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In Search of Killer Amendments in the Modern Congress

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Abstract

In recent years, a number of studies have examined the incidence of "killer amendments"—that is, amendments that once adopted cause a bill that previously had majority support to fail—in Congress. Yet most of these studies have been either case specific, focusing on the legislative maneuverings around a single issue or bill, or temporally limited, focusing on strategic activity in only one or two Congresses.

In this paper, the authors begin a comprehensive research agenda for the systematic study of killer amendments in Congress. Using a dataset that codes each House roll-call vote from the 83rd through the 108th Congresses (1953-2004), they identify those bills that were successfully amended and subsequently went down to defeat, a necessary condition for the existence of a killer amendment. They then examine these cases in greater detail, using both macro-level spatial analyses and micro-level case studies. Their results indicate that killer amendments are rare, although they uncover five cases, four of which are new, that appear to fit the characteristics of true killers.

I. Introduction

The "killer amendment" phenomenon is well known within the general literature on legislative behavior. An amendment qualifies as a "killer" if its addition causes a bill, which previously had majority support, to fail. Unfortunately, killer amendments, while conceptually interesting, are more of a theoretical possibility than an empirical regularity, as congressional scholars have identified only five historical cases that appear to fit the characteristics of a likely killer (see Riker 1982; Poole and Rosenthal 1997; Jenkins and Munger 2003). Moreover, the discovery of these five cases has been little more than accidental, resulting from passing observations of the historical record rather than a systematic search.

In this paper, we present and then employ a methodological framework for the systematic identification and study of killer amendments. First, applying some simple tenets from the social-choice literature, we elaborate the theoretical underpinnings that would allow a successful killer amendment to emerge. Next, we suggest a means to operationalize the killer-amendment phenomenon, so as to sketch out a process for identifying likely killers. First, relying upon the spatial theory of voting as our method, which has been used previously by a number of scholars (Enelow 1980, Enelow and Koehler 1981, Riker 1982; Poole and Rosenthal 1997; Wilkerson 1999), and NOMINATE scores (now ubiquitous in the literature) as our measure, we conduct a series of "macro" analyses. These yield a set of "possible" killers, which we then investigate more fully, following tenets laid out in Jenkins and Munger (2003), via a series of "micro" case-study analyses.

In short, we argue that killer amendments can only succeed if voting occurs in more than one dimension. Stated another way, a successful killer amendment requires an intransitive social preference ordering, which as we will discuss can only occur if we move beyond a one-

dimensional choice space. A successful killer amendment, then, becomes a matter of "heresthetics," where potential losers search for a second issue (dimension) to alter the strategic voting dynamics and expedite the defeat of a bill, which previously had majority support along a different dimension. Since agenda manipulation (as in the case of killer amendments) can always be defeated by sophisticated voting, herestheticians, to be successful, must find secondary issues that are of sufficient importance to some legislators that they cannot afford to cast anything other than a sincere vote. Thus, as Poole and Rosenthal (1997: 147) note, when "there is a mixture of sincere and sophisticated types, agenda manipulation is possible."

Using a dataset developed by Rohde (2004) that provides a comprehensive coding of all roll-call votes in the House of Representatives from the 83rd through 108th Congresses (1953-2004), we identify all cases where (1) an amendment passed and (2) the amended bill then went down to defeat. From this initial set of cases, we then examine the dimensionality of voting, via a NOMINATE analysis, at *both* the amendment and final-passage stages to determine whether more than one dimension was in play, and thereby narrow our set of possible killer amendment cases. We then analyze the resulting set of cases using two common spatial "fit" statistics as well as spatial "cutting lines," which help determine if the underlying voting coalitions change substantially across the amendment and final-passage votes, to narrow the field further. Finally, we examine the remaining cases using qualitative evidence, following the tenets laid out in Jenkins and Munger (2003), to see if the substantive context points toward the existence of a true killer.

The paper is organized as follows. The next section establishes the theoretical bases for killer amendments, while also establishing our research design for killer amendment "detection." Then, in the following four sections, we provide some substantive background on amendment

voting in the House, describe our data in more detail, present our macro-level results, and discuss some micro-level evidence. The final section summarizes our findings and details various directions for future research.

II. Killer Amendments: Theory and Methodological Framework

The basic structure underlying killer amendments is related to the general phenomena of agenda manipulation and sophisticated voting (Farquharson 1969; McKelvey and Niemi 1978).[1] For an amendment to qualify as a "killer," assuming pairwise majority-rule voting, the following conditions have to be met:

- C1: It is believed that the bill (B) under consideration would beat the current status quo (SQ).
- C2: It is believed that B would lose to at least one amended form of the same bill (AB).
- C3: It is believed that AB (i.e., containing the "killer" amendment) would lose to SQ.

If any of these conditions are violated in outcomes, then the amendment is not a killer. For example, if C3 is false, then AB will beat SQ. Thus, the amendment simply weakened B, but did not kill it. If C2 is violated, the amendment did not matter much anyway, because B is a Condorcet winner. If C1 is false, then B would not have beaten SQ in the first place, and was never "alive" enough to be killed.

To understand the amendment process better, consider a simple agenda in which B is pitted against AB in round one, with the winner pitted against the current SQ in round two.[2] This agenda, combined with expectations conditions C1, C2, and C3, reveals something about the

[1] For more detailed background on killer amendments, see Enelow and Koehler (1980), Enelow (1981), Wilkerson (1999), and Jenkins and Munger (2003).

[2] We have depicted the process as simply as possible here; more complicated agendas can be introduced without any change in the conclusions, as shown by Enelow (1981).

consistency of expectations. We can rewrite the conditions in terms of the asymmetric binary relation " ", which we will take to mean "majority preferred to."

- C1: B SQ
- C2: AB B
- C3: SQ AB

Combining these, we obtain the following social preference ordering over the three alternatives:

- SQ AB B SQ

Clearly, this social preference ordering is intransitive. The only way that this set of expectations can be consistent is if there is a cycle over alternatives.

One set of preference orderings, with three legislators and three alternatives, that would give rise to such a cycle is the following – Legislator 1: B SQ AB; Legislator 2: AB B SQ; Legislator 3: SQ AB B. This example, known as the "Condorcet paradox," illustrates why killer amendments are always possible if legislators vote sincerely. If you are Legislator 3, then you realize that B (your least-preferred outcome) will defeat SQ. But if you introduce AB, then Legislator 2 will join you in defeating B. Then, of course, when AB is voted against SQ, you are able to count on Legislator 1 to join you in defeating (your own) AB. The outcome is Legislator 3's (the amender's) most preferred result, retaining SQ.

This example also illustrates why sincere voting is not likely to be a useful assumption. If SQ is in fact the result, Legislator 2 is abetting 3 in ensuring Legislator 2's least preferred outcome. It seems unlikely, however, that Legislator 2 would agree to such a deal. All Legislator 2 has to do is cast a sophisticated vote in the first round, voting against AB, thereby

ensuring that B is the outcome.[3] But, in that case, AB is not a killer! The point is that C2 is not just an expectation about preferences, but also an expectation about actions. More simply, it is quite possible that a legislator who prefers AB to B may still vote for B. In other words, strategic agenda manipulation by the amender (such as a killer amendment attempt) can always be defeated via sophisticated voting by the bill's proponents.

