that as it becomes very likely a party will control government after the election, the probability intended failures are added to the agenda decreases. To model this relationship, I included two variables: *Electoral Prospects* and *Electoral Prospects*². To test Hypothesis 2, I include a dummy variable for whether there was *Divided Government* during a congress.

I include a dummy variable coded as 1 for a *Dead on Arrival* bill and 0 otherwise. I

underestimates a party's electoral prospects. In a period of sorted parties, if there is a 50 percent chance a party wins the House or Senate, the probability both events occur is unlikely to be 25 percent. Rather, if a party wins one chamber, it likely reflects a successful campaign strategy that brought more voters to the polls who support the party's candidates in the other chamber. Thus, the probability of winning both chambers, conditional on winning one, should exceed 50 percent. This may not be true of every election cycle, which reflects these conditional probabilities' complexity. For this reason, the minimum probability is the best measure, as it more accurately reflects how difficult it will be for a majority party to secure unified government. Additionally, I estimate Hypotheses 1 and 2 using the joint probability measure. My results are generally robust to these specifications.

¹⁵The formula is $-|\%Democratic\ Presidential\ Vote\ Share - 50\%|$. Values closer to zero indicate a more competitive district, and smaller scores (more negative) indicate safer seats.

¹⁶This calculation is based on the binomial distribution. I assume Democrats and Republicans had a 0.5 probability of winning each competitive seat. While this varies by election, the amount of unknown information each party had concerning a given race makes this assumption appropriate. The IEM is not open before candidates are selected, so legislators do not know who their opponent will be or if there is a national trend towards supporting one party or another.

interact it with the *Electoral Prospects*, *Electoral Prospects*² and the *Divided Government* covariates. These terms can be understood as assessing the effect of the party's electoral prospects or lawmakers' divergent preferences, conditional on a bill being dead-on-arrival. I expect a positive effect on the interaction that includes *Electoral Prospects*, a negative effect on the interaction that includes *Electoral Prospects*² and positive effect on the *Divided Government* interaction term.

3.1.4 Controls

I include a dummy variable for *Must Pass* legislation, which I define as any department or agency-level authorization or appropriations bill. Legislation that prevents large policy reversions is more likely to end up on the legislative agenda and be enacted (Adler and Wilkerson 2012a). I expect a positive relationship between a bill being sent to the floor and must pass legislation. I include a measure of issue *Salience*, which is the percentage of respondents saying a policy topic is the country's most important problem, as measured by Gallup. When citizens pay attention to an issue, the majority party may feel compelled to bring legislation to the floor that addresses that topic. Additionally, voter concern may reflect an exogenous shock that requires new public policy. Regardless of the reason, lawmakers may choose to bring up more salient topics to display responsiveness to the electorate. As a result, I expect a positive relationship between a bill's salience and when that issue is added to the agenda.

The time a bill spends in committee is influenced by the legislation's complexity as well as the number of committees that work on the proposal. I use the number of subjects a bill covers, as measured by the Library of Congress, to measure a bill's *Complexity*. This variable ranges from 1 to 1602 subjects. Since I exclude trivial bills from this analysis, I expect a majority party tends to focus on more complex legislation. This variable should have a positive coefficient. Additionally, I count the number of committee *Referrals* a bill receives. As legislation that receives multiple referrals is likely to move through the

committee process more slowly, I expect this covariate to have a negative relationship with when a bill is added to the floor. Finally, I include a *Senate* dummy variable to account for differences in how the House and Senate add legislation to their respective floor agendas.

3.2 Results

In Table 3.4, I report the results from a hazard model and include each variable's coefficient.¹⁷

¹⁷Rather than the hazard ratio. In the appendix, I report Cox models and Weibull hazard models stratified by congress. The results are consistent with the findings in Table 3.4.

Table 3.4: Hazard Models of Bills Being Added to the Floor Agenda, 2003-12

	Expected Sign	Model 1 Weighted Latent Variable	Model 2 Unweighted Latent Variable
Dead On Arrival *	+	4.786***	3.240***
Electoral Prospects		(1.232)	(1.556)
Dead On Arrival *	-	-4.187***	-3.072***
Electoral Prospects ²		(0.984)	(0.937)
Dead On Arrival *	+	1.987***	1.823***
Divided Gov't		(0.169)	(0.166)
Dead On Arrival		-2.458***	-1.604***
Electoral Prospects		(0.396)	(0.371)
Electoral Prospects		-0.213	-0.188
Electoral Prospects ²		(0.230)	(0.232)
Electoral Prospects ²		-0.076	-0.010
Divided Gov't		(0.184)	(0.185)
Divided Gov't	-	-0.386***	-0.360***
Must Pass		(0.036)	(0.232)
Must Pass	+	2.157***	2.165***
Saliency		(0.067)	(0.067)
Saliency	+	-0.711***	-0.746***
Complexity		(0.169)	(0.169)
Complexity	+	0.003***	0.003***
Committee Referrals		(0.000)	(0.000)
Committee Referrals	-	-0.072**	-0.083***
Senate		(0.030)	(0.030)
Senate	-	-0.091***	-0.038
Constant		(0.030)	(0.030)
Constant		-4.308***	-4.359***
		(0.088)	(0.089)
p	< 1	0.412	0.412
N		20275135	20275135
Log likelihood		-25145.64	-25201.42
Prob > χ^2		0.000	0.000

*p<0.1; **p<0.05; ***p<0.01, N=20,276,065

Note: DV = 1 if non-trivial bill is sent to the floor that day, 0 otherwise. The unit is the bill-day dyad and entries are coefficients from a hazard model with a Weibull distribution. p is the shape parameter.

Both models support Hypotheses 1 and 2. Conditional on pending to a given day,

intended failures are more likely to be added to the agenda when a majority party's electoral prospects are uncertain. The interacted quadratic terms show that when the probability a majority party will gain power is very likely or unlikely, dead-on-arrival legislation is held off the agenda. More simply, when control for government is competitive, the majority is more likely to add DOA legislation to the floor. The divided government interaction terms are positive and significant. This indicates that dead-on-arrival bills are added to the agenda sooner, relative to other legislation, when lawmakers' preferences diverge.

Enactable bills do not exhibit the same trends. Neither of the unconditional electoral prospects variables are significant. In both specifications, the divided government covariate is significant but in the opposite direction. This result conforms with other studies of lawmaking. In divided government, fewer enactable proposals are sent to the floor relative to when one party controls Congress and the presidency (Binder 2003; Krehbiel 1998). This suggests that the majority party responds to a different set of factors when deciding when to add dead-on-arrival legislation or enactable proposals to the floor. The control variables are significant and in the expected direction except for the *Salience* covariate. All else equal, less salient bills spend less time pending in committee than legislation on more salient topics.¹⁸

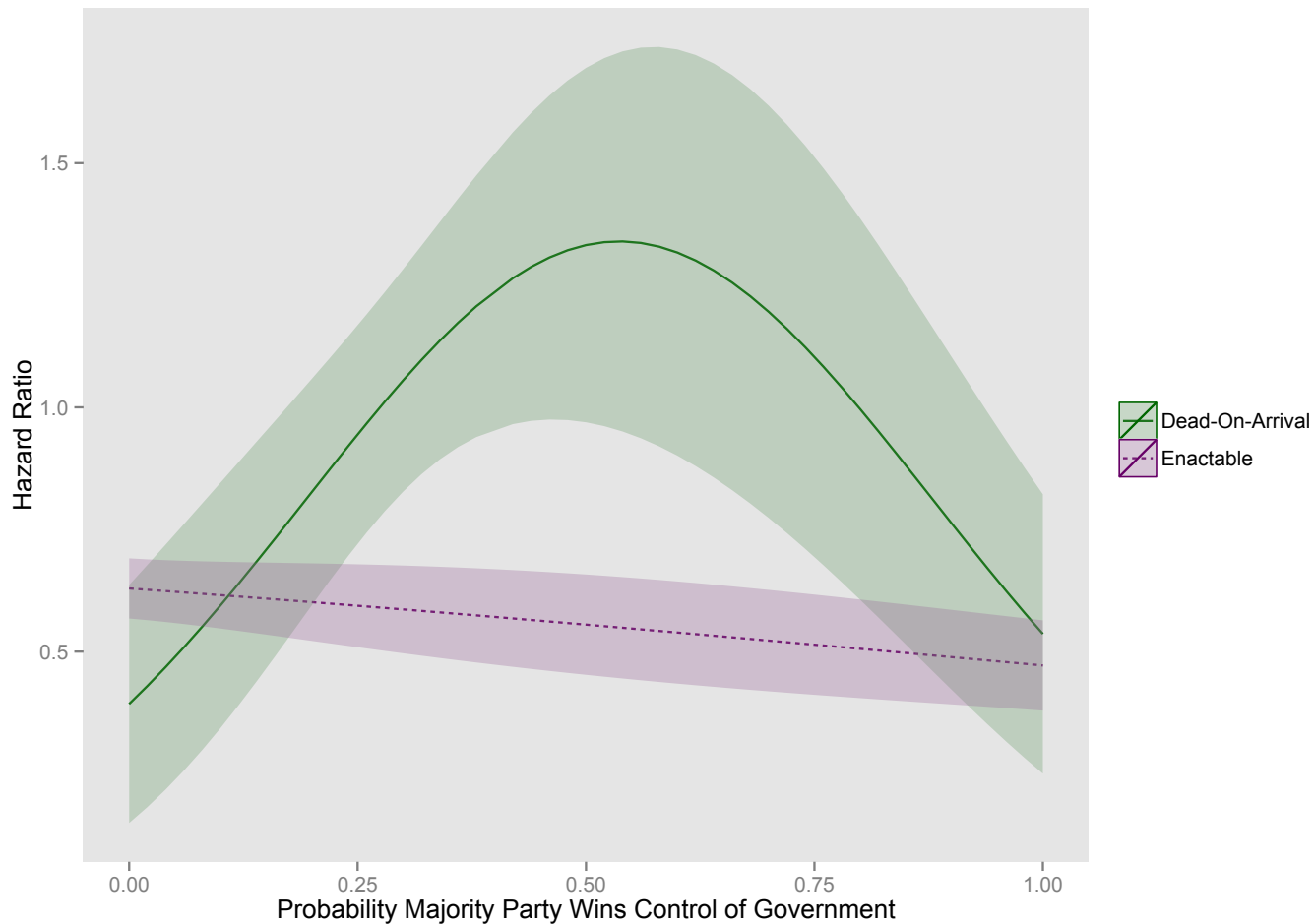
To better understand these effects, I plot the predicted hazard ratios for DOA and non-DOA bills as a function of both electoral prospects and divided government.¹⁹ When the hazard ratio exceeds one, the likelihood the bill gets sent to the floor that day increases relative to the baseline hazard rate. When it is smaller than one, the probability the legislation is added to the floor that day decreases relative to the baseline hazard rate. In

¹⁸One reason this might occur is the manner in which committee members treat salient bills. These proposals may be more prone to hearings and other committee activities so lawmakers can extract more personal political value from the bill. Additionally, salient bills may be on more contentious topics. This divisiveness may slow these bills in committee or prevent them from ever reaching the floor.

¹⁹The numerator of the hazard ratio is a function of the baseline hazard rate and the covariates. The denominator is the baseline hazard rate. It is written as $exp(\alpha_0)pt^{p-1}$ where α_0 is the parameter for the regression constant term, p is the shape parameter, and t is time (Box-Steffensmeier and Jones 2004, 27).

Figure 3.1, I plot the predicted hazard ratios for a dead-on-arrival and an enactable bill as a majority's electoral prospects change:

Figure 3.1: Predicted Hazard Ratios for Dead-On-Arrival and Enactable Bills



Note: Predicted hazard ratios for dead-on-arrival and enactable bills being added to the floor agenda as the majority party's electoral prospects change based on Model 1 in Table 3.4. *Must Pass* and *Senate* are held at 0, *Divided Government* is held at 1, and all other variables are held at their means.

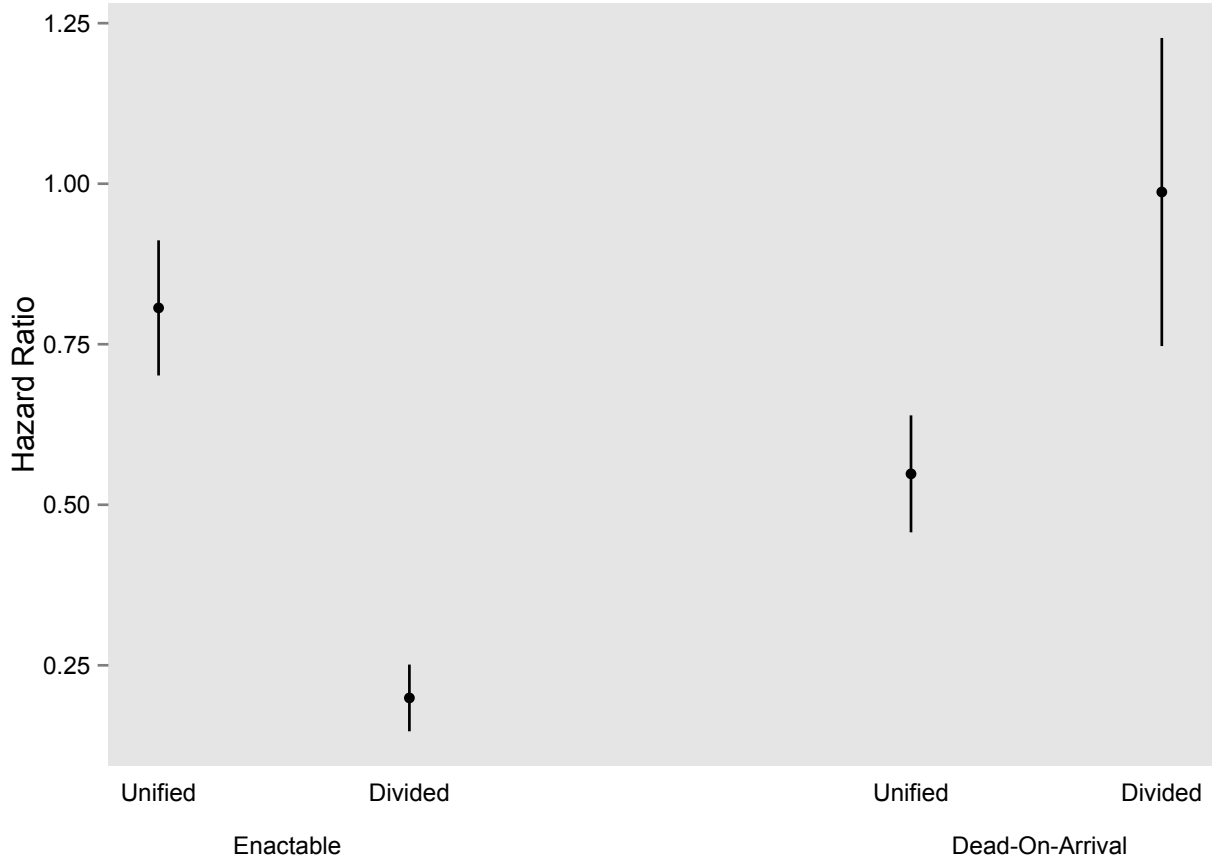
As Figure 3.1 shows, when control for government is competitive, the probability a DOA proposal is sent to the floor increases. When *Electoral Prospects* equals 0.54, which corresponds to the highest observed hazard ratio, the likelihood a DOA bill is sent to the floor on that day increases 34 percent relative to the baseline hazard rate. In contrast,

when a majority party's electoral prospects are great or dismal, the likelihood a dead-on-arrival bill is added to the agenda on a given day decreases. When the majority is guaranteed to lose (*Electoral Prospects* equals zero), an intended failure is 60 percent less likely to be sent to the floor that day compared to the baseline hazard. Similarly, when the majority is guaranteed to win, an intended failure is 46 percent less likely to be added to the agenda.

A majority party's changing electoral prospects does not have the same effect on when enactable bills get sent to the floor. On a given day, the probability an enactable proposal, as shown by the purple dotted line, is added to the agenda monotonically decreases as the majority's electoral prospects improve. Notably, the rate at which enactable bills gain floor consideration does not share the same parabolic shape that characterizes when DOA bills gain agenda space.

The results in Table 3.4 indicate intended failures are more likely to gain floor consideration in divided government. However, enactable bills, as shown by the *Divided Government* covariate, are more likely to get floor attention in unified government. To better understand the size of these effects, I plot the predicted hazard ratios for a DOA or enactable bill being added to the agenda in unified and divided government:

Figure 3.2: Predicted Hazard Ratios for Bills in Unified and Divided Government



Note: Predicted hazard ratios for a bill being added to the floor agenda in unified or divided government based on Model 1 in Table 3.4. *Must Pass* and *Senate* are held at 0 and all other variables are held at their means.

In unified government, the likelihood a DOA bill gets added to the agenda decreases by 73 percent relative to the baseline hazard rate. However, in divided government, the likelihood a DOA proposal gets sent to the floor only decreases by 2 percent. For enactable bills, the effect of divided government has the opposite effect. The likelihood enactable legislation gets sent to the floor in unified government only decreases 20 percent on a given day, compared to an 80 percent decrease in divided government. More simply, bills are less likely to make it to the floor the longer they are pending. However, for DOA bills

in divided government, this decrease in the chance of making it to the floor is very small. Non-DOA bills display the reverse trend. These proposals' chances of making it to the floor remains relatively higher in unified compared to divided government.

Taken together, these results lend support to my argument concerning when DOA bills are advanced by the majority party. As Figure 3.1 shows, when a party's electoral prospects are uncertain, intended failures are emphasized on the agenda. When it is more difficult to pass legislation in divided government, DOA proposals are relatively more likely to get agenda space. Yet, in unified government, the majority party tends to emphasize enactable bills.

3.3 The Future Success Of Dead-On-Arrival Bills

In this section, I test Hypotheses 3 and 4. Recall these hypotheses predict that once a majority party wins unified government, a previously failed dead-on-arrival bill is more likely to gain agenda space compared to new bills and other previously failed non-DOA bills. A natural extension of these predictions is that gaining floor attention in unified government makes it more likely a bill will become law. I test this possibility by examining whether previously dead-on-arrival bills are enacted at higher rates than newly proposed legislation as well as previously failed enactable legislation.

I leverage the 2004 and 2008 elections to assess whether former intended failures gained agenda space and became law in the subsequent unified governments. Prior to the 2004 election, Republicans controlled government and maintained that control in the next congress. In the 110th Congress, Democrats controlled the House and Senate, but not the presidency. After the 2008 election, Democrats had unified government for the next two years.²⁰

²⁰These two cases represent a particularly strong test of Hypotheses 3 and 4. Since Republicans retained control of unified government but did not gain a supermajority in the Senate after the 2004 election, it is likely the previously DOA bills would still be difficult to enact. Additionally, the Great Recession forced Democrats to prioritize important economic legislation that pushed other previously

For this analysis, I combined three categories of bills. First is the legislation proposed in the 109th and 111th Congresses. This data includes all previously failed bills that are matched to legislation in these subsequent sessions as well as all newly introduced legislation in those Congresses.²¹ Second are the dead-on-arrival bills that received agenda space in the 108th and 110th Congresses but were not reintroduced in the subsequent legislative session. Third are enactable bills that received agenda space in the 108th and 110th Congresses but were not reintroduced in the next session.²²

I examine models with slightly different dependent variables. In the first specification, the dependent variable is coded as 1 if a bill gained agenda space in the 109th or 111th Congress and 0 otherwise. This model directly tests Hypotheses 3 and 4, that previously dead-on-arrival bills are more likely to gain floor consideration in unified government than previously failed enactable bills and new bills. The second specification includes a dependent variable coded as 1 if a bill became law in unified government and 0 otherwise. This model is a natural extension of Hypotheses 3 and 4, that gaining agenda space makes it more likely a bill will be enacted.

Matching legislation between congresses is not a simple proposition. As Wilkerson, Smith and Stramp (2015) note, there are numerous barriers, both from technical and interpretative standpoints, to reliably connect legislation across time. My basic approach is to count a version of the previously failed bill as being enacted if: the program or policy in a DOA bill gets authorized in unified government or the main appropriations in the DOA proposal are funded in unified government. The details between the bills do not

DOA priorities down the agenda (e.g., climate change and union election legislation). Any intended failure that eventually became law had to overcome these significant obstacles.

²¹Newly introduced is a bit of a misnomer. A bill could have been introduced in the previous congress, but not gained floor consideration, and reintroduced in the subsequent session. The auction model does not predict the majority party prioritizes these bills once it gains control of government, so I do not account for previous bill introductions.

²²Matching old bills with new ones is not always a one-to-one proposition. In some cases old bills are combined with other proposals into new legislation or the old bill is introduced in numerous new bills. If two previously introduced bills (Bill A and Bill B) are combined into one bill, Bill C, in the new session, I include two observations of Bill C to account for both previously failed proposals. If a previously failed bill, Bill D, is reintroduced in Bills E and F, I code both new bills as previous failures based on Bill D.

need to be the exact same, but the legislation needs to generally accomplish the same goal (e.g., create a national park on the same land, close the same tax loophole, fund the same program.) I identify versions of the same legislation between congresses using the Library of Congress's bills database. I matched legislation by short title and if unsuccessful, by major provision. I read each bill's summary to determine if the policy proposal matched the previously failed bill.²³ Compared to text matching methods, this approach is more flexible but also more ambiguous. However, it is useful as it allows me to code bills that obviously correspond to a previously failed bill that a more orthodox approach will miss.

For example, the text between the DOA S-CHIP extension bills (110-HR-976 and 110-HR-3963) passed during the 110th Congress are not the exact same as the S-CHIP extension bill (111-HR-2) enacted in the 111th Congress. However, my coding scheme matches these bills as the main program authorization that was previously DOA is enacted in the subsequent legislation. Some bills provide straightforward matches, such as the Lilly Ledbetter Fair Pay Act (110-HR-2831 and 111-S-181) and the Class Action Fairness Act (108-S-2062 and 109-S-5). Other legislation is much more ambiguous. For instance, Republicans passed a dead-on-arrival comprehensive energy bill in the 108th Congress. A similar, albeit slightly different comprehensive energy bill was enacted by Republicans in the 109th Congress. In comparing the bills, it is difficult to assess whether the changes to the 109th version excised the previously DOA provisions, changed them to make the bill palatable to pivotal lawmakers, or included them in their entirety from the previous legislation. For this reason, I do not match these bills. More generally, my coding scheme errs on the side of caution. If the main provisions of a previously failed bill cannot be matched to a bill in the subsequent Congress, I do not count that legislation as passing in the next term.

I specify two main independent variables. First, if a bill in the 108th and 110th

²³As an additional check, after identifying the failed bill and the subsequent enactment, I used the *CQ Roll Call* database to compare the bill texts.

session was *Dead On Arrival*, I coded it as 1 and 0 otherwise. Second, if a bill in the 108th and 110th session was *Enactable* but failed, I coded it as 1 and 0 otherwise. The baseline category in these empirical models is newly introduced bills in the 109th or 111th Congresses. I expect both independent variables to be positively signed. This result would support Hypothesis 3, that previously failed DOA bills are more likely to gain floor attention, and become law, compared to new proposals. Additionally, Hypothesis 4 predicts that the coefficient on the *Dead On Arrival* covariate should be significantly larger than the *Enactable* covariate. This finding would indicate that former intended failures are more likely to gain agenda space, and become law, compared to other previously failed bills.

I control for the change in an issue's average salience between each congress, defined as $\Delta Average\ Salience$. To construct this variable, I calculated a bill's salience by matching its Policy Agendas Project issue code with data from Gallup's Most Important Problem question. I averaged the bill's issue salience by congressional term and subtracted the more recent term from the previous session. Bills may be more likely to get floor consideration and become law in the subsequent congress if the issue is in the public's eye compared to previous years. For this reason, I expect a positive relationship between this variable and the likelihood a bill gets agenda space and enacted. I also include a dummy variable for the *109th Congress*.

