Cross-Pressure in the U.S. House of Representatives: A Comprehensive Examination of the Modern Motion to Recommit

Patrick Ramjug*

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Abstract

The modern motion to recommit guaranteed the minority party in the U.S. House of Representatives the right to offer a germane amendment to much of the major legislation before the chamber. In this paper I develop and test a comprehensive theory of the minority party's use of the modern motion to recommit. I contend that the minority party could best advance their reelection and majority status ambitions by using the motion to recommit as a tool of electoral-procedural warfare. Specifically, I argue that the minority party strategically deployed and placed in policy space modern motions to recommit in order to apply cross-pressure to majority party Members without cross-pressuring their own Members. My results indicate that both Republicans and Democrats, when in the minority, attempted to use the motion to recommit as a cross-pressure tool.

^{*}Duke University, Department of Political Science

1 The Modern Motion to Recommit

The motion to recommit (MTR) is a procedural product of the British Parliament, and was adopted in the first U.S. House of Representatives in 1789 (Wolfensberger (2003)). While the form and function of the MTR has varied widely over the previous 250 years, the core definition has remained constant: the MTR serves as the final opportunity for the House to reconsider legislation immediately prior to the final passage vote.

There are two general types of MTRs: the simple MTR and the amendatory MTR. The simple MTR sends (recommits) the bill to the reporting committee with no binding language, such as proposed amendments. If the simple MTR passed, according to Speaker Boehner, it "means the bill is dead forever" (Boehner (2003)). The amendatory MTR also recommits the bill to the reporting committee, but additionally includes binding instructions that the chair of said committee must "forthwith" report the bill back to the House floor affixed with an amendment specified by the Member offering the motion; essentially, the amendatory MTR offers an immediate amendment to the bill in question.

In this paper I focus on what I call the "modern MTR," which was the iteration of the MTR in effect from January 1995 to January 2021.¹ The modern MTR differs from pre-modern iterations by two critical properties:

- 1. Widespread Availability: Rule XIX stipulated that the Rules Committee could not report a special rule to the House floor that prohibited the offering of an amendatory MTR to the underlying bill (Lynch (2016)).
- 2. **Minority Party Prerogative**: Rule XIX also stipulated that a minority party opponent of the underlying bill would have priority recognition to make the motion to recommit.

Taken together, these properties indicate that from 1995-2020 the minority party held the right to offer an amendment–via the modern MTR–to all bills reported to the floor of the House by special rule. This minority party prerogative is remarkable when taken in the context of three points.

¹The modern MTR was birthed by the 1994 Republican Revolution and lasted until Democrats took united control of the House, Senate, and presidency with the elections in November 2020. One of the first official acts in the 117th Congress (January 2021) by the majority House Democrats was to gut the amendatory MTR, thereby ending the period of the modern MTR.

First, most substantive bills reach the floor via special rule (Oleszek et al. (2020)), meaning that the minority party was not limited in its amending capacity to merely decorative or commemorative bills or resolutions. Second, the majority party has exacted negative agenda control over the House floor since at least the adoption of Reed's Rules in the early 19th century (Cox and McCubbins (2005)). Thus, for the majority party to deliberately prevent itself from closing the gates on minority party floor access is increasingly rare in the modern Congress. Third, the majority party clearly fears floor amendments: at the time of writing, the Rules Committee (under both Republican and Democratic leadership) has neglected to report a single open rule since Paul Ryan's (R-WI) tenure as Speaker in the 115th Congress (Lynch, Madonna and Vick (2019); Wolfensberger (2021)).

Thus, the modern MTR can be understood as a plausibly powerful and certainly unique minority party tool in an overwhelmingly majoritarian institution. Minority party strategy regarding the modern MTR remains–despite its apparent importance–critically understudied. Thus, in this paper I tackle the research question: what was the minority party's modern MTR strategy? In doing so, I gain important leverage on understanding the larger concept of minority party motivations and behaviors in Congress.

I begin the paper with an examination of the scholarly debate surrounding the motion to recommit. In doing so, I lay out a puzzle: the modern MTR was a plausibly powerful minority party tool, yet we observe the minority party self-restrict their deployment of the procedure. I then develop a comprehensive, two part theory of the minority party's modern MTR strategy. I argue first that the minority party's goal regarding the modern MTR was electoral-procedural warfare: the minority party strategically wrote modern MTRs in order to apply cross-pressure to vulnerable majority party Members. I argue further that the minority party faced a constraint in their pursuit of this goal: the minority party self-restricted their use of the modern MTR so as not to apply cross-pressure on their own Members. Finally, I test each of these two theoretical components using novel data and measurement strategies.

2 Current Conceptions of the Motion to Recommit

What do we know about minority party strategy regarding the pre-modern and modern MTR?

Scholarly debate on the topic has centered around a key question: did the minority party use the motion to amend the content of bills before House, or did the minority party use the motion for some other aim?

Krehbiel and Meirowitz (2002) (KM) largely introduced the debate, and came out firmly in support of the former. KM argued that the minority party used the MTR to amend bills away from the ideal point of the majority party and to the ideal point of the median Member in the chamber. Thus, claimed KM, by the median voter theorem the bill as amended should be unbeatable on the floor. Thus, KM predicted that the minority party should always deploy MTRs and that MTRs should always pass. In KM's conception, the amendatory MTR was thus an explicit tool for affecting the policy content of bills before the floor.