If this latter statement is true, why should we ever expect to observe real-world examples of successful killer amendments? Two reasons have been suggested. First, the above treatment assumes a perfect-information environment, wherein all members of Congress know each other's preferences as well as the agenda under consideration. If uncertainty and asymmetric information are prevalent, however, then outcomes could differ from those that would emerge under a perfect-information setting (Krehbiel and Rivers 1990; see also Calvert and Fenno 1994). While we acknowledge this possibility, we follow Enelow (1981) and Jenkins and Munger (2003) and adopt the "classic" approach, thereby assuming a perfect-information environment. We contend that if information asymmetries exist in congressional voting agendas, they will be reduced significantly (or eliminated) by the existence of readily-available information cues, such as party leaders, senior legislative colleagues, and other social networks, that will disseminate information down the line (see Kingdon 1973; Arnold 1992; Hall 1996). As Enelow (1981: 1064) states: "[in] the U.S. Congress, perceptions of critical amendments as either a saver or a killer will probably be widely shared."[4]

A second reason why successful killers may be observed stems from members consciously deciding to vote sincerely at the amendment stage when they would be better off

[3] One could claim that Legislator 2 should try to change the agenda, but we are assuming that the "status quo voted last" rule is in place, so that the agenda tree is restricted to the form presented in Table 1. Legislator 2's only option, then, is a sophisticated vote in the first round, a "second-best" solution.

[4] This view seems to be shared by Wilkerson (1999), as well, who bases his analysis of potential killer amendments in the 103rd and 104th Congresses upon members' identification of a proposal as a "killer."

voting sophisticatedly. This usually occurs when the issue under consideration at the amendment stage is more important to a member (or, more specifically, a member's *constituency*) than the issue comprising the original bill. That is, a member may know that a sincere vote at the amendment stage may lead to the original bill being amended and "killed" – an outcome at odds with her preferences – but she casts a sincere vote regardless. This is because she feels that she cannot adequately explain the multi-stage agenda dynamics, and her series of votes, to her constituents. In effect, she eschews sophisticated voting and casts a sincere "position taking" vote, because she does not want to risk losing her constituents' trust (see Denzau, Riker, and Shepsle 1985; Wilkerson 1990; Austen-Smith 1992; Jenkins and Munger 2003).

Of the successful killer amendments documented in the literature – five cases in all: three cases, the Wilmot Proviso, the DePew Amendment, and the Powell Amendment, documented by Riker (1982) and Poole and Rosenthal (1997), and two cases, the College of William and Mary Amendment and the Sumner Amendment, documented by Jenkins and Munger (2003) – all have been of the second type, that is, cases in which members of Congress were unwilling to vote sophisticatedly at the amendment stage, for fear of losing their constituents' trust.[5] It should also be noted that these five cases have not been universally hailed as "true" cases of killer amendments. This is especially true of the Powell Amendment, which has been the source of numerous analyses.[6] The key issue in these debates centers on the expectations conditions

[5] In each case, the substance of the amendment dealt with the issue of "race," an issue that, as Jenkins and Munger (2003) describe, is highly salient and "easy" for constituents to process.

[6] Since Riker's work on the Powell Amendment, several studies have emerged – Krehbiel and Rivers (1990), Gilmour (2001), and Mackie (2003: 197-216) being the most prominent – to question whether it was truly a case of a killer amendment. These analyses have varied in their methodologies, but all have questioned Riker's assumption that a majority of southern Democrats had initially been in support of the school construction bill (before Powell offered his amendment). Recently, Evans et al. (2003) have uncovered evidence that appears to vindicate Riker's account. Using whip count data heretofore unavailable, Evans and his colleagues find that a substantial number of southern Democrats were classified as "yes" or "leaning yes" in anticipation of a straight up-or-down vote on the school construction bill, enough so that the measure would have easily passed. As the authors note: "… the best

outlined in the beginning of this section. Specifically, evidence rarely exists to corroborate the first condition, in which a majority initially prefers B to SQ, since B is typically amended and thus is never pitted in its unamended form against SQ.[7]

With the latter critique taken as a qualifier, how might we begin to operationalize the killer-amendment phenomenon, so that we can begin to sketch out a process for identifying likely killers? The natural theoretical extension, as adopted by Enelow (1980), Enelow and Koehler (1981), Riker (1982), Poole and Rosenthal (1997), Wilkerson (1999), and others, is the spatial theory of voting. Put simply, the spatial theory of voting assumes that policy alternatives can be arrayed on one or more dimensions, with members voting for that alternative that is closest to their ideal policy preference, or "ideal point."[8]

The next question becomes: how many dimensions of choice are needed to identify a killer amendment? As mentioned previously, killer amendments can only exist if there is an intransitive social preference ordering, i.e., a preference cycle (see, Ordeshook 1986: 65-67; Strom 1990, p. 45). If Black's (1958) conditions hold – that is, if we assume that all legislators possess single-peaked, symmetrical preferences and vote sincerely – then a killer amendment cannot occur in a one-dimensional setting.[9, 10] When we move to two dimensions, however,

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archival evidence suggests that the episode was indeed characterized by a voting cycle … and that the Powell Amendment did indeed kill the measure" (8).

[7] One exception is the College of William and Mary funding bill, which emerged and was voted on *in its original form* two months after it was killed with a race-based amendment. See Jenkins and Munger (2003).

[8] For a more detailed discussion of the spatial theory of voting, see Enelow and Hinich (1984).

[9] As Poole and Rosenthal (1997: 157) state succinctly: "If there were a truly unidimensional killer amendment … the amendment should never pass in one dimension. If the original bill is liberal in relation to the status quo, for example, the killer amendment needs to be more liberal. In this case, a sincere majority would prefer the original bill. … If voters are sincere, [killer] amendments might well succeed, but only in two or more dimensions."

[10] Both Poole and Rosenthal (1997: 155-57) and Wilkerson (1999) modify the "classic" killer amendment perspective by relaxing the sincere-voting assumption. As a result, a single-dimensional killer amendment can exist, via "ends-against-the-middle" voting. That is, a member from an extreme part of the distribution offers an amendment that is more extreme *on the other side of the distribution* than the bill under consideration. Thus, the two extreme ends of the distribution support the amendment (one side voting sincerely, the other side voting strategically), leading to the amendment's passage. The amended bill is then considered too extreme by the median voter, relative to the status quo, and is defeated. Thus, unlike the classic killer amendment case, in which sincere

Black's theorem breaks down. That is, without restrictive institutional rules in place – like division-of-the-question or agenda-limiting rules – to mimic a unidimensional setting, majority rule typically fails as a transitive social preference ordering will rarely exist (Plott 1967; McKelvey 1976).[11] While this result has negative implications for majority rule generally, it provides potential users of killer amendments with an ideal blueprint to follow. Specifically, in a basic two-dimensional setting where members vote sincerely, preferences will be cyclical and the passage of a killer amendment is possible.

