

Committee Influence Over Controversial Policy: The Reproductive Policy Case

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Debates about legislative committee power have been fueled with empirical examples depending too much on distributive policies. I argue that answers to questions about the nature of committee influence can be enhanced by focusing on nondistributive policies that evoke broad national attention. For years scholars have not systematically tested committee influence over nondistributive policy because they have asserted that these policies are designed by the parent chamber or party. By using a methodology that traces the origin of legislation and identifies key policy activists, I demonstrate that committee influence over nondistributive controversial policy is more pronounced than others have maintained.

By all accounts, the first session of the 104th Congress (1995–96) looked as if it would hasten the long and slow demise of the congressional committees' power over public policy design. Reports of the maverick freshman class demanding floor votes on contentious issues (Koszczuk, 1996) and of the Republican leadership submerging committee goals to party priorities (Koszczuk, 1995; Sinclair, 1995) were commonplace in the House of Representatives during 1995. By the end of the year, it appeared that House committees retained little of their past dominance over the important policy issues of our day. Evidence presented in this paper will temper these observations. Here, I argue that committee members were able to influence the design of nondistributive controversial policy that evoked the concerns of a broad national public through the 104th Congress. This research will add to a growing body of scholarship that seeks to identify more fully the nature of committee influence over public policy.

Over the past decade legislative scholars have used empirical and theoretical research to document the erosion of committee power in relation to the parent chamber (Krehbiel, 1987, 1991; Smith, 1989) or in relation to the party (Cox & McCubbins, 1993; Kiewiet & McCubbins, 1991). These studies of committee performance in the 1970s and 1980s were used to develop two new models of the committee system—a chamber-dominated model and a party-dominated model. Both models have been presented in the literature as competing replacements for the traditional model of the strong autonomous committee (Wilson, 1885). Some of the more recent legislative scholarship, however, criticizes these models for being static or too narrow and suggests that a conditional model will provide a more accurate description of the committee system's influence over public policy. In the new conditional models, the nature of committee power depends upon the salience of the policy issue under consideration: Committees retain influence over low-salience distributive policy and relinquish influence to other institutional actors over high-salience policies of all types (Hall & Grofman, 1990; Maltzman, 1995, 1997; Maltzman & Smith, 1994; Rohde, 1994).

The conditional model of committee power is very attractive. We are not forced to make a choice about whether the party or the parent chamber controls policymaking for legislation handled in Congress. A conditional explanation indicates that committees still matter (Fenno, 1973), while at the same time it suggests that there are limits to committee influence in specific instances (Maltzman, 1995, 1997). We expect to see the committee pushed aside when issues are highly contentious, while we expect the participation of party leadership or motivated rank-and-file members to intensify for important legislation. This pattern is exactly what we thought we saw in the 104th Congress: a weak committee and a centralized party on all major pieces of legislation.

The recent conditional models actually are articulating earlier claims made about issue salience and committee power. For years political scientists have asserted that the policy type can condition the power of the committee (Fenno, 1966; Lowi, 1964). Most have agreed that when issues are publicly salient, when members are polarized ideologically, and when individual committee members display intense feelings about an issue, the committees generally are constrained by the parent chamber and/or the party (Dyson & Soule, 1970; Hinckley, 1975; Kingdon, 1989; Price, 1978; Smith & Deering, 1990). I argue, however, that the ability of committees to influence the scope of controversial policies may have been underestimated by most legislative scholars.

Noticeably missing from the literature is an analysis of the committee influence on the floor when there are controversial, ideological, or moral conflicts at stake. Debates about whether legislative committee power has eroded in relation to the power of the parent chamber have been fueled almost exclusively with empirical examples based on pork-barrel, or distributive, policies (e.g., Arnold, 1979; Hall, 1996; Hall & Grofman, 1990; Krehbiel, 1991; Niskanen, 1971). For years scholars of congressional committees have foregone systematic empirical analysis of committee power over nondistributive controversial policy because of an implicit assumption that these kinds of policies are framed by those who participate in the parent chamber and not by those who participate in committees of jurisdiction.