A number of scholars have come forward against the KM position. Roberts (2005) refuted both of KM's predictions, demonstrating that for all bills receiving a final passage vote from 1909-2002 only 31 percent received amendatory MTRs, of which only 10 percent passed. Roberts went on to demonstrate that MTRs were more likely to pass in congresses in which the majority party was large, ideologically incohesive, and polarized from the minority party.

Cox, Den Hartog and McCubbins (2007) similarly disputed KM's theory. These authors found that, from 1953-1998, there were approximately one eighth the number of MTRs as there were final passage votes and only about 13 percent of these MTRs passed. Cox, Den Hartog and McCubbins (2007) summarized their findings with the following:

"It seems clear that the minority party *does* value the right to make recommittal motions. This seemingly implies that they see the recommittals as being valuable in some way. We have argued that, whatever the value is, it is *not* policy influence–but we have left open the question of why the motion to recommit is valuable to the minority party."

Kiewiet and Roust (2007) also found that the minority did not use the MTR to affect policy. Their "data reinforce the findings of Cox, Den Hartog and McCubbins (2007) that the minority party forgoes most opportunities it would seem to have to offer this motion." Kiewiet and Roust (2007) compared the minority party's use of amendments in the Committee of the Whole (COTW) to their use of amendatory MTRs. They found that minority COTW amendments passed at a significantly higher rate than amendatory MTRs, suggesting that minority Democrats were not using the MTR to affect policy, but were instead affecting policy via amendments in the COTW.



Figure 1: Modern MTR Incidence Rate

Thus, there exists significant evidence against KM's hypotheses: historically, MTRs were not offered at every available opportunity, nor did they always pass. This would seem to undercut the KM argument that MTRs were used as tools to affect policy. But, what about the modern MTR, specifically? Given that the modern version holds properties unique to other iterations of the MTR, does it too undercut KM's claims? In fact, it does. Figures 1 and 2 plot, respectively, the MTR incidence and passage rate in each Congress during the modern MTR era. Both figures clearly demonstrate that during the modern MTR era the minority party did not offer the motion to every eligible bill, nor did every offered motion pass. In fact, during the modern MTR era only 51% of eligible bills received MTRs, and of those MTRs offered only 6% passed the House. Thus, the modern MTR was decidedly not used as a tool to affect the policy substance of underlying bills.

Each year-dyad represents a single Congress.



Then, how did the minority party use the modern MTR? In this paper I build upon the central pillars of Webb (2012), who argues that the minority party used the amendatory MTR not as a policy tool but rather as an electoral tool. Specifically, Webb (2012) argues that the minority party deployed the amendatory MTR in order to apply cross-pressure to targeted majority party Members. I make a number of novel theoretical and empirical expansions upon Webb's initial work.

3 Theory

3.1 Sequential Congressional Elections

Members are single-minded seekers of reelection (Mayhew (1974). In order to achieve reelection at each two-year cycle, each Member must win both races in a set of sequential elections. In the first stage, a Member contests a primary election decided by all registered co-partisan voters in their district. In the second stage, a Member contests a general election decided by all registered voters in their district. A district's primary electorate is thus the partisan subset of the district's general electorate (Fenno (1977)).

At both stages in the sequential elections, voters come to the ballot box with fully formed preferences over policy. Here, I conceive of voters' policy preferences as single-peaked, symmetric, and falling along a single ideological dimension (Black (1948); Hinich and Munger (1997)). Each voter in each primary and general election then maximises her utility by casting a ballot for the candidate nearest to her on the ideological dimension (Black (1948); Downs (1957)).

As such, for each district the candidate who locates themselves nearest to the ideal point of the median primary election voter is likely to win the primary election, and the candidate who locates themselves nearest to the ideal point of the median general election voter is likely to win the general election (Black (1948)). Importantly, I adopt the assumption originally made by Aranson and Ordeshook (1972) that candidates in each district must adopt a single position on the ideological dimension for both the primary and general elections; Members cannot locate themselves at one ideological position for the primary contest and a different ideological position for the general election. Finally, I assume that Members adopt a position on the ideological dimension using the aggregation of their votes in the previous Congress (Poole and Rosenthal (1997); Poole and Rosenthal (2007)).

3.2 Cross-Pressure: The Multiple Constituency Problem

This model election system can prove painless for some reelection-seeking Members and problematic for others. The extent of any potential problems is a function of two inputs: the average location in ideological space of the voting alternatives before the floor and the ideological divergence between each Members' primary and general election constituencies.

In order to illustrate the aforementioned point, I present two fictional congressional districts: District 1 is represented by Member 1 and District 2 is represented by Member 2. Both of the fictional Members are Democrats, which is the majority party in the House. I assume for this simple model–and for the overall theory–that the primary electorate in each district holds more ideologically extreme views than the general electorate (Kujala (2020)); I assume, for each congressional district, that the distribution of ideal points for registered Democrats (Republicans) makes up the left-hand (right-hand) tail of the distribution of ideal points for all registered voters in the district.

The distribution of primary and general election voter ideal points for District 1 is represented in Figure 3. Here, the primary electorate–the registered Democrats of District 1–make up a sizeable portion of the general electorate–all registered voters in District 1. As such, the ideal point of the median primary election voter, P_1 , and the ideal point of the median general election voter, G_1 are close together.





P1 = Ideal point of the median primary electorate voter in District 1

On the other hand, the distribution of primary and general election voter ideal points for District 2 is represented in Figure 4. Here, the primary electorate make up a smaller portion of the general electorate. Thus, the ideal point of the median primary election voter, P_2 , and the ideal point of the median general election voter, G_2 , are far apart.