Hence, as Riker (1982; 1986; 1990) argues, the pursuit of a successful killer amendment then becomes a matter of "heresthetics"— or political strategy (1986: ix). In the simplest scenario, assume the initial decision between B and SQ operates along one dimension of conflict in Congress, and B has majority support. In order for opponents of B to block its passage, they must identify a second issue — specifically, a second *dimension* — to interject into the proceedings, which will transform the choice space from one to two dimensions and upset the initial majority coalition. Alternatively, the initial decision between B and SQ might involve a certain *combination* of issues (or issue dimensions); opponents of B may then seek to "reweight" the dimensions via an amendment in an attempt to kill the measure. Regardless, such a "killer strategy" is typically prevented by the majority either via (a) agenda control, to deny recognition to the proposed amender, or (b) sophisticated voting, to defeat the amendment on the floor. Yet, the majority may not *always* be successful; to reiterate, scholars have argued for the existence of several successful cases of killer amendments across American history. In *each* case, opponents

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voting leads to a killer's passage, this modified one-dimensional killer scenario *requires* strategic voting to insure a killer's passage. While acknowledging that some ends-against-the-middle voting occurs, Poole and Rosenthal (1997: 156-57) find little systematic evidence to suggest that such cases are at all frequent. Thus, for the purposes of this paper, we confine our analysis to the classic case, which seems more tractable empirically.

[11] The primary way that a transitive social preference ordering can be achieved in a multidimensional setting is if a "median in all directions" (i.e., a multi-dimensional Condorcet winner) exists. This is known as the "Plott Condition." See Plott (1967) and Enelow and Hinich (1984) for a discussion.

of B – led by dissident members of the *majority* party, one of whom gained recognition and offered the killer amendment – have successfully transformed the initial one-dimensional choice setting into a two-dimensional choice setting (see Jenkins and Munger 2003).

All of this provides a framework for empirical verification. Identifying a successful killer amendment, then, requires us to find evidence that decision-making is two-dimensional. While the first condition (B vs. SQ), as mentioned previously, is often unobservable, the remaining two conditions (AB vs. B, and AB vs. SQ) *are* observable. We are then left to identify cases where (a) the amendment passes, i.e., AB is preferred to B, and (b) AB fails, i.e., SQ is preferred to AB. With this set of possible killer amendments in hand, we follow Poole and Rosenthal's (1997: 157-63) lead, by examining each case, one by one, using a NOMINATE-based analysis.

We expect that the *final* vote, in which AB is paired against SQ, should be two-dimensional. That is, AB, *by definition*, incorporates two dimensions: the amendment (based on the secondary issue) *and* the original bill (based on the primary issue). Moreover, as it is the last round of a multi-stage game, all members should vote sincerely. The prior stage, where AB is paired against B, is less clear. Conflict could be either one-dimensional, where the issue underlying the amendment structures voting, or two-dimensional, where the issues underlying *both* the original bill and the amendment structure voting. However, if we observe amendment and final-passage votes that are explained by the *same single dimension*, we will take this as evidence that the amendment was *not* a killer, but rather either a *strengthening* or *weakening* amendment. That is, the amendment simply moved the roll-call alternative along the given dimension, which had the affect of increasing (a weakening amendment) or decreasing (a strengthening amendment) the size of the original coalition.

We also expect to observe some sophisticated voting in the amendment stage, as some members will attempt to defeat the killer attempt by focusing on sophisticated equivalents, rather than the immediate alternatives. Therefore, for cases of successful killer amendments, we should observe a poorer overall fit in our roll-call analysis at the amendment stage, where there is a mixture of sophisticated and sincere voting, relative to the final-passage stage, where all voting is sincere.[12] Moreover, the distribution of voting "errors" arising from the NOMINATE classification should be different across the two stages, with a higher proportion of errors falling near the cutting line in the final-passage stage.

Finally, we expect the coalitions on the amendment and final-passage votes to differ. That is, if an amendment is indeed a killer, we would expect the issues (or combination of issues) underlying the amendment and final-passage votes to vary. This should create different issue cleavages, and thus different coalitions of support and opposition. One way to analyze coalitional change in this fashion is to use "cutting lines," a spatial instrument that indicates how the issue space is being divided (see Poole and Rosenthal 1997: 155). Stated differently, the angle of a given cutting line indicates the relative weight each dimension plays in classifying individual vote choices on a roll call. If the cutting-lines angles on the amendment and final-passage votes differ considerably, this indicates that the issues (issue dimensions) underlying each vote *and* the coalitions across the two votes differ. We will take this as evidence in support of a potential killer story. If the cutting-line angles are roughly the same, this indicates that the issues (issue dimensions) underlying each vote *and* the coalitions across the two votes are nearly identical. We will take this as evidence against a potential killer story.

[12] Stated differently, we expect more classification errors at the amendment stage. The NOMINATE procedure assumes sincere voting; given the mix of sincere and sophisticated types at the amendment stage, more classification errors will thus be present.

Once the initial set of cases is winnowed, using the array of macro-level spatial techniques discussed above, we can then proceed to examine the specifics of the remaining cases in greater detail, using micro-level tenets laid out in Jenkins and Munger (2003). Specifically, to be consistent with a "trust-based" killer, an amendment must be (a) characterized by a cross-cutting coalition, wherein the majority and minority parties are split into competing factions (and, very likely, where a member of the *majority* party offers the amendment); (b) of a high level of salience, to spur attentive constituent monitoring; and (c) "easy," in the sense of being easily understood, regardless of one's political awareness or sophistication, so as to make members of Congress leery of casting sophisticated votes. A sweep of journalistic accounts of each case, along with expert-level commentary in sources like *CQ Weekly* and the *CQ Almanac*, and an investigation of the floor dynamics via an examination of the *Congressional Record*, will help us to determine if the individual cases fit the criteria outlined above.

Before proceeding to the next section, we first acknowledge that our search for killer amendments is susceptible to a selection effect. That is, we can only identify a killer amendment if it has in fact been offered and voted upon by roll call. One can imagine, for example, cases in which bills have not been considered on the House floor because viable *threats* of killer amendments have been raised. Such cases, of course, would not be observed in our data, despite the very real possibility that they occur (and are successful). Thus, we can only tell a part of the potential killer amendment story here. Nevertheless, we hold that identifying potential killers *at the roll-call stage* of the House agenda process is an important research endeavor, and one that has received scant systematic attention in the literature to this point.[13]

III. Amendment Voting in the U.S. House

[13] The sole exception is Wilkerson's (1999) analysis of potential killers in the 103rd and 104th Congresses.

Before turning to the data and analysis, we consider some trends in amendment voting in the post-war House of Representatives. The frequency of amendments on the floor, as well as the mode of consideration and voting, varied considerably over this period. Figure 1 tracks the number of amendments that elicited a roll-call vote in the House from 1953-2004 (83rd to 108th Congresses). We also include the number of first degree amendments, as they relate more closely to the type of amendments considered as potential killers.[14] From the 83rd through 91st Congresses (1953-70), the number of amendments offered was relatively stable. Amending activity mushroomed in the subsequent Congresses, peaking in the 95th (1977-78), and then declined somewhat by the 97th (1981-82) and later Congresses, with a bit of a resurgence during the heightened partisanship of the 103rd Congress and beyond. The broken line in Figure 1, representing amendment votes as a proportion of all recorded votes by Congress, reveals a similar pattern.