A systematic longitudinal examination of congressional handling of nondistributive controversial national policies will allow us to critique these assumptions. Using a carefully selected sample of controversial reproductive policies considered in the House of Representatives between 1969 and 1996—including abortion, family planning, contraception, pregnancy, sterilization, and surrogacy legislation—I demonstrate that committee influence over policy choice can extend to an influence over nondistributive controversial legislation. Results of this research corroborate and enhance studies like Hall's (1996), which indicate that only a few intensely interested committee members participate in policy design.

The Reproductive Policy Example

Reproductive policy legislation provides a good example of an ideologically charged nondistributive policy that has been handled in Congress with increasing frequency over the past three decades. Like gun control, school prayer, and gay rights legislation, reproductive policy legislation represents a nondistributive policy that evokes the passion of individual representatives.¹ Since the environmental movement declared population growth a national threat in

the late 1960s and since the Supreme Court declared that a right to privacy extended to a woman's right to have an abortion in *Roe v. Wade* (410 U.S. 113, 1973), members of Congress have been forced to grapple with this whole set of complex and contentious issues whether they liked it or not.

Political practitioners and academics alike identify this policy type as contentious enough to affect the sound functioning of our democratic institutions. The reproductive rights debates fought on the floor of the House of Representatives have been characterized as the most volatile and emotionally charged that members have faced in the modern Congress. One senator described these policies "as the most divisive basic issue I have run across in my experience. It far outweighs, in terms of its supporters and its opponents, gun registration, fluoridation, or any other issue of temporary or permanent significance."² The antagonistic floor debates and highly publicized floor amendments over reproductive policies actually have helped to develop arguments that policymaking is no longer controlled by the once-powerful congressional standing committees. Several legislative scholars have argued that it is the abortion and family planning issues that encouraged participation by congressional members on the House floor, where visibility is paramount, instead of in committee, where participation is more difficult to trace (e.g., Bach & Smith, 1988; Davidson, 1983; Steiner, 1981).

The reproductive policy sample selected to analyze committee influence over a controversial nondistributive policy includes 138 bills identified as those containing significant pieces of reproductive policy legislation that originated in the House of Representatives between 1969 and 1996. Bills used in the sample were identified as those containing some form of reproductive policy by *Congressional Quarterly Almanac* (1969–96) and four national interest groups dedicated to reproductive policy issues.³ Use of all five sources assures us that the sample represents a comprehensive, if not a complete, list of reproductive policy legislation given serious consideration by a committee or on the floor for almost three decades. Since this research evaluates committee handling of these policies at various stages of the formal legislative process, the sample includes only legislation that moved beyond assignment to committee, to at least committee hearings or a full committee mark-up meeting. Approximately 66% of the reproductive policies in the sample were considered to be riders or amendments to other legislation, and 34% were considered to be conventional legislation or full bills, like family planning authorization bills and late-term abortion bills.

Recent empirical research helps to verify the level of controversy surrounding reproductive policy legislation and to assure us that the sample selected for this study indeed is an example of a controversial nondistributive policy (Norton, 1997). This research indicates that 88% of the bills in this sample can be rated as being highly controversial by traditional indicators of legislative controversy. Congressional scholars have considered bills to be highly salient if they meet some of the following criteria: (a) the legislation included a *Congressional Quarterly* "Key Vote" (Shepsle & Weingast, 1987; Smith, 1989); (b) the legislation was decided with a close vote of less than a 60% to 40% margin (Smith, 1989; Weingast, 1992); (c) the legislation was included in the scorecards of national interest groups (Kingdon, 1989; Mayhew, 1991); (d) the legislation was part of an omnibus or continuing resolution (Smith, 1989); or (e) the legislation itself was covered frequently by the national press (Kingdon, 1989; Mayhew, 1991). According to these criteria, reproductive policy is considered to be highly controversial in the halls of Congress.