Now, each of the fictional Members will serve a term in Congress prior to facing reelection. Each Member will thus cast votes on the floor in the attempt to locate herself at the optimal position on the



ideological dimension in order to maximize her chances at reelection in the upcoming primary and general races. For Member 1, the process of casting reelection-maximizing votes is simple: both her primary and general electorate hold similar ideological views, so they are likely to support similar positions on roll call votes. However, for Member 2, casting reelection-maximizing votes is unlikely to be simple because her primary and general electorate hold divergent ideological preferences, and are thus more likely to support opposing positions on roll call votes.

Lets imagine that a vote has come to the House floor in which Members are to cast their votes for alternative A or alternative B, both of which are placed at some point on the ideological dimension. For Member 1, the vote is likely to be straightforward: due to the fact that her median primary election voter and median general election voter share similar ideal points, she can maximize her odds of reelection by simply casting a ballot in favor of the alternative likely preferred by both the median primary and general election voters. In doing so, Member 1 has bolstered her bid for reelection. For Member 2, a more likely outcome arises in which her median primary and general election voters on the floor: the median primary election

	Primary Voters prefer A to B	Primary Voters prefer B to A
General Voters prefer A to B	Member Vote for A	Cross-Pressure
General Voters prefer B to A	Cross-Pressure	Member Vote for B

Table 1: Voter Preferences, Member Votes, and Cross-Pressure.

voter prefers alternative A to B while the median general election voter prefers alternative B to A (or vice versa). Member two is then subject to **cross-pressure** on this vote: her multiple constituencies are pressuring her to vote in opposite directions. The concept of cross-pressure arising from multiple constituents' split preferences is summarized in table 1.

Cross-pressure can be a problematic nuisance for reelection-seeking Members, given that a vote for either alternative will alienate one of the constituencies necessary for victory in sequential elections. Majority party Members are typically able to avoid the cross-pressure problem through the deployment of the procedural cartel, which enacts negative agenda control over votes that would otherwise threaten their Members' reelection ambitions (Cox and McCubbins (2005)). However, the majority party has abdicated power over the agenda in at least one scenario: the modern amendatory MTR.

3.3 Minority Party Modern MTR Strategy: Goal and Constraints

The minority party deployed the modern amendatory MTR (hereafter: "MTR") not as a tool to affect policy, but rather as a tool to affect elections. The minority party strategically wrote and offered MTRs in order to apply cross-pressure to majority party Members under two restrictions: first, that the offered MTR would not apply cross-pressure to minority party Members; second, that the offered MTR would not weaken the minority party's brand name. Thus, the minority party's MTR strategy is governed by a goal and two constraints.

3.3.1 Goal

The minority party's MTR strategy was oriented around the goal of applying cross-pressure to targeted majority party Members; the minority party wrote MTRs such that, for targeted majority party Members, their median primary election voter would prefer the bill to the MTR and their

median general election voter would prefer the MTR to the bill. The minority party did so in order to force these targeted majority party Members into an impossible choice: vote for the MTR (and against the bill) and lose the support of your primary electorate, or vote for the bill (and against the MTR) and lose your seat in the general election.

In other words, the central claim here is that the minority party deployed the MTR in order to wage procedural-electoral warfare against majority party Members who were a priori vulnerable to cross-pressure. Further, I argue that a majority party Member was vulnerable to MTR cross-pressure if they met both of the following conditions:

- Intra-District Divergence Condition: Individual majority party Members' vulnerability to cross-pressure increased with increases in the divergence between the ideal points of the median primary election voter and the median general election voter in the Member's district; a majority party Member was more vulnerable to cross-pressure if their primary electorate held divergent preferences from their general electorate. This condition describes majority party Members who represented districts similar to District 1 in Figure 3 and dissimilar to District 2 in Figure 4. Intra-district divergence rendered majority party Members vulnerable to cross-pressure because their primary and general election voters were less likely to support the same voting alternatives on the floor of the House.
- 2. Inter-Party Convergence Condition: Individual majority party Members' vulnerability to cross-pressure increased with increasing convergence between the ideal point of their median general election voter and the aggregate ideal points of the minority party; a majority party Member was more vulnerable to cross-pressure if their general electorate held similar ideological preferences to the minority party's electorate (broadly defined). Inter-party convergence rendered majority party Members vulnerable to cross-pressure because the minority party was likely to write an MTR such that (approximately) all of their Members supported the MTR over the majority party's bill.² As such, if the minority party near-uniformly supported the MTR over the bill, and a given majority party Member's general electorate shared preferences with the minority party, then it must be the case that this given

²This assumption is explored and defended in section 4.2.

majority party Member's general electorate preferred the MTR to the bill. And therefore, unless this given majority party Member's primary electorate also supports the bill over the MTR, then the majority party Member will suffer from cross-pressure: her primary and general electorate will hold opposite preferences on the MTR vote.

To reiterate: both of the aforementioned conditions must be met in order for a majority party Member to have been vulnerable to MTR cross-pressure. Not only must the Member have represented a district in which the primary and general electorate held divergent ideological preferences, but the Member's general electorate must also have held similar ideological preferences to the minority party.

