

## Research note

# The effects of congressional rules about bill cosponsorship on duplicate bills: Changing incentives for credit claiming\*

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**Abstract.** We generate for the first time a time series that allows us to identify the number of duplicate bills in Congresses operating under different rules about the cosponsorship of bills. We show that changes in the congressional rules about bill cosponsorship affected the number of duplicate bills in a way fully consistent with a public choice perspective on legislative "credit claiming."

## 1. Introduction

Before the 96th Congress, the rule for bill cosponsorship in the House of Representatives had been such that no more than 25 congressmen could sign on as cosponsors and that the congressmen had to sign on at the time a bill was introduced.<sup>1</sup> In part as a result of this rule, identical bills were often introduced, causing printing costs to substantially rise and leading to confusion over which bills members wanted their constituents to support (Congressional Record, 10 October 1978: 34930). The rule was changed by H. Resolution 86 (95th Congress) to permit an unlimited number of cosponsors and to permit cosponsors to be added even after a bill was in committee.<sup>2</sup> In the 93rd Congress, House members introduced 7,275 duplicate bills, each with an average of 6.5 sponsors. Indeed, 44.2% of all House bills introduced in that Congress were duplicates. By the 97th Congress, the number of duplicate bills had been cut to 472. Data on the number of duplicate bills introduced and cosponsorship is shown in Tables 1 and 2. The focus of this brief research note is to relate these changes to our understanding of congressional "credit claiming" by generating for the first time a time series that identifies the number of duplicate bills in

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Table 1. Identical bills<sup>a</sup>

| Congress       | Public bills introduced in House | Multiply introduced public bills introduced in House |
|----------------|----------------------------------|--|
| 91st (1969–70) | 14,010                           | 3,566  |
| 93rd (1973–74) | 16,452                           | 7,275  |
| 95th (1977–78) | 13,117                           | 5,610  |
| 97th (1981–82) | 6,842                            | 472  |

<sup>a</sup> Figures compiled by the authors. Estimated from a sample of one bill in one hundred taken from *Digest of Public General Bills and Resolutions*. In addition to differences caused by sampling errors, the figures in this table differ from the time-series data in Ornstein, Mann and Malbin (1989: Table 6-1) because, unlike them, we do not include either joint resolutions or private bills.

*Note:* Data source does not indicate whether there were any identical private bills introduced. We are not counting the “original” bill in the last column of our table. This counting practice differs from that in the *Digest*.

Table 2. Bill cosponsorship<sup>a</sup>

| Congress       | Average number of sponsors (public bills) | Average number of sponsors (multiply introduced bills) | Percentage of original multiply introduced bills containing 25 or more sponsors |
|----------------|---|--|---|
| 91st (1969–70) | 2.4                                       | 3.2  | 10  |
| 93rd (1973–74) | 4.5                                       | 6.5  | 3   |
| 95th (1977–78) | 5.2                                       | 9.2  | 10  |
| 97th (1981–82) | 8.3                                       | 54.0   | 0   |

<sup>a</sup> All figures compiled by the authors. Calculated from a sample of one bill in one hundred taken from two sources: *Congressional Record Index* (which lists the number of sponsors per bill) and *Digest of Public General Bills and Resolutions*.

*Note.* The sample for the 97th Congress contains one multiply introduced bill, one version of which had 202 sponsors; neither the bill nor any of its duplicates got reported from committee. However, the *original* version of that multiply introduced bill had only one sponsor. (If the same bill has been introduced a number of times, then the “original” multiply introduced bill refers to the first time the bill was introduced.)

congresses and clearly links the number of bills introduced in congress to changes in rules as to cosponsorship.

The number of bills introduced in the House increased steadily in the 1950s and sharply after 1964, then began to drop toward the 1970s; but the most striking phenomenon in the data (see Table 3; taken from Ornstein, Mann and Malbin, 1989: Tables 6-1 and 6-2) is the sharp drop from the 1977–78 term to the 1979–80 term and subsequently in the House. For the Senate, the number of bills introduced has hovered near 4,000 (although there are signs of a very recent downward trend), and there are no sharp breaks in the Senate series like that observed in the House between the 95th and 96th Congresses.