Studying Reproductive Policymaking in Congress

Given the level of public controversy surrounding reproductive policymaking, how can we show that committees retain influence over this kind of policy and that activity on the House floor does not necessarily indicate a decline in committee influence? A cursory analysis of reproductive policy floor amending over the years might indicate that committees do not have power over this kind of policy. A more thorough analysis of the precise origins of reproductive policy legislation and identification of a small group of policy activists, however, will show that very little of this policy actually originates or is permanently altered on the House floor. Instead, most reproductive policy originates inside committee or subcommittee and if altered on the floor at all it is by subcommittee members with specific reproductive policy jurisdiction.

Analysis of Floor Trends

In his analysis of the “revolution” in the House, Smith (1989, p. 16) argues that the “explosion of floor amendments is the core feature of changing House politics since the 1950s.” A superficial analysis of reproductive policy floor amending over the years similarly suggests that these policies fit a pattern of increased floor activity and provide a perfect example of the breakdown of the traditional committee structure in the House. By collecting and analyzing data from the sample on reproductive policy floor amending between 1969 and 1996, a trend toward more public floor activity on this legislation is apparent.⁴

Analysis of floor amendment data provides three indicators that committee members do not control the design of reproductive policies under their jurisdiction: (a) the numbers of reproductive floor amendments have increased between 1969 and 1996; (b) bill managers responsible for reproductive policy legislation are more likely to lose than win when defending their position on the floor; and (c) there are more noncommittee members than committee members offering reproductive policy amendments.

Specifically, the data show that there is a flurry of reproductive policy amending on the House floor every time the abortion issue captures national attention, which might indicate that this legislation is drafted on the floor. After the announcement of Supreme Court decisions in *Roe v. Wade* (410 U.S. 113, 1973) and *Webster v. Reproductive Health Services* (492 U.S. 490, 1989), reproductive policy floor amending activity increased substantially from previous years. For example, between 1985 and 1988 there were only 19 contentious reproductive policy amendments offered on the House floor, but between 1988 and 1992 there were 27 of these floor amendments, indicating that reproductive policy may be sensitive to national events. Because floor activity increases when these policies become publicly salient, committees with jurisdiction may have little control over their own agendas.

Further, bill managers from the committee or subcommittee with reproductive policy jurisdiction have not always been successful in fending off unwanted reproductive policy amendments offered on the House floor. In fact, 44% of the reproductive policy amendments in the sample that were opposed by the bill manager succeeded, suggesting that committee leaders have less control over these kinds of issues. Research on distributive legislation by Bach (1986) shows that bill managers typically succeed on 84% of the bills and amendments

they supported on the floor. If bill managers dealing with reproductive policies generally are not as successful in protecting their bills, we might conclude that reproductive policy is crafted on the floor more often than inside the committee rooms.

Finally, a majority of reproductive policy floor amendments typically have been made by representatives who do not hold seats on the committees with jurisdiction over that policy. In three decades, noncommittee members have offered 55% of all reproductive policy actions in the sample. Moreover, there is evidence that noncommittee member floor amendments have been more successful than have committee and subcommittee member amendments, indicating that committee members with jurisdiction are not always shown respect on the floor when reproductive policy questions are under consideration.

These analyses of floor amendment activity, bill manager success rates, and amendment authorship all point to a lack of committee influence over crafting reproductive policy. Here we have found a publicly salient policy in which individual members of Congress have displayed intense personal feelings. These feelings have been exhibited in increased floor activity, decreased instances of bill manager success, and increased amending activity by noncommittee members or outsiders. Most research on floor and committee behavior would conclude at this point, with a statement that this kind of policy has contributed to the breakdown of the committee system.

A Comprehensive Look at Committee Activity

Floor amendment data provide only a snapshot of reproductive policymaking. Although the cursory observations made above are not inaccurate, they are incomplete. A more thorough investigation provides a more complete picture by first locating the origins of key policy provisions and then noting the specific identities of the network of members of Congress involved in activity on the floor. By identifying policy origins and the names of the floor activists, we will see that reproductive policy generally is written by one type of interested member who is affiliated with a subcommittee that has specific jurisdiction over this policy.