Table 3.5: Probability Failed Bill Gains Consideration or is Enacted in Subsequent Congress

	Expected Sign	Model 1 Bills Receive Floor Consideration	Model 2 Bills Receive Floor Consideration	Model 3 Bills Become Law	Model 4 Bills Become Law
Dead On Arrival	+	2.260*** (0.186)	2.285*** (0.1864)	1.745*** (0.222)	1.773*** (0.222)
Enactable	+	1.678*** (0.080)	1.686*** (0.0806)	1.254*** (0.106)	1.274*** (0.106)
Δ Average Salience	+		-1.037** (0.451)		-0.285 (0.589)
109th Congress			0.119** (0.047)		0.188*** (0.062)
Constant		-2.328*** (0.025)	-2.391*** (0.035)	-2.960*** (0.033)	-3.058*** (0.047)
Log likelihood		-6595.785	-6589.977	-4335.617	-4330.860
Prob > χ^2		0.000	0.000	0.000	0.000
Prob DOA = Enactable		0.004	0.003	0.042	0.039
N		20973	20973	20973	20973

*p<0.1; **p<0.05; ***p<0.01

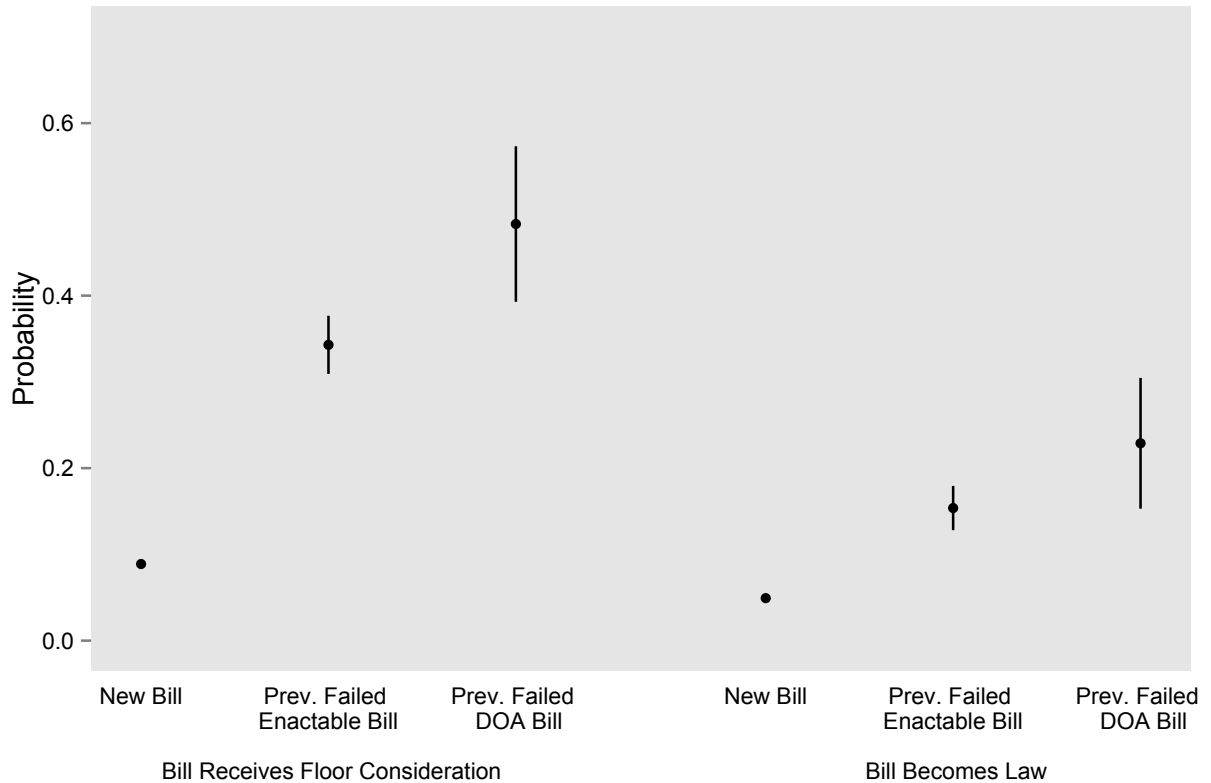
Note: In Models 1 and 2, DV is 1 if bill receives floor consideration and 0 otherwise. In Models 3 and 4, DV is 1 if bill becomes law and 0 otherwise. Data includes all non-trivial bills that received floor consideration but failed in the 108th and 110th sessions and all newly introduced bills in the 109th and 111th congresses. Entries are log-odds from a logistic model.

The results in Table 3.5 conform to my expectations. The positive coefficients on the *Dead On Arrival* variable supports Hypothesis 3, that previously DOA bills are more likely to gain floor consideration and become law compared to newly proposed legislation. Additionally, the positive coefficients on the *Enactable* variable indicates previously failed non-DOA bills are more likely to gain floor attention and become law relative to new bills. This suggests that these proposals are relatively cheaper to enact because the majority party has already paid the decision-making associated with this legislation.

In all four specifications, a Wald test indicates the *Dead On Arrival* coefficient is significantly larger than the *Enactable* one. This result supports Hypothesis 4, that previously dead-on-arrival bills are more likely to gain agenda space and become law relative to other previously failed bills. Additionally, in each model Δ *Average Salience* is negative. As an issue increases in salience between congresses, a majority party does

not bring more bills to the floor on that topic.²⁴ To examine the effects' magnitude from Table 3.5, I plot the predicted probability a bill receives floor consideration or becomes law:

Figure 3.3: Predicted Probability Previously Failed Bill Is Enacted in Unified Government



Note: Predicted probabilities that a bill receives floor consideration or becomes law based on the results from Models 1 and 3 in Table 3.5.

The predicted probability a previously dead-on-arrival bill receives floor consideration in the next session is 0.48. For previously failed enactable bills, the probability is 0.34 and for new bills this probability is 0.08. Consistent with the auction model's predictions, Figure 3.3 shows that gaining agenda space when a DOA bill will not become law increases the likelihood that legislation receives floor consideration in unified government.

²⁴That is not to say the majority is not responsive to changes in issue salience. Lawmakers may focus on a few important proposals on that topic in order to find a legislative solution.

Moreover, the attention previously failed DOA bills receive in unified government is not limited to securing agenda space. These proposals, relative to new bills and other previously failed bills, are more likely to be enacted. The predicted probability formerly dead-on-arrival legislation becomes law in the subsequent congress is 0.23. This compares to a predicted probability of 0.15 for other previously unsuccessful legislation and 0.05 for new proposals.²⁵ These results support the theory that these short-run intended failures portend the majority party's agenda in unified government. Once a dead-on-arrival bill can be enacted, the majority party is more likely to pass that legislation relative to the other bills lawmakers could not enact in divided government.

3.4 Conclusion

In this chapter, I tested the four main hypotheses from the auction model presented in Chapter 2. In each case I find support for my theory. As predicted, majority parties are more likely to add intended failures to their agendas when control of government is competitive and lawmakers' policy preferences diverge. Adding dead-on-arrival bills to the agenda has long-term policy consequences. By paying the decision-making cost associated with an intended failure when it will not pass, a previously DOA bill is more likely to gain agenda space, and become law, when the majority party wins unified government.

By adding dead-on-arrival bills to the floor, legislators seek additional political support when winning more seats can help the party achieve unified government. This behavior creates an important link between a bill's short-term legislative failure and its long-term success. By coalescing around a specific policy alternative even when it will not be enacted, the majority party increases the likelihood that proposal becomes law in unified government.

These results have important implications for understanding how lawmakers structure

²⁵The null hypothesis that the mean predicted probabilities are the same can be rejected at the $p < 0.01$ level in both models.

Congress's legislative agenda. As electoral competition increases, majority parties use their agenda setting powers to electioneer rather than make new laws. This notion runs counter to classic models of lawmaking in which policymakers genuinely bargain with one another no matter their electoral prospects (e.g., Cameron 2000; Krehbiel 1998).

Moreover, these findings extend the literature on politically motivated legislative proposals. While most studies argue dead-on-arrival bills are used to signal an outside audience, this chapter clarifies when these bills arise, and more importantly, why they are useful to lawmakers and the outside audience. Intended failures are not a blunt tool constantly used by the majority party. Rather, these proposals are strategically added to the floor when the party needs additional electoral support.

For interest groups, these bills are useful because they push lawmakers to agree to a specific policy alternative. Subsidizing a bill's decision-making cost is what distinguishes DOA bills from other position-taking tools. While lawmakers can signal a policy position or commitment to a certain issue with a speech (or other position-taking methods), intended failures are unique in that they actually improve the likelihood the legislation is eventually enacted. Interest groups do not reflexively support DOA legislation because they agree with the proposal. They actually stand to gain by having the majority party focus on their preferred intended failure.

In the next chapter, I examine a crucial assumption of my formal model: that interest groups reward majority party lawmakers for advancing dead-on-arrival bills. Additionally, I test Hypothesis 5, which predicts the order in which DOA bills should arise on the agenda.

3.5 Appendix

3.5.1 Dead-On-Arrival Bills Descriptive Statistics

Table 3.6: Number of Dead-On-Arrival Bills that Gained Floor Consideration, by Congress

Congress	Type of Government	Number of DOA Bills
108	Unified (R)	44
109	Unified (R)	48
110	Divided (House - D; Senate - D)	81
111	Unified (D)	13
112	Divided (House - R; Senate - D)	92
Total		278

Note: Dead-on-arrival counts are based on the weighted latent variable.

Table 3.7: Percentage of Dead-On-Arrival and Enactable Bills that Reach the Floor, by Issue Area

	Dead-On-Arrival	Enactable
Economy	13% (37)	2% (92)
Civil Rights and Liberties	5% (14)	2% (76)
Healthcare	14% (38)	7% (359)
Agriculture	Less than 1% (2)	2% (84)
Labor, Employment, and Immigration	11% (30)	3% (138)
Education	1% (3)	4% (168)
Environment	5% (13)	4% (215)
Energy	9% (26)	3% (121)
Transportation	2% (6)	5% (226)
Law, Crime, and Family Issues	4% (12)	8% (390)
Social Welfare	2% (5)	2% (92)
Housing and Community Development	1% (4)	2% (104)
Banking, Finance, and Domestic Commerce	5% (14)	10% (475)
Defense	7% (19)	10% (488)
Space, Science Technology and Communications	1% (3)	3% (160)
Foreign Trade	1% (4)	2% (102)
International Affairs and Foreign Aid	1% (4)	5% (225)
Government Operations	10% (27)	10% (498)
Public Lands and Water Management	5% (14)	16% (768)
Other/Miscellaneous	Less than 1% (1)	Less than 1% (10)

Note: Issue areas based on the Policy Agendas Project codebook. Dead-on-arrival percentages are based on the weighted latent variable. The number of bills by issue area is in parentheses.

3.5.2 Robustness Checks

Table 3.8: Cox Models of Bills Being Added to the Floor Agenda, 2003-12

	Expected Sign	Weighted Latent Variable	Unweighted Latent Variable
Dead On Arrival *	+	4.723***	3.282***
Electoral Prospects		(1.254)	(1.712)
Dead On Arrival *	-	-2.439***	-3.067***
Electoral Prospects ²		(0.404)	(0.947)
Dead On Arrival *	+	1.952***	1.795***
Divided Gov't		(0.172)	(0.169)
Dead On Arrival		-2.439***	-1.628***
Electoral Prospects		(0.404)	(0.379)
Electoral Prospects		-0.616***	-0.597**
Electoral Prospects ²		(0.237)	(0.239)
Electoral Prospects ²		0.169	0.150
Divided Gov't		(0.189)	(0.190)
Divided Gov't	-	-0.432***	-0.407***
Must Pass		(0.037)	(0.037)
Must Pass	+	2.093***	2.102***
Salience		(0.067)	(0.067)
Salience	+	-0.674***	-0.708***
Complexity		(0.168)	(0.168)
Complexity	+	0.003***	0.003***
Committee Referrals		(0.000)	(0.000)
Committee Referrals	-	-0.071**	-0.082***
Senate		(0.030)	(0.030)
Senate	-	-0.101***	-0.049*
		(0.030)	(0.030)
<i>N</i>		20275135	20275135
Log likelihood		-53076.42	-53131.62
Prob > χ^2		0.000	0.000

*p<0.1; **p<0.05; ***p<0.01, N=20,276,065

Note: DV = 1 if non-trivial bill is sent to the floor that day, 0 otherwise. The unit is the bill-day dyad and entries are coefficients from a Cox proportional hazards model.

Table 3.9: Weibull Models of Bills Added to the Floor Agenda Stratified by Congress, 2003-12

	Expected Sign	Weighted Latent Variable	Unweighted Latent Variable
Dead On Arrival *	+	5.427***	3.960***
Electoral Prospects		(1.295)	(1.241)
Dead On Arrival *	-	-4.631***	-3.558***
Electoral Prospects ²		(1.026)	(0.924)
Dead On Arrival *	+	2.257***	2.052***
Divided Gov't		(0.171)	(0.169)
Dead On Arrival		-2.731***	-1.897***
		(0.415)	(0.397)
Electoral Prospects		-1.094***	-0.997***
		(0.261)	(0.262)
Electoral Prospects ²		0.603***	0.526**
		(0.214)	(0.214)
Divided Gov't	-	-0.674***	-0.648***
		(0.129)	(0.129)
Must Pass	+	2.149***	2.154***
		(0.067)	(0.067)
Salience	+	-0.871***	-0.909***
		(0.174)	(0.174)
Complexity	-	0.003***	0.003***
		(0.000)	(0.000)
Committee Referrals	-	-0.145***	-0.150***
		(0.032)	(0.032)
Senate	-	-0.113***	-0.055***
		(0.030)	(0.030)
109th Congress		0.139	0.132
		(0.118)	(0.118)
110th Congress		0.592***	0.595***
		(0.122)	(0.122)
111th Congress		0.085	0.119
		(0.119)	(0.118)
112th Congress		—	—
Constant		-4.045***	-4.129***
		(0.124)	(0.124)
p	< 1	0.412	0.412
N		20275135	20275135
Log likelihood		-25050.14	-25112.46
Prob > χ^2		0.000	0.000

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if non-trivial bill is sent to the floor that day, 0 otherwise. The unit is the bill-day dyad and entries are coefficients from a hazard model with a Weibull distribution. p is the shape parameter.

Table 3.10: Bills Being Added to the Floor Agenda with Electoral Prospects Product Measure, 2003-12

	Weibull Models			Cox Models	
	Expected Sign	Weighted LV	Unweighted LV	Weighted LV	Unweighted LV
Dead On Arrival *	+	2.982***	1.246	17.880	3.226
Electoral Prospects		(0.987)	(0.991)	(18.108)	(3.280)
Dead On Arrival *	-	-2.982***	-1.486*	-0.056***	0.247
Electoral Prospects ²		(0.861)	(0.866)	(0.049)	(0.218)
Dead On Arrival *	+	2.100***	1.821***	7.871***	5.951***
Divided Gov't		(0.188)	(0.183)	(1.529)	(1.126)
Dead On Arrival		-1.838***	-1.048***	0.163***	0.354
		(0.272)	(0.268)	(0.046)	(0.098)
Electoral Prospects		0.117	0.181	0.860	0.912
		(0.214)	(0.215)	(0.191)	(0.203)
Electoral Prospects ²		-0.491***	-0.595***	0.704*	0.667**
		(0.182)	(0.183)	(0.132)	(0.125)
Divided Gov't	-	-0.430***	-0.396***	0.607***	0.627***
		(0.040)	(0.041)	(0.026)	(0.129)
Must Pass	+	2.155***	2.162***	8.105***	8.163***
		(0.067)	(0.067)	(0.541)	(1.126)
Salience	+	-0.714***	-0.755***	0.505***	0.486***
		(0.169)	(0.169)	(0.085)	(0.082)
Complexity	-	0.003***	0.003***	1.002***	1.002***
		(0.000)	(0.000)	(0.000)	(0.000)
Committee Referrals	-	-0.075**	-0.086***	0.928**	0.918***
		(0.030)	(0.030)	(0.028)	(0.028)
Senate	-	-0.088***	-0.034***	0.907***	0.957
		(0.030)	(0.030)	(0.027)	(0.030)
Constant		-4.321***	-4.381***		
		(0.076)	(0.077)		
p	< 1	0.412	0.412	—	—
N		20275135	20275135	20275135	20275135
Prob > χ^2		0.000	0.000	0.000	0.000

*p<0.1; **p<0.05; ***p<0.01, N=20,276,065

Note: DV = 1 if non-trivial bill is sent to the floor that day, 0 otherwise. The unit is the bill-day dyad and entries are coefficients from hazard models with a Weibull distribution or a Cox proportional hazard model. p is the shape parameter.

3.5.3 Latent Variable Measure

To calculate the latent probability a bill will become law, I use 11 measures²⁶ that manifest when a bill is introduced. I split the measures into three discrete groups: Sponsor traits, bill/issue traits, and political environment traits. Each group is the sum of the traits divided by the number of traits, and are written as:

$$Sponsor = \frac{Majority + Seniority + Chair + SubChair + MembComm}{5} \quad (3.2)$$

$$Bill/Issue = \frac{Auth/Approp + Divisiveness + Cosponsors + Bipartisanship}{4} \quad (3.3)$$

$$Environment = \frac{SupporterDistance + Companion}{2} \quad (3.4)$$

Equations 1, 2 and 3 are summed and divided by 3:

$$\frac{Sponsor + Bill/Issue + Environment}{3} \quad (3.5)$$

The full codebook that explains each of these variables can be found at the end of the Appendix. In some cases, it is possible to identify dead-on-arrival bills using coding schemes other than this latent variable. The three ways to do so are: 1) contemporaneous news coverage reports that the bill as dead-on-arrival; 2) it is introduced after the same dead-on-arrival legislation previously failed; or 3) there is a standing threat to block the

²⁶I examined other variables including an issue's salience, the distance from the sponsor's ideology to the most distance veto player, and a House member's effectiveness score (Volden and Wiseman 2014). The legislative effectiveness score predicted whether a bill is likely to pass the House, Senate or become law, but is not available for Senators. Issue salience and sponsor distance did not predict if a bill would pass the House, Senate or became law.

proposal by a veto player. In those cases, the probability that bill will pass is zero. In Table 3.9, I report the number of dead-on-arrival bills based on each identification method:

Table 3.11: Dead-On-Arrival Bills by Identification Method

Identification Method	Number of Dead-On-Arrival Bills	Percent
<i>Weighted Measure</i>		
Identified by CQ Weekly	238	6%
Standing Threat	78	1%
Identified by Latent Variable Measure	4230	93%
Total	4546	
<i>Unweighted Measure</i>		
Identified by CQ Weekly	238	8%
Standing Threat	78	2%
Identified by Latent Variable Measure	3007	90%
Total	3323	

To account for dead-on-arrival proposals identified by means other than the latent variable, I multiply a dummy variable, *Non-DOA*, to Equation 3.5. The full, weighed sum measure is written as:

$$\frac{Sponsor + Bill/Issue + Environment}{3}(Non - DOA) \quad (3.6)$$

I calculate an unweighted sum in which all the factors are added together and divided by 11. This equation is:

$$\frac{Majority + Seniority + Chair + SubChair + MembComm + Auth/Prop + Divisiveness + Cosponsors + Bipartisanship + SupporterDistance + Companion}{11}(Non - DOA)$$

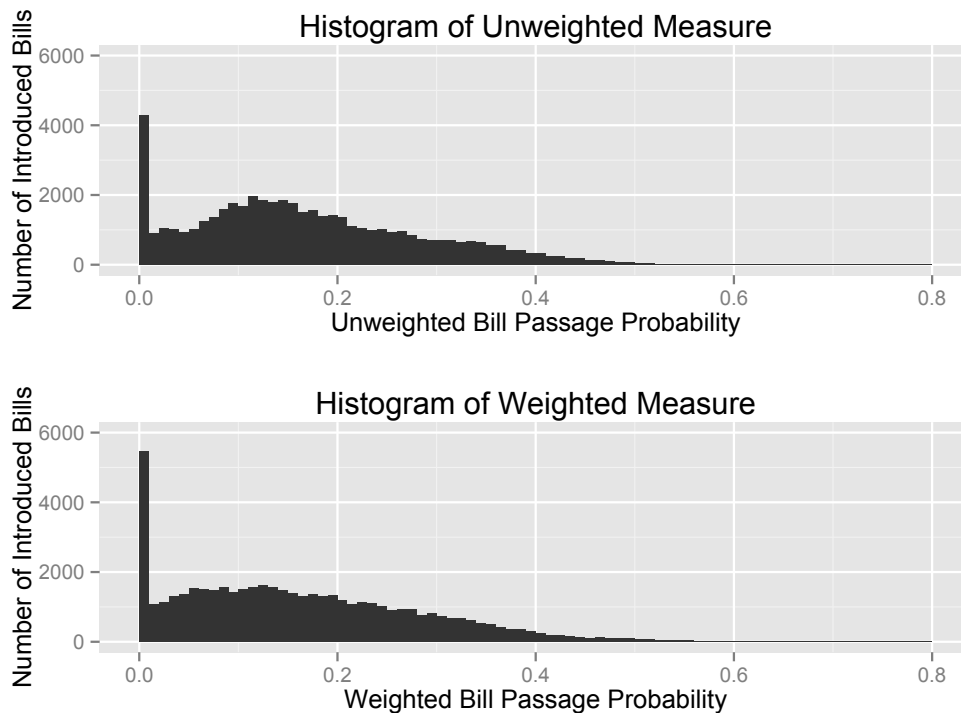
These measures can return a negative value, which I normalize to 0, meaning a bill has no chance of enactment.

Descriptive Statistics

The weighted measure's mean bill enactment probability is 0.16 with a 0.12 standard deviation. The median is 0.14. The normalized minimum is 0 (the true minimum is -0.07) and the maximum is 0.82. The mean probability for bills that become law is 26%. The measure returns 4541 proposals that will not pass.

The unweighted measure is more optimistic about a bill's probability of enactment than the weighted measure. The mean probability a bill will become law is 0.16 with an 0.12 standard deviation. The median is 0.15. The normalized minimum is 0 (the true minimum is -0.08) and the maximum is 0.61. The mean probability that legislation becomes law is 0.28. The measure returns 3321 proposals that will not be enacted. The distribution of bills is similar between the weighted and unweighted measures as can be seen in the histograms below:

Figure 3.4: Histograms of Latent Bill Passage Probabilities



An examination of the least and most likely bills to become law provides face validity to the measures. The bills least likely to be enacted are proposed by legislators who are known for offering legislation that is unlikely to become law (e.g., Ron Paul, Dennis Kucinich). Both measures report a bill proposed by Ron Paul to exempt the industrial hemp industry from marijuana laws as the bill with the lowest passage probability between 2003 and 2012. The most enactable bills tend to be major authorization/appropriations bills. However, many important bills also return high probabilities. Most of Mayhew's landmark bills have a 30% chance or higher of passing (which places those bills at least in the 88th percentile of enactment probability).

3.5.4 Performance

I assess the measure's performance in two ways. First, I examine the number of Type 1 errors this approach produces by examining how many bills are coded as DOA but are enacted. Second, I evaluate whether the measure helps predict which legislation is enacted. The data in this section uses all bills introduced in the House and/or Senate from 2003 through 2012,²⁷ which is an N=49,101.²⁸

3.5.4.1 Type 1 Errors

The clearest way to determine if the latent measure is capturing dead-on-arrival bills by estimating the bill's probability of enactment is to examine the number of false positives it produces. Since definitively identifying a dead-on-arrival bill requires knowing the intention behind the legislation, and not just observing whether it fails in the lawmaking process, the only way to know the latent variable misidentifies a proposal as DOA is if that bill becomes law. Both latent measures perform well in avoiding Type 1 errors. For bills that become law, the weighted measure only mistakes 15 (or 0.0002%) of them

²⁷The original measure was only tested on 110th House bills. The findings are robust when I conduct an out of sample test by dropping the 110th House observations.

²⁸I exclude trivial bills which are commemorative bills, bills that name facilities, and land conveyances.

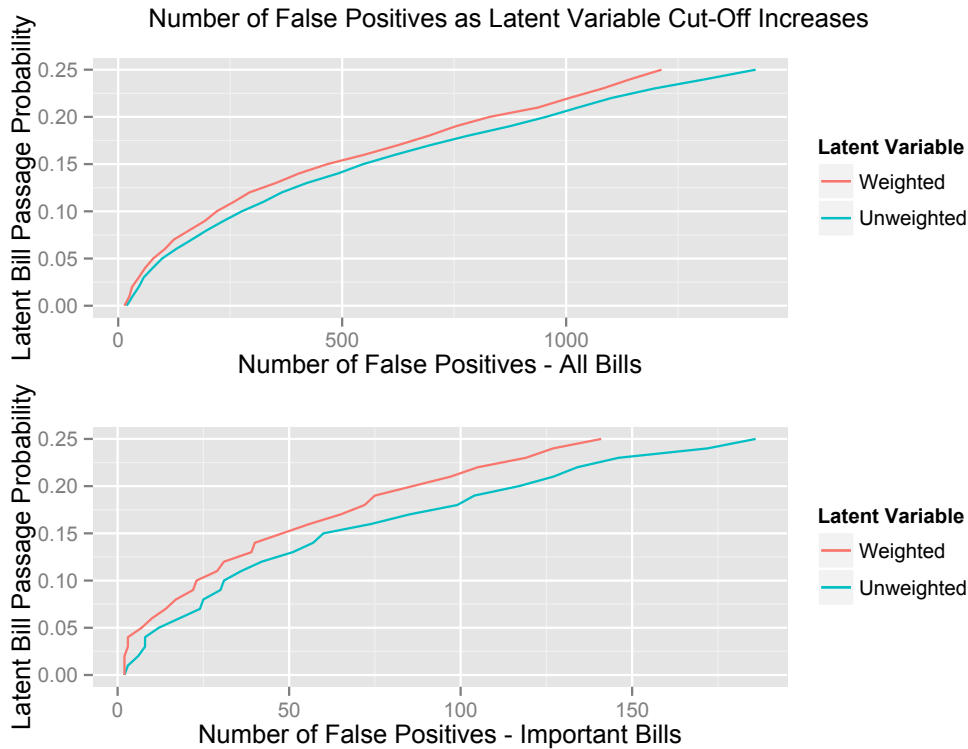
as dead-on-arrival. The unweighted measure mistakes 10 (or 0.0001%). These bills are generally on minor topics and are listed below:

Table 3.12: Dead-On-Arrival False Positives By Measure

Bill	Title	Measure
112-HR-6328	Clothe a Homeless Hero Act	Both
112-HR-515	Belarus Democracy and Human Rights Act of 2011	Both
112-HR-4849	Sequoia and King Canyon National Parks Backcountry Access Act	Both
112-HR-4606	To authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.	Both
109-HR-606	Angel Island Immigration Station Restoration and Preservation Act	Both
109-HR-2099	Arabia Mountain National Heritage Area Act	Both
108-HR-2152	To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.	Both
108-HR-2489	Cowlitz Indian Tribe Distribution of Judgment Funds Act	Both
112-HR-6007	North Texas Zebra Mussel Barrier Act of 2012	Weighted
108-HR-3479	Brown Tree Snake Control and Eradication Act of 2004	Weighted
108-HR-5204	To amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.	Weighted
108-HR-2010	To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.	Weighted
112-HR-514	FISA Sunsets Extension Act of 2011	Unweighted
108-S-2575	Sudden Oak Death Syndrome Control Act of 2004	Unweighted

Additionally, the number of false positives quickly increases as the cut-off for dead-on-arrival bills increases from zero. In the graphs below, I report the number of Type 1 errors as the definition for a DOA bill becomes more inclusive (greater than zero):

Figure 3.5: Number of Type 1 Errors As Latent Measure Becomes Less Restrictive



As the figure shows, the number of false positives from each latent variable drastically increases as the cut-off for which bills are considered DOA expands. In particular, a more expansive latent variable misidentifies a significant number of important enactable bills. This suggests that both measures, and using zero as the cut-off to designate DOA bills, are good at avoiding false positives.