[Figure 1 about here]

Smith (1989: 15) argues that the dramatic rise in amendments stemmed from members turning "to the floor as a new outlet for expression and as a court to which committee decisions might be appealed." This was in many ways a function of the changing House environment resulting from the early-1970s reforms, which shifted power away from committee chairs and toward subcommittees, the parties, and rank and file members (Rohde 1991). Prior to the reforms, during the "textbook" era (Shepsle 1989), committee chairs enjoyed a disproportionate share of influence over their committees' legislative products. For instance, the House rules did not allow for recorded votes on amendments in the Committee of the Whole; this gave committee chairs significant discretion in influencing members' voting decisions. When the House rules were changed to make it easier for members to request a recorded vote, many found

[14] Second degree amendments simply alter the language of a first degree amendment.

reasons – such as to challenge a committee decision or to put the majority party on record on a difficult issue, for example – to do so.[15] As a result, the number of amendments offered on the floor and decided by a recorded vote increased substantially. Thus, it seems likely that our chances of finding potential killer amendments will be higher in the post-reform House, simply because of the comparative infrequency of activity prior to that period. The subsequent discretion exercised by the majority party over the amendment agenda beginning in the 1980s and increasing thereafter, via the use of restrictive special rules, likely counteracted this effect as the leadership increasingly began to clamp down on amending opportunities.

IV. Data

To identify potential cases of killer amendments in accord with our theoretical expectations, we employ a dataset first created by Rohde (1991) for his study of partisanship in congressional voting. Recently extended – see Rohde (2004) – it codes each House roll call from the 83rd through 108th Congresses (1953-2004) by, among other things, issue content and type of vote. To each roll call in this dataset we have added the corresponding bill number, to allow easy tracking between amendments and their underlying bills.[16] These integrated data thus allow us to identify all cases between 1953 and 2004 in which (a) an amendment passed on a recorded vote and (b) the amended bill was later defeated on a recorded final-passage vote, a necessary first step before proceeding to a detailed set of analyses.

After a thorough canvassing of the data, we found 26 cases in which the necessary conditions for a killer amendment are met. That is, of the 134 bills defeated on a recorded final-passage vote in the House from 1953 through 2004, twenty-six had one or more amendments

[15] See Roberts and Smith (2003) for a discussion of the impact that the rules change regarding voting in the Committee of the Whole had on the roll call record.

[16] Bill numbers for the roll calls were filtered from the codebooks of ICPSR study # 0004 and then merged with Rohde's roll call dataset. Recent Congresses were coded using data provided by Keith Poole.

adopted via a roll call prior to the vote on final passage.[17] Table 1 presents this list, along with the outcome on the roll-call vote and the substantive issue at stake on each of the amendments.

[Table 1 about here]

With these 26 cases in hand, we proceed to investigate the theoretical expectations laid out in Section II, via a systematic set of spatial analyses. This will allow us to determine the degree to which each case meets the qualifications of a killer amendment. "Unlikely" cases – that is, cases that do not appear to be killer amendments – will be eliminated. We will then examine the remaining cases – i.e., "possible" killers – via more in-depth qualitative analyses.

V. Spatial Analyses

To reiterate, the theoretical underpinnings of the killer amendment phenomenon suggest an inherent multi-dimensionality of the issue space resulting from the successful introduction of a killer. While the amendment may or may not reside solely on a single dimension, the vote on final passage will be multi-dimensional. To tap this expectation, and winnow our set of 26 cases, we turn to a vote-by-vote probit analysis employing Poole and Rosenthal's (1991, 1997) NOMINATE measures. For each case, we estimate separate equations at the individual, member level for the adopted amendment(s) and final-passage votes. For each roll call, we include both first- and second-dimension NOMINATE scores as covariates, which will allow us to determine whether one or both dimensions explain members' vote choices at each agenda stage.

We find that 6 of the 26 cases are inconsistent with the dimensional criteria for true killers. Two cases exhibited significance on just the first dimension on both the amendment and final-passage roll calls (H.R. 13853 and H.R. 11180), consistent with a strengthening or weakening amendment. In one case (H.J.Res. 247), both dimensions were significant on the

[17] We use the term "bill" rather loosely here. Of the 134 measures defeated on final passage, 95 were actual bills, 30 were joint resolutions, and 9 were concurrent resolutions.

amendment, with only the first dimension displaying significance on final passage. Finally, in three cases (H.R. 7545, H.R. 5229, and H.R. 6), neither NOMINATE dimension was significant at the amendment stage.[18]

The remaining 20 cases exhibit a dimensional structure consistent with a possible killer amendment. These cases are listed in Table 2, with the first shaded column indicating the results of the probit analyses. Two cases line up neatly with the expectations regarding a "classic" killer, in which the amendment vote is driven by a secondary dimension (here, the second NOMINATE dimension) while the final-passage vote is two dimensional. The first case is the well-known Powell amendment to the School Construction Aid bill in the 84th Congress, which required that states be in conformity with *Brown v. Board of Education* (1954) in order to receive grant money. The second case is an amendment to a bill (H.R. 12473) in the 93rd Congress that would have funded the construction of a civic center named after former President Dwight D. Eisenhower in the District of Columbia. The amendment called for a non-binding referendum to be held in the District on the center's construction, and broadened the scope of debate to include the issue of home rule.

[Table 2 about here]

In three other cases, voting on the amendment centered on the first NOMINATE dimension, with the vote on final passage tapping both NOMINATE dimensions. Two of the three bills are from the 96th Congress and involved a congressional pay raise. The first was H.R. 4390, the annual legislative appropriations bill, to which the Murtha amendment scaled back the

[18] In the first case, the Debt Limit Extension amendment in the 94th Congress, which sought to reduce the debt ceiling, the vote exhibited little spatial structure. In the other two cases, the Public Debt Limit amendment in the 96th Congress and the Banking Reform amendment in the 102nd Congress, the votes were virtually unanimous. In the latter cases, they appear to have been simply "motherhood and apple pie" amendments. The amendment to the debt limit bill changed the date for extending the limit and reduced the debt ceiling by a few percent, while the amendment to the banking bill gave states three years to opt out of the interstate branching system.

increase for certain government employees. After defeat of this legislation, the issue emerged again later that year in a continuing appropriations bill (H.J.Res. 399); here, the Lungren amendment dealt with a comparatively minor issue and was adopted with little controversy. The third bill, H.R. 3518 in the 97th Congress, was a state department authorization, and the Beard amendment, dealing with the free-flow of information, was adopted with little dissension and appears not to have tapped into the underlying divisions over foreign aid that contemporary accounts suggest led to the bill's defeat.

In addition, fifteen cases (15 bills, 29 amendments) are broadly consistent with our initial dimensional criteria. In each of these cases, *both* NOMINATE dimensions were significant at *both* the amendment and final-passage stages.[19] Thus, these fifteen cases, along with the five others discussed above, qualify for further examination regarding their killer amendment properties.