Analysis of Policy Origins

In his description of the revolution in floor amending activity, Smith (1989, p. 168) also warned about hasty conclusions that committee power was declining because he had not conducted a “detailed analysis of legislative outcomes and the origins of key provisions.” A full assessment of the policy origins of reproductive policy suggests that Smith was perceptive in issuing this warning. We need to ask where final versions of national reproductive policy originate before making any conclusions. Is the final design hammered out by committee members or is it put together on the floor by noncommittee members as the previous evidence suggests? We can consider that the floor holds influence in the following instances: if the floor majority fails to pass committee legislation; if the floor majority is successful in amending legislation written by committee members; or if the floor majority can succeed in denying or altering the conference committee’s recommendations. Is this the case for reproductive policy? Are policies designed in committee doomed to be rewritten or fail on the floor?

The data collected from the sample for this part of the investigation use the whole policy as the unit of analysis. The data analyzed in the previous section

used only the floor amendment to evaluate activity on the floor, while the next part of the analysis uses the whole policy to evaluate activity at all points in the legislative process. Now the bills with floor amendments, as well as the bills that did not face amendment or the bills that never even left committee can be included in the analysis. Important legislation that committees either obstructed from consideration on the floor or that was ushered through the floor debate without amendment should be counted. This kind of legislation is overlooked when research uses the amendment rather than the policy as the unit of analysis.

Several steps were taken to identify and collect data on the origin of the final version of each piece of reproductive policy legislation in the sample. First, summaries of the progression of the legislation through the House are provided by the *Congressional Quarterly Almanac* (1969–96). These summaries gave the initial indication of where each provision originated. Second, the progression of legislation reported by *Congressional Quarterly Almanac* and *Congressional Quarterly Weekly Report* was verified with the following set of primary sources: minutes from full committee mark-up meetings; the Committee on Rules' Legislative Calendars; floor debates from the *Congressional Record*; conference reports; debates over conference reports from the *Congressional Record*; and informal interviews with committee staff.

When decisions on policy content are recorded at each point of the policymaking process, it is possible to pinpoint where an idea or provision started and garnered support. As the origin and outcome of a reproductive policy was identified, I assigned a code indicating which panel was responsible for a particular policy approach. The outcomes of both successful and unsuccessful policies were coded as originating in one of the three following locations: (a) the subcommittee/committee, (b) the floor, or (c) the conference committee. Policies ultimately amended or killed on the House floor were coded as indicators of floor influence, policies originating in committee were coded as indicators of committee influence, and policies that originated in committee but ultimately were derailed outside the House by the Senate or vetoed by the president also were coded as indicators of committee influence because they remained intact until they left House control. The coding scheme assures that policies originating or failing on the House floor are coded as clear indicators of the floor majority's power.⁵ (See endnote 4 for details on coding policy origins.)

Despite the evidence of increased activity on the floor, this analysis shows that only a small percentage of reproductive policies designed in subcommittee either fail or are rewritten on the floor and remain unchanged by the conference committee. Table 1 indicates that only 15.2% (21 out of 138) of all House reproductive policy legislation originated from the floor, while a total of 84.7% (117 out of 138) originated from subcommittee and committee activity. Furthermore, Table 1 shows that, of the 15.2% influenced by the floor in more than two decades, only 10.9% (15 out of 138) actually became law. Included in the 84.7% influenced by committees are policies that originated in the following House locations: 31.9% of the legislation was crafted by subcommittees and committees and successfully passed in the form originally designed; 13.0% of the legislation was passed into law as committee-preferred compromises designed by a conference committee comprised almost entirely of subcommittee members; 15.2% of the legislation was retained by the committees and never reached the House floor; another 17.4% of the legislation, although originally designed by subcommittees and committees, was vetoed by the President; and 7.2% of the

Table 1
Origin of Reproductive Policy Legislation, 1969–96

Origin	Total % (n)	104th Congress % (n)
House Floor Design:	15.2% (21)	0.0% (0)
Successful policy (passed)		
designed or killed on floor	10.9%	0.0% (0)
Unsuccessful policy (not passed)		
designed on floor, died after passage	4.3% (6)	0.0% (0)
Subcommittee/Committee Design:	84.7% (117)	0.0% (0)
Successful policy (passed)		
Subcommittee/committee design	31.9% (44)	0.0% (0)
Conference committee design	13.0% (18)	33.3% (4)
Unsuccessful policy (not passed)		
Stalled in committee	15.2% (21)	0.0% (0)
Died after floor passage	7.2% (10)	41.7% (5)
Vetoed by president	17.4% (24)	25.0% (3)

Sources: *Congressional Record*, 1969–96; *Congressional Quarterly Almanac*, 1969–94; *Congressional Quarterly Weekly Report*, 1995, 1996; Committee meeting minutes from Appropriations, Commerce, Judiciary, and Economic and Educational Opportunities Committees, 1975–96; Conference Committee reports, 1973–96.