3.5.4.2 Predictive Power

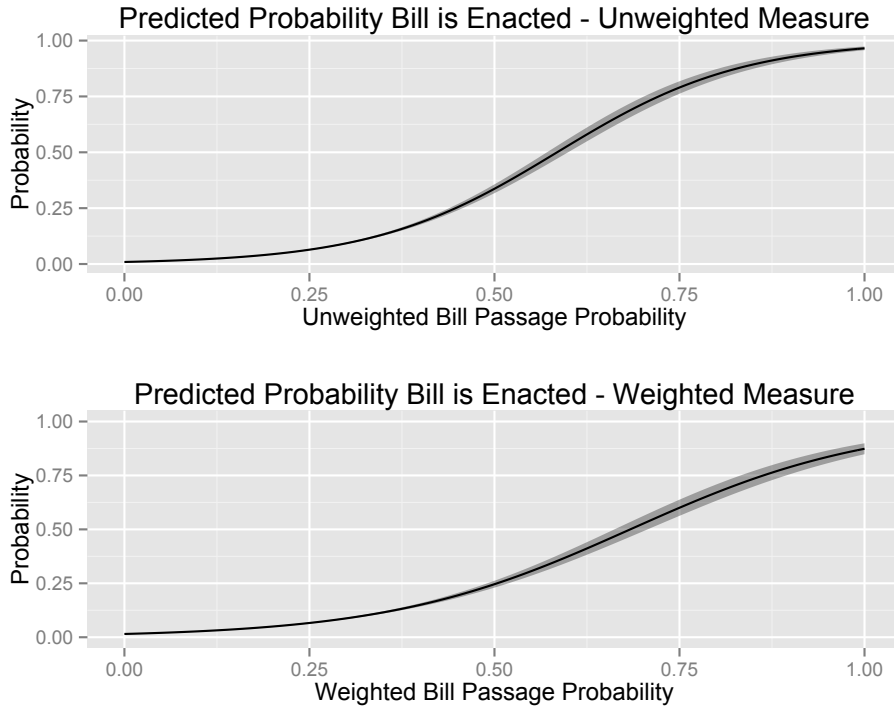
The latent measures help predict which bills become law. Below, I report logistic and linear probability models in which the dependent variable is whether a bill is enacted and the independent covariate is the latent measure:

Table 3.13: Probability Bill Is Enacted

	Model 1 LPM	Model 2 Logit	Model 3 LPM	Model 4 Logit
Weighted Measure	0.343*** (0.008)	6.109*** (0.154)		
Unweighted Measure			0.429*** (0.008)	8.001*** (0.173)
Constant	-0.004*** (0.002)	-4.175*** (0.044)	-0.021*** (0.002)	-4.683*** (0.051)
N	49101	49101	49101	49101
$Pr > \chi^2$	0.000	0.000	0.000	0.000
R^2	0.036	0.079	0.051	0.116

All four measures indicate that as the latent probability a bill passes rises, so does the likelihood that legislation is enacted. The effect from the linear probability models show a 1 percent increase in a bill's passage probability corresponds to between a 0.34 percent and 0.43 percent increase in the likelihood that proposal is enacted. The predicted probabilities from the logistic models are similar and are plotted below:

Figure 3.6: Predicted Probabilities Bill is Enacted Based on Latent Measure



Based on the weighted measure, a bill with a 0.1 passage probability is enacted 3 percent of the time. However, when passage probability increases to 0.8, the highest value recorded, the likelihood the bill is enacted increases to 52 percent. Similarly, using the unweighted measure, the a bill with a 0.1 passage probability is enacted 2 percent of the time, but a bill with an 0.8 passage probability becomes law 72 percent of the time.

One concern with this approach is the models' modest fit. For instance, the R^2 values suggest the latent measure predicts between 4 and 12 percent of the variation in the data. However, evaluating the measure in this way ignores the myriad of ways a bill's fortunes can change after its introduction. None of these models take into account the leadership's priorities, potential amendments, the committee chair's preferences (except for the bill he proposes), competition for scarce agenda space, presidential priorities, changes made in the committee mark-up, media attention, among many others. All of these factors change a bill's passage probability throughout the legislative process. For non-DOA legislation,

the latent value I calculate should be viewed as the bill's initial prospects, which changes based on the priorities and lawmaking tactics employed by various legislators.

Table 3.14: Latent Variable Measure Codebook

Sponsor Traits		
<i>Majority</i>	Majority party member	Coded 1 if yes, 0 otherwise
<i>Seniority</i>	Number of terms served	$\frac{\text{Number of terms served}}{\text{Maximum number of terms observed in that session}}$
<i>Chair</i>	Chair of Committee Bill is Referred to	Coded 1 if yes, 0 otherwise
<i>SubChair</i>	Chair of Subcommittee Bill is Referred to	Coded 1 if yes, 0 otherwise
<i>MembComm</i>	Member of Committee Bill is Referred to	Coded 1 if yes, 0 otherwise
Bill/Issue Traits		
<i>Auth/Approp</i>	Major Authorization/Appropriation	Coded 1 if yes, 0 otherwise
<i>Divisiveness</i>	Issue Divisiveness	(1- % Party unity votes on issue in previous year) minus by (1- the average divisiveness in the previous year) More divisive issues have smaller values
<i>Cosponsors</i>	Proportion of Chamber who cosponsored bill	$\frac{\text{Total Cosponsors}}{\text{Total Members}}$
<i>Bipartisanship</i>	Relative bipartisanship of bill's cosponsors	$\frac{\text{Democrat Cosponsors}}{\text{Total Cosponsors}}$, subtracted by $1 - \frac{\text{Democrat Cosponsors}}{\text{Total Cosponsors}}$ if measure > 0.5
Environment Traits		
<i>Supporter Distance</i>	Median sponsor and cosponsor distance from furthest veto player	1- Absolute value of differenced DW-NOMINATE scores
<i>Companion</i>	Companion Bill	Coded 1 if companion or identical bill is introduced in the Senate, 0 otherwise

CHAPTER IV

How Interest Groups Incentivize Lawmakers to Focus On Dead-On-Arrival Bills

In Chapter 2, I specified an auction in which interest groups provide political support to the majority party in order to get their preferred legislation onto the floor. An important feature of this model is dead-on-arrival bills *only* receive floor consideration when interest groups offer the party sufficient political support. While organized interests may prefer DOA legislation, there is little extant scholarly evidence they actually reward lawmakers for adding intended failures to the agenda. Rather, political scientists argue voters are the relevant audience for dead-on-arrival bills.

In this chapter, I test a key assumption of my theory, that interest groups provide majority party lawmakers political support for adding dead-on-arrival bills to the floor agenda. Using interest group sponsored campaign advertisements and legislative scorecards, I show organized interests consistently reward its majority party allies for DOA legislation. Additionally, my results indicate the rewards lawmakers accrue from intended failures outstrip the political costs generated by opposing groups. Finally, I test Hypothesis 5, which predicts that more valuable dead-on-arrival bills should be elevated to the agenda earlier in the congressional term. As predicted, I find more politically valuable intended failures are added earlier in the term relative to less valuable DOA bills.

4.1 Interest Group Attention to Dead-On-Arrival Bills

There are good reasons to believe organized interests reward legislators for intended failures. Journalistic accounts report the crucial role groups play in incentivizing this legislative behavior. For instance, in Chapter 2, I noted that in 2003, the American Medical Association provided significant political support to Republicans for advancing tort reform legislation, “a wide-ranging business coalition” backed OSHA reform in 2005 (Swindell 2005), and unions backed card-check legislation in 2008 (Benson 2008). All of these bills were dead-on-arrival.

Second, the wide range of policy areas DOA proposals cover suggests that interest groups are an important audience for this legislative behavior. Intended failures on topics such as OSHA reform or trade policy are important to powerful organized interests but are rarely salient to voters. Third, organized interests are attentive to bills relevant to their policy goals. Groups actively lobby Congress to get their issues on the agenda and to inform members about the ‘correct’ way to vote on legislation. Finally, groups make explicit connections between legislation and their political support. They donate money, run ads, make endorsements, publish scorecards, organize voting drives, among many other activities, based on legislative positions (Skinner 2007).

Moreover, the formal model and the results in Chapter 3 clarify why organized interests are willing to provide support for dead-on-arrival bills. By subsidizing the majority party’s decision-making cost when the legislation will not become law, groups make it more likely their preferred bill is enacted in the future. To the extent interest groups are attentive to legislation and are documented as being involved when DOA legislation is brought up, the relevant question is do organized interests systematically reward intended failures?

To this point, I have maintained this is the case. My auction model, in Chapter 2, assumes that interest groups are providing political support to the majority party for adding bills they prefer to the floor. To examine my assumption about interest groups, I

consider three propositions that underly my theory about organized interests and dead-on-arrival bills. I subsequently test these propositions.

4.1.1 Interest Group Propositions

The most basic assumption I make about interest groups is that they reward majority party lawmakers when dead-on-arrival bills are added to the floor. I write this assumption as Proposition 1:

Proposition 1: Allied interest groups provide majority party lawmakers political support for including dead-on-arrival bills on the majority's legislative agenda.

Recall from Chapter 2 that agenda space is doled out based on legislation's policy and political utility. As a consequence, on average, dead-on-arrival bills should provide lawmakers more political benefits than enactable proposals. This is because a group must provide more political support to get a DOA bill on the agenda relative to other legislation. As an intended failure does not offer legislators any policy utility, groups must compensate legislators with more political benefits to make up for this difference. Thus:

Proposition 2: Compared to enactable legislation, allied interest groups are more likely to provide the majority party political support for dead-on-arrival bills that arise on the legislative agenda.

Of course, legislation can generate political costs in addition to benefits for the majority party. Lawmakers are concerned with any political backlash to legislative proposals, dead-on-arrival or otherwise. Binder and Lee (2013) note that legislators carefully consider the electoral costs associated with a bill. Arnold (1990) argues that members of Congress consider how traceable an unpopular policy will be on election day. Cox and McCubbins

(2005) theorize party leaders avoid legislation that will harm the party brand. Generally, these costs are assumed to come from voters but interest groups also play a crucial role in the majority party's political considerations.

In particular, organized interests are important actors in developing a policy's image (Baumgartner and Jones 1993), financing campaigns, educating and mobilizing voters (e.g., Hillygus 2005; Franz and Ridout 2007; Pfau et al. 2002; Pfau et al. 2001) as well as more generally expanding the scope of a policy's conflict (Schattschneider 1960). While the majority party may be less inclined to pay attention to opposing interest groups,¹ it is likely to avoid DOA bills that generate more negative backlash than support from organized interests. More generally, my theory assumes that intended failures net positive political returns for the majority party even after accounting for any backlash these bills may produce. Thus:

Proposition 3: For majority party lawmakers, dead-on-arrival bills generate more interest group support than blame.

4.2 Data and Statistical Models

To examine if interest groups reward lawmakers for advancing DOA bills, I use the same set of legislation that was introduced in the House or Senate from 2003 through 2012 featured in Chapter 3.² When assessing legislations' political consequences, most studies attempt to connect organized interests' campaign contributions to legislative behavior (see Roscoe and Jenkins 2005 for a review). The downside to using donations to study which bills interest groups reward or punish is that money, by law, cannot be explicitly connected to a certain bill or vote. In contrast, I use two data sets, television advertisements

¹Conservative groups are unlikely to approve of Democratic legislation anyway, and vice versa.

²Recall, I calculate two similar latent variables as one way to identify dead-on-arrival bills. For parsimony, I include the weighted latent variable analyses in the body of the paper and the unweighted latent variable analyses in the Appendix. In all models, the results are nearly identical.

and legislative scorecards, in which organized interests are explicit about which bills are important to them. I test Propositions 1, 2, and 3 using both data sets.

4.2.1 Interest Group Campaign Advertisements

The population for this analysis is all interest group campaign advertisements³ run during the 2004, 2008 and 2010 congressional campaigns.⁴ These data include 1,025 different creatives that were aired 336,728 times paid for by 167 different interest groups.⁵ Sixty-two percent of the ads were run during the 2010 midterms, 38 percent during the 2008 general election and 6 percent in the 2004 general election. Seventy-eight percent of the advertisements are attack ads.

The ad that most frequently mentioned a dead-on-arrival bill was run by America's Agenda: Health Care for Kids during the 2008 election. The ad thanked a specific legislator, almost always a Democrat, for voting in favor of 110-HR-3963, the S-CHIP Reauthorization bill. This particular commercial aired 13,499 times prior to election day. The second most frequently mentioned DOA bill was 110-HR-800: the Employee Free Choice Act. This intended failure, which conservative groups used to attack Democratic lawmakers, was mentioned in 14,414 ads that aired during the 2008 election. Notably, most DOA bills are not mentioned in these ads. During the three election cycles analyzed, 32 intended failures were mentioned in a group-sponsored campaign advertisement. At the same time, dozens of enactable bills were mentioned, although the Affordable Care Act, the Democrats' climate change bill, and the Recovery and Reinvestment Act were mentioned many times more than any other legislation.

³These ads are distinct from issue advertisements, which ask a legislator to vote a particular way when a bill is being debated or advocates for an idea more generally. The ads included in this data set are coded by the Wisconsin and Wesleyan Advertising Projects as campaign spots and explicitly discuss a candidate rather than asking them to advocate for a certain bill.

⁴All data comes from the Wisconsin and Wesleyan Advertising Projects (Fowler, Franz and Ridout 2015*b*; Fowler, Franz and Ridout 2015*a*; Goldstein and Rivlin 2007). The Wisconsin Advertising Project did not collect data in 2006 and the Wesleyan Advertising Project releases data 4 years after an election. At the time of writing, the 2010 data is the most recent campaign cycle available.

⁵In a few cases, two interest groups combined to run an ad, which I counted as a unique group.

The unit of analysis is the individual TV spot (i) run in a congressional district (j) during a given electoral cycle (k). This data presents three empirical challenges. First, there are systematic factors related to whether an interest group chooses to feature legislation in its ad. Only 51 percent of the commercials actually mention a bill of any sort. Factors such as whether the ad is about the incumbent make it more likely a group mentions legislation in the commercial.

Second, since TV ads are nested in congressional districts (or states, for Senate elections) and election cycles, a multilevel selection model may be appropriate. However, many districts either only have one interest group advertising (37 percent of the time) or all of the advertisements in the district support or oppose the majority party candidate. This lack of variation makes estimating a multilevel model infeasible. Third, there may be unobserved factors associated with an interest groups' propensity to mention DOA bills in their ads. However, for most groups in the data, they a) only support or oppose the majority party and/or b) only run ads in a specific district or state in one election cycle. As a result, in many cases, interest group fixed effects perfectly predict whether the group supports the majority party candidate. Since groups may only run ads in one district during one election cycle, group fixed effects drops most of the data.

To balance these concerns, I specify a Heckman probit selection model with standard errors clustered by the interest group-election cycle dyad.⁶ This specification takes into account the selection issue and heterogeneity associated with an interest group's decision to mention legislation in a given election. This approach assumes within an electoral cycle, the decision to mention certain legislation (DOA or otherwise) is correlated within groups but not between groups.⁷ In other words, in 2008, the Club for Growth's decision

⁶I do not cluster by district for two reasons. First, I assume groups that advertise widely generally pick an issue as the basis for most of their ads (e.g., repealing the Affordable Care Act in the 2010 election). Anecdotally, groups tend to run creatives that make similar electoral appeals between districts. Second, while group-time clusters have been examined in the applied econometrics literature, there is little work on the precision of three-way clustered standard errors.

⁷An alternative way to cluster the data is by interest group. This approach suggests all ads, regardless of election cycle, are correlated within groups. The results from clustering the data in this manner is

to mention legislation in its ads is independent of the Chamber of Commerce’s decision to do so. To test Propositions 1, 2, and 3, I examine the probability an ad mentions a dead-on-arrival bill as a reason to support the majority party candidate. The model’s first stage predicts whether a bill, DOA or otherwise, is mentioned in the ad. The second stage predicts if the commercial supports the majority party.

First Stage The dependent variable in the first stage is coded as 1 if the advertisement mentions any bill and 0 otherwise. I include three covariates to predict when a commercial mentions legislation. Since ads about the incumbent are more likely to highlight a legislator’s voting record, I include a dummy variable if the commercial is about the *Incumbent* and expect a positive coefficient. Primary election ads tend to focus on a member’s ideological qualifications rather than specific policy goals. To account for differences between ads run in the general election and primaries, I include a dummy variable for whether the commercial was run in the *General* election. I expect ads run during the general contest to mention a bill more often.⁸

Close races generate more scrutiny of a lawmaker’s record, which can lead to ads mentioning specific bills. To measure which districts are more likely to produce close elections, I specify a *District Competitiveness* variable. I adopt a measure similar to one used by Griffin (2006), which is the inverse of the absolute value of the district’s presidential vote minus 50.⁹ A value of zero is an extremely competitive district and smaller (more negative) values indicate a less competitive district. I expect a positive relationship between a district’s competitiveness and whether a bill is mentioned in an ad.

robust to the specifications included below. Additionally, Cameron and Miller (2015) suggest using clustered robust standard errors. In the Appendix, I report models with these standard errors. All specifications are similar to the results discussed below.

⁸It is not obvious if any primary election ad actually supports the majority party. Thus, in the model’s second stage, I code all primary contests as 0, or not supporting the majority. I report models where I include and exclude these commercials in Table 4.1. The results are robust to both specifications.

⁹Formally, $District\ Competitiveness = -|Democratic\ Presidential\ Vote\ Share - 50|$

Second Stage The dependent variable is coded as 1 if an interest group advertisement supports the majority party and 0 otherwise. I define support as either a) positively portraying the candidate who is a member of the current majority; or b) attacking the candidate of the opposing party.¹⁰ The independent variable is a dummy variable coded as 1 if the commercial mentions a *Dead On Arrival* bill and 0 otherwise. Additionally, I specify models in which the *Dead On Arrival* covariate is a count of the number of intended failures mentioned in the ad.

Propositions 1, 2, and 3 predict a positive *Dead On Arrival* coefficient. This result would indicate commercials that mention intended failures tend to support the majority party and provide it more credit than blame. A negative coefficient would indicate DOA legislation is principally used to blame majority party candidates. A null effect would indicate interest groups do not emphasize DOA bills relative to enactable legislation to support or punish majority party candidates. Formally, the model is written as:

$$Pr(Bill_{ijk} = 1) = \Phi(\alpha_0 + \alpha_1 Incumbent_{ijk} + \alpha_2 General_{ijk} + \alpha_3 DistrictCompetitiveness_{ijk} + u_{ijk})$$

$$Pr(SupportMajority_{ijk} = 1 | Bill_{ijk} = 1) = \Phi(\beta_0 + \beta_1 DeadOnArrival_{ijk} + \epsilon_{ijk}) \quad (4.1)$$

where Φ is the cumulative distribution function of the standard normal distribution. I report four models in Table 4.1. Models 1 and 2 include all ads. Models 3 and 4 exclude ads run during the primary.¹¹ In all four models I cluster the standard errors by the interest group-election year dyad:

¹⁰If the ad supports the minority party candidate or attacks the majority's candidate, it is coded as 0. Thirty-one percent of ads support the majority party candidate.

¹¹In the Appendix, I include models that account for bills mentioned in previous sessions. The results are robust to those specifications.

Table 4.1: Heckman Probit Model Predicting if Election Ad Supports Majority Party

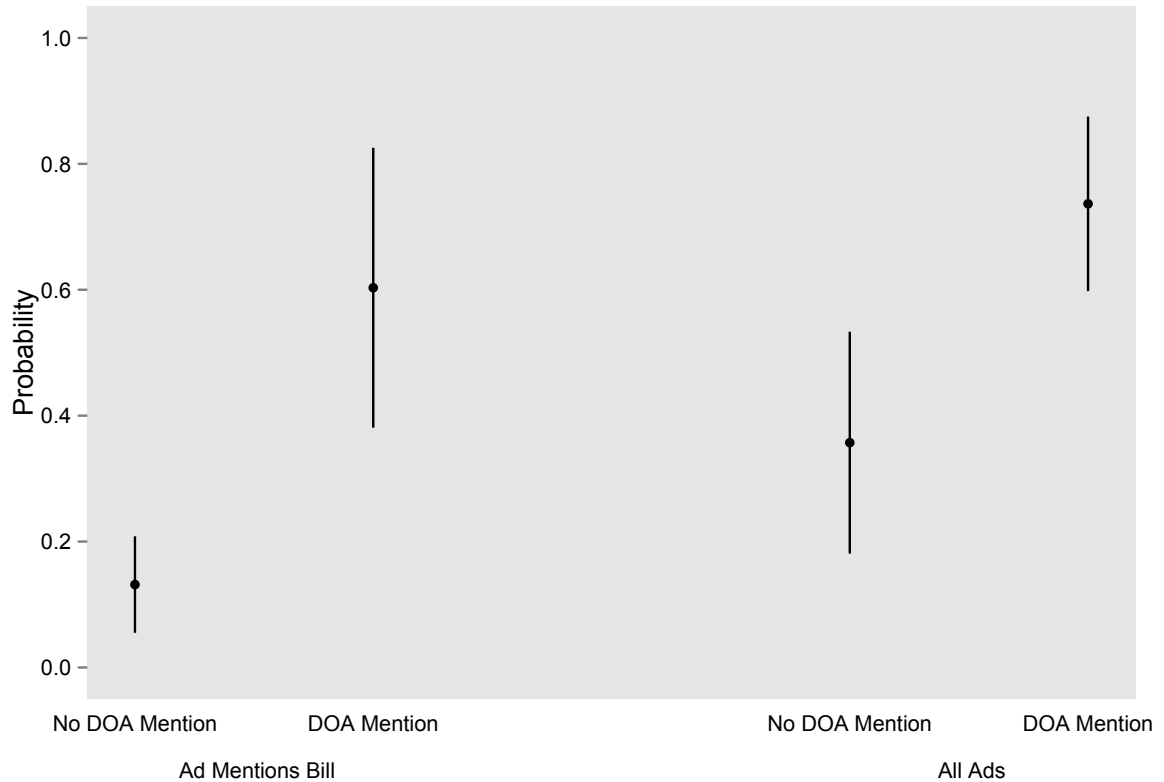
	Expected Sign	All Ads		General Election Ads	
		Model 1 Dichotomous	Model 2 Count	Model 3 Dichotomous	Model 4 Count
Dead On Arrival	+	0.993*** (0.312)	1.007*** (0.288)	1.036*** (0.324)	1.047*** (0.295)
Constant		-0.364*** (0.241)	-0.368 (0.237)	-0.429*** (0.271)	-0.417 (0.255)
Incumbent	+	0.792*** (0.159)	0.799*** (0.157)	0.838*** (0.156)	0.837*** (0.154)
General	+	0.774*** (0.216)	0.724** (0.211)		
District Competitiveness	+	0.016 (0.014)	0.018 (0.013)	0.029** (0.014)	0.030** (0.014)
Constant		-1.057*** (0.236)	-1.003*** (0.230)	-0.292*** (0.185)	-0.291*** (0.185)
$Prob(\rho > \chi^2)$		0.000	0.000	0.000	0.000
Log Likelihood		-270808.1	-270301	-275397.5	-274473.1
N		336728	336728	336728	336728

*p<0.1; **p<0.05; ***p<0.01

Note: First-stage DV=1 if bill mentions any bill, 0 otherwise. Second-stage DV=1 if ad supports the majority party, 0 otherwise. The unit is the TV spot run in a congressional district in a given election cycle. Coefficients are from a Heckman selection probit model and SE are clustered by the interest group-election cycle dyad.