These 20 cases in hand, we now move on to the next stage of our spatial analysis. As stated previously, in cases of true killers, we should observe a better two-dimensional spatial fit at the final-passage stage – the last stage in the agenda process where all voting is sincere – relative to the amendment stage, where there is a mixture of sincere and sophisticated voting and thus more classification errors in our spatial voting analysis.[20] Stated differently, the *combination* of types (sincere and sophisticated voters) at the amendment stage will produce more classification errors, relative to the *one* type (sincere voters) at the final-passage stage. Moreover, the classification errors should be distributed differently across the two stages. At the final-passage stage, where voting is wholly sincere, a greater proportion of the errors should be close to the cutting line; whereas, at the amendment stage, because of the presence of some

[19] Some of these cases also included amendments that were significant on the first NOMINATE dimension only.
[20] Recall that NOMINATE *assumes* sincere voting (see Poole and Rosenthal 1997).

sophisticated voting (thus producing a combination of types), a wider distribution of errors should be uncovered.

Do the empirics comport with these theoretical expectations? The evidence for our set of 20 cases is presented in the next set of columns of Table 2. To assess the "fit" of the model, we use the percent of individual votes correctly predicted (PCP) as well as the geometric mean probability (GMP), a statistic that penalizes errors far from the cutting line (Poole and Rosenthal 1997: 31). As the table illustrates, the cleanest example of an amendment exhibiting the characteristics of a killer is the Powell Amendment, where both the PCP and GMP are significantly higher on the final-passage vote. The Eisenhower Convention Center case, by contrast, is less clear, as the PCP is larger on the amendment, while the GMP is larger on the final bill. The two appropriations bills involving the pay raise (H.R. 4390 and H.J.Res. 399) and the bill involving the State Department authorization (H.R. 3518), where the amendment voting was exclusively first-dimensional, do not fit the expected profile for a killer in terms of either the PCP or GMP.

Of the remaining cases, the cleanest examples in terms of PCP and GMP are the Holtzman and first Pike Amendments to H.Con.Res. 195 in the 95th Congress, the Coughlin Amendment to H.Con.Res. 186 in the 96th Congress, the second Oakar and first Whitten Amendments to H.Con.Res. 345 in the 97th Congress, the Long Amendment to H.J.Res. 403 in the 98th Congress, and the Boehlert Amendment to the Forest Recovery Bill in the 105th Congress. Other less-clean cases show similar PCP and GMP results between the amendment and final-passage stages, with the amendment stage slightly larger on both measures.

We next focus on spatial cutting lines. Here, we are interested in whether the amendment and final-passage votes are tapping into different issue cleavages, and thus whether the

membership is sorting along different issue dimensions. This shifting of cutting lines is one key indicator that Poole and Rosenthal (1997: 155) use to identify true killers. Alternatively, when amendment and final-passage votes produce roughly parallel cutting lines, Poole and Rosenthal take this to mean that the same issue (or combination of issues) was predominant on each vote. This would constitute evidence against the amendment being a killer.

To identify potential killers in this manner, what we are looking for, in effect, is an amendment cutting line that intersects the final-passage cutting line in a *roughly* orthogonal manner. Of course, it is highly unlikely that any two votes will be exactly orthogonal—indeed the difference between the cutting line on the Powell amendment and final passage of the School Construction Aid bill was only about 30 degrees (see Figure 2 for a graphical display). As such, we employ a somewhat looser standard in our search, with the intent being to identify cases in which the cutting lines intersect such that a reasonable number of members will be separated into four regions of the voting space. We regard this stage of the analysis as offering an additional piece of evidence that, when taken together with the previous dimensional and spatial fit evidence, pushes us further along the path of identifying likely killer amendments.

[Figure 2 about here]

One example of a potential killer amendment, using cutting lines as our guide, is illustrated in Figure 3. This case involved H.R. 3191, the FY 1984 Treasury, Postal Service, and General Government Appropriations bill in the 98th Congress. The amendment, tacked on as a rider to the bill, dealt with the issue of allowing government funds to be used for abortion procedures. In this case, the PCP and GMP were slightly higher on the amendment, relative to the amended bill. Yet, a look at the cutting lines tells an interesting story. The first vote, on the amendment, shows a cutting line in the 130-degree range, while the second vote, on final

passage, shows a cutting line in the 40-degree range. The two cutting lines therefore indicate significantly different coalitions on the two votes. And because of the sensitive and salient nature of the amendment's content, the coalitional shift could be indicative of the sort of trust-based sincere voting by a number of MCs that typically underlies a killer amendment (see Denzau, Riker, and Shepsle 1985; Jenkins and Munger 2003).

[Figure 3 about here]

Cutting-line angles for our set of 20 cases are provided in the second shaded portion of Table 2.[21] Two of the first five cases, the Powell amendment to H.R. 7535 (as mentioned previously) and the Diggs amendment to H.R. 12473, continue to look like promising candidates for killer amendments based on their spatial characteristics. In both cases, there is a marked difference in cutting-line angles between the amendment and final-passage votes.

Of the additional cases, the cutting-line angles reveal continued support for the amendments to H.R. 14747 (Amendments to the Sugar Act of 1947), H.Con.Res. 195 (FY 1978 Budget Targets), H.Con.Res. 186 (Fiscal 1980 Binding Budget Levels), H.Con.Res. 345 (First Budget Resolution, FY 1983), the Smith Amendment to H.R. 3191 (FY 1984 Treasury, Postal, and General Govt. Appropriations, discussed above), and the amendments to H.R. 2122 (Gun Shows) and H.R. 4663 (Budget Enforcement). In each, the divergence between the amendment angle and the final-passage angle reaches a threshold in which a distinct spatial division emerges. That threshold seems to require a minimum of 20 to 25 degrees of separation.

In the remaining cases, the differences in cutting-line angles are such that nothing close to the approaching-orthogonal picture evident in Figures 2 and 3 is observed. Two of these cases, however, are illustrative and merit further discussion. The first is H.J.Res. 403, in which the 20 to 25 degree difference criterion is met, but the intersection of the cutting-line angles

[21] Keith Poole generously provided the R code that allowed us to ascertain the cutting line angles.

occurs well outside the constellation of ideal points and thus does not provide room for separation into four distinct regions (see Figure 4).[22] The second is H.R. 2515, the Forest Recovery Bill and the accompanying Boehlert Amendment, which is perhaps the best case of an amendment-passage pair moving along the *same* dimension (or same *combination* of dimensions), as manifested in parallel cutting lines (see Figure 5). As such, this is quite compelling evidence *against* the Boehlert Amendment being a killer, despite the prior PCP and GMP findings. More generally, this speaks to the benefit of a multi-pronged approach to assessing potential killer amendments.

[Figure 4 about here]

[Figure 5 about here]

To summarize, we view each stage of our empirical spatial analyses – dimensionality results, fit statistics, and cutting line angles – as providing complementary evidence in our search for likely killer amendments. By comparing results across each stage, we can establish "killer likelihoods" for each bill-amendment pair. To this end, the final column of Table 2 provides a synopsis of the findings with regard to each of the 20 cases. The results are categorized into one of three groups. One case, the Powell Amendment to H.R. 7535, consistently reveals the spatial characteristics of a killer amendment – and a "classic" killer amendment, at that – and for that reason is labeled "Likely." In contrast, 12 bills (and associated amendments) revealed features contrary to what we would expect to observe in the case of a killer amendment and are therefore labeled "Unlikely."