A majority party Member who met only the intra-district divergence condition was not necessarily vulnerable to MTR cross-pressure. While this Member's primary and general electorate did hold dissimilar ideological preferences, it could have still been the case that both electorates preferred the same voting alternatives on average throughout a session. This situation was likely to arise if both electorates' ideal points fell in the extreme (extremely liberal for Democrats, extremely conservative for Republicans) wing of the majority party. In that case, both electorates were likely to support the majority party's bill over the minority party's MTR, and the Member thus avoided MTR cross-pressure.

A majority party Member who met only the inter-party convergence condition was also not necessarily vulnerable to MTR cross-pressure. Hypothetically (although unlikely), a majority party Member could have represented a primary and general electorate both holding similar preferences to the minority party. In that case, both the primary and general electorate were likely to prefer the minority party's MTR over the majority party's bill, and the Member thus avoided MTR cross-pressure.

In order to have been vulnerable to MTR cross-pressure, a majority party Member must have met both conditions. The minority party applied MTR cross-pressure by writing amendatory language such that some number of majority party Members' general electorates preferred the MTR to the bill and primary electorates preferred the bill to the MTR. This was only possible if both conditions were met: the majority party Member's general electorate must be ideologically aligned with the minority party *and* ideologically distinct from the primary electorate.

3.3.2 Constraints

In the previous section I laid out the goal of the minority party's MTR strategy: majority party cross-pressure. By applying cross-pressure via the MTR, the minority party wielded a plausibly powerful procedural tool, particularly considering the dearth of other opportunities for the minority party to place their items on the legislative agenda. However, despite the theoretical importance of the MTR, we can see plainly from Figure 1 that the minority party neglected to deploy the MTR in approximately half of available opportunities over the modern MTR era.

In this section, I further develop the minority party's MTR strategy by incorporating two constraints to the minority party's deployment of the MTR:

- Party Brand Name Constraint Each party's brand name-the strength of which is critical to winning elections and national majorities-is a direct function of the party's voting unity (Cox and McCubbins (2005); Cox and McCubbins (2007)). In order to promote party voting unity, and therefore strengthen their party's brand name, the minority party was less likely to offer an MTR to an eligible bill if party discipline was unlikely to be exercised on the MTR vote.
- Cross-Pressure Friendly Fire Constraint As discussed in section 3.2, cross-pressure can threaten Members' chances of reelection. In order to promote their Members' chances of reelection, the minority party was unlikely to offer an MTR to an eligible bill if the MTR would have applied cross-pressure to their own Members.

In this conception of constraints, the minority party enacted gate-keeping power over the MTR–much like the majority party's procedural cartel (Cox and McCubbins (2005))–in order to shield their Members from cross-pressure and to strengthen (or at least not weaken) the party brand name.

I argue here that there were two crucial bill-level conditions determining whether the minority party could overcome the aforementioned constraints and offer an MTR to an eligible bill; two bill-level conditions must have been met in order for the minority party to write an MTR that would neither weaken the party brand nor apply friendly fire cross-pressure:

1. The Degree of Partisan Sorting: Each bill before the House dealt with some number of

policy dimensions. I define *partisan sorting* as the degree of inter-party overlap in Member ideal points on each policy dimension. *Complete partisan sorting* occurred on a given policy dimension when the most liberal Republican was more conservative than the most conservative Democrat. *Incomplete partisan sorting*, on the other hand, occurred on a given policy dimension whenever there was at least one Republican (Democrat) who was more liberal (conservative) than at least one Democrat (Republican).

If the parties were completely sorted on at least one policy dimension relevant to an MTReligible bill, the minority party would always be able to overcome the constraints and offer an MTR on that policy dimension. If the parties are incompletely sorted on every policy dimension relevant to an MTR-eligible bill, the minority party was not guaranteed the ability to write an MTR that overcame the constraints.

2. **The Degree of Policy Dimensionality**: As the number of policy dimensions relevant to a bill increased, so too did the probability that the parties were incompletely sorted on at least one policy dimension. As previously stated, if the parties were incompletely sorted on at least one policy dimension, the minority party would thus have always been able to write an MTR that neither applied friendly-fire cross-pressure nor threatened the minority party brand name.

In order to illustrate the role of partisan sorting and policy dimensionality in the minority party's MTR strategy, I again turn to the fictional Members 1 and 2. However, I now add another Member to complete the entirety of the legislature: Member 3 is a Republican representing the third and final District. Lets assume that the majority party Democrats hold generally more liberal policy views than the minority party Republican, and that within each district *i* the ideal point of the median primary election voter P_i is more extreme than the ideal point of the median general election voter G_i . Further, lets assume that the majority Democrats have brought to the floor of the legislature a bill *B* and located it on the single policy dimension somewhere within the range of Democrat ideal points. Finally, I assume that the parties are completely sorted along this policy dimension; the ideal points of the median primary and general election voter for the most conservative Democrat are more liberal than the ideal points of the median primary and general election voters for the most liberal Republican. This simple model is represented in Figure 5.

In this model, the minority party Republican can respond to the majority party's bill with an





MTR anywhere to the right of G_2 that overcomes both of the constraints; MC 3 can place an MTR anywhere to the right of G_2 and have both of her median constituents prefer the MTR to the underlying bill. In other words, when the parties are completely sorted, the minority party will always be able to write an MTR such that the median general election voter and the median primary election voter in each minority party District will be unified in their support of the MTR over the underlying bill.