The results in Table 4.1 conform to my expectations. The positive *Dead On Arrival* coefficient indicates commercials that mention an intended failure tend to support the majority party candidate more often than ads that only mention enactable legislation. This finding supports Propositions 1 and 2 that interest groups commonly use DOA bills as a reason to support majority party candidates. Additionally, this finding shows groups use DOA bills to reward majority lawmakers in their ads, rather than punish them, as predicted by Proposition 3. Substantively, the political benefits interest groups provide the majority party for advancing intended failures via campaign ads are substantial. In Figure 4.1, I plot the predicted probability a commercial supports the majority party candidate based on whether an ad mentions a DOA bill:

Figure 4.1: Predicted Probability Interest Group Ad Supports Majority Party



Note: Predicted probabilities that interest group advertisement supports the majority party candidate based on results from Model 1 in Table 4.1. In the ‘Ad Mentions Bill’ model, predicted probabilities are conditional on selection. Predicted probabilities in the ‘All Ads’ model are unconditional on selection. *Incumbent* and *General* are held at 1, and *District Competitiveness* at -6.

In commercials where a bill is mentioned, and one of those bills is dead-on-arrival, there is a 0.6 predicted probability that the interest group is supporting the majority party. If only an enactable bill is mentioned, there is a 0.13 predicted probability the commercial supports the majority party candidate. For all ads, when a dead-on-arrival bill is mentioned, the predicted probability that a commercial supports the majority party candidate is 0.74. In an ad where an intended failure is not featured, the predicted probability the commercial supports the majority party candidate is 0.36.¹² In short,

¹²Predicted probabilities that only assess ads in which a bill is mentioned and support the majority party (but ignore the selection effects) are 0.39 for a DOA bill and 0.08 for ads that only mention an enactable bill. Even in this case, bills that mention DOA bills still support the majority party more often

when an intended failure is mentioned in a commercial, the ad is much more likely to support the majority party candidate. However, if a DOA bill is not mentioned, it is very unlikely the commercial supports the majority party.

Figure 4.1 illustrates that dead-on-arrival legislation is principally used by interest groups to support the majority's candidates rather than blame them. For groups, dead-on-arrival bills serve as evidence that on a particular issue, the majority party candidate holds the correct position or his or her opponent does not. In contrast, intended failures are infrequently used by groups to support the minority party. The possibility that voting for an intended failure will lead to claims that a legislator is extreme or unwilling to compromise rarely occurs. As a result, advancing dead-on-arrival legislation is a politically profitable way for the majority party to generate supportive campaign ads from allied interest groups.

A likelihood-ratio test indicates the selection model is appropriate ($\rho \neq 0$). The covariates in the first stage are in the expected direction and significant. The one exception is the district competitiveness measure, which is not significant in Models 1 and 2. Together, these results support my argument that DOA bills are used by interest groups to principally credit, not blame, majority party lawmakers and generate more political benefits than other legislation.

4.2.2 Legislative Scorecards

In addition to commercials, I test my propositions using legislative scorecards. I collected scorecards from 34 interest groups, split evenly among their support for each party (see the Appendix for a full list). These data are a good measure of interest groups' political benefits for two reasons. First, they exist as a tool for groups to identify and provide political support to their legislative allies. The votes used to rate legislators are selected to clearly separate friends from foes in order to ensure the 'correct' members

than the average ad, which supports the majority 31 percent of the time.

receive political help (Snyder 1992; Fowler 1982). Second, lawmakers are aware of and care about these scorecards. Groups inform lawmakers they are rating a bill or vote and legislators tout their ratings. For instance, Rep. Steve Israel (D-NY) advertised his perfect rating from the League of Conservation Voters (Israel 2008) while Rep. Scott Tipton (R-CO) distributed a press release announcing he was named a ‘Pro-Worker Legislator’ by the Competitive Enterprise Institute (Tipton 2011). As legislative scorecards are one way groups provide political benefits to legislators, the more a bill is rated by various allied interest groups, the more political support it provides to lawmakers.¹³

Organized interests vary in the number of votes, and subsequently the legislation, they rate. On average, a group rates 22 unique bills in a given congress. Out of 177,244 bill-interest group observations, 2,984 (1.68 percent) bills are scored by a group. The maximum number of bills rated in my sample is 63 (the John Birch Society in the 109th Congress). In four cases, a group only rated one bill in a given term. For conservative groups, the most frequent raters are: 1) the John Birch Society (54 bills per Congress); 2) Freedom Works (46); 3) Club for Growth (46); 4) Chamber of Commerce (42); 5) American Conservative Union (37). For liberal groups, the most frequent raters are: 1) Americans for Democratic Action (47 bills per Congress); 2) AFL-CIO (42); 3) SEIU (33); 4) NAACP (30); 5) League of Conservation Voters (24). The groups that rated the fewest number of bills are: 1) Citizens for Global Solutions (2 bills per Congress); 2) the Human Rights Council (3); 3) NARFE (4); 4) NARAL (5); 5) NumbersUSA (6).¹⁴

¹³An objection to this approach is that groups vary in political clout, meaning some ratings are more important than others. While possible, it is not clear attempting to control for group size or influence would be useful for two reasons. First, since groups use different tactics to reward legislators, no single metric, such as total campaign contributions, capture political influence. Second, even if clout could be measured, scorecards are used as informational tools for donors and members of the group. It is not obvious groups with more money or members necessarily produce more politically important scorecards. What these data show is that positive ratings produce some political reward for lawmakers and negative ratings some cost. Thus, all else equal, the more positive ratings a bill gets from allied interests, the more valuable it is.

¹⁴These data raise two concerns. First, the vast majority of bills, DOA or otherwise, are never rated. In other words, a bill being rated is a rare event. Consequently, the analyses below, which are logistic regressions, do not account for the rarity of a bill rating. To address this concern, I estimated all of the subsequent models using a rare events logistic regression. All of my findings are robust to those specifica-

To test Propositions 1 and 2, that DOA bills provide political benefits to majority party legislators, I subset the data to include the groups' scorecards that are allied with the majority party. This way, I can assess if supportive groups reward the majority for advancing DOA bills.¹⁵ The unit is the bill-interest group dyad. I specify a logistic regression model where the dependent variable is coded as 1 if the interest group rated the bill and 0 otherwise. The main independent covariate is a dummy variable for whether a bill is *Dead On Arrival*. I expect this covariate to have a positive coefficient. This would indicate supportive groups are more likely to rate a DOA bill compared to other legislation.

Additionally, I control for *Important Bills* and define this variable as the number of mentions the legislation received in *CQ Weekly* annual legislative summary articles. I expect this covariate to have a positive coefficient as groups are more likely to care about and rate significant legislation. In Models 1 and 2, I include standard errors clustered by interest group. In Models 3 and 4, I include interest group fixed effects to account for unobserved group-specific factors that may lead to organized interests rating some bills but not others.

tions. Second, some groups that frequently rate bills may not be politically important to legislators (e.g., the John Birch Society). Being the case, I subset all of my models using ten groups (five conservative and five liberal) that are generally viewed as politically powerful. These groups are: AFL-CIO, National Education Association, Americans for Democratic Action, NAACP, League of Conservation Voters, the Chamber of Commerce, Club for Growth, Family Research Council, the American Conservative Union, and the National Association of Manufacturers. I estimated my models using those groups' ratings. My findings are robust to these specifications except for Model 1 in Table 4.3. The coefficients are in the expected direction but the interaction term is not statistically significant.

¹⁵It is possible an allied group could disapprove of the intended failure and downgrade majority party legislators' ratings for voting for it. In reality, only once did a supportive group disagree with how the majority of the majority voted on a DOA bill. In this case, conservative groups supported a Republican Study Committee's balanced budget amendment, while most GOP lawmakers preferred a more moderate version. The RSC amendment was rated positively by a number of groups even though a slight minority of Republican members supported the bill. No other cases of this disagreement on DOA bills arise in the data.

Table 4.2: Probability Allied Interest Group Rates Dead-On-Arrival Bill, Weighted Measure

	Expected Sign	Model 1	Model 2	Model 3	Model 4
Dead On Arrival	+	2.443*** (0.117)	2.497*** (0.136)	2.481*** (0.061)	2.554*** (0.065)
Important Bill	+	0.316*** (0.015)	0.325*** (0.0148)	0.341*** (0.0126)	0.347*** (0.013)
109th Congress			0.285*** (0.099)		0.131 (0.109)
110th Congress			0.025 (0.3106)		0.072 (0.173)
111th Congress			0.610* (0.328)		0.686*** (0.171)
112th Congress			0.453** (0.226)		0.294** (0.121)
Constant		-4.536*** (0.137)	-4.845*** (0.227)		
$Pr > \chi^2$		0.000	0.000	0.000	0.000
Log-Likelihood		-6025.409	-5989.990	-5526.753	-5499.082
N		73230	73230	73230	73230

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill is rated by allied interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The dead-on-arrival covariate is based on the weighted latent variable outlined in Chapter 3. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects. The unit is the bill-interest group dyad.

The results from Table 4.2 indicate groups who support the majority party are more likely to rate a dead-on-arrival bill compared to enactable legislation. The predicted probability an intended failure is rated is 0.11 compared to a 0.01 predicted probability for a non-DOA bill. Moreover, this effect does not arise because intended failures tend to be more important than most bills that receive floor consideration. For important legislation, a DOA bill has a 0.14 predicted probability of being rated compared to a 0.01 predicted probability for an enactable bill. These results support Propositions 1 and 2, that groups allied with the majority party provide more political benefits to lawmakers for an intended failure relative to other bills.

Even though DOA legislation provides political benefits to the majority party, it is possible these bills are more costly than helpful to lawmakers. Opposition groups may

rate intended failures more often than allied interests. In this scenario, for an average DOA proposal, it could be more politically costly than beneficial for the majority to send the bill to the floor. Proposition 3 predicts the opposite. I theorize intended failures are rated more often by allied groups than opposition interests.

To test these possibilities, I specify a model using all bills that receive floor consideration in the House or Senate between 2003 and 2012. The unit is the bill-interest group dyad and this analysis includes allied and opposing groups' scorecards. The dependent variable is coded as 1 if the interest group rated the bill and 0 otherwise. I include four independent variables. First, I code a dummy variable as 1 if the legislation is *Dead On Arrival* and 0 otherwise. Based on the findings in Table 4.2, I expect a positive relationship between whether a bill is DOA and if it gets rated. Additionally, I include a dummy variable for whether the interest group is a *Majority Party Ally*. For example, if Democrats control the House, liberal groups are coded as 1 and conservative groups as 0 when rating that chamber's legislators and vice versa. Third, I interact these two variables. The interaction term is interpreted as assessing, conditional on a group being a majority party ally, the probability an intended failure is rated. I expect a positive coefficient on this term, indicating allied interests rate DOA bills more often than opposition groups.

Finally, I control for whether the legislation is an *Important Bill*. Importance is measured as the number of *CQ Weekly* legislative summary articles that mention the legislation. I expect this covariate to have a positive coefficient as more important bills are more likely to be rated by interest groups. I report four models in Table 4.3. In Models 1 and 2, I estimate a logistic regression model that examines the probability a bill that receives floor consideration is rated by an interest group with standard errors clustered by interest group. In Models 3 and 4, I include interest group fixed effects.

Table 4.3: Probability Interest Groups Rate Dead On Arrival Bills, Weighted Measure

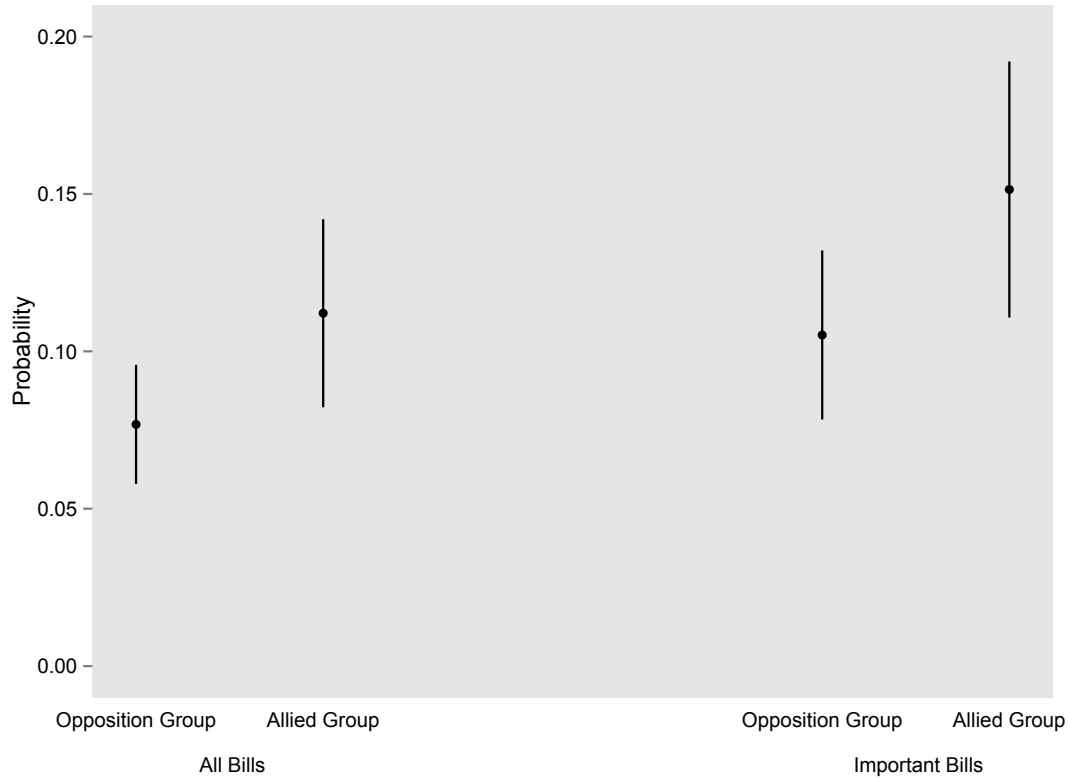
	Expected Sign	Model 1	Model 2	Model 3	Model 4
Dead On Arrival	+	2.043*** (0.104)	2.070*** (0.110)	2.112*** (0.067)	2.170*** (0.069)
Majority Party Ally		0.083 (0.119)	0.032 (0.098)	0.177*** (0.050)	0.162*** (0.051)
Majority Party Ally x Dead On Arrival	+	0.407*** (0.1272)	0.434*** (0.121)	0.355*** (0.090)	0.347*** (0.090)
Important Bill	+	0.333*** (0.015)	0.345*** (0.015)	0.356*** (0.009)	0.366*** (0.009)
109th Congress			0.387*** (0.0906)		0.301*** (0.078)
110th Congress			0.438*** (0.140)		0.347*** (0.075)
111th Congress			0.952*** (0.137)		0.869*** (0.075)
112th Congress			0.708*** (0.158)		0.589*** (0.076)
Constant		-4.636*** (0.150)	-5.158*** (0.159)		
$Prob > \chi^2$		0.000	0.000	0.000	0.000
Log Likelihood		-11737.579	-11630.236	-10874.377	-10790.346
N		152168	152168	152168	152168

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill is rated by interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The dead-on-arrival covariate is based on the weighted latent variable outlined in Chapter 3. The unit is the bill-interest group dyad. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects.

The results support Proposition 3. In all four models, the positive *Dead On Arrival* coefficient indicates DOA bills are more likely to be rated compared to other bills by allied and opposition groups. Additionally, Models 3 and 4 indicate majority party allies are more likely to rate a given bill compared to opposition groups. However, the positive effect on the interaction term shows majority party allies rate intended failures more often than groups that support the other party. This effect is significant even after controlling for an allied group's propensity to rate more bills. The difference between how often supportive and unsupportive groups rate intended failures can be seen in Figure 4.2. I plot the predicted probability a group allied with the majority party, and one who supports the

Figure 4.2: Predicted Probability Groups Allied and Opposing the Majority Party Rate DOA Bill



Note: Predicted probabilities that interest group rates a bill in its legislative scorecard based on the interaction term from Model 1 in Table 4.3. *Dead On Arrival* is held at 1. *Important Bill* is held at 0 in the ‘All Bills’ model and 1 in the ‘Important Bills’ model.

other party, rates a DOA bill.

The predicted probability an interest group allied with the majority party rates an intended failure is 0.11 compared to a 0.07 predicted probability for an opposition group. This difference is not due to allied groups rating a lot of unimportant DOA bills. The predicted probability groups allied with the majority rate important intended failures is 0.15, compared to 0.11 for opposition organized interests.¹⁶ This finding lends support to Proposition 3, that DOA legislation provides more political benefits than blame for

¹⁶The null hypothesis that these means are the same is rejected at the $p < 0.01$ level.

majority party lawmakers.

4.3 The Legislative Agenda's Order

Hypothesis 5 posits a specific order in which dead-on-arrival bills should arise on the agenda. Legislation that provides more political benefits should be proposed before bills that provide less support for the majority party. In contrast, conventional wisdom suggests intended failures are more likely to arise during election season as a way for lawmakers to appeal to voters. To test these possibilities, I examine which DOA bills are rated by groups in their legislative scorecards. These data are particularly suited for this analysis as they are insulated from time effects. Interest groups release their scorecards at the end of each congress or year. Therefore, all legislation, regardless of when it receives floor consideration, has the opportunity to be rated.¹⁷

In this analysis, I subset the data to include interest groups who support the majority party¹⁸ and estimate a logistic regression where the dependent variable is coded as 1 if an interest group rated a DOA bill and 0 otherwise.¹⁹ The main independent variable is the number of *Days Until the Next Election*. I expect this covariate to have a positive coefficient as more valuable dead-on-arrival bills should be rated earlier in the congressional term. A negative coefficient would indicate the intended failures rated most often are brought up in election season.

I control for a DOA bill's *Saliency* among voters, as measured by Gallup's quarterly Most Important Problem poll. Using Policy Agendas Project and Congressional Bills

¹⁷In contrast, campaign advertisements and monetary donations are affected by time. For instance, an interest group has more time to run ads for bills brought up earlier in the term.

¹⁸In considering which bills to add to the agenda, I assume the majority party is principally concerned with which bills its allied groups will compensate the most, and not which legislation opposition interests will dislike the least. This follows from the findings above that these supportive groups rate bills more often. More generally, non-allied groups aren't likely to support majority lawmakers anyway, so it is reasonable to think legislators are less concerned with appeasing those interests. The results are robust to specifications that include all scorecards.

¹⁹In the Appendix, I report models in which the dependent variable includes votes on amendments to the bill rated by interest groups. The results are robust to these specifications.

Project data, I matched a bill's topic with the Policy Agendas Project major topic code. I measure salience as that policy area's salience in the quarter in which a bill receives initial floor consideration. As citizens care more about an issue, it is possible the majority party sees a political opportunity to act in that policy area. Moreover, it is possible interest groups are more likely to rate salient bills to ensure their ratings are relevant to their members. If true, this variable should have a positive effect on the probability a bill is rated.

I include control variables for each congressional term, with the 108th Congress serving as the baseline. I report four models in Table 4.4. Models 1 and 2 exclude the congressional session dummy covariates, while Models 3 and 4 include them. All four specifications include standard errors clustered by interest group.

Table 4.4: Probability DOA Bill Is Rated Early in Legislative Session, 2003-12

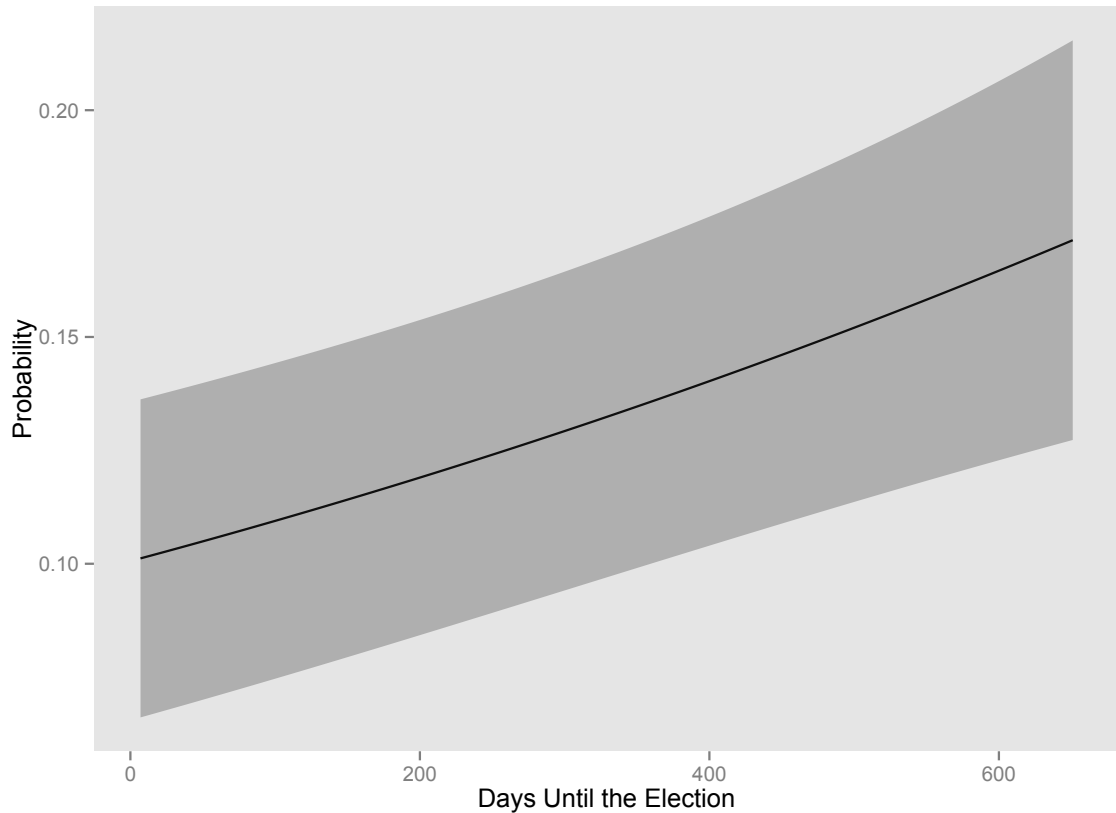
	Expected Sign	Model 1 All Bills	Model 2 Important Bills	Model 3 All Bills	Model 4 Important Bills
Days to Election	+	0.001*** (0.000)	0.002*** (0.000)	0.001*** (0.000)	0.002*** (0.000)
Saliency	+	-0.762** (0.366)	-1.888** (0.735)	-0.808** (0.331)	-1.846** (0.728)
109th Congress				0.314** (0.150)	0.695*** (0.180)
110th Congress				-0.039 (0.438)	-0.113 (0.478)
111th Congress				-0.125 (0.503)	0.1901 (0.5560)
112th Congress				0.2170 (0.356)	0.5083 (0.4387)
Constant		-2.084*** (0.198)	-1.828*** (0.263)	-2.171*** (0.364)	-2.021*** (0.387)
$Prob > \chi^2$		0.000	0.000	0.000	0.000
Log Likelihood		-1721.80	-684.26	-1716.60	-672.92
N		4419	1437	4419	1437

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if a dead-on-arrival bill is rated by interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The unit is the bill-interest group dyad and SE are clustered by group.

As expected, intended failures brought up earlier in the legislative session are rated more often than DOA bills voted on closer to election day. However, the bills rated by allied interest groups tend to be on topics that are less salient to the public. This suggests the legislation groups focus on is not principally driven by whether the topic is in the public's eye. More generally, these results are consistent with Hypothesis 5 and contrasts with the conventional wisdom that bringing up politically motivated legislation late in the term is more advantageous to lawmakers. To better understand the size of this effect, I plot the predicted probability an intended failure is rated by an interest group as election day approaches.

Figure 4.3: Figure 3: Predicted Probability of When a DOA Bill Gets Rated



Note: Predicted probabilities that allied interest group rates a bill throughout a congressional session based on the results from Model 1 in Table 4.4. *Salience* is held at its mean.

Near an election, the probability a DOA proposal is rated by an interest group is 0.11. However, the predicted probability an intended failure proposed at the outset of the legislative session is rated is 0.16. In other words, the dead-on-arrival bills that are advanced early in a congressional term generate political benefits more often from allied interest groups than those offered later on. These findings are consistent with the idea that the majority party adds more politically valuable dead-on-arrival bills to its agenda earlier in the legislative session rather than waiting until the months prior to the upcoming election.

4.4 Conclusion

The auction model presented in Chapter 2 rests on two important assumptions. First, I assume that interest groups are the relevant audience for dead-on-arrival bills. Second, by arguing the majority party auctions off agenda space, I assume it prioritizes more valuable bills over less valuable ones. The results in this chapter support both assumptions. I find that allied interest groups are more likely to reward the majority party for DOA bills compared to other legislation. This political support outweighs the political backlash from opposition groups. Additionally, I show that the majority party orders the intended failures on its agenda in a manner consistent with an auction.

These results provide evidence that interest groups are the relevant audience for dead-on-arrival bills. Unlike the public, who may not be paying to DOA legislation, allied groups provide the majority party with a reliable political reward for advancing intended failures. The findings in Chapter 3 make clear why supporting these bills is useful for organized interests. By getting their preferred alternative on the agenda as a DOA proposal, the group makes it more likely that legislation is enacted once the majority party wins unified government.