Certain amendments (or sets of amendments) to the seven remaining bills are labeled "Possible." The Coughlin Amendment to H.Con.Res. 186, the second Oakar and Hoyer Amendments to H.Con.Res. 345, the Kirk Amendment to H.R. 4663, and several amendments to

[22] The same is true for H.R. 3518.

H.Con.Res. 195, for example, met all of the spatial expectations – but to a lesser degree than the Powell Amendment – of a likely killer. The Diggs Amendment to H.R. 12473, on the other hand, exhibited strong initial signs of being a "classic" killer, and while the cutting lines bolstered this belief, the fit statistics (especially the PCP results) were considerably less supportive. The Smith Amendment to H.R. 3191 and the Ford and O'Hara Amendments to H.R. 14747 were similar to Diggs, in that they fell a bit short in terms of the fits statistics. Nevertheless, the latter three cases deserve further analysis.

With these "surviving" cases in hand, we turn next to a description of the contextual and coalitional nature of each case. In doing so, we move from a macro spatial perspective to a more micro case-study analysis in our pursuit of "likely" killers.

VI. A Closer Look at the Potential Killers

Most analyses of killer amendments in Congress have focused on just one or very few cases. Scholars have generally sought to identify in great detail the agenda tree, the information at hand for legislators, and a variety of other data that is often discernible (if at all) only through extensive qualitative research. Our aim here is not to definitively answer the question of whether each "possible" case is a "true" killer — doing so extends well beyond the scope of a single paper — but rather to shed additional light on the individual cases and further narrow the search to a set of "likely" killer amendments. In particular, we incorporate the tenets laid out in Jenkins and Munger (2003) to make reasoned assessments regarding the killer status of each case. Jenkins and Munger contend that "likely" killers are characterized by (a) cross-cutting coalitions, especially those in which the majority party is split into competing factions (and, wherein, a member of the majority party is recognized and offers the amendment); (b) a high degree of salience attached to the issue evoked by the amendment, thus leading to high levels of

constituent monitoring; and (c) "easy" arguments, in that the issue underlying the amendment can be understood at a "gut level" by all involved, making it difficult for members of Congress to explain their potentially "deviant" (i.e., sophisticated) votes at the amendment stage.[23]

Why are these considerations important? Recall that a successful killer requires a high-visibility issue that places some members, particularly of the majority party, in a situation that encourages sincere voting due to concerns about maintaining constituent "trust," even though sophisticated voting would produce the more desired result (passage of the bill). Because the Powell Amendment has been the subject of so much attention, we confine our analysis to the seven remaining cases considered "possible" based on our spatial analyses.

The Diggs Amendment to H.R. 12473 (Eisenhower Convention Center) evoked the issue of "home rule" for the District of Columbia by calling for a local referendum on construction of the facility. In the House debate, one member questioned "the motives of some of the proponents or advocates of this referendum…I suspect that they feel that it is a means of killing the proposed Civic and Convention Center, and some of them have been brazen enough to admit it" (*Congressional Record*, 4/8/1974, pg. H10105). However, it is somewhat difficult to ascertain whether this issue was of adequate salience to affect a wide segment of the majority party, and the vote on the amendment did not produce a stark demarcation within either party caucus, although the vote on final passage did splinter the majority party's liberal and southern wings. Furthermore, the amendment's sponsor chaired the House Committee on the District Columbia—hardly a prime suspect for the heresthetic maneuvering required of a killer.

In contrast, the other case from the 93rd Congress, H.R. 14747, a bill to amend the Sugar Act of 1947, faced two recorded amendment votes that centered on pro-labor positions. These issues were clearly quite salient, and the Agriculture Committee chair argued on the floor that

[23] The latter tenet is based on Carmines and Stimson (1980).

these amendments are "dangerous, and I hope that we will bear in mind that if we really want a sugar program, we have got to confine this to a sugar program and not make a social welfare program out of it" (*CR*, 6/5/1974, pg. H17865). Others remarked on the possibility of the bill being "killed from overloading" attending to "the action of organized labor" (pg. H17866-7). Consistent with the killer amendments identified in the literature, these amendments were offered by members of the majority party, and they struck at differences within the party over labor – a fairly "easy" issue – with conservative southern Democrats voting in opposition. Contemporary accounts suggest that the labor amendments may well have been the "crucial blow" to the bill, in that a number of Republicans were unwilling to support the legislation with the added provisions (*CQ Almanac* 1974, pg. 225). The southern Democratic and conservative Republican coalition that protested the labor amendments fractured on final passage, with the latter group bolting and voting alongside the generally more liberal and northern factions of the House in opposition. By all indications, this case could well be that of a true killer amendment.

With regard to H.Con.Res. 195, involving FY 1978 Budget Targets, two matters appeared to work in tandem toward the defeat of the bill. The first was adoption of the Burleson amendment, which increased defense spending, thereby pitting the conservative coalition Democrats against the liberal wing of the majority party. The issue of defense spending relative to social spending priorities was certainly a salient and "easy" issue, and the adoption of this amendment cost the leadership the support of the liberals on final passage. With Republicans unlikely to support a Democratic budget resolution in the first place due at least in part to concerns about the budget deficit, alongside the adoption of additional amendments that contributed to the deficit and continued to undermine Republican support, the bill's prospects were dim.

In the 98th Congress, H.R. 3191, the FY 1984 Treasury, Postal Service, and General Government Appropriations bill, faced an amendment that, once adopted, splintered the bill's supporting coalition. In this instance, the amendment dealt with abortion – a highly salient and "easy" issue. Members were well-aware of the risk the amendment posed, as the amendment debate was preceded by a battle over the special rule that allowed for its consideration. The goal of the amendment was to prohibit the use of health-benefit funds to pay for abortion procedures unless the life of the mother was in danger. Republicans entered the debate opposing the Democratic-sponsored appropriations legislation, a position that the party maintained despite adoption of the Smith amendment. However, once the abortion restrictions were tacked onto the bill, the support of a number of liberal Democrats who would have otherwise supported the bill was lost and the measure went down to defeat. Per one member's account: "if you had the pro-choice people voting for this [bill], it would have passed" (*CQ Almanac* 1983, pg. 533).

In the latter two cases, the amendment sponsors may well have been acting to affect policy more so than to kill the bill, although the byproduct of their actions (defeat of the majority party-supported legislation) was probably a pleasing outcome for many of the amendments' supporters. Furthermore, in each instance, there is evidence suggesting that the amendments fundamentally affected the issue space and thereby contributed to defeat of the bills.

Two of the other cases that possessed the spatial characteristics associated with a killer amendment are not borne out based on the qualitative evidence. First, the defeat of H.Con.Res. 186, involving FY 1980 Binding Budget Levels, was attributed not to the adoption of the Coughlin amendment – which sought to eliminate funding for Basic Education Opportunity Grants and to establish higher education tax credits – but rather to member absences due to the late night vote on passage, a breakdown in party discipline, and a hurried budget process (*CQ*

Almanac 1979, pg. 180). Based on contemporary sources, it does not appear that the Coughlin Amendment was viewed as especially "salient" by constituents (as little attentive monitoring was reported), and the bill seems to have been hampered by larger, unrelated problems. Second, H.R. 4663, the Republican-sponsored Budget Enforcement Act in the 108th Congress, was brought to the floor as part of a deal with wavering conservatives to garner their support for the fiscal 2005 budget resolution. As such, it was not clear that the leadership was fully behind the bill, and Appropriations Committee members lobbied heavily against it while "few Democrats paid much attention to the debate" (*CQ Weekly*, 6/25/2004, pg. 1548). The Kirk amendment, which was the focus of even less attention, contained language requiring the CBO to produce annual reports of budgeted versus actual entitlement spending. Accounts of the lead-up to the bill's floor consideration indicate that it was clear that the legislation lacked the necessary votes for passage.