However, lets now assume that the parties are incompletely sorted in their preferences along this single policy dimension. Figure 6 illustrates the basic model under this new assumption. Here, the ideal point of the median general election voter in the Republican District 3, G_3 , is now more liberal than the ideal point of the median general election voter in the Democratic District 2, G_2 . Therefore, unlike the complete partisan sorting model, the minority party here is no longer guaranteed the



Figure 6: MTR Strategy under Incomplete Partisan Sorting

ability to write an MTR that will both not apply cross-pressure to their own Member and garner support from their Member over the underlying bill. If the majority party were to place their bill B anywhere between (and including) G_3 and G_2 , then the minority cannot place their MTR anywhere on the policy dimension without applying cross-pressure to their Member. In addition, if the majority party were to place their bill B anywhere between P_1 and G_3 , the minority party would have to place their MTR in the window between B and G_3 in order to ensure that their Member was both free from cross-pressure and had both median constituents in favor of the MTR over the underlying bill. This could be a narrow window, and one that narrows as the ideal point of the median general election voter in the most moderate minority party district becomes more moderate.

The point here is that when the parties are incompletely sorted, the window on the policy dimension in which the minority can offer an MTR without applying friendly-fire cross pressure or compromising the party brand name is smaller than when the parties are completely sorted. Thus, when the constraint-free window is wider, we should expect the minority party to exercise less constraint and be more likely to offer an MTR.

How does policy dimensionality fit into this model? Multiple scholars have argued that congressional bills are significantly more multidimensional than previously thought (Crespin and Rohde (2010); Aldrich, Montgomery and Sparks (2017); de Marchi, Dorsey and Ensley (2020)). I argue simply that the minority party was more likely to offer an MTR to an MTR-eligible bill as the number of policy dimensions germane to the bill increased. This assertion follows trivially from the aforementioned partisan sorting argument: when there were more policy dimensions germane to a bill, the probability that any one of the policy dimensions exhibited complete partisan sorting was higher. Thus, the minority party's ability to overcome their constraints would have been higher as well. The germaneness qualifier is of particular importance here given that MTRs, like other types of amendments in the House, must be germane to the underlying bill (Lynch (2016)).

4 Methodology

4.1 Minority's MTR Goal: Majority Party Cross-Pressure

The minority party used the MTR to apply cross-pressure to majority party Members. Therefore, I expect that majority party Members who held a higher a priori vulnerability to cross-pressure should have interacted with MTRs in structurally different ways than majority party Members who held a lower a priori vulnerability to cross-pressure. Majority party Members who met both the intra-district divergence condition and the inter-party convergence condition were more likely than their counterparts to have been a priori vulnerabe to MTR cross-pressure.

4.1.1 Research Design

I test the aforementioned theoretical mechanism by examining individual majority party Members' voting behavior on different roll call types as a function of the Member's vulnerability to cross pressure.

The test contains two components. In the first, I model majority party Members' votes on MTRs

as a function of their vulnerability to cross-pressure. I expect that more vulnerable majority party Members should have voted in structurally different ways on MTRs than less vulnerable majority party Members. This is, however, an insufficient test: cross-pressure vulnerable majority party Members may have voted in structurally different ways than their less vulnerable co-partisans on all roll call types, not just MTRs. This would indicate that cross-pressure vulnerability was an important factor in determining overall voting behavior, but it would not necessarily indicate that the minority party was specifically writing MTRs to target cross-pressure vulnerable majority party Members.

Thus, I introduce a second component of the test: I model majority party Members' votes on non-MTR (specifically, special rules and final passage) roll calls as a function of their vulnerability to cross-pressure. This second analysis thus acts as a placebo test: I expect a null relationship between cross-pressure vulnerability and votes on non-MTR roll calls (Eggers, Tunon and Dafoe (2021)). I specifically chose to analyze special rules and final passage roll calls because their importance to the legislative process would indicate that the majority party's procedural cartel is likely to exert outsized control over their content (when compared to other types of non-MTR roll calls) (Cox and McCubbins (2005)). Thus, the procedural cartel should have actively and thoroughly closed the gates on any special rule or final passage vote that would have otherwise cross-pressured–and by extension, electorally threatened–majority party Members. As a result, majority party Members who were a priori vulnerable to cross-pressure should not have voted in structurally different ways on special rules and final passage roll calls than their less vulnerable co-partisans.

4.1.2 Measurement and Data

I estimate cross-pressure vulnerability per majority party Member using measures of the two vulnerability conditions: intra-district divergence and inter-party convergence.

Intra-district divergence is measured at the district level for majority party Members in each Congress. I define the variable as the distance between the ideal point of the median primary election voter and the median general election voter. I measure the variable using much the same logic underpinning figures 3 and 4. Taking any given district, we can imagine an approximately normal distribution of the general electorate's ideal points with some median value. If a greater

number of general election voters were co-partisans with the Member (ex: Figure 3), then the median ideal point of the co-partisan (primary) voters was likely to be near to the median ideal point of the general election voters. By the same notion, if a smaller number of general election voters were co-partisans with the Member (ex: Figure 4, then the median ideal point of the co-partisan (primary) voters was unlikely to be near to the median ideal point of the general election voters. Thus, I measure intra-district divergence for each Member in each Congress as the total number of votes cast in the Member's primary election divided by the total number of votes cast in the Member's general election.

Inter-party convergence is also measured at the district level for majority party Members in each Congress. I define the variable as the distance between the ideal point of the median general election voter and the approximate, aggregate ideal point of the minority party; how ideologically similar are the voters in a given majority-represented district to the minority party? I measure per-Member inter-party convergence in each Congress as the opposite party's presidential candidate's vote share in the Member's district, averaged over the previous two presidential cycles.