While these results reveal the role of groups in generating DOA bills on the agenda, important questions remain about voters' reactions to this legislative strategy. Political scientists emphasize that the public is the audience for intended failures. Indeed, it is possible that groups and citizens reward lawmakers for dead-on-arrival legislation. In the next chapter, I examine how voters respond to intended failures to determine if they provide the same consistent political support groups do for DOA proposals.

4.5 Appendix

Table 4.5: Heckman Probit Model Predicting if Election Ad Supports Majority Party, Including Old Bills

	Expected Sign	All Ads		General Election Ads	
		Model 1 Dichotomous	Model 2 Count	Model 3 Dichotomous	Model 4 Count
Dead On Arrival	+	0.980*** (0.312)	0.988*** (0.286)	1.084*** (0.344)	1.043*** (0.305)
Constant		-0.363 (0.242)	-0.365 (0.238)	-0.431 (0.264)	-0.415 (0.255)
Incumbent	+	0.791*** (0.160)	0.797*** (0.157)	0.845*** (0.172)	0.839*** (0.170)
General	+	0.772*** (0.216)	0.723*** (0.212)		
District Competitiveness	+	0.016 (0.014)	0.018 (0.013)	0.020 (0.015)	0.019 (0.015)
Constant		-1.055*** (0.236)	-1.001*** (0.231)	-0.295 (0.200)	-0.293 (0.200)
$Prob(\rho > \chi^2)$		0.000	0.000	0.000	0.000
Log Likelihood		-271138.1	-270720.6	-252998.3	-253284.5
N		336728	336728	304330	304330

*p<0.1; **p<0.05; ***p<0.01

Note: First-stage DV=1 if bill mentions any bill, 0 otherwise. Second-stage DV=1 if ad supports the majority party, 0 otherwise. The unit is the TV spot in a congressional district (or state) in a given election year. Coefficients are from a Heckman selection probit model and SE are clustered by the interest group-election cycle dyad. The *Dead On Arrival* covariate include DOA bills mentioned from previous congressional sessions.

Table 4.6: Heckman Probit Model Predicting if Election Ad Supports Majority Party with Clustered Robust SEs by Interest Group-Election Year Dyad

	Expected Sign	All Ads		General Election Ads	
		Model 1 Dichotomous	Model 2 Count	Model 3 Dichotomous	Model 4 Count
Dead On Arrival	+	0.999*** (0.313)	1.012*** (0.288)	1.042*** (0.325)	1.052*** (0.295)
Constant		-0.366*** (0.241)	-0.370 (0.237)	-0.430*** (0.270)	-0.417 (0.255)
Incumbent	+	0.795*** (0.160)	0.801*** (0.157)	0.840*** (0.157)	0.839*** (0.154)
General	+	0.774*** (0.217)	0.724** (0.213)		
District Competitiveness	+	0.016 (0.014)	0.018 (0.013)	0.029** (0.014)	0.030** (0.014)
Constant		-1.063*** (0.238)	-1.009*** (0.232)	-0.298*** (0.187)	-0.297*** (0.186)
$Prob(\rho > \chi^2)$		0.000	0.000	0.000	0.000
Log Likelihood		-270047.8	-269541.8	-275397.5	-273703.6
N		336132	336132	336132	336132

*p<0.1; **p<0.05; ***p<0.01

Note: First-stage DV=1 if bill mentions any bill, 0 otherwise. Second-stage DV=1 if ad supports the majority party, 0 otherwise. The unit is the TV spot run in a congressional district in a given election cycle. Coefficients are from a Heckman selection probit model and included cluster robust standard errors by the interest group-election cycle dyad.

Table 4.7: Interest Group Scorecards, by Congress

Democratic Affiliated Groups		Republican Affiliated Groups	
American Association of University Women	108-112	American Conservative Union	108-112
Americans for Democratic Action	108-112	American Security Council Foundation	108-111
AFL-CIO	108 - 112	Associated General Contractors of America	108-112
American Federation of State, County and Municipal Employees	108-112	Campaign for Working Families	108-112
Alliance for Retired Americans	108-112	Cato Institute	108-112
Citizens for Global Solutions	108-112	Chamber of Commerce	110-112
Council for a Livable World	108-112	Club for Growth	109-112
Defenders of Wildlife Action	109-112	Concerned Women for America	108-112
Human Rights Council	108-112	Family Research Council	108-112
International Brotherhood of Electrical Workers	108-110	Freedom Works	109-112
Leadership Conference on Civil and Human Rights	108-109, 111-112	John Birch Society	108-112
League of Conservation Voters	108-112	National Association of Manufacturers	108-112
NAACP	108-112	National Federation of Independent Businesses	112
NARAL	111, 112	National Retail Federation	108-112
National Active and Retired Federal Employees Association	108-112	National Right to Life Council	108-112
National Education Association	108-112	Numbers USA	108-112
Service Employees International Union	108-112	Small Business Entrepreneurship Council	111-112

Table 4.8: Probability Allied Interest Group Rates DOA Bill, Including Rated Amendments

	Expected Sign	Model 1	Model 2	Model 3	Model 4
Dead On Arrival	+	2.185*** (0.104)	2.202*** (0.1169)	2.226*** (0.053)	2.258*** (0.056)
Important Bill	+	0.401*** (0.023)	0.406*** (0.022)	0.426*** (0.012)	0.430*** (0.012)
109th Congress			0.220* (0.114)		0.055 (0.084)
110th Congress			-0.170 (0.302)		-0.171 (0.135)
111th Congress			0.335 (0.307)		0.356*** (0.133)
112th Congress			0.363* (0.220)		0.259*** (0.096)
Constant		-4.217*** (0.112)	-4.375*** (0.222)		
$Prob > \chi^2$		0.000	0.000	0.000	0.000
Log Likelihood		-8598.70	-8557.12	-8024.37	-7993.73
N		85059	85059	85059	85059

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill, including votes on amendments, is rated by an interest group that supports the majority party and 0 otherwise. Coefficients are log-odds from a logistic regression. The dead-on-arrival covariate is based on the weighted latent variable outlined in Chapter 3. The unit is the bill-interest group dyad. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects.

Table 4.9: Probability Interest Groups Rate Dead On Arrival Bills, Including Rated Amendments

	Expected Sign	Model 1	Model 2	Model 3	Model 4
Dead On Arrival	+	1.813*** (0.078)	1.799*** (0.081)	1.863*** (0.056)	1.868*** (0.057)
Majority Party Ally		-0.034 (0.069)	-0.064 (0.060)	0.021 (0.038)	0.006 (0.038)
Dead On Arrival x Majority Party Ally	+	0.375*** (0.105)	0.391*** (0.099)	0.361*** (0.077)	0.355*** (0.077)
Important Bill	+	0.416*** (0.022)	0.426*** (0.023)	0.442*** (0.008)	0.450*** (0.008)
109th Congress			0.201*** (0.069)		0.125** (0.057)
110th Congress			0.155 (0.102)		0.066 (0.056)
111th Congress			0.584*** (0.102)		0.502*** (0.056)
112th Congress			0.542*** (0.130)		0.454*** (0.057)
Constant		-4.196*** (0.115)	-4.490*** (0.121)		
<i>Prob</i> > χ^2		0.000	0.000	0.000	0.000
Log Likelihood		-17697.89	-17603.43	-16643.71	-16570.18
<i>N</i>		177212	177212	177212	177212

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill, including votes on amendments, is rated by interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The unit is the bill-interest group dyad. The dead-on-arrival covariate is based on the weighted latent variable outlined in Chapter 3. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects.

Table 4.10: Probability Allied Interest Group Rates Dead-On-Arrival Bill, Unweighted Measure

	Expected Sign	Model 1	Model	Model 3	Model 4
Dead On Arrival	+	2.451*** (0.117)	2.508*** (0.135)	2.490*** (0.061)	2.566*** (0.065)
Important Bill	+	0.316*** (0.015)	0.325*** (0.015)	0.341*** (0.0126)	0.347*** (0.013)
109th Congress			0.313*** (0.098)		0.160 (0.109)
110th Congress			0.034 (0.311)		0.090 (0.173)
111th Congress			0.623* (0.329)		0.707*** (0.171)
112th Congress			0.467** (0.226)		0.311*** (0.121)
Constant		-4.537*** (0.137)	-4.859*** (0.227)		
$Pr > \chi^2$		0.000	0.000	0.000	0.000
Log-Likelihood		-6022.015	-5985.589	-5522.629	-5494.344
N		73230	73230	73230	73230

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill is rated by allied interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The dead-on-arrival covariate is based on the unweighted latent variable outlined in Chapter 3. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects. The unit is the bill-interest group dyad.

Table 4.11: Probability Interest Groups Rate Dead On Arrival Bills, Unweighted Measure

	Expected Sign	Model 1	Model 2	Model 3	Model 4
Dead On Arrival	+	2.050*** (0.104)	2.080*** (0.110)	2.119*** (0.067)	2.179*** (0.069)
Majority Party Ally		0.083 (0.119)	0.033 (0.098)	0.177*** (0.050)	0.161*** (0.051)
Majority Party Ally x Dead On Arrival	+	0.408*** (0.128)	0.433*** (0.1203)	0.360*** (0.090)	0.351*** (0.090)
Important Bill	+	0.332*** (0.015)	0.345*** (0.015)	0.356*** (0.0087)	0.366*** (0.009)
109th Congress			0.410*** (0.090)		0.325*** (0.078)
110th Congress			0.446*** (0.139)		0.354*** (0.075)
111th Congress			0.963*** (0.136)		0.880*** (0.075)
112th Congress			0.720*** (0.157)		0.601*** (0.077)
Constant		-4.636*** (0.150)	-5.169*** (0.159)		
$Prob > \chi^2$		0.000	0.000	0.000	0.000
Log Likelihood		-11731.958	-11623.107	-10867.816	-10782.765
N		152168	152168	152168	152168

*p<0.1; **p<0.05; ***p<0.01

Note: DV = 1 if bill is rated by interest group and 0 otherwise. Coefficients are log-odds from a logistic regression. The dead-on-arrival covariate is based on the unweighted latent variable outlined in Chapter 3. The unit is the bill-interest group dyad. Models 1 and 2 include standard errors clustered by interest group. Models 3 and 4 include interest group fixed effects.

CHAPTER V

Where's the Credit or the Blame? Reassessing Dead-On-Arrival Bills' Political Effects

“The purpose on both sides was less to solve the issues than to reap credit with the voters and put blame on the other side.” - Hedrick Smith 1988, 657

When explaining dead-on-arrival bills' political effects, commentators almost exclusively argue that this legislation is targeted at some segment of the public. One common argument is these proposals are used to highlight the majority's support for a popular policy and embarrass the opposition. For example, in 2008, Democrats forced Senate Republicans to filibuster the Lilly Ledbetter Fair Pay Act. The conventional explanation for this legislative episode was that “[t]he measure was part of Senate Democrats' continuing effort to highlight divisions with Republicans over women's issues and to force Republicans to take difficult votes on bills focused on domestic violence, wage discrimination and other matters” (Steinhauer 2008).

Similar arguments are made about Republican dead-on-arrival proposals. After Republicans forced votes on the doomed Keystone oil pipeline, pundits claimed “House Speaker John Boehner (R-OH) and Senate Majority Leader Mitch McConnell (R-KY) made this vote an early priority, confident that the public support for the project and what it symbolizes in terms of jobs and lower energy prices would endure” (Sands 2015). A second

common claim is DOA legislation is used to mobilize the majority party's most partisan voters. For example, after Republicans advanced a DOA reconciliation bill that would have defunded the Affordable Care Act and Planned Parenthood, Democrats charged that Speaker Paul Ryan "[was] more interested in energizing the Republican base than in legislating this year" (Kelly 2016).

More generally, scholars agree that DOA proposals are targeted at the public and that these bills have a direct effect on citizens.¹ Some argue intended failures have attitudinal effects, such as creating blame or support towards the obstructionist or proposing lawmakers (e.g., Groseclose and McCarty 2001; Gilmour 1995). Others claim DOA bills change voter behavior by rallying partisans to the polls or priming individuals to consider certain campaign issues (e.g., Lee 2011; Keith 2012). However, political scientists disagree about which citizens are affected by observing dead-on-arrival bills. Political moderates, "enthusiastic constituents," partisan voters, and the public more generally are all identified as potential audiences for intended failures.

Notably, the results from Chapters 3 and 4 suggest that DOA bills are not principally targeted at the public. Many intended failures are on obscure issues that interest groups reward but do not generate attention from voters. However, a majority party's calculus is more complex. For lawmakers, the best intended failure is one that generates interest group and voter support. In this situation, the dead-on-arrival proposal's political effects are magnified as legislators and groups can effectively use this proposal to persuade voters. To the extent a majority party can try to exploit both its interest group and public audiences, the outstanding questions are whether voters react to dead-on-arrival bills and if so, what are these proposals' effects?

In this chapter, I use a survey experiment to examine these questions. My experiment leverages a unique situation, in which Senate Democrats and House Republicans proposed

¹In many cases, the commentator may not posit an effect the bill has but just acknowledge the legislation is political. This leads to vague claims that these bills are, for example, symbolic victories, political footballs, or that they generate political momentum.

dead-on-arrival legislation on the same topic. I utilize this unique case, in which both parties pursued a DOA bill on the exact same topic during the same week, to assess the four most common hypotheses associated with dead-on-arrival bills: 1) the blame game hypothesis; 2) the reward hypothesis; 3) the rallying the base hypothesis; and 4) the campaign issue hypothesis.

My results indicate that dead-on-arrival bills' political effects are more complicated than previously assumed. While the Democratic sponsored DOA legislation provided Democrats political gain, the Republican intended failure did not help Republican legislators. Compared to three different counterfactuals, the Democratic dead-on-arrival bill led moderates to blame Republicans for blocking the legislation and voters to reward Democrats for their proposal. In contrast, the Republican's DOA legislation did not create blame towards Democrats or support for Republican lawmakers. This null finding contrasts with the conventional view that Republican partisan voters reward their co-partisan legislators for advancing extreme legislation.

I do not find support for the rallying the base or campaign issue hypotheses. Relative to the counterfactual scenarios, intended legislative failures do not make respondents more likely to vote or mention border issues/immigration as affecting their political decision-making. The inconsistent and null results from this experiment raise new questions about the political effects of dead-on-arrival bills. The political gain generated by a Democratic DOA bill, but not by the Republican one, suggests other political factors beyond the experiment's scope dictate when a DOA bill is effective.

This experiment suggests that many of the political effects associated with dead-on-arrival bills need closer examination. My results show these bills' commonly assumed effects are conditional on other political factors. In particular, as shown in Chapter 4, these effects are likely mediated by the information disseminated by interest groups. As a general matter, further research should be conducted, particularly to study the claim that voters are a relevant audience for this legislation.

5.1 The Proposed Effects of Dead-On-Arrival Bills

5.1.1 Blame Game Hypothesis

The most common claim about intended failures is that they are used to embarrass the obstructing party. Political commentators argue moderate voters blame the obstructing actor after they observe him reject a proposed bill out of hand (Smith 1988). Groseclose and McCarty (2001) formalize this idea in a signaling model. In their game, moderate voters update their political views towards the obstructing actor after observing him block an intended failure.² By blocking the popular dead-on-arrival bill, the vetoing politician is viewed as extreme by centrist voters. This results in the obstructing player being blamed or disapproved of by political moderates.

Anecdotal evidence suggests lawmakers try to play the blame game. Binder and Lee (2013) note that politicians are concerned about losing a messaging blame game among voters. Additionally, legislators cite creating blame as a reason for some DOA bills. For example, in the 107th Congress, House Republicans voted on a number of dead-on-arrival tax cut bills they believed would “embarrass Senate Democrats.” The House majority called this “the ‘flaming arrow’ strategy” (Nather 2002). There are few empirical tests of the blame game hypothesis. To date, it has been examined using data on presidential vetoes (Martin 2012; Gilmour 2011; Gilmour 2002; Groseclose and McCarty 2001). This work indicates many vetoed bills were sent to the president with the intention they would be blocked and the veto would not be overridden. Groseclose and McCarty (2001) document a relationship between major vetoes and decreased presidential approval (see Cameron (2012) for an opposing view) but no other scholars have directly tested this theory.

The blame game hypothesis’s main empirical claim is that moderate voters blame the obstructing politician(s) for that particular policy problem. For instance, Republicans

²Groseclose and McCarty’s (2001) model considers veto-bait bills sent from Congress to the president.

advancing DOA tax bills make Democrats look extreme on tax policy. To examine this argument, I specify the blame game hypothesis as:

Blame Game Hypothesis: Upon observing dead-on-arrival legislation fail, moderate voters blame the obstructing policymakers for the associated policy problem.

5.1.2 Reward Hypothesis

A second possibility is dead-on-arrival legislation generates support for the proposing party among the public. This claim follows from the extensive literature on members of Congress position-taking in order to gain favor among constituents (e.g., Grimmer 2013; Mayhew 1974). Gilmour (1995) argues legislators can be rewarded for “strategically disagreeing” when negotiating with the opposition. Harbridge and Malhotra (2011) note strong partisans are more likely to approve of partisan behavior by individual lawmakers.³

Unlike the blame game hypothesis, the reward argument does not always distinguish which portion of the public is affected by this legislative strategy. One possibility is politicians gain support from co-partisan voters (Gilmour 1995). For instance, in reporting on the 112th House’s record of DOA bills, Peters (2013) argues “the bills it has passed have often been used to score points with the party’s base, a practice criticized by Democrats as “governing by press release.”” Another possibility is citizens more generally reward lawmakers for advancing intended failures (Lee 2011). In this view, the DOA bills are popular with most people, which in turn, creates support on that issue for the proposing party.

Rewarding the majority party for an intended failure could manifest in two ways. First, citizens could be more likely to credit lawmakers on that particular policy area. In this scenario, the dead-on-arrival bill reveals the majority party’s position that the public supports. For non-partisans, this change may be due to the DOA bill revealing new in-

³Recent work examines individual legislators proposing messaging amendments, a practice in which lawmakers force votes on amendments that will certainly be defeated (Lee 2011; Evans and Oleszek 2001).

formation about the proposing and obstructing policymakers.⁴ Second, partisans may be more likely to reward a co-partisan majority party as they prefer the intended failure to other legislation (Harbridge, Malhotra and Harrison 2014). I write the reward hypotheses as:

Reward Hypothesis 1: Dead-on-arrival legislation makes co-partisan citizens more likely to reward lawmakers for their actions on that policy issue.

Reward Hypothesis 2: Dead-on-arrival legislation makes citizens more likely to reward lawmakers for their actions on that policy issue.

5.1.3 Rallying the Base Hypothesis

The rallying the base hypothesis suggests that dead-on-arrival bills motivate the party's electoral base to vote (Binder as quoted in Keith 2011). DOA proposals are "political instruments intended only to stoke the passions of liberal or conservative base voters" (O'Keefe and Farenthold 2013). Politicians analogize this strategy as tossing partisan voters "red meat" right before an election in order to increase turnout (Pierce 2008). In this scenario, partisans become excited about the policies their co-partisan lawmakers advocate. As a result, these voters are more inclined to turnout on election day to support those candidates. More simply, after observing a DOA bill, majority party co-partisans should be more likely to vote. I write this hypothesis as:

Rallying the Base Hypothesis: Partisan voters are more likely to vote after observing dead-on-arrival legislation offered by co-partisan legislators.

⁴This is the inverse of the Groseclose and McCarty (2001) model, where the proposer is rewarded rather than the receiver being blamed.

5.1.4 Campaign Issue Hypothesis

Another common claim about dead-on-arrival bills is they are used to create a campaign issue. By bringing up an intended failure, lawmakers get voters to focus on that particular topic. Consequently, voters are more likely to use the DOA bill's issue as a reason in determining their vote choice. Lawmakers regularly cite dead-on-arrival bills as the impetus for creating a campaign trail talking point. For example, after a failed cloture vote on the dead-on-arrival Lilly Ledbetter Fair Pay Act (110-HR-2831), "Democrats warned that the matter will return as a campaign issue" (Demirjian 2008). Similarly, Republican bills to repeal the Affordable Care Act in the 112th Congress were viewed as a way to generate more support for Republican candidates (Ethridge 2011).

Politicians and journalists do not specify which set of voters are supposed to view a DOA bill as a campaign issue. One possibility is partisan voters are more likely cite the intended failure as the reason they voted. A second option is the dead-on-arrival bill is used to create a talking point targeted at all voters (Lee 2011). To test these possibilities, I specify two hypotheses:

Campaign Issue Hypothesis 1: Partisan voters are more likely to cite the dead-on-arrival legislation's policy area as affecting their vote choice when the bill is proposed by co-partisan lawmakers.

Campaign Issue Hypothesis 2: Voters are more likely to cite the dead-on-arrival legislation's policy area as affecting their vote choice.

5.1.5 Dead-On-Arrival Bills and Counterfactuals

An issue in assessing these hypotheses is comparing dead-on-arrival legislation to the correct counterfactual. Should voters be blaming or crediting legislators for an intended failure compared to when lawmakers do nothing on that issue? Or does this strategy

only work when used instead of compromising? The literature on DOA legislation offers a mix of answers. Gilmour (1995) argues dead-on-arrival bills are useful as an alternative to compromise legislation. Groseclose and McCarty (2001) suggest the intended failure has value compared to any other legislation on the same topic and doing nothing. More generally, most commentators state a DOA bill has some political utility without considering other strategies lawmakers could have pursued. In my analysis, I consider three counterfactual scenarios, namely: a compromise bill on the same topic, legislation on the same topic whose type (dead-on-arrival or enactable) is unknown, and no bill on the same topic being proposed.

5.2 Border Funding Experiment

I conducted a survey experiment from October 10th through October 16th, 2014 on a national representative sample of 1819 U.S. adults.⁵ The respondents were recruited by Survey Sampling International, a firm commonly used for political science experiments (Karl 2015; Berinsky, Margolis and Sances 2014; Kam 2012). The final sample was 51 percent male, 65 percent white, 37 percent Democrat, and 25 percent Republican.

My experiment leverages a unique case in which Democrats and Republicans offered dead-on-arrival legislation on the same topic. In July 2014, an influx of Central American children arrived in the United States via the U.S.-Mexico border. This event created pressure on Congress to provide more border funding to stem the flow of immigrants, house those already in the U.S., and expedite deportation hearings. The Obama administration responded by proposing legislation Senate Democrats and House Republicans believed was too expensive. Senate Democrats offered a cheaper alternative (113-S-2648), but House and Senate Republicans would not agree to that legislation either. Ignoring the Senate and the president's objections, House Republicans postponed their summer recess

⁵The full sample was 2100 individuals. I exclude the 281 respondents who spent less than 5 seconds reading the treatment. All findings are robust to empirical specifications that use all 2100 respondents.

and passed a less extensive measure (114-HR-5230) that “Senate Democrats... rejected out of hand” Sullivan 2014. The Senate Democrats’ and House Republicans’ bills can be characterized as dead-on-arrival. In both cases, party leaders signaled their unwillingness to support the opposition’s proposal. Even so, the Senate and House majority parties advanced legislation that had no chance of becoming law and did not lead to further negotiations (Parker 2014; Holland 2014).

These DOA bills make for a good experimental case for three reasons. First, both parties (Democrats in the Senate and Republicans in the House) proposed similar intended failures on the exact same issue in the same week. Thus, the experimental conditions are realistic as that exact situation actually occurred. Second, by examining DOA bills on the same policy issue, I can assess any relative political return the parties received from engaging in this behavior. Third, the policy issue is complicated enough that individuals are not likely to recall any bill-specific details that differentiated the Democratic and Republican plans. Both parties offered similar ideas but emphasized different aspects of immigration/border security policy in their bills.

5.2.1 Survey Design

The survey began by presenting respondents with a newspaper article concerning a majority party’s (identified as Democrats or Republicans in Congress) attempt to pass a border funding bill.⁶ For each majority party, there were three treatments concerning the type of bill it forwarded: 1) an unknown version, 2) a compromise version, and 3) a dead-on-arrival version (see the Appendix for the treatments and survey instrument). Additionally, I included a control treatment which discusses bureaucratic action in regulating drones.

In each case, the respondent viewed a news article from USA Today. Groseclose and Milyo (2005) report USA Today is relatively centrist in its political coverage, unlike other

⁶The only question preceding the treatment was the individual’s year of birth. This prevented those under 18 years old from participating.

newspapers with national circulations (e.g., the *New York Times* and *Wall Street Journal*). In survey experiments, respondent attentiveness to the treatment is a concern (Berinsky et al. 2014). To minimize this problem, all six border issue treatments mention the majority party and the bill's fate in the title as well as the article's first sentence. Thus, even a cursory glance at the treatment would inform respondents of the relevant details.⁷

The dead-on-arrival treatment makes clear the proposed bill will not be enacted. In order to uncover any effect DOA bills may have, this treatment is unambiguous about who the majority party believes should be blamed for letting the border security bill die. The majority party identifies the obstructionist party by name and explicitly faults it for the legislative failure. In other words, majority party Democrats blame Republicans and vice versa in this treatment.

The unknown treatment informs readers that there are 'problems at the U.S.-Mexico border' and that majority party legislators are attempting to enact a border funding bill. The article claims the bill's fate is uncertain, and the majority party blames members of Congress for not taking a clear stand on the issue. The compromise version identifies the majority party's legislation as a compromise plan. The article implies the bill will pass and the majority party thanks members of Congress for taking a stand on the issue. Finally, the control condition reports the Federal Aviation Administration (FAA) is considering new guidelines for domestic drone flights. It does not mention either political party, Congress, or border issues.