Note: Number of bills in parentheses (n = 138).

legislation also originally designed by the subcommittees and committees was killed in the Senate.

The origin of the reproductive policies considered in the 104th Congress is emphasized in Table 1. None of the reproductive policies considered in 1995 or 1996 was altered significantly from the version designed by the subcommittee of jurisdiction. Given the reports of rampant floor amending over the abortion and family planning legislation during the first session, it is surprising to find that the committee-designed policies remained intact while under House control. In reality, a majority of the reproductive policy bills passed by the House in the 104th Congress were passed with subcommittee-designed provisions only to be stalled in the Senate or vetoed by the president. Table 1 indicates that 41.7% of the reproductive policies designed in subcommittee during the 104th Congress were stalled in the Senate, 25% were vetoed by President Clinton, and 33% were redesigned by the conference committee before final passage of the legislation. Although little of the reproductive policy legislation was passed in the form desired by the House, this should not detract from the fact that committee members ultimately designed bills that were passed on the floor.

Despite the example of the 104th Congress, committees have been responsible for a substantial majority of the successful reproductive policies enacted into law over the past three decades. Table 1 also shows that a total of 77 of the reproductive policies in the sample were passed successfully: only 15 pieces of legislation were designed on the House floor, while 62 were designed by the committee. In other words, the reproductive policies passed into law were crafted on the House floor 19% (15 out of 77) of the time, while 81% (62 out of 77) of the reproductive policies passed into law were crafted by the committee. These results suggest that committees and subcommittees have had substantial influence in turning reproductive policy ideas into reproductive policy law.

Specific examples of committee involvement in the original design and support of reproductive policies abound. The Hyde Amendment, prohibiting the use of federal Medicaid funds for abortion except when the mother's life was endangered, is perhaps the most controversial and important piece of federal legislative reproductive policy. Many might argue that the Hyde Amendment provides a perfect example of the power of the parent chamber. Representative Henry Hyde offered an amendment to the Labor, Health, Education and Welfare (LHEW) Appropriations spending bill for fiscal year 1977. Hyde was not a member of the Appropriations Committee, and his amendment, which was offered on the floor, passed and has been attached to all LHEW bills (Labor Health, Human Services, and Education [LHHSE] after 1980) in one version or another since 1976.

The story that is told rarely, however, is that the LHHSE subcommittee chairs and their Appropriations Committee chairs always have supported and actually fought for the language initially written by Representative Hyde. After the first amendment in 1976, the Hyde Amendment language has been initiated, supported, and encouraged in the Appropriations subcommittee.⁶ Review of full committee mark-up minutes and debate in the *Congressional Record* indicates that the two subcommittee leaders in charge of this legislation for over 20 years, Daniel Flood (D-PA) and William Natcher (D-KY), supported the restrictive abortion language because of personal conviction. Furthermore, few realize that the actual language used for the Hyde Amendment was drafted by an LHHSE subcommittee member (Packwood, 1992, p. 637). Congressman Silvio Conte (R-MA) offered the language we are all familiar with during the conference committee meeting. The House ultimately accepted Conte's language, not Hyde's.