I measure voting behavior by examining the ayes and nays cast by majority party Members on three types of roll calls from the 104th to the 115th Congress (1995-2019): 1) all MTR votes; 2) all final passage votes on bills and joint resolutions not considered under suspension of the rules;³ and 3) all special rules votes. For each vote cast by each majority party Member on each roll call type I determine whether the Member cast an "expected vote." I define a majority party Member as having cast an expected vote on a given roll call if they voted nay and the roll call type was MTR or if the they voted aye and the roll call type was final passage or special rule. I use the expected vote definition because the different roll call types produce different expectations about how majority party Members should vote; the expected vote definition allows me to define a no vote on an MTR and a yes vote on final passage/special rule as being a vote conducted in the expected direction for a majority party Member.

The final dataset for this analysis then contains as observations every MTR, final passage, and special rule vote taken by every majority party Member from the 104th to the 115th Congress. Each

³Bills considered under suspension of the rules are not eligible for MTRs.

observation is tagged with the roll call type (MTR, final passage, or special rule), Member vote (aye, nay, or abstain), and whether the Member's vote was an expected vote (yes or no). In addition, each observation was also tagged with the Member's intra-district divergence score and inter-party convergence score for that Congress.

4.1.3 Model

I analyze the relationship between cross-pressure vulnerability and MTR votes via the following logistic regression model:

Prob (Expected Vote = 1) = β_0 + β_1 (Intra-District Divergence Score) + β_2 (Inter-Party Convergence Score)+ β_3 (Intra-District Divergence Score * Inter-Party Convergence Score)+ β_4 (Roll Call Type)+ β_5 (Intra-District Divergence Score * Inter-Party Convergence Score * Roll Call Type)+ + β_6 (Controls)

4.1.4 Results

Results forthcoming

4.1.5 Discussion

Discussion forthcoming

4.2 Minority's MTR Constraints: Friendly Fire Cross Pressure and Party Brand Name

The minority party self-restricted their use of the MTR, despite the motion's apparent power to cross-pressure majority party Members. The minority party specifically faced two bill-level factors constraining their interest in deploying an MTR to an eligible bill: 1) maintaining the party's brand name; and 2) preventing cross-pressure friendly fire. The minority party was likely to

overcome these constraints and offer an MTR if an eligible bill: 1) dealt with at least one policy dimension upon which the parties were completely sorted; and 2) dealt with a greater number of policy dimensions.

4.2.1 Research Design

I test the aforementioned theoretical mechanism by analyzing the incidence of MTRs per eligible bills as a function of both: 1) the degree of partisan sorting along each MTR-eligible bill's main policy dimension; and 2) the number of policy dimensions germane to each MTR-eligible bill.

4.2.2 Measurement and Data

I begin the measurement and data strategy for this analysis by building out a novel and comprehensive dataset of MTR-eligible legislative items. According to Lynch (2016), during the modern MTR era "House rules specifically prohibit[ed] the House Committee on Rules from reporting a special rule that would prevent the motion to recommit from being offered on initial passage of a bill or joint resolution." Thus, I define every bill and joint resolution (henceforth "bill(s)") reported to the House floor via special rule as eligible for an MTR.

Therefore, in order to build the dataset of MTR-eligible bills I began with a dataset on special rules. Specifically, I used The Congress Project's "House Rules, 59th (1905-1907) - 115th (2017-2018) Congresses" dataset, which "includes information on all House resolutions that provided special rules considered on the chamber floor between the 59th and 115th congresses" (The Congress Project (2018)). I removed from this dataset all resolutions that did not explicitly state in their text that an MTR was "in order" for the underlying bill.⁴ Finally, I transformed the dataset from listing at the bill-level.

I added to this dataset of MTR-eligible bills several critical pieces of information. From the Political Institutions and Public Choice Roll Call Database (Crespin and Rohde (2021)), I added information on: 1) each bill's special rule roll call vote outcome; 2) each bill's final passage roll call vote outcome; 3) whether each bill received an MTR, and if so, what type; and 4) if an MTR

⁴Lynch (2008): "It has been the practice of the House Committee on Rules to always include language stating that the motion to recommit is in order in special rules providing for the initial consideration of bills and joint resolutions, even though since 1995 such a motion to recommit would be in order without such language being included in the special rule."

was received, the MTR roll call vote outcome. From the Congressional Bills Project (Adler and Wilkerson (2021), I added in information on each bill's: 1) major and minor policy topic; 2) number of committee referrals; and 3) number of cosponsors.

After building out the dataset of MTR-eligible bills, I developed a strategy for measuring the two bill-level independent variables in the analysis: the degree of policy dimensionality and the degree of partisan sorting.

I measure the continuous degree of policy dimensionality per MTR-eligible bill by simply counting the number of committees to which the bill was reported. Bills reported to a greater number of committees are considered to have contained a greater number of policy dimensions than bills reported to a fewer number of committees (Shepsle (1979)).

I measure the degree of partisan sorting per MTR-eligible bill in two ways, and report the results of both measurement strategies.