After viewing the newspaper article, respondents answered a series of questions relating to border issues and immigration, as well as their views concerning Congress, the political parties, and government. The questions immediately after the treatment pertain to the blame game, reward, rallying the base, and campaign issue hypotheses. Only after an-

⁷The median time spent reading the articles was 27 seconds. 281 respondents spent less than 5 seconds reading the article.

swering those questions did respondents respond to more general questions about politics and demographics. In all possible cases, the question wording is identical to the wording used in the American National Election Study (ANES).

5.3 Results

The previously discussed theories of dead-on-arrival bills all claim a party-specific effect. For instance, Republicans advancing an intended failure generates blame towards Democrats. An implication of this argument is DOA legislation should produce the same effect (e.g., generating blame towards the obstructing party) for Democrats and Republicans. However, if one party benefits from the intended failure and the other does not, we need to reassess whether the dead-on-arrival bill itself or other factors produce a particular political effect.

For this reason, I split my analysis by party. I examine the effect of dead-on-arrival bills relative to each counterfactual when Democrats propose the bill as well as Republicans. Doing so allows me to assess two questions. First, I examine the within party variation to determine if and when DOA bills are effective. Second, I consider the between party consistency in which citizens ascribe political value to intended failures. This allows me to evaluate whether both parties receive the same political return for focusing on dead-on-arrival legislation.

5.3.1 Testing the Blame Game Hypothesis

I test the first blame game hypothesis by asking respondents “Who do you **blame more** for the problems at the U.S.-Mexico border - the Democrats in Congress or the Republicans in Congress?” Recall that this hypothesis predicts moderate voters will blame the blocking party for legislative failure. To that end, I subset the analysis on respondents

who self-identified as moderates.⁸ I coded the dependent variable as 1 if the respondent blamed the obstructing party and 0 otherwise. I coded the main independent variable, *Dead On Arrival*, as 1 if the respondent received the DOA bill treatment and 0 otherwise.

In some models, I include three additional covariates. First, I control for whether a respondent self-reported as *Latino*. Since Latinos may be more attentive to immigration policy, they may be more likely to blame lawmakers who avoid trying to solve these policy issues. I expect this variable to have a positive coefficient. Second, I include a dummy variable, *Proposer Co-Partisan*, for whether the respondent self-identified as being a member of the same party as the proposing legislators. Although individuals may view themselves as ideologically moderate, they can identify as Democrats or Republicans. Since partisans tend to credit their party's lawmakers and blame the opposition (Bartels 2002), I expect this covariate to have a positive coefficient.

Third, I control for an individual's *Attention to Immigration Issues*. This covariate is a 4-point scale based on the question "How closely have you been following the debate on immigration policy?" Higher values indicate more attentiveness. I expect this variable to have a positive coefficient as respondents who pay attention to immigration issues may be more willing to blame politicians obstructing a policy change. Finally, I examine whether moderates are more likely to blame Democrats or Republicans by subsetting the data on which party obstructed the legislation. I report twelve models in Table 5.1. Models 1 through 6 are bivariate logistic models. Models 7 through 12 include the additional control covariates:

⁸Individuals had the opportunity to report their political ideology using the standard 5 point scale utilized by the ANES.

Table 5.1: Probability Moderates Blame Obstructing Party for Border Issues, By Party

	Expected Sign	Republican Blame			Democratic Blame		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival	+	1.247*** (0.357)	0.960** (0.362)	0.574* (0.331)	0.131 (0.363)	0.715* (0.422)	0.460 (0.415)
Constant		-1.925*** (0.286)	-1.638*** (0.292)	-1.253*** (0.253)	-1.330*** (0.234)	-2.177*** (0.318)	-1.922*** (0.309)
<i>N</i>		208	184	188	195	193	179
$Pr > \chi^2$		0.000	0.006	0.080	0.718	0.087	0.265
Log-Likelihood		-104.536	-110.814	-110.280	-97.513	-76.657	-77.010

	Expected Sign	Republican Blame			Democratic Blame		
		Model 7 Control	Model 8 Compromise	Model 9 Unknown	Model 10 Control	Model 11 Compromise	Model 12 Unknown
Dead On Arrival	+	1.244*** (0.382)	1.047*** (0.387)	0.594* (0.356)	-0.166 (0.386)	0.612 (0.472)	0.521 (0.455)
Latino	+	0.905** (0.462)	0.478 (0.459)	0.505 (0.421)	-1.012 (0.783)	-1.170 (1.091)	-1.537 (1.079)
Proposer Co-Partisan	+	1.484*** (0.410)	1.633*** (0.423)	1.611*** (0.387)	1.507*** (0.383)	2.388*** (0.492)	2.008*** (0.468)
Attention to Immigration Issues	+	0.419** (0.203)	0.242 (0.195)	0.149 (0.176)	0.081 (0.208)	0.200 (0.250)	0.043 (0.270)
Constant		-4.544*** (0.877)	-3.705*** (0.836)	-2.899*** (0.747)	-2.095*** (0.800)	-3.794*** (1.035)	-2.905*** (1.100)
<i>N</i>		208	184	188	195	193	179
$Pr > \chi^2$		0.000	0.000	0.000	0.000	0.000	0.000
Log-Likelihood		-92.135	-89.877	-98.315	-87.332	-60.084	-63.828

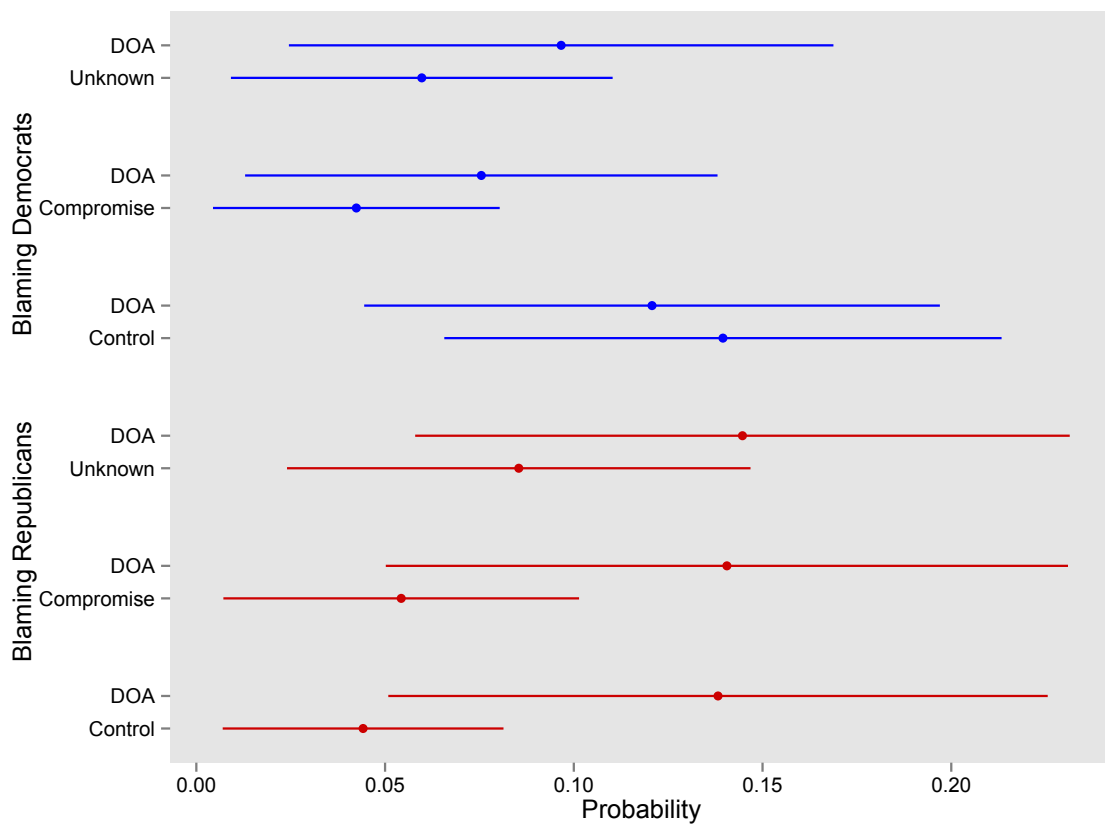
*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent said obstructing party is more to blame for border issues and 0 otherwise. The data is subset on respondents who self-reported as political moderates.

The results in Table 5.1 lend inconsistent support to the blame game hypothesis. Relative to each counterfactual, moderates are more likely to blame Republicans for border issues if they observe Republicans blocking a dead-on-arrival bill. In other words, Democrats can generate blame for Republicans by offering a DOA proposal rather than doing nothing or offering other legislation. However, moderates do not consistently attribute blame to obstructionist lawmakers. Democrats are never blamed more for blocking legislation relative to the counterfactuals. The one consistent finding from these models are self-identified partisan moderates are more likely to blame the opposing party for

being obstructionist. This result is consistent regardless of the counterfactual and follows other studies that note the role partisanship plays when citizens blame politicians (Bartels 2002). The asymmetry in blame that moderates ascribe to Republicans but not Democrats can be seen in the predicted probabilities from Models 7 through 12 plotted in Figure 5.1:

Figure 5.1: Probability Moderates Blame Opposing Party for Blocking Dead-On-Arrival Bill



Note: Predicted probabilities that self-identified moderate blames Democrats or Republicans for blocking a dead-on-arrival bill based on the results from Models 7 through 12 in Table 1. *Latino* and *Proposer Co-Partisan* are held at 0.

The results in Figure 5.1 reveal the somewhat limited effect dead-on-arrival bills have on moderates' view of the obstructing party. Substantively, Republican sponsored DOA bills only convince a small percentage of moderates, between 1 and 9 percent, to blame

Democrats for border issues. When proposing an intended failure, Democrats fare better. When Republicans block a DOA bill, between 7 and 9 percent of moderates blame them, relative to any of the other counterfactual scenarios. These results suggest the limited aggregate impact DOA bills have in generating blame. While they can significantly increase blame towards the obstructing party, these proposals do not change most moderates' opinions.

5.3.2 Testing the Reward Hypothesis

I test the reward hypotheses by asking respondents “Who is **doing more** to solve the problems at the U.S.-Mexico border - the Democrats in Congress or the Republicans in Congress?” To test the first hypothesis, that co-partisan citizens reward the majority party for advancing a DOA bill, I specify six logistic regression models. Models 1 through 3 examine whether Republican lawmakers are credited for proposing a DOA bill. Models 4 through 6 assess if Democratic lawmakers receive support for proposing a DOA bill.

The dependent variable is coded as 1 if the respondent said the proposing party is doing more to solve border issues and 0 otherwise. I specify four main independent variables. I include a dummy variable for whether the respondent received the *Dead On Arrival* treatment. Since this hypothesis concerns partisan support for DOA legislation, I control for whether an individual self-identifies as a member of the proposing party. I split these individuals into three groups based on the intensity of their partisanship. Doing so allows me to examine the conventional wisdom that strong partisans prefer dead-on-arrival bills more than weak partisans.⁹

Lean Partisan is coded as 1 if the respondent reported they lean Democrat/Republican. *Partisan* and *Strong Partisan* are dummy variables based on whether an individual identified as a Democrat/Republican or a strong Democrat/Republican. The baseline category

⁹This follows from Gilmour's (1995) notion that intended failures are targeted at “enthusiastic constituents.” In contemporary American politics, a common claim is that primary voters, who are assumed to identify as partisans or strong partisans, incentivize lawmakers to focus on DOA bills.

is all respondents who do not identify with the proposing party.¹⁰ Since partisans tend to be more likely to credit their own party, I expect a positive coefficient for each of the partisan variables.

To assess the first reward hypothesis, I interact the *Dead On Arrival* and partisan covariates. These interactions can be interpreted as the likelihood a respondent says the majority party is doing more solve border issues, conditional on the respondent receiving the dead-on-arrival treatment. I expect each interaction to have a positive coefficient. This would indicate partisans who received the DOA treatment are more likely to reward the majority party on border issues than partisans who received a non-DOA treatment.

I include four control variables. I specify a *Latino* dummy variable coded as 1 if the respondent self-identified as Latino. I control for an individual's *Attention to Politics*, *Political Efficacy*, and *Education*. Each of these covariates is correlated with a respondent's engagement with the border issue policy area or politics more generally. As a result, an individual may be more or less willing to reward a majority party for its proposal based on their familiarity with the policy area or comfort with political issues. I report all six models in Table 5.2:

¹⁰These covariates are created based on the standard 7-point partisanship scale used in the ANES.

Table 5.2: Probability Proposing Party is Credited for Advancing DOA Bill by Co-Partisan Respondents

	Expected Sign	Republican Proposing Party			Democratic Proposing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival		0.523 (0.381)	-0.079 (0.338)	0.040 (0.347)	1.237** (0.525)	0.736* (0.432)	0.840* (0.446)
Lean Partisan	+	2.560*** (0.491)	1.802*** (0.608)	2.440*** (0.414)	2.308*** (0.620)	2.041*** (0.582)	2.533*** (0.593)
Partisan	+	1.798*** (0.452)	2.700*** (0.465)	1.695*** (0.482)	2.391*** (0.566)	2.517*** (0.481)	3.372*** (0.494)
Strong Partisan	+	0.981* (0.588)	0.332 (0.545)	1.748*** (0.654)	0.280 (0.438)	0.885** (0.449)	-0.096 (0.437)
Dead On Arrival x Lean Partisan	+	-0.796 (0.653)	-0.018 (0.740)	-0.680 (0.597)	-0.332 (0.789)	-0.083 (0.756)	-0.538 (0.768)
Dead On Arrival x Partisan	+	0.302 (0.624)	-0.570 (0.627)	0.414 (0.646)	-0.327 (0.704)	-0.438 (0.633)	-1.335** (0.644)
Dead On Arrival x Strong Partisan	+	-0.282 (0.778)	0.394 (0.745)	-1.080 (0.836)	0.579 (0.624)	-0.061 (0.624)	1.030* (0.613)
Latino		-0.673 (0.464)	-0.1392 (0.400)	-0.522 (0.402)	0.004 (0.335)	-0.022 (0.321)	0.118 (0.311)
Attention to Politics		-0.158 (0.165)	0.184 (0.157)	0.018 (0.158)	0.045 (0.163)	0.102 (0.153)	0.030 (0.150)
Political Efficacy		0.407** (0.176)	-0.001 (0.166)	0.260 (0.175)	0.069 (0.170)	0.076 (0.162)	-0.027 (0.163)
Education		-0.126 (0.090)	-0.094 (0.086)	-0.092 (0.086)	-0.076 (0.089)	-0.090 (0.090)	0.004 (0.088)
Constant		-2.980*** (0.666)	-2.212*** (0.579)	-2.692*** (0.625)	-3.369*** (0.701)	-3.033*** (0.640)	-2.875*** (0.636)
Log-Likelihood		-223.714	-238.902	-237.243	-228.660	-234.444	-236.868
$Pr > \chi^2$		0.000	0.000	0.000	0.000	0.000	0.000
N		525	524	524	519	520	524

*p<0.1; **p<0.05; ***p<0.01

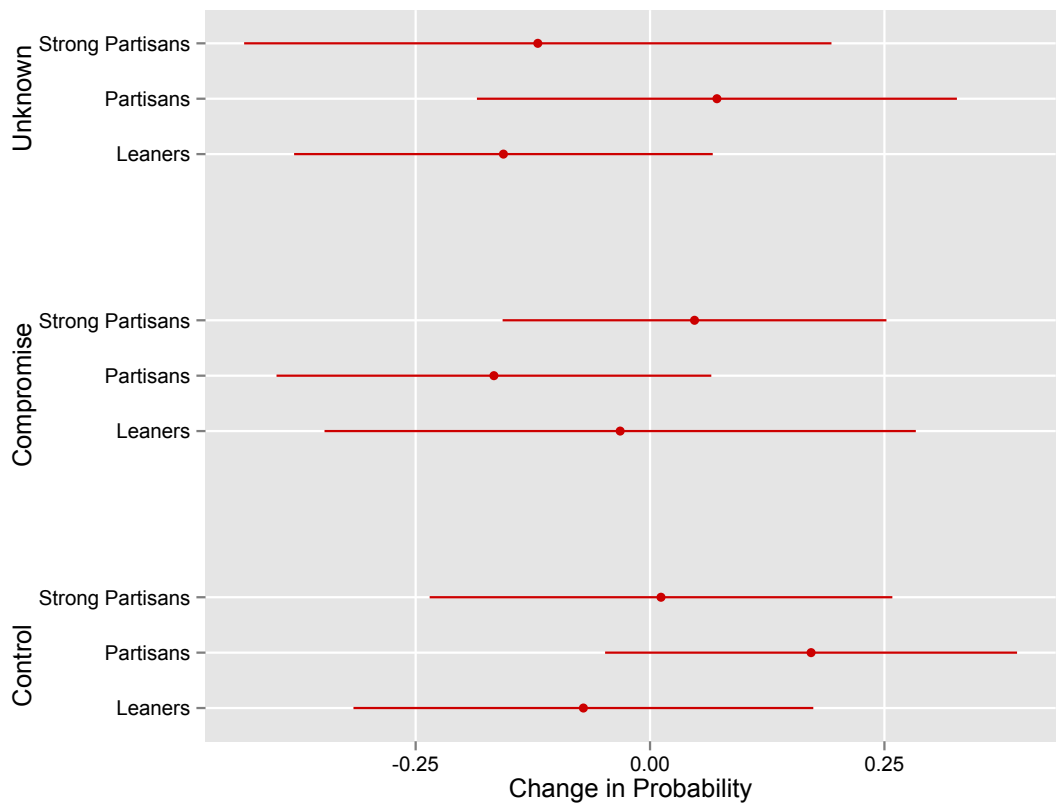
Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent said proposing party is doing more to solve for border issues and 0 otherwise. The data includes all respondents who received each treatment.

The results from Table 5.2 provide little support for the reward hypothesis. Only one interaction term, in Model 6, returns a positive, significant coefficient. Moreover, the signs across models are inconsistent. For instance, for strong partisans, half of the interaction coefficients are negative and half positive. More generally, after learning about a dead-on-arrival bill, partisans do not credit their majority party co-partisans for proposing the intended failure relative to any of the counterfactual scenarios. These results contrast with

the conventional wisdom surrounding intended failures. Political commentators regularly argue dead-on-arrival bills are used to satisfy the party base. In this view, partisan voters prefer intended failures compared to compromising with the opposition party. Yet, I find partisans, even strong ones, do not reward this legislative behavior.

As expected, the leaning partisan and partisan covariates are positive in all six models. The strong partisan covariate is positive in five of the six models. In Models 4 through 6, the Democratic proposing models, the *Dead On Arrival* covariate is positive and significant. In other words, non-Democrats are more likely to support Democratic lawmakers for proposing an intended failure. This political benefit is not reciprocated. Non-Republicans do not credit a Republican majority for advancing a DOA bill. To understand the substantive effects from these models, I plot the marginal effect observing a DOA bill relative to a counterfactual has on a co-partisan respondent's willingness to reward the majority party. In Figure 5.2, I plot the results from Models 1 through 3, in which Republicans propose the bill:

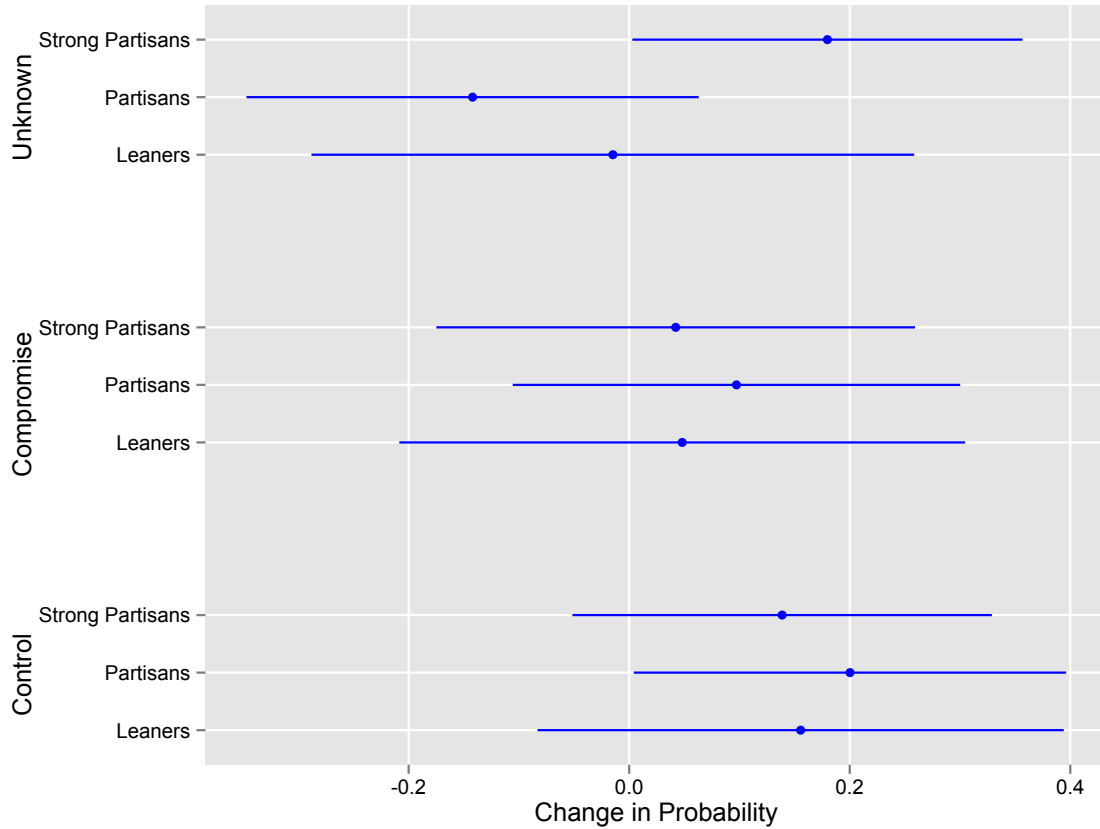
Figure 5.2: Change in the Probability Republican Respondents Rewards Its Party for Proposing DOA Bill Compared to Other Bill



Note: Marginal effect of Republican partisans rewarding Republican lawmakers for proposing a dead-on-arrival bill based on Models 1 through 3 in Table 5.2. *Latino* and all other partisan variables are held at 0. All other covariates are held at their means.

The marginal effects in Figure 5.2 highlight that Republicans did not gain additional support from its co-partisan voters after proposing a dead-on-arrival bill. Regardless of the counterfactual specified, an intended failure never moves Republican respondents to view their party more favorably after learning about an intended failure. The marginal effect of a DOA proposal on Democratic respondents support for their co-partisan lawmakers is similar and presented in Figure 5.3:

Figure 5.3: Change in the Probability Democratic Respondents Rewards Its Party for Proposing DOA Bill Compared to Other Bill



Note: Marginal effect of Democratic partisans rewarding Democratic lawmakers for proposing a dead-on-arrival bill based on Models 4 through 6 in Table 5.2. *Latino* and all other partisan variables are held at 0. All other covariates are held at their means.

Democratic respondents who learn their co-partisans proposed a dead-on-arrival bill tend to support those lawmakers more often than other Democratic respondents. In seven of the nine models, Democrats who received the DOA treatment, on average, credit their party's lawmakers more than those who received a different treatment. Moreover, the magnitude of these effects are larger than the Republican ones presented in Figure 5.2. In other words, Democrats were more willing than Republicans to reward their lawmakers for offering a DOA bill. Like the blame game results, these findings provide inconsistent support for the first reward hypothesis. Again, Democrats seemed to benefit more from

this strategy than Republicans.

In Table 5.3, I examine the second reward hypothesis, that the public, not just partisans, credit the majority party for advancing an intended failure. The dependent variable is coded as 1 if the individual credits the proposing party for solving the U.S.'s border issues and 0 otherwise. The independent variable is if the individual received the DOA treatment. This analysis includes all respondents:

Table 5.3: Probability Citizens Credit Majority Party for Proposing Dead-On-Arrival Bill

	Expected Sign	Republican Proposing Party			Democratic Proposing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival	+	0.445** (0.206)	-0.083 (0.192)	-0.008 (0.194)	0.876*** (0.208)	0.400** (0.193)	0.247 (0.188)
Constant		-1.372*** (0.155)	-0.844*** (0.136)	-0.919*** (0.138)	-1.523*** (0.163)	-1.048*** (0.142)	-0.895*** (0.136)
<i>N</i>		525	524	524	519	520	524
Log-Likelihood		-289.241	-316.360	-312.836	-289.307	-316.319	-326.336
$Pr > \chi^2$		0.030	0.665	0.000	0.000	0.037	0.188

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent said proposing party is doing more to solve border issues and 0 otherwise. The data includes all respondents who received each treatment.

The results in Table 5.3 provide limited support for the second reward hypothesis. Both Democrats and Republicans in Congress gain support for a dead-on-arrival bill compared to doing nothing on the topic. However, Republicans do not receive credit for an intended failure relative to when an enactable bill is proposed.¹¹ This suggests a majority party gains the most credit for an intended failure when no other legislative alternative is available.