The Hyde Amendment is not the only example of subcommittee and committee success in ultimately achieving important policy goals. First, Julian Dixon, chair of the Appropriations subcommittee on the District of Columbia, has been described as a bill manager who was "rolled" on the floor year after year when trying to retain District funds for local Medicaid abortions. In fact, when measuring bill manager success rates on the floor, Dixon is counted as one of the frequently unsuccessful bill managers. The amendment data, however, do not show that Dixon always has been able to win back his version of the abortion language in the conference committee meetings after the floor proceedings are long over. He lost his policy position for only 1 year, in 1988, after a protracted battle with the Senate conferees.⁷ In 1989, his subcommittee language prevailed through both the committee mark-up meeting and through a floor battle—only to be vetoed by President Bush.⁸ Second, major pieces of reproductive policy legislation have passed through the House floor and the conference committee without significant alteration of the committee's original design. Notable national

legislation like the 1978 Pregnancy Sex Discrimination Amendments to Title VII of the Civil Rights Act of 1964, the Family and Medical Leave Act of 1991, and the Late-Term Abortion Procedure Ban of 1995 all passed the House floor without being altered.

By providing an analysis of legislative outcomes and the origins of key provisions, the evidence indicates that a majority of these controversial policies are drafted at steps in the process where committees retain some influence. Searching for policy origins by tracing all reproductive policies from start to finish shows us that floor amending does not necessarily affect policy outcomes.

Committee Member Activity Revisited

Review of the origins of reproductive policy legislation above suggests that committee members do exert their influence over this type of legislation. How do we reconcile these observations with the conflicting floor amendment data indicating that noncommittee members increasingly are involved in reproductive policy floor activity? A careful reanalysis of the floor amendment data shows that only a small number of “interested” noncommittee members are responsible for a majority of all amendment activity.

First, reanalysis of the amendment data shows that floor actions by committee and subcommittee members with reproductive policy jurisdiction actually have been increasing over the past three decades. Although overall totals indicate that more noncommittee members have offered floor amendments, longitudinal analysis shows that floor amendments increasingly have been offered by committee and subcommittee members. Table 2 shows that only 8% of all floor actions were proposed by committee members between 1973 and 1976 (the 93rd and 94th Congresses), but that more than 55% of all floor actions were made by committee members between 1989 and 1992 (the 101st and 102nd Congresses). The number of committee-sponsored floor actions declined slightly, to 48% in the 104th Congress, but an even closer inspection of the data shows that there is an explanation for this finding.

Second, reanalysis of the floor amendment data also shows that a large percentage of the noncommittee activists come from other House subcommittees with specific jurisdiction over reproductive policies. As I collected data on the author of each floor action, I kept a record indicating whether a noncommittee author happened to serve on another subcommittee with relevant policy jurisdiction over similar kinds of reproductive policies. For example, Henry Hyde had been a member of the Judiciary Committee subcommittee on Civil and Constitutional Rights, where he worked diligently on reproductive policy issues for years. Yet, Hyde also worked closely with the Appropriations Committee chairs to attach the spending limitation restricting federal Medicaid funds for abortions. Hyde got credit as a noncommittee member for offering the amendments, but we overlook the fact that it was the Appropriation Committee chairs who allowed Hyde to offer the amendments in the first place because of his recorded interest in this policy area. In 1993, Hyde, faced with passionate oratory from a group of women members of Congress, was able to offer his amendment only because of the direct support of the Appropriations Committee Chair, William Natcher. Working together, Natcher and Hyde were able to outmaneuver abortion rights supporters using the committee prerogatives available only to Natcher.⁹

Table 2
Authors of Reproductive Policy Floor Action, 1973–96

Congresses	Committee ^a	Jurisdiction ^b	Rank-and-File ^c
93rd and 94th (1973–76)	8.3% (1)	58.3% (7)	33.3% (4)
95th and 96th (1977–80)	45.0% (18)	20.0% (8)	35.0% (14)
97th and 98th (1981–84)	35.7% (5)	14.3% (2)	50.0% (7)
99th and 100th (1985–88)	57.9% (11)	15.8% (3)	26.3% (5)
101st and 102nd (1989–92)	55.6% (15)	37.0% (10)	7.4% (2)
104th (1995–96)	47.4% (9)	36.8% (7)	15.8% (3)

Source: *Congressional Record*, 1969–96.

Notes: Number of actions in parentheses (n = 131). No amendments were made on policies passed between 1969 and 1973.

^a Includes actions taken by standing committee members.