The last case, the Oakar and Hoyer amendments to H.Con.Res. 345, the First FY 1983 Budget Resolution, illuminate some of the issues to which we will return in our conclusion. More detailed review of these amendments reveals that each was an amendment to a substitute for the underlying bill. While the amendments were adopted, the substitutes were not; thus, the former could not have directly affected the fate of the bill in the traditional definition of a killer amendment. That said, because of the very unique parliamentary context in which the substitute amendments were considered — a "king-of-the-hill" special rule, which specifies that the substitute with the most votes wins — the addition of the Oakar amendment to the Republican substitute may well have killed the latter's prospects, which many observers expected to carry the day much as it had in 1981 (*Washington Post*, 5/28/1982, pg. A4; *CQ Almanac* 1982, pg. 194). In this case, the minority party, working in tandem with "Boll Weevil" Democrats, may have been in line to win until the dominant wing of the majority party offered an amendment

shifting funds from defense to Medicare and effectively splintering its opposition with an issue of great salience in the early 1980s, one that members knew to be easily assessed by their constituents in the summer of an election year. This account suggests that much may be learned about strategic behavior in Congress by moving beyond the confines of the conventional definition of a killer amendment.

In summary, our micro-level analysis suggests that only *four* of the seven cases that were deemed "possible" killers from our spatial analyses are consistent with the tenets associated with a "true" killer amendment. Each of these cases, therefore, would appear to merit the type of lengthy treatment that scholars have devoted to the Powell Amendment, which our spatial evidence reinforces as a likely fifth case of a killer amendment in the period of House history that we examine.

VI. Conclusion

This paper represents the first step in a comprehensive research agenda on killer amendments in Congress. After identifying twenty-six cases from the modern House in which an amendment was adopted prior to the defeat of a bill (a necessary condition for the existence of a killer amendment), we set out to determine whether any were "likely" killers. We began our investigation with a NOMINATE-based dimensional analysis, which allowed us to winnow our set of possible cases to twenty. We then conducted additional spatial analyses, using fit statistics and cutting lines, and determined that only eight cases – among them the well-known Powell Amendment – met the criteria of "possible" killers. Preliminary qualitative analysis further reduces the pool of "likely" killer amendments to no more than five cases in the House between 1953 and 2004.

Thus, it appears that *successful* killers are relatively rare — at *most*, five cases in more than fifty years — a finding that is somewhat at odds with the prominence ascribed to killer amendments, and sophisticated behavior more generally, in the literature. Of course, the relative infrequency of *empirically-verifiable* occurrences does not diminish the potential significance of the killer amendment phenomenon, in that we are viewing activity at only *one* stage of the legislative process. For example, bills may not be scheduled due to the threat of a killer amendment; potential amendment sponsors may be placated via legislative exchange; and so on. The degree to which these sorts of pre-floor activities occur will minimize the *observed* impact of killer amendments.

There are also a few interesting things to be said regarding the prospects for observing successful killers. A review of the cases highlighted in our analysis alongside those already identified in previous research indicates a particular set of circumstances common to each. In particular, successful killer amendments are more likely to exist when there is disagreement within the majority party on a salient issue. This disagreement often leads to a member of the *majority party* — specifically, a member of the "out" faction of the majority party — gaining access to the floor and offering the killer amendment. Thus, such amendments may be best conceptualized as a failure of agenda control on the part of the majority party leadership. Perhaps not coincidentally, the failures we observe in this area all occur prior to the mid-1980s, and therefore precede the majority party's successful efforts to tighten agenda control mechanisms in recent years.

In terms of future work, a number of interesting avenues remain. An obvious first step is to conduct in-depth case studies, based on more detailed readings of the *Congressional Record*, expert analyses in venues like *CQ Weekly* and *Roll Call*, and more-traditional press accounts, to

examine further the four new cases of "likely" killer amendments discovered here.[24] Such qualitative analyses will provide additional context — illuminating voting patterns, exposing issue-based arguments and strategies, and uncovering rhetorical statements and possibly votes on an unamended version of the bill, for example — to help us make reasoned judgments before definitively ascribing killer status to each case. An analysis along the lines of Clinton and Meirowitz (2004), which incorporates sophisticated statistical techniques, also holds great promise for the in-depth analysis of individual cases.

In addition, further extensions will benefit from casting a wider net and perhaps broadening the definition of a killer "amendment." For instance, in the House a vote on the motion to recommit a bill generally precedes the vote on final passage (Oleszek 2004: 179-81). This motion, which is reserved for the minority party and often contains "instructions" that effectively amend the bill, could presumably function in a manner essentially identical to a traditional amendment as defined in the killer amendment literature. The Senate also presents a ripe opportunity for analysis, as its comparatively weak agenda-control mechanisms provide senators with more opportunities to offer any amendment of their choice. Finally, as Wilkerson (1999) and Nunez and Rosenthal (2005) note, there is surely an interesting inter-chamber dynamic to the killer amendment phenomenon, which, while challenging to analyze empirically, would surely provide interesting lessons for legislative scholars.[25] Moving forward in each of these respects, we contend, will offer a more complete picture of both the theoretical *and* empirical effects of killer amendments in Congress.

[24] Again, the Powell Amendment has been examined *ad nauseum*. We believe the whip-count evidence uncovered by Evans et al (2003) provide solid support for it being a true killer amendment.

[25] In addition, the dynamics of "position taking" at the amendment stage, which we suggest makes the existence of killer amendments possible via "trust based voting," deserves additional theoretical analysis.

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Figure 1: Recorded Amendment Votes in the U. S. House, 1953-2004