The results in Model 5 provide the only evidence that lawmakers gain some credit for a DOA proposal when an alternative exists. Respondents rewarded majority party Democrats for an intended failure compared to a compromise proposal. Yet this credit for Democrats is inconsistent. Respondents did not reward Democrats more for a DOA bill when legislation whose fate is unknown was proposed. More generally, there is evi-

¹¹These results are robust when I control for partisan voters.

dence for the two reward hypotheses in very limited circumstances. Majority parties can gain some support for a dead-on-arrival bill if no other enactable alternative is available. However, relative to when the majority offers other legislation, intended failures rarely gain lawmakers additional support.

5.3.3 Testing the Rallying the Base Hypothesis

I test the rallying the base hypotheses by asking respondents “Do you intend to vote in the upcoming Congressional elections?” This hypothesis contends dead-on-arrival bills invigorate the majority party’s base, and leads to partisan voters choosing to turnout at higher rates. I examine if observing the DOA treatment makes self-identified majority party partisans more likely to vote.

The dependent variable is coded as 1 if the respondent planned to vote in the upcoming election.¹² I specify the same independent variables as the models in Table 5.2. The main independent covariates are a dummy variable for whether the respondent received the *Dead On Arrival* treatment and three measures of partisanship, *Lean Partisan*, *Partisan*, and *Strong Partisan*. I interact the *Dead On Arrival* variable with each of the partisanship covariates. These terms can be interpreted as the likelihood a partisan plans to vote conditional on receiving the dead-on-arrival treatment proposed by his/her legislative co-partisans. I expect a positive coefficient on each interaction term.

I include three additional control variables. I control for the respondent’s level of *Education*, *Attention to Politics*, and *Political Efficacy*.¹³ As these covariates are positively correlated with an individual’s decision to turnout (e.g., Verba and Nie 1972), I expect these variables to have positive coefficients. I report six logistic regression models in Table

¹²Eighty-four percent of respondents reported an intention to vote. This reflects a common problem that individuals tend to overreport their intention to vote (e.g., Silver, Anderson and Abramson 1986). This makes it less likely I will find support for this hypothesis, as most respondents claim they will vote anyway.

¹³See the Appendix for exact question wordings and response options. *Education* is measured using a 7-point scale that ranges from ‘did not graduate from high school’ to ‘postgraduate degree’. *Attention to Politics* and *Political Efficacy* are measured on 5-point scales.

5.4. In Models 1 through 3, I assess the effect Republican-proposed dead-on-arrival bills have on Republican partisans. Models 4 through 6 examine how Democratic partisans respond to a Democratic-proposed intended failure.¹⁴

Table 5.4: Probability Partisans Choose to Vote After Learning About Dead-On-Arrival Bill

	Expected Sign	Republican Proposing Party			Democratic Proposing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival		-0.367 (0.291)	-0.294 (0.289)	-0.557* (0.300)	0.372 (0.349)	-0.255 (0.380)	0.657** (0.328)
Lean Partisan		1.161 (0.821)	0.206 (0.878)	0.622 (0.667)	1.073 (0.694)	-0.128 (0.836)	0.128 (0.604)
Partisan		0.754 (0.546)	0.944 (0.687)	1.685 (1.062)	0.743 (0.554)	-0.212 (0.540)	0.758 (0.517)
Strong Partisan		-0.092 (1.163)	0.006 (0.992)	1.513 (1.136)	0.317 (0.768)	1.249 (0.877)	0.135 (0.682)
Dead On Arrival x Lean Partisan	+	-0.536 (0.996)	0.448 (1.046)	0.028 (0.874)	-1.368 (0.985)	-0.119 (1.086)	-0.306 (0.921)
Dead On Arrival x Partisan	+	-0.447 (0.739)	-0.625 (0.845)	-1.357 (1.171)	-0.017 (0.831)	1.028 (0.822)	0.037 (0.800)
Dead On Arrival x Strong Partisan	+	1.607 (1.621)	1.407 (1.494)	—	-0.981 (1.070)	-1.853 (1.156)	-0.636 (1.003)
Latino		-0.389 (0.329)	-0.119 (0.341)	-0.199 (0.342)	-0.607* (0.364)	-0.589 (0.382)	-0.485 (0.352)
Attention to Politics	+	0.515*** (0.160)	0.431*** (0.162)	0.633*** (0.170)	0.588*** (0.177)	0.461** (0.192)	0.509*** (0.161)
Political Efficacy	+	0.510*** (0.150)	0.626*** (0.158)	0.393** (0.161)	0.492*** (0.165)	0.517*** (0.180)	0.351** (0.159)
Education	+	0.054 (0.093)	0.181* (0.094)	0.176* (0.102)	0.118 (0.103)	0.421*** (0.1169)	0.416*** (0.1024)
Constant		-2.057*** (0.562)	-2.768*** (0.560)	-2.316*** (0.603)	-2.535*** (0.585)	-2.666*** (0.655)	-3.198*** (0.579)
Log-Likelihood		-204.599	-202.281	-187.773	-175.952	-156.386	-194.640
$Pr > \chi^2$		0.000	0.000	0.000	0.000	0.000	0.000
N		525	524	498	519	520	524

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent intends to vote in upcoming congressional elections and 0 otherwise. The data includes all respondents who received each treatment.

The results from Table 5.4 do not support the Rallying the Base hypothesis. None of the models indicate partisans of any sort are more likely to vote based on observing a dead-on-arrival bill relative to any of the counterfactuals. These findings suggest lawmakers'

¹⁴All findings are robust to models that exclude the control variables.

unwillingness to compromise on an issue does not invigorate the party's base to turnout. As expected, a respondent's education, attention to politics, and political efficacy are associated with a propensity to vote. This indicates factors traditionally associated with the decision to participate in politics, not dead-on-arrival bills, better predict whether an individual intends to cast a ballot.

5.3.4 Testing the Campaign Issue Hypothesis

To test the campaign issue hypothesis I asked the respondents who planned to vote the open-ended question "What issues are going to influence your vote choice in the upcoming elections for congress?" An individual had unlimited space to explain the factors that were going to influence his or her voting decision.¹⁵ This hypothesis suggests that individuals who receive the dead-on-arrival bill treatment are more likely to report border issues or immigration as a campaign issue relative to the counterfactuals.

One concern in this survey design is respondents are primed to mention border issues or immigration. Individuals who receive the DOA, compromise or unknown treatments all hear about this issue area just before answering the survey question. An easy way to test if priming affects whether individuals mention border issues is to compare the dead-on-arrival treatment to the control counterfactual. If no effect is found when comparing these conditions, dead-on-arrival bills, even for respondents who are primed to think about immigration/border topics, did not create a campaign issue for respondents. However, if intended failures lead to more individuals mentioning immigration/border issues compared to the control condition, priming may obfuscate any potential effect from the other models.

For this analysis, I subset the data on the 1527 respondents who reported an intention to vote, as only these individuals were given the relevant survey question. The dependent variable is coded as 1 if the individual mentioned immigration or border issues in their

¹⁵Among the 1527 respondents who reported they intend to vote, 20 responses are categorized as non-responses. In these cases, individuals left the text block blank or wrote gibberish. These individuals are omitted from the analysis.

open-response answer. 399 respondents discussed these issue areas and 1128 did not. The main independent variable is coded as 1 if the respondent received the *Dead On Arrival* treatment and 0 otherwise. I include a dummy variable for whether the respondent is a co-partisan with the proposing party. In each model, I interact these terms. The interaction tests the first campaign issue hypothesis, that partisan voters are more likely to mention border problems as a campaign issue after learning about an intended failure. The unconditional *Dead On Arrival* covariate tests the second campaign issue hypothesis, that voters more generally view border problems as a campaign issue after seeing a DOA bill fail.

I specify twelve logistic regression models. Six of the twelve specifications are logistic regression models that only include the interaction and its constituent terms. The other six include two control variables. First, I control for respondents who self-report as *Latino*. Since immigration is a particularly salient issue in the Latino community, Latino individuals may be more likely to cite these policy issues as a determinant of their vote choice. I expect this covariate to have a positive coefficient. Second, I control for an individual's *Attention to Immigration Issues*. This covariate is a 4-point scale in which higher values indicate more attentiveness. I expect this variable to have a positive coefficient. I report all twelve models in Table 5.5:

Table 5.5: Probability Voters Mention Immigration/Border Issues as Campaign Issue

		Republican Proposed Bill					
	Expected Sign	Model 1 Control	Model 2 Control	Model 3 Compromise	Model 4 Compromise	Model 5 Unknown	Model 6 Unknown
Dead On Arrival	+	-0.129 (0.324)	-0.201 (0.330)	-0.318 (0.317)	-0.332 (0.319)	-0.431 (0.314)	-0.538* (0.324)
Proposer Co-Partisan		0.832*** (0.320)	0.865*** (0.328)	0.164 (0.336)	0.162 (0.3410)	0.339 (0.305)	0.354 (0.316)
Dead On Arrival x Proposer Co-Partisan	+	0.171 (0.457)	0.235 (0.466)	0.840* (0.468)	0.850* (0.473)	0.665 (0.446)	0.825* (0.462)
Latino	+		0.744** (0.368)		0.179 (0.380)		1.143*** (0.333)
Attention to Immigration Issues	+		0.516*** (0.152)		0.399*** (0.1503)		0.545*** (0.150)
Constant		-1.451*** (0.218)	-2.484*** (0.372)	-1.262*** (0.207)	-2.017*** (0.359)	-1.149*** (0.203)	-2.293*** (0.354)
<i>N</i>		429	429	424	424	436	436
Log-Likelihood		-240.966	-225.322	-233.831	-226.758	-249.385	-233.336
$Pr > \chi^2$		0.978	0.000	0.650	0.006	0.671	0.000
		Democratic Proposed Bill					
	Expected Sign	Model 7 Control	Model 8 Control	Model 9 Compromise	Model 10 Compromise	Model 11 Unknown	Model 12 Unknown
Dead On Arrival	+	-0.054 (0.289)	-0.090 (0.299)	-0.175 (0.269)	-0.241 (0.287)	-0.147 (0.281)	-0.126 (0.294)
Proposer Co-Partisan		-0.890*** (0.324)	-0.923*** (0.335)	-0.893*** (0.314)	-1.071*** (0.339)	-0.853*** (0.324)	-0.875** (0.342)
Dead On Arrival x Proposer Co-Partisan	+	0.201 (0.450)	0.074 (0.465)	0.204 (0.443)	0.113 (0.471)	0.163 (0.451)	0.035 (0.470)
Latino	+		0.882*** (0.330)		1.375*** (0.328)		0.588* (0.321)
Attention to Immigration Issues	+		0.643*** (0.154)		0.852*** (0.154)		0.760*** (0.151)
Constant		-0.678*** (0.211)	-1.939*** (0.368)	-0.557*** (0.183)	-2.249*** (0.357)	-0.585*** (0.200)	-2.095*** (0.368)
<i>N</i>		442	442	454	454	433	433
Log-Likelihood		-240.966	-232.179	-260.191	-234.711	-246.455	-230.366
$Pr > \chi^2$		0.005	0.000	0.003	0.000	0.006	0.000

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent mentions border issues or immigration as affecting their vote choice in the upcoming election. The data includes all respondents who said they intended to vote in the upcoming congressional elections.

My findings lend very limited support the campaign issue hypotheses. In Models 1 through 6, the coefficient on the interaction term is positive. This suggests Republican respondents were more likely to mention border issues as a campaign issue after learning about a DOA bill relative to the counterfactual. However, only in Models 3, 4, and 6, do

these coefficients approach conventional levels of statistical significance. The Republican proposer models do not support the second campaign issue hypothesis. The negative coefficient on the *Dead On Arrival* covariate indicates non-Republican voters who received the DOA treatment were not more likely to mention border problems as a campaign issue.

The results from the models in which Democrats propose a DOA bill mirror the Republican specifications. The interaction terms in Models 7 through 12 are positive but not significant. The *Dead On Arrival* coefficients are negative. Notably, the results in which respondents received the control condition do not differ from the other counterfactuals. This is surprising as all respondents except those who received the control condition were primed to think about border issues. Taken together, these results offer little support for the campaign issue hypotheses. There is weak evidence partisan voters may be more likely to mention border issues as a campaign issue after observing a DOA bill. However, voters are not affected in the same manner.

As expected, Latinos and those who pay more attention to immigration issues are more likely to report immigration and border issues as important to their vote choice. However, the proposer co-partisan covariate results vary by party. Compared to non-Republicans, Republican voters are more likely to mention immigration or border issues as a campaign issue when Republican lawmakers propose a bill on the topic. In contrast, Democratic voters are less likely to cite immigration or border issues as a reason to vote after observing Democratic lawmakers forward a bill on the issue.

5.4 Conclusion

Political scientists, journalists, and politicians claim dead-on-arrival bills are targeted at voters. Even lawmakers suggest as much. Before sending President Obama a dead-on-arrival bill to veto, Senator Mike Enzi noted that “[w]hen the president vetoes something [a dead-on-arrival bill], the whole world knows about it” (Devaney 2015). This argument

is not surprising. For a majority party, the best intended failure is one that galvanizes interest groups and the public. Popular DOA legislation can increase its political effects when organized interests and candidates use that legislation to electioneer. Although the conventional wisdom suggests dead-on-arrival bills are targeted at voters, scholars disagree about the mechanism through which these proposals affect the public. In this study, I consider the four main ways that political scientists argue DOA bills can affect voters. My results indicate that many of these mechanisms require more careful consideration to determine if and when DOA bills actually matter to the public.

In particular, this study reveals that political conditions not accounted for in my experiment likely dictate when dead-on-arrival bills matter to citizens. For instance, there is evidence respondents blamed Republicans for blocking an intended failure and reward Democrats for proposing the DOA legislation. However, this political support was not reciprocated to Republican legislators when they offered a dead-on-arrival bill. These inconsistent findings across partisan treatments suggests political factors besides the DOA proposal itself determine how voters view this legislation.

This study produces a number of null findings worth considering. In particular, this experiment does not support the campaign issue hypothesis. Even after priming respondents to think about border issues, this topic was not mentioned more often when comparing individuals from the dead-on-arrival treatment and control groups. This inconclusive result suggests those who theorize DOA bills lead to voters using the issue in their voting calculus need to clarify the circumstances in which this should occur.

Finally, it is important to note the limitations of this research design. The one shot nature of my experiment casts additional doubt on the political effects of dead-on-arrival on the public. Experiments of this sort tend to overemphasize an effect that cannot be replicated in real world situations (Barabas and Jerrit 2010) and stacks the deck towards finding a direct effect between DOA legislation and voters' reactions. The inconsistent, and mostly null, effects raise questions about if and when the public actually pay attention

to intended legislative failures.

Alternatively, the experiment may not capture the manner in which DOA bills matter to voters. Rather than generating a political outcome based on one case of legislative failure, DOA bills may have a cumulative effect over time. This research design cannot capture this build-up in good or bad will towards a majority party and may be one reason I find asymmetric results between Republican and Democratic majority parties. My experiment may partially capture voters' cumulative view that Republicans have become more obstructionist in recent years relative to Democrats. This study cannot speak to how repeatedly using DOA legislation affects the public (Gaines, Kuklinski and Quirk 2007).

A second limitation concerns the experiment's topic. While border issues and immigration is certainly a salient topic in contemporary American politics, it is possible this issue is not well-suited for dead-on-arrival bills. Other topics, including healthcare, unions, and abortion, are often used as intended failures. Designing additional studies around these policy areas may yield additional insights on how DOA legislation affects the public.

More generally, political scientists should offer more careful consideration of when and why citizens should care about dead-on-arrival bills. Majority parties have incentives to offer popular intended failures, but in many cases these bills are on obscure topics. Additionally, as Chapter 4 showed, these bills have a direct effect on interest group electioneering activities. Perhaps the main way DOA proposals affect the public is based on how organized interests use this legislation during election season. For example, campaign advertisements are important tools used to disseminate information and increase turnout (see Goldstein and Ridout 2004 for a review). In this way, dead-on-arrival bills can have important electoral consequences, but these effects may be mediated by organized interests' political activities.

5.5 Appendix

5.5.1 Blame Game Hypothesis Alternative Mechanisms

Another possible mechanism in which a dead-on-arrival bill generates blame is by having moderates blame the obstructionist policymakers more generally. This follows Groseclose and McCarty's (2001) finding that major presidential vetoes lead to a decrease in presidential approval. This hypothesis is written as:

Blame Game Hypothesis 2: Upon observing dead-on-arrival legislation fail, moderate voters' support of the obstructing party decreases.

I test this blame game hypothesis by examining responses to the question "Do you approve or disapprove of the job [Democrats OR Republicans] in Congress are doing?"¹⁶ I assess if self-identified moderate respondents' approval changes towards the obstructing party. For instance, if Democrats propose the intended failure, I examine whether Republicans in Congress's approval decreases among political moderates. The dependent variable is coded as 1 if respondents answered 'Approve' and 0 if they reported 'Disapprove' or 'Don't Know' when they assessed the obstructing party. I coded the main independent variable, *Dead On Arrival*, as 1 if the respondent received the DOA bill treatment and 0 otherwise. I expect this covariate to be negative, indicating the obstructing party's approval decreases after moderates read the intended failure article.

I control for two additional covariates. First, I control for whether a respondent self-reported as *Latino*. As Latinos tend to pay attention to immigration issues, their attitudes towards each party may decline when they observe lawmakers block immigration bills. I expect this variable to have a negative coefficient. Second, I control for whether a self-

¹⁶Respondents were asked whether they approved of Democrats in Congress as well as whether they approved of Republicans in Congress. I randomized the question ordering to avoid individuals being primed to always think of one party first.

identified moderate reported their party was the same as the proposing party. These individuals, while ideologically moderate, still identify with the proposing party, and as a result are more likely to blame the obstructing party. I expect this variable, *Proposer Co-Partisan*, to have a negative coefficient. I report twelve models in Table 5.6. Models 1 through 6 are bivariate logit models. Models 7 through 12 include the *Latino* and *Proposer Co-Partisan* covariates:

Table 5.6: Probability Obstructing Party's Approval Decreases Among Moderates After Blocking DOA Bill

	Expected Sign	Republicans Obstructing Party			Democrats Obstructing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival	-	-0.531 (0.442)	-0.472 (0.468)	-0.682 (0.450)	-0.264 (0.337)	-0.424 (0.334)	-0.230 (0.350)
Constant		-1.771*** (0.270)	-1.819*** (0.311)	-1.609*** (0.283)	-0.981*** (0.214)	-0.821*** (0.209)	-1.015*** (0.233)
<i>N</i>		208	184	188	195	193	179
$Pr > \chi^2$		0.232	0.310	0.124	0.431	0.200	0.510
Log-Likelihood		-75.685	-64.817	-70.614	-109.619	-111.638	-99.608
	Expected Sign	Republicans Obstructing Party			Democrats Obstructing Party		
		Model 7 Control	Model 8 Compromise	Model 9 Unknown	Model 10 Control	Model 11 Compromise	Model 12 Unknown
Dead On Arrival	-	-0.488 (0.457)	-0.487 (0.475)	-0.667 (0.457)	-0.267 (0.366)	-0.302 (0.355)	-0.236 (0.371)
Latino	-	-0.613 (0.783)	-0.621 (0.780)	-0.301 (0.666)	0.239 (0.457)	0.189 (0.434)	-0.144 (0.473)
Proposer Co-Partisan	-	-1.657*** (0.524)	-0.979** (0.493)	-1.089** (0.334)	—	-3.278*** (1.027)	-2.657*** (0.747)
Constant		-1.093*** (0.312)	-1.284*** (0.372)	-1.108*** (0.291)	-0.508** (0.334)	-0.497** (0.237)	-0.519 (0.267)
<i>N</i>		208	184	188	136	193	179
$Pr > \chi^2$		0.002	0.097	0.000	0.690	0.000	0.000
Log-Likelihood		-68.918	-62.172	-67.476	-88.517	-97.200	-87.335

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent approves of obstructing party and 0 otherwise. The data is subset on respondents who self-reported as political moderates.

The results in Table 5.6 provide, at best, weak evidence for the second blame game hypothesis. In all twelve models, the *Dead On Arrival* coefficient is negative but not statistically significant. *Proposer Co-Partisan* is the stronger predictor of whether an

individual is less likely to approve of the other party. These inconsistent results highlight that playing the blame game is not a sure thing. While moderates sometimes blamed Republicans for blocking a dead-on-arrival bill, this effect was not reciprocated towards obstructionist Democrats. This suggests proposing an intended failure does not necessarily change moderates' evaluations of legislators who block the proposal. Rather, other context specific factors likely cause this asymmetric willingness to blame Republicans and not Democrats.¹⁷

A more general interpretation of the blame game hypothesis is the public, not just moderates, blame the obstructing party for a DOA bill. To test this hypothesis, I specify six models. The dependent variable is coded as 1 if the respondent said he/she blamed the blocking party for border issues and 0 otherwise. The main independent is a *Dead On Arrival* dummy variable. A positive coefficient would indicate that relative to the counterfactual, individuals who received the DOA treatment are more likely to blame the obstructing party.

I control for whether the respondent is *Latino*, if he/she reports being the same member as the proposing party (denoted *Proposer Co-Partisan*), and the individuals *Education*, *Political Efficacy* and *Attention to Politics*. I expect the *Proposer Co-Partisan* to have a positive coefficient as proposing party partisans are more likely to blame the opposition for blocking a bill. I report six models. Models 1 through 3 examine when Democrats propose a DOA bill in order to generate blame towards Republicans. Models 4 through 6 examine Republican proposed bills used to create blame towards Democrats.

¹⁷One possibility is lower information moderates are more likely to blame obstructionists than higher information ones who consistently pay attention to politics. However, the findings in Table 5.6 are robust even when the respondent's self-reported attention to politics or immigration policy is controlled for.

Table 5.7: Probability the Public Blames Obstructing Party for Border Issues, By Party

	Expected Sign	Republican Blame			Democratic Blame		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival	+	0.774*** (0.253)	0.656*** (0.250)	0.375 (0.243)	0.170 (0.234)	0.232 (0.244)	0.157 (0.241)
Latino		0.370 (0.347)	0.240 (0.331)	0.424 (0.317)	-0.912* (0.510)	-0.846 (0.533)	-0.724 (0.462)
Proposer Co-Partisan	+	2.583*** (0.324)	2.494*** (0.305)	2.623*** (0.302)	2.125*** (0.240)	2.310*** (0.251)	2.514*** (0.253)
Education		-0.008 (0.095)	-0.124 (0.097)	-0.062 (0.093)	-0.117 (0.088)	-0.137 (0.090)	-0.058 (0.088)
Political Efficacy		0.743*** (0.210)	0.622*** (0.191)	0.611*** (0.193)	0.464*** (0.179)	0.423** (0.188)	0.492*** (0.191)
Attention to Politics		-0.058 (0.176)	-0.081 (0.163)	0.004 (0.159)	0.119 (0.164)	0.267 (0.166)	0.082 (0.165)
Constant		-6.237*** (0.793)	-5.008*** (0.714)	-5.361*** (0.733)	-3.941*** (0.654)	-4.419*** (0.692)	-4.385*** (0.700)
<i>N</i>		519	520	524	525	524	524
Log-Likelihood		-200.536	-204.791	-210.966	-229.232	-214.351	-217.784
<i>Pr</i> > χ^2		0.000	0.000	0.000	0.000	0.697	0.000

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent said obstructing party is more to blame for border issues and 0 otherwise. The data includes all respondents.

The results in Table 5.7 are similar to those in Table 5.6. Republicans are more likely to be blamed for border issues when they block a DOA bill compared to when no bill is proposed and Republicans agree to a compromise. However, Democrats are not more likely to be blamed relative to any counterfactual scenario. As expected, proposing party partisans are more likely to blame the opposing party, regardless of the legislative action on the topic.

5.5.2 Reward Hypothesis Alternative Mechanisms

A second way a dead-on-arrival bill can generate support for lawmakers is by citizens approving of the majority party more generally. Rather than being rewarded on a particular policy area, intended failures increase the majority party's approval. This possibility is the inverse of the blame game hypothesis. If DOA bills decrease the obstructing actor's approval, it is possible the same legislation increases the proposing politician's approval.

To test this idea, I specify the following hypotheses:

Reward Hypothesis 3: Dead-on-arrival legislation increases co-partisans' approval of majority party lawmakers.

Reward Hypothesis 4: Dead-on-arrival legislation increases citizens' approval of majority party lawmakers.

Reward Hypotheses 3 and 4 offer a second way majority party legislators can benefit from DOA bills. Rather than specifically being credited for their action on the intended failure's topic, dead-on-arrival legislation may increase the party's approval. To test this possibility, I asked respondents "Do you approve or disapprove of the job [Republicans OR Democrats] in Congress are doing?"

In Table 5.8, I assess Reward Hypothesis 3, which predicts co-partisan respondents' approval of the majority party increases after observing a DOA bill. The dependent variable is coded as 1 if a respondent said they approve of the majority party and 0 otherwise. I estimate the same models reported in Table 5.2. Again, the covariates of interest are the interaction terms between the *Dead On Arrival* variable and the partisan variables. Positive coefficients on these terms indicate that conditional on receiving the DOA treatment, majority party partisans are more likely to approve of their co-partisans in Congress. Models 1 through 3 include the Republican proposer treatments. Models 4 through 6, the Democratic ones.