^b Includes actions taken by members of subcommittees with specific reproductive policy jurisdiction.

^c Includes actions by noncommittee members and members without reproductive policy jurisdiction on another committee.

This evidence suggests that a substantial number of the noncommittee activists, like Hyde, serve on other subcommittees with important or relevant jurisdiction over reproductive policy. This reanalysis of committee membership shows that for the three-decade period of floor activity, approximately 45% of the floor action has been by committee and subcommittee members, 28% by members with “other subcommittee” jurisdiction over reproductive policy, and only 27% from the rank-and-file membership not associated with reproductive policy committee jurisdictions. Thus, 73% of all floor action comes from authors who work on reproductive policy issues for other committees. Table 2 emphasizes this trend toward a decline of activity by rank-and-file membership over the years and the increase in activity by committee members and members from subcommittees with parallel jurisdiction. By the 102nd Congress (1989–92) only 7% of the action on the floor was sponsored by rank-and-file members, and by the 104th Congress the participation of rank-and-file members remained minimal, at 16%.

Finally, the closer inspection of amendment data also shows that a substantial number of the floor amendments actually were sponsored by a very small group of activists who had an ideological interest in reproductive policy legislation. When the specific identities of the floor activists are noted, we discover that the network is limited to a few participants. Even the rank-and-file members, who do not sit on any committees or subcommittees with reproductive policy jurisdiction, comprise a narrow group specifically interested in reproductive issues.

A substantial proportion of all amendments were offered by seven individuals. Chris Smith (R-NJ), Robert Dornan (R-CA), Henry Hyde (R-IL), William Dannemeyer (R-CA), John Ashbrook (R-OH), Robert Bauman (R-MD), and Mark Siljander (R-MI) were solely responsible for 43% of all reproductive policy amending. Furthermore, 66% of all amending activity conducted by rank-and-file members was done by four individuals who did not have any reproductive

policy jurisdiction at the time they offered an amendment: Chris Smith, Robert Dornan, Robert Bauman, and Mark Siljander. By the 104th Congress, the rank-and-file noncommittee activists still could be identified by name—Smith and Dornan continued to be the primary activists in 1995 and 1996.

A notable change in identity of floor activists, however, did take place in the 104th Congress: 37% (7 out of 19) of all committee and noncommittee reproductive policy amendments were offered by women in the 104th Congress. Prior to 1995, women members of Congress had offered only three amendments during the entire period that reproductive policy was considered in Congress (Norton, 1995). More noteworthy, however, is that a majority of the amendments in the 104th Congress were offered by women who sat either on a committee or subcommittee with reproductive policy jurisdiction. Specifically, 71% (5 out of 7) of the amendments were offered by women who held some relevant form of reproductive policy committee jurisdiction. For example, Rosa DeLauro (D-CN), Patricia Schroeder (D-CO), Nita Lowey (D-NY), and Jan Meyers (R-KS) all used their institutional position to offer reproductive policy amendments.

These findings imply that committee members can anticipate and plan for who will participate in amendment activity on the floor. A majority of the amendments are offered from one of the following sources: (a) subcommittee members with jurisdiction, (b) subcommittee members with relevant jurisdiction on another committee, or (c) a small select group of noncommittee members who can be identified by name or gender. Although committees face more challenges today, this evidence suggests that they are able to help guide the design of legislation for even the most controversial policy.

Conclusions

The analysis of committee influence over reproductive policy made between 1969 and 1996 allows us to take a broader look at committees when controversial nondistributive policies are at stake. Contrary to recent observations of the 104th Congress, the evidence indicates that committee members not only influence the design of distributive legislation, but that they influence a controversial nondistributive national policy as well. Analysis of policy origins and legislative outcomes shows that few successful reproductive policies are drafted on the House floor (15 out of 138) and that a few highly motivated subcommittee members have the desire and the institutional position to influence the scope of national reproductive policy. My results are similar to those arrived at by Hall (1987, 1996) about the strong motivations of a small group of committee members to craft public policy, with one notable addition—I find that an “inner circle” of committee activists is involved in designing a nondistributive controversial or ideological policy, too.