Table 3. Bills introduced and bills passed in the House and Senate, 80th – 100th Congress, 1947–1988

| Congress        | House            |              |   | Senate           |              |   |
|-----------------|------------------|--------------|---|------------------|--------------|---|
|                 | Bills introduced | Bills passed | Ratio of bills passed to bills introduced | Bills introduced | Bills passed | Ratio of bills passed to bills introduced |
| 80th (1947–48)  | 7,611            | 1,739        | .228                                      | 3,186            | 1,670        | .524                                      |
| 81st (1949–50)  | 10,502           | 2,482        | .236                                      | 4,486            | 2,362        | .527                                      |
| 82nd (1951–52)  | 9,065            | 2,008        | .222                                      | 3,665            | 1,849        | .505                                      |
| 83rd (1953–54)  | 10,875           | 2,129        | .196                                      | 4,077            | 2,231        | .547                                      |
| 84th (1955–56)  | 13,169           | 2,360        | .179                                      | 4,518            | 2,550        | .564                                      |
| 85th (1957–58)  | 14,580           | 2,064        | .142                                      | 4,532            | 2,202        | .486                                      |
| 86th (1959–60)  | 14,112           | 1,636        | .116                                      | 4,149            | 1,680        | .405                                      |
| 87th (1961–62)  | 14,328           | 1,927        | .134                                      | 4,048            | 1,953        | .482                                      |
| 88th (1963–64)  | 14,022           | 1,267        | .090                                      | 3,457            | 1,341        | .388                                      |
| 89th (1965–66)  | 19,874           | 1,565        | .079                                      | 4,129            | 1,636        | .396                                      |
| 90th (1967–68)  | 22,060           | 1,213        | .055                                      | 4,400            | 1,376        | .313                                      |
| 91st (1969–70)  | 21,436           | 1,130        | .053                                      | 4,867            | 1,271        | .261                                      |
| 92nd (1971–72)  | 18,561           | 970          | .052                                      | 4,408            | 1,035        | .235                                      |
| 93rd (1973–74)  | 18,872           | 923          | .049                                      | 4,524            | 1,115        | .246                                      |
| 94th (1975–76)  | 16,982           | 968          | .057                                      | 4,114            | 1,038        | .252                                      |
| 95th (1977–78)  | 15,587           | 1,027        | .066                                      | 3,800            | 1,070        | .282                                      |
| 96th (1979–80)  | 9,103            | 929          | .102                                      | 3,480            | 977          | .281                                      |
| 97th (1981–82)  | 8,094            | 704          | .087                                      | 3,396            | 803          | .236                                      |
| 98th (1983–84)  | 7,105            | 978          | .137                                      | 3,454            | 936          | .271                                      |
| 99th (1985–86)  | 6,499            | 973          | .150                                      | 3,386            | 940          | .278                                      |
| 100th (1987–88) | 6,263            | 1,061        | .169                                      | 3,325            | 1,002        | .310                                      |

Source: Ornstein, Mann and Malbin (1989: Tables 6-1, and 6-2).

Ornstein, Mann and Malbin (1989: 159) state in their invaluable compendium of congressional statistics that the drop in the number of House bills is due to the rule change regarding cosponsorship: “(I)n part because of changes in the rules regarding cosponsorship, which reduced the need to introduce multiple numbers of an identical bill, the numbers (of bills introduced) dropped dramatically in the 96th Congress – by 42 percent – and have continued to decline.” To test their hypothesis we estimated the following equations:

$$HBILLS = a_1 + b_{11}TREND + b_{12}RULE + b_{13}SBILLS + e_1$$

and

$$SBILLS = a_2 + b_{21}TREND + b_{22}RULE + b_{23}HBILLS + e_2,$$

where

HBILLS is the number of bills introduced in the House;  
 SBILLS is the number of bills introduced in the Senate;  
 TREND is a time trend variable (80th Congress equals 1);  
 RULE is the rule change variable (1 if the bills introduced after the 95th  
 Congress, 0 otherwise);  
 $a_i$ 's are the intercepts;  
 $b_{ij}$ 's are the regression coefficients;  
 $e_i$ 's are the stochastic disturbance terms.

Our statistical test involves two equations to control for the possibility that some outside factor, and not the rule change regarding cosponsorship, caused the reduction in the number of bills introduced. If some outside factor caused the reduction, the estimated regression coefficient for RULE should be negative and statistically significant in both equations. On the other hand, if the rule change caused the reduction, the estimated regression coefficient for RULE should be negative and statistically significant in the House equation but insignificant in the Senate equation. We have included the dependent variable for each equation as an explanatory variable in the other equation since a large number of bills, with the same text, are simultaneously introduced in each chamber.<sup>3</sup> For example, in the 95th Congress, House and Senate members simultaneously introduced 926 bills.

The two stage least squares results are listed in Table 4. We used TREND, RULE, and the lagged value for HBILLS (lagged one Congress) as the instruments for the Senate equation.<sup>4</sup> We also tried to use TREND, RULE, and the lagged value of SBILLS for the House equation; but, unfortunately the lagged value of SBILLS was not statistically significant in the reduced form equation – implying that this variable is not a good instrument. The instruments we finally used for the House equation are TREND, RULE, the number of Democrats divided by the number of Republicans in the Senate, and the mean years of service in the Senate.<sup>5</sup>

The results in Table 4 show that the estimated regression coefficient for RULE is negative and significant at the 1 percent level in the House equation but insignificant in the Senate equation. The results also show that the estimated regression coefficient for the endogenous explanatory is positive and significant at the 5 percent level in both equations. These results support the conclusion that the rule change caused the reduction in bills in the House, and that the reduction of bills in the House caused the reduction of bills in the Senate.<sup>6</sup>