Table 5.8: Probability Partisans Approve of Co-Partisan Lawmakers for Proposing Dead-On-Arrival Bill

	Expected Sign	Republican Proposing Party			Democratic Proposing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival		0.428 (0.403)	-0.155 (0.362)	0.549 (0.423)	0.395 (0.743)	-0.874 (0.549)	0.296 (0.685)
Lean Partisan	+	2.000*** (0.509)	1.909*** (0.628)	2.129*** (0.475)	4.3683*** (0.709)	2.028*** (0.5459)	2.807*** (0.743)
Partisan	+	2.375*** (0.458)	1.852*** (0.469)	1.867*** (0.563)	3.406*** (0.666)	2.509*** (0.459)	3.979*** (0.621)
Strong Partisan	+	0.050 (0.576)	0.609 (0.517)	2.212*** (0.684)	0.768* (0.425)	0.956** (0.471)	0.383 (0.455)
Dead On Arrival x Lean Partisan	+	-0.642 (0.691)	-0.513 (0.780)	-0.811 (0.670)	-2.080** (0.961)	0.247 (0.846)	-0.533 (0.986)
Dead On Arrival x Partisan	+	-0.338 (0.636)	0.227 (0.645)	0.133 (0.720)	-0.632 (0.878)	0.274 (0.729)	-1.061 (0.837)
Dead On Arrival x Strong Partisan	+	0.845 (0.772)	0.227 (0.733)	-1.291 (0.866)	0.867 (0.635)	0.680 (0.661)	1.111* (0.649)
Latino		0.032 (0.431)	0.182 (0.411)	-0.525 (0.474)	0.504 (0.368)	0.547 (0.345)	0.028 (0.357)
Attention to Politics		0.110 (0.172)	0.157 (0.163)	0.203 (0.178)	0.199 (0.182)	0.247 (0.168)	0.449** (0.176)
Political Efficacy		0.382** (0.186)	0.393** (0.185)	0.272 (0.201)	0.197 (0.195)	0.205 (0.183)	0.074 (0.196)
Education		-0.209** (0.094)	-0.026 (0.089)	0.016 (0.094)	0.037 (0.098)	0.0484 (0.010)	0.018 (0.104)
Constant		-3.711*** (0.725)	-4.071*** (0.684)	-4.534*** (0.767)	-5.392*** (0.874)	-4.387*** (0.719)	-5.593*** (0.867)
Log-Likelihood		-211.370	-224.590	-200.728	-187.541	-198.923	-177.305
$Pr > \chi^2$		0.000	0.000	0.000	0.000	0.000	0.000
N		525	524	524	519	520	524

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent approve of proposing party and 0 otherwise. The data includes all respondents who received each treatment.

The results from Table 5.8 do not lend support to the third reward hypothesis. In no instance did observing a dead-on-arrival bill increase the majority party's approval among partisans. Only the strong partisans interaction term in Model 6 returns a positive coefficient approaching statistical significance. As expected, self-reported partisans are more likely to credit their co-partisans in Congress regardless of the treatment they received.

While partisan respondents' approval does not increase when a DOA bill is proposed, it is possible the public more generally responds positively to this behavior. In Table 5.9, I

test this possibility. The dependent variable is coded as 1 if the respondent approved of the majority party and 0 otherwise.¹⁸ The independent variable is coded as 1 if the respondent received the *Dead On Arrival* treatment and 0 otherwise. I report six models. Models 1 through 3 assess boosts in approval Republican lawmakers receive from the public for advancing an intended failure. Models 4 through 6 assess any support a Democratic majority party receives for DOA legislation.

Table 5.9: Probability Dead-On-Arrival Bill Increases Proposing Party’s Approval

	Expected Sign	Republican Proposing Party			Democratic Proposing Party		
		Model 1 Control	Model 2 Compromise	Model 3 Unknown	Model 4 Control	Model 5 Compromise	Model 6 Unknown
Dead On Arrival	+	0.332 (0.214)	-0.019 (0.203)	0.228 (0.211)	-0.085 (0.197)	-0.173 (0.195)	0.000 (0.197)
Constant		-1.471*** (0.160)	-1.120*** (0.145)	-1.367*** (0.155)	-0.924*** (0.138)	-0.836*** (0.136)	-1.009*** (0.140)
<i>N</i>		525	524	524	519	520	524
Log-Likelihood		-272.216	-291.317	-277.673	-305.433	-310.181	-304.145
$Pr > \chi^2$		0.120	0.925	0.278	0.667	0.374	1.000

*p<0.1; **p<0.05; ***p<0.01

Note: Coefficients are log-odds from a logistic regression. DV = 1 if respondent approve of proposing party and 0 otherwise. The data includes all respondents who received each treatment.

The results in Table 5.9 do not support Reward Hypothesis 4. In no specification do respondents increase their approval towards a majority party that proposes a DOA bill. Taken together, the results from Tables 5.8 and 5.9 indicate offering an intended failure does not increase citizens’ or partisans’ approval of the majority party.

5.5.3 Survey Instrument

Pre-treatment:

Instructions

This is an academic survey with the goal of recording your views regarding a current event and the government’s response to that issue.

¹⁸This coding is based on the same approval question used in Table 5.8.

Please take a moment to read an article about a recent policy topic. After you are done, please answer some follow-up questions.

Post-treatment:

Who do you blame more for the problems at the U.S.-Mexico border - the Democrats in Congress or the Republicans in Congress? [*Democrats in Congress/Republicans in Congress/Both Parties Equally/Neither Party/Don't Know*]

Who is doing more to solve the problems at the U.S.-Mexico border - the Democrats in Congress or the Republicans in Congress? [*Democrats in Congress/Republicans in Congress/Both Parties Equally/Neither Party/Don't Know*]

Do you intend to vote in the upcoming congressional elections? [*Yes/No*]

What issues are going to influence your vote choice in the upcoming elections for congress?
[*Open response*]

Do you approve or disapprove of the way Congress is handling its job? [*Approve/Disapprove/Don't Know*]

Do you approve or disapprove of the job Republicans in Congress are doing? [*Approve/Disapprove/Don't Know*]

Do you approve or disapprove of the job Democrats in Congress are doing? [*Approve/Disapprove/Don't Know*]

Which political party is more effective at solving the problems at the U.S.-Mexico border,

the Democratic party or the Republican party? [*Democratic Party/Republican Party/Parties are equally capable/Don't know*]

Which political party is more effective at handling immigration policy, the Democratic or Republican party? [*Democratic Party/Republican Party/Parties are equally capable/Don't know*]

How much confidence do you have in the ability of Congress to solve important national problems? [*A great deal of confidence/Some confidence/Hardly any confidence/None at all*]

Would you like to see your own representative to Congress get reelected in November 2014, or would you like to see someone else win the election in your district? [*Reelect current member of Congress/Would like to see someone else win/Don't know*]

Would you like to see your own two Senators win reelection in their next elections or would you like to see someone else win those elections in your state? [*Reelect current Senators/Reelect one but not both/Don't reelect either Senator/Don't know*]

Which of your two Senators would like to be reelected in his/her next election? [*Open response*]

Generally speaking, do you usually think of yourself as a Republican, a Democrat, and Independent or what? [*Democrat/Republican/Independent/Other*]

[*If respond Republican*] Would you call yourself a strong Republican or not a very strong Republican? [*Strong/Not very strong*]

[If respond Democrat] Would you call yourself a strong Democrat or not a very strong Democrat? *[Strong/Not very strong]*

[If respond Other] Do you think of yourself as close to the Republican Party, or to the Democratic Party? *[Closer to the Republican Party/Closer to the Democratic Party/Neither]*

In general, how would you describe your political viewpoint? *[Very liberal/Liberal/Moderate/Conservative/conservative/Don't know]*

How closely have you been following the debate on immigration policy? *[Very closely/Fairly closely/Not too closely/Not at all]*

How often do you pay attention to what's going on in government and politics? *[emphAlways/Most of the time/About half the time/Some of the time/Never]*

How strongly do you agree or disagree with the following statement: I feel that I have a pretty good understanding of the important political issues facing our country. *[Agree strongly/Agree somewhat/Neither agree or disagree/Disagree somewhat/Disagree strongly]*

In what year were you born? *[Open response]*

Are you male or female? *[Male/Female]*

What race or ethnic group best describes you? *[White/Black or African-American/Hispanic or Latino/Asian or Asian-American/Native American/Middle Eastern/Mixed Race/Other (please specify)]*

What is the highest level of education you have completed? [*Did not graduate from high school/High school graduate/Some college, but no degree (yet)/2-year college degree/4-year college degree/Postgraduate degree (MA, MBA, MD, PhD, JD, etc.)*]

Which of the following best describes your current employment status? [*Working full time now/Working part time now/Temporarily laid off/Unemployed/Retired/Permanently disabled/Taking care of home or family/Student/Other (please specify)*]

In which state do you live? [*Open response*]

What is your current zip code? [*Open response*]

During a typical week, how many days do you follow the national news, excluding sports? [*None/One day/Two days/Three days/Four days/Five days/Six days/Seven days*]

Thank you for taking the survey. Your participation is greatly appreciated.

We previously informed you the purpose of this study is to assess attitudes towards the government based on your reaction to a current event. The goal of our research is to examine how citizens credit or blame politicians for their legislative activities. Note the newspaper article you read may not reflect the exact status of that issue or USA Today's reporting on the topic. For more information, see Congress's official website, www.congress.gov or the FAA's website, www.faa.gov. Again, thank you for your participation.

Figure 5.4: Dead-On-Arrival Treatments

Democrats push doomed border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – The Democrats’ doomed plan to fix the problems at the U.S.-Mexico border, which had no chance of passing, failed last week after Republicans said they wouldn’t support the Democratic bill under any circumstances.

The vote sealed the fate of the Democrats’ border plan as the legislation would be dead-on-arrival if it’s sent to the Republican controlled House.

Democratic leaders blamed Republicans for “putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Democratic aides echoed those sentiments. “Republicans wanted to get home and talk about anything besides the border. It’s not a winning issue for them, and this vote showed it,” one staffer said.

Republicans push doomed border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – The Republicans’ doomed plan to fix the problems at the U.S.-Mexico border, which had no chance of passing, failed last week after Democrats said they wouldn’t support the Republican bill under any circumstances.

The vote sealed the fate of the Republicans’ border plan as the legislation would be dead-on-arrival if it’s sent to the Democratic controlled Senate.

After the vote, Republican leaders blamed Democrats for “putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Republican aides echoed those sentiments. “Democrats wanted to get home and talk about anything besides the border. It’s not a winning issue for them, and this vote showed it,” one staffer said.

Figure 5.5: Compromise Treatments

Democrats push compromise border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – The Democrats’ compromise plan to fix the problems at the U.S.-Mexico border passed last week after legislators said they supported the Democratic bill.

The vote sealed the fate of the Democrats’ border plan as the legislation will be approved when it’s sent to the House.

Democratic leaders thanked its members for not “putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Democratic aides echoed those sentiments. “Democrats wanted to get home and talk about the border. It’s a winning issue for them, and this vote showed it,” one staffer said.

Republicans push compromise border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

f 3443 CONNECT | **t 327** TWEET | **in 3** LINKEDIN | **345** COMMENT | EMAIL | MORE

WASHINGTON – The Republicans’ compromise plan to fix the problems at the U.S.-Mexico border passed last week after legislators said they supported the Republican bill.

The vote sealed the fate of the Republicans’ border plan as the legislation will be approved when it’s sent to the Senate.

Republican leaders thanked its members for not “putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Republican aides echoed those sentiments. “Republicans wanted to get home and talk about the border. It’s a winning issue for them, and this vote showed it,” one staffer said.

Figure 5.6: Unknown Treatments

Democrats push border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – The Democrats’ plan to fix the problems at the U.S.-Mexico border failed last week after legislators wouldn’t say if they supported the Democratic bill.

The vote didn’t seal the fate of the Democrats’ border plan as it is unclear if the legislation could pass if it’s sent to the House.

Democratic leaders said members “were putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Democratic aides echoed those sentiments. “Congressmen wanted to get home and talk about anything besides the border. It’s not a winning issue for them, and this vote showed it,” one staffer said.

Republicans push border funding bill

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – The Republicans’ plan to fix the problems at the U.S.-Mexico border failed last week after legislators wouldn’t say if they supported the Republican bill.

The vote didn’t seal the fate of the Republicans’ border plan as it is unclear if the legislation could pass if it’s sent to the Senate.

Republican leaders said members “were putting election year politics ahead of trying to find an immediate solution to this very real and serious problem.” Republican aides echoed those sentiments. “Congressmen wanted to get home and talk about anything besides the border. It’s not a winning issue for them, and this vote showed it,” one staffer said.

Figure 5.7: Control Treatment

Officials discuss domestic drone guidelines

WASHINGTON, USA TODAY



(Photo: AP)

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WASHINGTON – Federal Aviation Administration officials announced last week new plans to regulate when and how Americans can fly small drones in domestic airspace with the goal of improving coordination in this growing industry.

This is the first major governmental action on the issue, and many in the aviation industry were pleased the issue was finally being discussed.

After the announcement, the Association for Unmanned Vehicles Systems International released a short statement praising the move. “Private citizens using drones is clearly where this industry is headed. We are pleased the government has begun to consider this issue and look forward to the further opening of our skies.”

CHAPTER VI

Conclusion

During the past fifteen years, many of the most intense partisan fights in the United States Congress have featured dead-on-arrival bills. The prevalence of intended failures on the legislative agenda has led many to argue that intended failures are a symptom of a dysfunctional, irrational Congress. What this argument belies is that DOA bills are nothing new, they are strategically utilized by lawmakers and interest groups, and that by studying these proposals, we gain new insight into how majority parties prioritize their legislative agendas.

This dissertation reframes intended failures in two ways. First, more narrowly, I show these bills are not just symbolic grandstanding. Instead, they are used by the majority party to electioneer and by interest groups to improve their future policy prospects. The idea lawmakers use dead-on-arrival bills for political reasons is not novel (e.g., Gilmour 1995). However, if this legislation is so electorally helpful, why are these proposals not ubiquitous on Congress's agenda? This project reveals when majority parties rely on intended failures. Legislators gain the most political support for DOA bills when it is uncertain if the majority can win unified government.

Additionally, I clarify who responds to dead-on-arrival bills and why an audience would benefit from this legislation. My results provide evidence that interest groups, not voters, provide political support to majority party lawmakers for advancing DOA proposals.

More importantly, my theory shows why groups reward this behavior. By supporting an intended failure, groups incentivize the majority party to coalesce around that alternative, making it more likely that bill is enacted in the future. This argument contrasts with the conventional wisdom that DOA proposals help an audience learn something new about legislative preferences or legislators' commitment to an issue. This conventional argument frames an intended failure as a position-taking instrument. In contrast, I emphasize how a dead-on-arrival bill is used as a policymaking instrument.

Second, more broadly, examining intended failures highlights important features about agenda setting and issue prioritization in Congress. Dead-on-arrival bills are puzzling because they do not provide lawmakers any policy utility. Understanding why these proposals gain floor consideration means examining why DOA bills gain preference over enactable legislation. To that end, I develop a new theory of why any legislation, dead-on-arrival or otherwise, receives agenda space. To explain intended failures, I consider lawmakers' full range of incentives when they determine their agendas. I emphasize how politics affects legislative attention and the transaction costs associated with lawmaking. In contrast, theories of lawmaking and agenda setting almost exclusively examine a bill's policy utility and the likelihood it will be enacted (Brady and Volden 2006; Krehbiel 1998; Baron and Ferejohn 1989), the two features absent from DOA legislation.

To develop a theory of agenda-setting that includes dead-on-arrival bills, I examine how legislation competes for floor consideration. In Chapter 2, I specify an auction model that considers the role interest groups play in generating DOA bills on the agenda. Groups strategically reward this legislation when doing so makes it more likely the group can get its preferred legislation enacted in the future. As a consequence, intended failures arise on the agenda when the majority needs help winning unified government. The model produces hypotheses about dead-on-arrival bills' fates once they become enactable. By being valuable to groups, and because lawmakers pay the decision-making cost associated with the proposal, DOA bills are more likely to become law, relative to other legislation,

once the majority wins unified government.

In Chapter 3, I test the model's main hypotheses. Using data on all non-trivial bills introduced in the House or Senate from 2003 through 2012, I find DOA bills are added to the floor when control for government is competitive and lawmakers have divergent policy preferences. The strategic timing in which the majority elevates these bills indicates they are most useful to legislators when their collective electoral prospects are uncertain. Additionally, my results indicate that interest groups are able to successfully improve the long term prospects of its DOA proposal. In unified government, former intended failures are three times more likely to be enacted than new bills and two times more likely to be enacted than other previously failed bills.

The balance of my dissertation examines the assumptions that underly my and competing theories of DOA bills. In Chapter 4, I assess if interest groups reward legislators for intended failures. I find that allied interest groups consistently use these proposals as the basis for their campaign television advertisements and legislative scorecards. The political support DOA proposals generate outstrip the blame opposing groups create in response to this legislation. Moreover, the order in which dead-on-arrival legislation gets sent to the floor is consistent with the basic assumptions of an auction.

Chapter 5 considers the conventional wisdom arguments associated with intended failures. Using a novel survey experiment, I examine if this legislation creates blame for the obstructing party, credit for the proposing party, or rallies partisan voters. I find dead-on-arrival bills, at best, provide an inconsistent political return from voters. This study shows that these bills do not provide the majority party an automatic political reward from voters and must be contextualized in the broader political environment.

6.1 Contributions

My dissertation makes three main contributions. First, by explicitly examining how bills compete for legislative attention, I show when and why lawmakers prioritize certain legislation. In particular, I find the majority party strategically adds dead-on-arrival bills to the legislative agenda. Intended failures are not added to the floor on the majority party's whims. Interest groups incentivize this behavior by providing a reliable political return for DOA legislation. These results make explicit the important roles of electoral considerations and interest groups in shaping Congress's legislative agenda.

More concretely, this theoretical framework helps explain why majority parties repeatedly bring up intended failures on the same topic in the same legislative term. This phenomenon has gained widespread attention as Republicans have brought up numerous bills to repeal the Affordable Care Act.¹ As the auction makes clear, groups can offer political benefits to the majority party to ensure its alternative, and not another option, remains the party's working policy position. In the context of the ACA, Republicans repeatedly brought DOA bills to the floor for a vote because conservative groups consistently rewarded this behavior. From the groups' perspectives, this ensured Republicans would not compromise on changing the legislation, but maintain their position of repealing and replacing the law. Once placed within the model's general context, this type of seemingly puzzling legislative behavior can be viewed as purposive.

Second, I show how issue attention affects a proposal's chances of future enactment. The most important feature of dead-on-arrival bills is that they serve as the foundation for the majority's agenda in unified government. One reason this occurs is the transaction costs majority party lawmakers pay to advance DOA legislation. When the intended failure is enactable, the party's decision to pursue the bill is less costly relative to other leg-

¹DOA bills are often brought up more than once in the same congress. For instance, during the 110th Congress, Democrats forwarded legislation that required new Department of Defense reporting requirements and the removal of U.S. troops from Iraq.

islation. This finding must be highlighted. Most theories of agenda setting and lawmaking assume moving bills through the legislative process is costless (see Baumgartner and Jones 2005 for an important exception). However, paying the necessary decision-making costs is a crucial part of lawmaking for legislators and interest groups. Dead-on-arrival bills are a method by which organized interests reward lawmakers for paying these costs. The result is an important link between seemingly symbolic behavior and a majority party's future policy agenda.

Finally, this dissertation examines the important role interest groups play in developing a party's floor agenda. Without belaboring the point, allied organized interests can push legislators to adopt certain policy alternatives and prioritize some issues but not others. The literature on interest group influence generally focuses on early stage lobbying or roll call voting. This study fills an important gap by showing how groups pursue their preferred legislation throughout the lawmaking process. Additionally, if dead-on-arrival bills have political effects on voters, this process can be mediated through interest groups. The public likely learns about most intended failures when organized interests use them to electioneer.² In short, groups are crucial in getting dead-on-arrival bills on the agenda and ensuring voters use them to evaluate candidates.

6.2 Future Research

This project presents three main avenues for future research. First, this study does not offer a unified theory of issue prioritization or agenda setting. Rather, I use a single point in the legislative process and dead-on-arrival bills to examine how lawmakers choose among legislative alternatives. The auction model presented in Chapter 2 offers an opportunity to further apply these ideas to other aspects of U.S. policymaking. This game can be adapted to examine issue prioritization and competition at earlier and later lawmaking

²A good example of how this works is seen in how groups feature DOA bills in their television campaign commercials.

stages. For instance, committee chairs and a majority party face similar incentives, but the committee chair faces a more restricted set of relevant interest groups. At the final voting stage, lawmakers can auction off their votes and groups must decide to whom to make offers and in what amount. The model's flexibility, and its emphasis on competition among alternatives offers new ways to study agenda setting and issue prioritization.

Second, more attention should be paid to how lawmakers respond as competition for power changes. Individual legislators and parties have incentives to remain in the majority and achieve unified government. Lee (2009) argues uncertainty over power determines how much partisan bickering happens in Congress. While offering dead-on-arrival proposals is one strategy that increases as control for government becomes uncertain, other legislative behavior likely changes as well. Pursuing this question can shed new light on when and why partisan contentiousness changes in Congress.

Finally, an outstanding question in this project concerns voters. We should consider the unintended consequences dead-on-arrival bills may have on the public. While voters may not ascribe specific credit or blame for DOA proposals, these bills may reinforce a general distaste for Congress and government. Assessing this link can help connect how parties' responses to competitive elections affects citizens, even if doing so is not the majority's intention. As a final note, dead-on-arrival bills offer a clear way to examine how partisan bickering affects the public's evaluation of Congress, the parties, and government. The intentionality behind the legislation, and how it clearly pits parties against one another makes it an ideal type of partisan disagreement for this sort of research.

6.3 Implications

From a normative standpoint, this study produces both positive and negative implications. On the positive side, dead-on-arrival bills are a useful feature of a competitive representative democracy. These bills create policy distinctions between political parties.

Intended failures, to the extent they are perceived by voters, help distinguish each party's policy program. These bills make stark the choice voters have when casting their ballots. Moreover, when DOA legislation arises, it is because control for government is competitive. In other words, these bills are the result of a healthy democracy in which parties compete for control of government.

From a lawmaking perspective, this dissertation presents a bleaker view. The political allure of dead-on-arrival bills can inhibit important policy change. On a given topic, powerful interest groups can incentivize lawmakers to avoid compromise and wait to legislate once in unified government. In recent years, solving numerous important policy issues have been ignored in favor of intended failures. In particular, immigration reform, improving the Affordable Care Act, and revising energy policy have all been preempted by each party pursuing DOA bills on these same topics. It is possible these partisan bills have deleterious effects on legislative politics beyond producing failed legislation. Forcing lawmakers to constantly take extreme positions and engage in partisan warfare may decrease incentives for bold attempts at compromise.

For political scientists, this study offers caution about dismissing legislative behavior that does not immediately lead to policy change as merely symbolic. As Hall (1996) argues, "the temptation is to distinguish between two different sorts of activities - those which are substantive and serious and those that are legislatively superfluous or symbolic," which is a "temptation that ought to be strongly resisted" (25). This project serves as evidence for why this dichotomy between serious and symbolic legislative behavior is a false one. What appears to be symbolic in one congress may quickly become law in the next one. Dismissing dead-on-arrival ideas as trivial or mere position-taking belies how lawmakers and groups continuously work to ensure their policy proposals remain viable legislative alternatives.

From a more practical standpoint, this project suggests many congressional and electoral reforms aimed at improving policymaking will not reduce the number of DOA bills

on the agenda. For example, much ink is spilled over the role interest groups play in creating legislative dysfunction. The common claim is that by further limiting campaign donations to lawmakers, Congress will become more productive (e.g., Lessig 2011). My research indicates that such a policy may not be successful. As long as organized interests can electioneer, through television ads or disseminating other election materials, they will be important players in shaping the legislative agenda.

Finally, this study helps clarify claims about how to decrease legislative obstruction. Most work in this area focuses on changing voting procedures through filibuster reform (Shaheen 2013; Bondurant 2011). However, these ideas do not take into account that a lot of obstruction is induced by the majority party. To the extent a majority party has incentives to push extreme legislation that will not pass, changing voting thresholds merely shifts where the ‘obstruction’ will occur. For instance, the House of Representatives simply sends DOA bills to the Senate as a way to forward intended failures. Even if the filibuster were to disappear, Senate majorities will still advance dead-on-arrival proposals for electoral reasons.

Dead-on-arrival bills are a legislative feature that is unlikely to disappear. While their prominence on the legislative agenda may change over time, these proposals are not a symptom of dysfunctional government that must be excised. Instead, they are a feature of a competitive democracy in which groups compete to gain legislative attention. Moreover, intended failures provide unique insight into how agenda setting and issue prioritization in the United States Congress works. By viewing these bills as an important mechanism for policy change, not symbolic political theater, political scientists can better understand when and why lawmakers use the floor agenda to electioneer, how bills compete for attention, and the important role interest groups play in structuring issue priorities in Congress.

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