Legislative scholars who contend that issues evoking broad public attention are more likely to be hammered out in open debate on the floor need to reassess their conclusions. Here we have an example of a nondistributive policy that has not been shaped on the House floor, contrary to the perception of both political practitioners and academics. There is no question that reproductive policy amendments were debated endlessly on the house floor, but an alternative analysis shows that much of this amending did not shape reproductive policy legislation. Also, legislative scholars who make conclusions by looking at one part of the policymaking process might want to reassess the methods they use. Here we have

an example of a method that uncovers evidence of committee influence, contrary to findings made with a method that analyzes only floor amendment data. The analysis of legislative origins and identification of actual policy activists provides a more complete picture of the entire policymaking process.

Still, results of this research are not meant to suggest that the autonomous committee model would provide a more accurate picture of committee performance. Nor do they suggest that a chamber-dominated model or party-dominated model would provide a better explanation. Instead, the results of this research suggest that we continue to search for a conditional model that accurately depicts the nature of the committee system.

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Notes

Data for replication of this study are available through the Inter-university Consortium for Political and Social Research, "Class V Collection," Ann Arbor, Michigan. The data are available as of July 1, 1999.

¹ Tatalovich & Daynes (1988) labeled a set of nondistributive policies such as these, "social regulatory" policies.

² Senator Packwood (D-OR), *Congressional Record*, 95th Cong., 1st sess., June 29, 1977, p. S11030.

³ The interest groups include the National Abortion Action Rights League, National Right to Life Committee, National Women's Political Caucus, and Planned Parenthood Federation of America.

⁴ Analysis of floor amendment data entails collecting data on all floor amendments made on the 138 reproductive policies in the sample. There were 131 floor amendments made on the 138 reproductive policies between 1973 and 1996. There were no floor amendments made on the policies introduced between 1969 and 1972.

⁵ Floor origins or floor defeats were coded 0 and 1, respectively; subcommittee/committee origin was coded 2; conference committee origin was coded 3; presidential veto of bill crafted in committee was coded 4; policy that died after leaving the House floor, but with evidence of floor origin, was coded 5; policy that died after leaving the House floor, but with evidence of committee origin, was coded 6; policy that never left committee was coded 7. Policies that were crafted in the subcommittee, were rewritten on the floor, and returned to original form in the conference committee, were coded 2, while policies that were crafted in the conference committee were coded 3. For example, the Pregnancy Disability Act of 1978 (H.R. 6075) was hammered out within the subcommittee with jurisdiction. No committee or floor amendments were offered to change the bill's original design. This legislation was coded as a 2. The Family Planning Authorization bill of 1985 (H.R. 2369) was amended substantially on the House floor. This legislation was coded as a 1. The Family and Medical Leave Act considered in 1990 (H.R. 770) was designed within committee, left alone on the floor, but vetoed by President Bush. This legislation was coded as a 4. Finally, the foreign aid authorization bill of 1995 (H.R. 1561) included limitations on international family planning. These limitations were debated in committee and on the House floor, but the final design was made by the conference committee. This legislation was coded as a 3. Specific examples of the analysis of policy origin are discussed more fully in the text.

⁶ For review of the initial debates over Hyde Amendments and a review of Appropriations Committee support, see *Congressional Quarterly Almanac*, 94th Cong., 2nd sess., 1976, Veto of Labor-HEW Funds Bill Overridden.

⁷ See D.C. Appropriations Act, 1989, PL 100-462, 102 STAT. 2269; and *Congressional Quarterly Almanac*, 100th Cong., 2nd sess., 1988, District Policies Hit Hard in Spending Bill, pp. 713-715.

⁸ See D.C. Appropriations Act, 1990, PL-101-168, 103 STAT. 1267; and *Congressional Quarterly Almanac*, 101st Cong., 1st sess., 1989, D.C. Bill Vetoed Twice Over Abortion Funding, pp. 757-760.

⁹ See *Los Angeles Times*, (1993, July 1). Abortion Funds Ban Retained in House Test, p. A1; *Los Angeles Times*, (1993, July, 6). Rep. Hyde Still Likes Controversy, p. A5.

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