The first method is a binary measurement of partisan sorting per MTR-eligible bill based on the House's vote on the bill's special rule.⁵ As stated earlier, every MTR-eligible bill came to the floor via special rule, meaning that the House must have first voted on the special rule to consider the MTR-eligible bill prior to considering bill itself. Thus, we can understand the degree of partisan sorting on each MTR-eligible bill's special rule vote as a proxy measure for the degree of partisan sorting on the MTR-eligible bill itself. I denote the parties as completely sorted on MTR-eligible bill X if the floor vote on the special rule to consider X was a "party-line vote;" otherwise, I denote the parties as incompletely sorted on X. I define a party-line vote after Rohde (1991) as one in

⁵This first method is a convenient measurement strategy: by definition, every MTR-eligible bill is reported to the floor via special rule, meaning that Members must (imperfectly) reveal their preferences on the bill via the special rule vote prior to the minority party's decision on offering an MTR. However, the measurement strategy is flawed in at least two ways. First, Members are unlikely to "vote with their constituents" on special rule votes, and are instead expected to vote with the party on the vital procedural measure. Thus, examining special rules votes may not provide insight into Member preferences insofar that they relate to constituent preferences. Second, bills may be amended after the special rule vote, which means that Member preferences over the bill at the time of the special rule roll call may not necessarily be equivalent to Member preferences over the bill by the time the amendatory MTR is in order. This issue is largely mitigated–especially in more recent congresses–by the fact that the Rules Committee has entirely replaced floor amendments with amendments pre-approved by the Rules Committee and printed in the special rule resolution (Lynch, Madonna and Vick (2019)). Thus, Members are almost always aware of the final version of the bill at the time of the special rule roll call.

which 90% of one party voted in the opposite direction as 90% of the other party.⁶

The second method is a continuous measurement of partisan sorting per MTR-eligible bill based on Member ideal points on the bill's primary policy topic. I begin by pooling all Member votes into three periods: the first stint of GOP majority status (104th-109th Congresses; 1995-2007), the intermediary era of Democratic majority status (110th-111th Congresses; 2007-2011), and the second stint of GOP majority status (112th-113th Congresses; 2011-2015).⁷⁸ After pooling votes into three periods, I then separate each vote into one of six Clausen (1973) policy topic categories, giving me 18 different period-topic pools of roll call votes.⁹ Using the votes from each of these pools, I calculate period-topic specific W-NOMINATE ideology scores for each Member (Poole and Rosenthal (1997); Poole and Rosenthal (2011)).¹⁰ Next, I unpool each Members' period-policy topic sets of Member W-NOMINATE scores for each of 10 congresses, ¹¹ For each of the 6 policy topic sets of Member W-NOMINATE scores in each Congress, I then calculate the degree of 'partisan overlap' as the average of the average leftward distance of Republicans beyond the most conservative Democrat and the average rightward distance of Democrats beyond the most liberal Republican. I end with 60 values of partisan overlap, each specific to a different Congress-topic dyad.

The final dataset for this analysis then contains as observations all 1,297 MTR-eligble bills from the 104th to the 113th Congresses (1995-2015). Each of these bills is coded as having received an MTR or not. In addition, each bill is tagged with the corresponding independent variables: the number of committee referrals, whether the special rule vote was a party line vote, and the degree

⁶For this measure I consider the 502 (of 1702) special rules that passed by voice vote to *not* be party-line votes.

⁷The data required for this analysis is available only through 2015, thus preventing examination of the subsequent 5 years of the modern MTR era.

⁸I pool the votes both in order to garner enough data to power ideal point estimation, and also because I expect that Member's preferences over policy are at least partially a function of their majority status.

⁹Clausen (1973) policy topic categories assign to each congressional roll call one of the following six topics: Government Management, Social Welfare, Agriculture, Civil Liberties, Foreign and Defense Policy, and Miscellaneous Policy. The data for Clausen topic assignment to specific roll calls comes from Lewis et al. (2021).

¹⁰W-NOMINATE is a multi-dimensional scaling procedure developed by Poole and Rosenthal that outputs voter ideology scores as a function of a given voting matrix. Numerous scholars have used the W-NOMINATE procedure to estimate voter ideology based on specific subset of votes (Crespin and Rohde (2010); Jochim and Jones (2013); Ballard and Curry (2021)).

¹¹The unpooling procedure is vital here because the distribution of Member-topic ideal points in a given Congress will change between two congresses within the same period; unpooling allows a given Member-topic a different ideological rank ordering between congresses within the same period.

of partisan overlap.¹² Finally, the dataset includes a battery of bill-level control variables: a binary measure of whether the bill was sponsored by the Chair of the reporting committee; the number of cosponsors on the bill; a binary measure of whether the reporting special rule provided for more than one bill; and a binary measure of whether the reporting special rule contained at least one restrictive condition.

4.2.3 Model

I analyze the relationship between partisan sorting, policy dimensionality, and MTR incidence via the following logistic regression model:

$$Prob(MTR = 1) = \beta_0 + \beta_1(Partisan Overlap) + \beta_2(Committee Referrals) + \beta_3(Special Rule Party Vote) + \beta_4(Controls)$$

4.2.4 Results

I report the results for this model in Table 2. While Model 3 is the correctly specified model given the theory and available data, I also present additional models in Table 2 as a robustness check. The coefficients for committee referrals and special rule party vote are robust to multiple model specifications. However, as expected, partisan overlap is not robust to Congress fixed effects due to the fact that there are only 6 partisan overlap observations for each congress (1 observation for each Clausen policy topic).