## 2. Discussion

Why would members wish to introduce duplicate bills or to cosponsor bills? One answer is that this creates a sense of momentum for a bill which may make

Table 4.

| Explanatory variables | Coefficients/(t-statistics) |                     |
|-----------------------|-----------------------------|---------------------|
|                       | Dependent variable          |                     |
|                       | HBILLS                      | SBILLS              |
| Constant              | - 5573.88<br>(- 0.55)       | 3444.15<br>(8.12)   |
| TREND                 | 498.02<br>(3.16)            | - 42.21<br>(- 1.44) |
| RULE                  | - 10232.0<br>(- 3.94)       | 220.50<br>(0.37)    |
| SBILLS                | 4.04<br>(1.74)              | -                   |
| HBILLS                | -                           | 0.07<br>(1.89)      |
| R <sup>2</sup>        | 0.84                        | 0.68                |
| F-statistic           | 24.97                       | 11.30               |
| Observations          | 18                          | 20                  |

it difficult to oppose it. Indeed, we observe representatives who plan on introducing a bill soliciting others to join on as cosponsors (Campbell, 1982). Another answer is that it allows credit-claiming (Campbell, 1982). The latter argument seems the stronger, because otherwise we would not see so many members go to the seemingly ridiculous extreme of introducing identical bills under their own names. For example, H.R. 309 in the 95th Congress (liberalizing the eligibility of blind persons to receive disability benefits under social security) was introduced into the House 52 times; i.e., there were 51 identical bills.

The observed post-95th Congress effect of change in the House cosponsorship rules, namely, a reduction in the number of bills introduced, is exactly what would be predicted by a public choice model of legislators as rational actors.<sup>7</sup> It was no longer *necessary* to sponsor a duplicate bill because the deadline for adding your name to an existing bill had passed. However, even after 1979, members still introduced duplicate bills. It must have been a reason other than “no room for more cosponsors” that led individuals to introduce an identical bill under their own names.<sup>8</sup> One answer, suggested by public choice theory, is that being able to claim a bill as “one’s own” is a stronger credit to be claimed than mere cosponsorship. Another answer is that the original bill may have stalled in the legislative process.

## Notes

1. We should also note that, prior to the 91st Congress, cosponsorship of bills was not allowed – creating the necessity of duplicate bills for representatives concerned with credit-claiming.
2. Cosponsors can be added up to the day on which the last committee to which the bill has been referred orders the measure reported to the House.
3. Although the number of House and Senate bills that is simultaneously introduced is large, the percentage of House and Senate bills simultaneously introduced is not large. This means any bias caused by estimating our equations using ordinary least squares should be small.
4. The lagged value of the endogenous explanatory variable is the most popular instrumental variable in a time series setting (Kennedy 1984; Kmenta 1986);
5. The data for the new variables comes from *Vital Statistics on Congress 1989–1990*. Since the data for mean years of service begins in the 83rd Congress, our House equation has two less observations than our Senate equation. We also estimated our Senate equation using TREND, RULE, the number of Democrats divided by the number of Republicans in the House, and mean years of service in the House. The only difference between these results (not included in this paper) and the results in Table 4 is that the t-statistic for the estimated regression coefficient for HBILLS is not significant, although it is still greater than one.
6. The equations in Table 4 were reestimated using ordinary least squares. The signs, magnitudes, and t-statistics of the new estimated regression coefficients are almost identical to those in Table 4.
7. Our problem is not a standard public goods problem. The standard problem predicts that if the cost of excluding free riders increases, less of the public good will be produced. In our problem the cost of excluding free riders has not changed: the first sponsor can still deny other representatives the right to add their names to the bill as cosponsors and other representatives can still introduce identical bills. In addition, the number of original bills introduced in the House has remained about the same: House members introduced 7,507 original bills in the 95th Congress and 6,367 original bills in the 97th Congress (see Table 1 for details).
8. However, even with sponsorship rules held constant, constituency-oriented credit claiming appears to have been increasing prior to 1979 (see Table 1) leading to a higher proportion of duplicate bills in the 93rd and 95th Congresses as compared to the 91st, and thus creating an essentially imaginary growth in the number of bills introduced.

## References

- Campbell, J.E. (1982). Co-sponsoring legislation in the U.S. Congress. *Legislative Studies Quarterly* 7: 415–422.
- Kennedy, P. (1984). *A guide to econometrics*. Cambridge, MA: MIT Press.
- Kmenta, J. (1986). *Elements of econometrics*, 2nd ed. New York: Macmillan.
- Ornstein, N., Mann, T. and Malbin, M. (1989). *Vital statistics on Congress. 1989–1990*. Washington, DC: American Enterprise Institute.