In order to interpret the results of Model 3, I present predicted probability plots for each of the variables of interest. Figure 7 depicts the predicted probability of an eligible bill receiving an MTR as a function of the degree of partisan sorting on the bill's main policy topic. There is a clear trend here: partisan overlap has a substantively negative relationship with the probability that an eligible bill received an MTR. In other words, the minority party was more likely to offer an MTR to bills on which the the parties were completely sorted (low partisan overlap).

Figure 8 depicts the predicted probability of an eligible bill receiving an MTR as a function

¹²Partisan overlap is measured at the Congress-topic level. Therefore, each MTR-eligible bill was assigned a partisan overlap value based on their shared Congress-topic identity.

	Dependent variable:						
	Motion to Recommit						
	(Model 1)	(Model 2)	(Model 3)	(Model 4)	(Model 5)		
Partisan Overlap	-8.010^{***}	-8.010^{***}	-7.599**	0.592	0.088		
	(1.302)	(3.090)	(3.664)	(1.940)	(1.971)		
Committee Referrals	0.294***	0.294***	0.239***	0.282***	0.224***		
	(0.051)	(0.060)	(0.061)	(0.052)	(0.053)		
Rule Party Vote	1.196***	1.196***	1.182***	0.871***	0.885***		
	(0.128)	(0.165)	(0.158)	(0.142)	(0.154)		
Congress F.E.	No	No	No	Yes	Yes		
Cong. Cluster-Robust S.E.	No	Yes	Yes	No	No		
Control Variables	No	No	Yes	No	Yes		
Observations	1,297	1,297	1,297	1,297	1,297		
Log Likelihood	-780.853	-780.853	-763.612	-736.492	-717.615		
Note:	*p<0.1; **p<0.05; ***p<0.01						

Table 2: Motion to Recommit Incidence

of whether the bill's special rule vote was decided along party lines. Figure 8 shows that a bill was more likely to receive an MTR if the bill's special rule was decided along party lines. Thus, if we take Members' votes on a bill's special rule as a rough proxy measure of preferences over the bill, these results show that the minority party was more likely to offer MTRs to bills on which the parties were completely sorted.

Finally, Figure 9 depicts the predicted probability of an eligible bill receiving an MTR as a function of the number of committees to which the bill was referred. This Figure also shows a clear trend: as the number of committee referrals increased for a given bill, so too did the probability that the bill received an MTR. Thus, if we take the number of committee referrals to be a rough proxy measure of a bill's policy dimensionality, these results show that the minority party was more likely to offer an MTR to bills dealing with a greater number of policy dimensions.

4.2.5 Discussion

The above results firmly support the minority party MTR-constraint mechanism laid out in this



Figure 7: Partisan Overlap and the Predicted Probability of MTRs



paper. The minority party was more likely to offer an MTR to higher-dimensional bills and bills on which the parties were incompletely sorted. This is due to the fact that the minority party wanted to protect its brand name in addition to protecting its Members from friendly-fire cross-pressure.

These results would seem to indicate a couple noteworthy and general findings on Congress. First, the minority party–much like the majority party procedural cartel–retains tight control over their floor agenda in order to maximize electoral gain: the minority party withheld MTRs strategically in the electoral interest of both the party's most vulnerable Members and the party at large. Second, the minority party may often value electoral gains ahead of policy gains: by withholding any number of MTRs, the minority party is plausibly sacrificing a policy amendment in favor of protecting its Members from difficult votes (that may threaten their reelection prospects). This may alleviate some frustration among some scholars, practitioners, and observers about the recent precipitous decline in congressional amendments (Strand and Lang (2016); Cioffi (2022))–if the minority party uses floor amendments for electoral gimmicks instead of substantively improving policy, then perhaps the majority party is justified in restricting amendments.



Figure 8: Special Rule Votes and the Predicted Probability of MTRs

Special Rule Party Vote

NOTE: Figure depicts the predicted probability of an eligible bill receiving an amendatory MTR as a function of whether the bill's special rule vote was decided along party lines, ceteris paribus. Predicted probabilities are derived from Table 1 Model 3. Bars represents 95% confidence intervals around predicted probability estimates. 'Special Rule Party Vote' is a binary measure == 1 if the MTR-eligible bill's special rule was passed with 90% of one party voting against 90% of the other party. == 0 otherwise. Voice votes on special rules are not considered to be party votes.

5 Conclusion

The current scholarship on the motion to recommit faces a twofold puzzle: 1) We know that the MTR was not used to affect bills' policy content, but we do not know what the MTR was used for; and 2) The MTR provided a plausibly unique and powerful opportunity for minority party agenda access, but the minority party neglected to deploy the MTR in approximately half of all opportunities.

In this paper I address both of these puzzles with a unified and comprehensive theoretical framework on the minority party's MTR strategy. I argue that the minority party strategically deployed the MTR as a tool of electoral-procedural warfare waged against the majority party. The minority party wrote MTRs not to affect policy but to apply cross-pressure to majority party Members. Further, the minority party was strategic in when they offered MTRs so as not to force their own Members into difficult votes.





I conduct a multi-measure test of the minority party's constraints in offering MTRs,¹³ finding firm support for the mechanism described above: the minority party very likely restricted their deployment of the MTR to higher-dimensional bills and to bills on which the parties were completely sorted.

These findings would indicate that the minority party acts like a cohesive team with regards to their floor agenda, much like the majority party's procedural cartel. In addition, it would seem as though the minority party would prefer to utilize their floor access for electoral gain over policy gain.

¹³A test of the minority party's goal in offering MTRs is forthcoming.

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