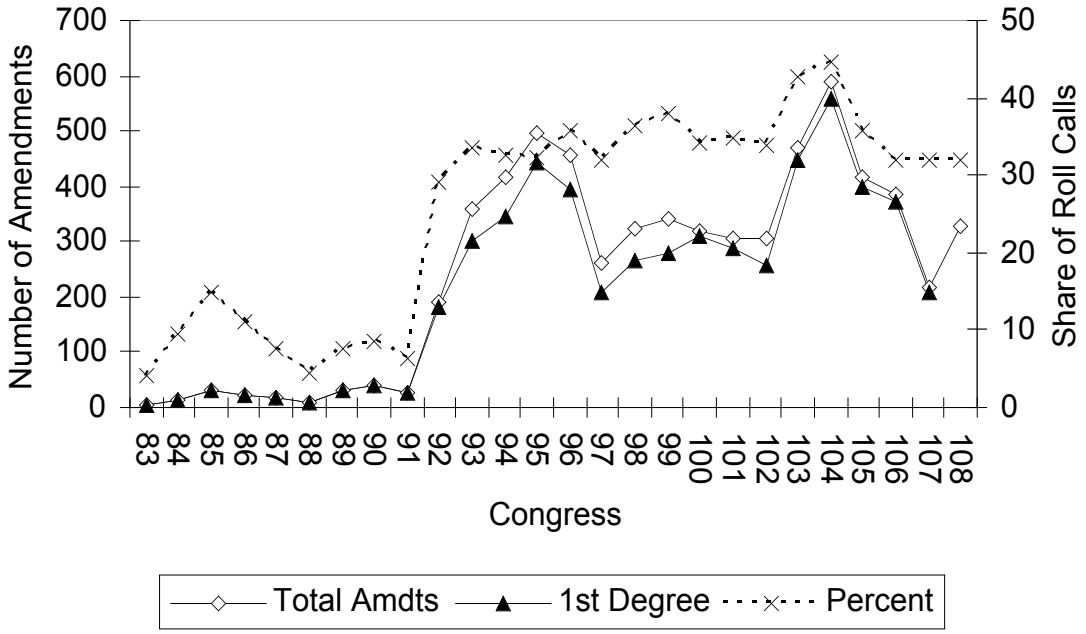
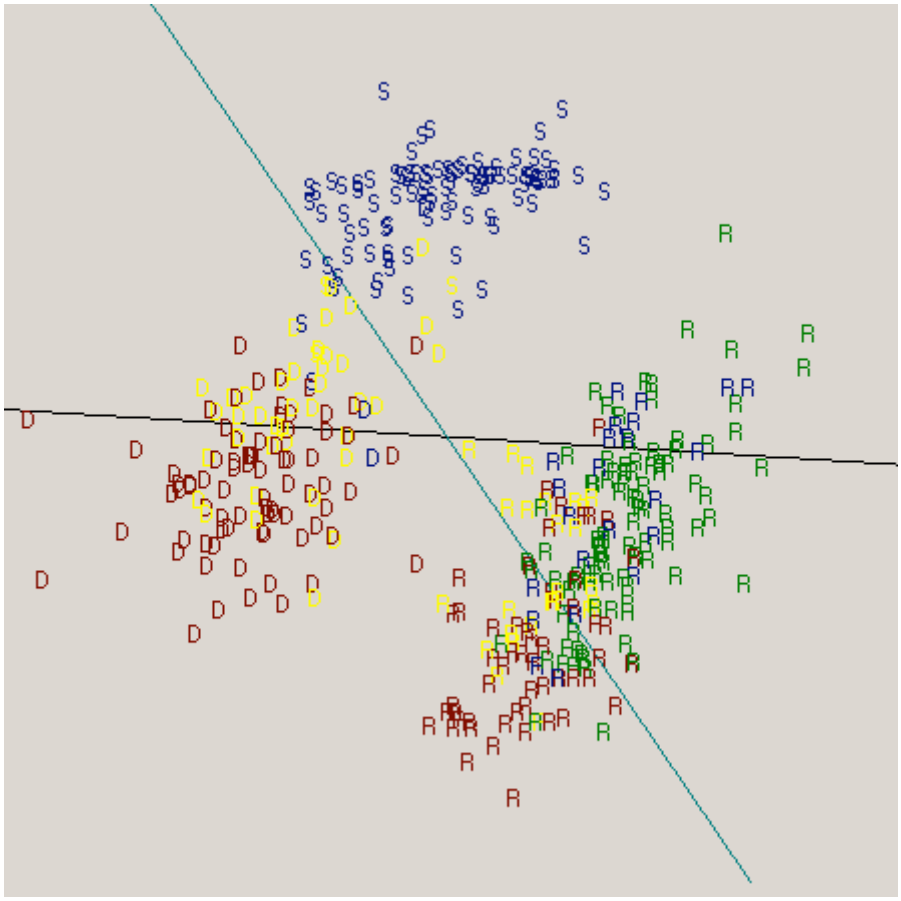


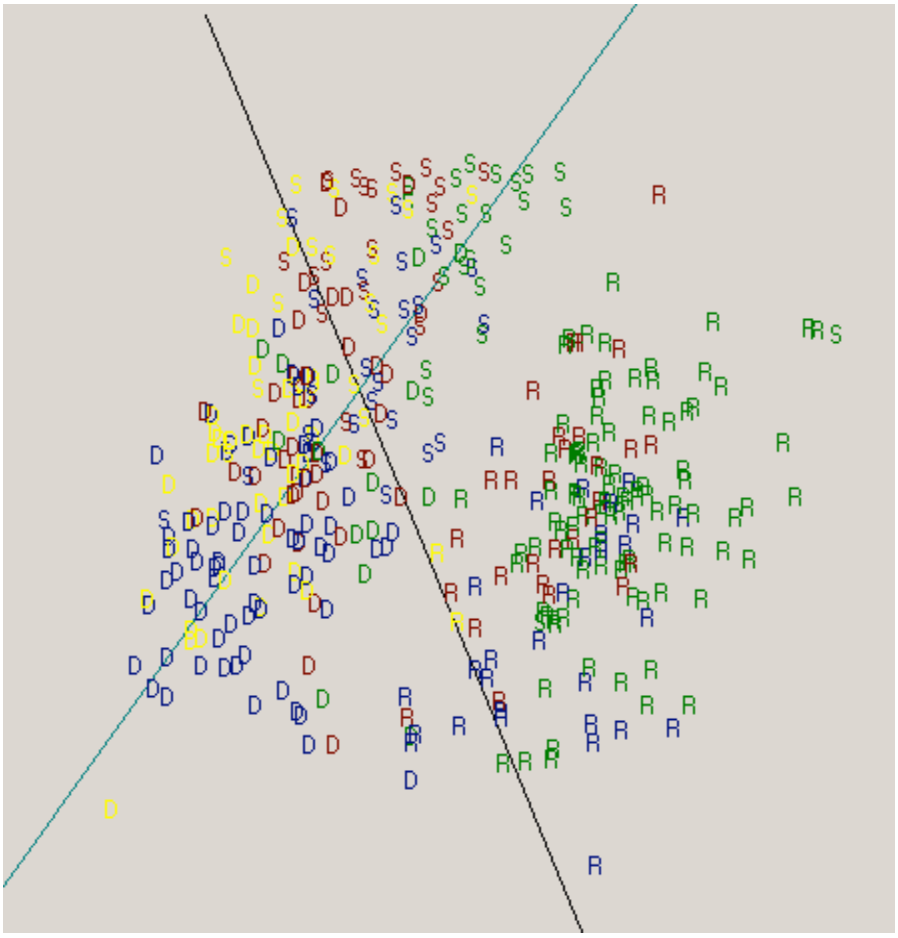
Figure 2: Cutting Lines on the Powell Amendment and School Construction Aid Bill



Note: Black line is the cutting line on the Powell amendment; Teal blue line is the cutting line on final passage of H.R. 7535, the School Construction Aid bill. Data is taken from Poole and Rosenthal's (2003) Voteview 3.0.3. Vote numbers 122 and 124 in the 84th House on 7/5/56.

Color coding is as follows:
Red: Yea-Yea
Green: Yea-Nay
Yellow: Nay-Yea
Blue: Nay-Nay
Where D is a Democrat, S is a Southern Democrat, and R is a Republican.

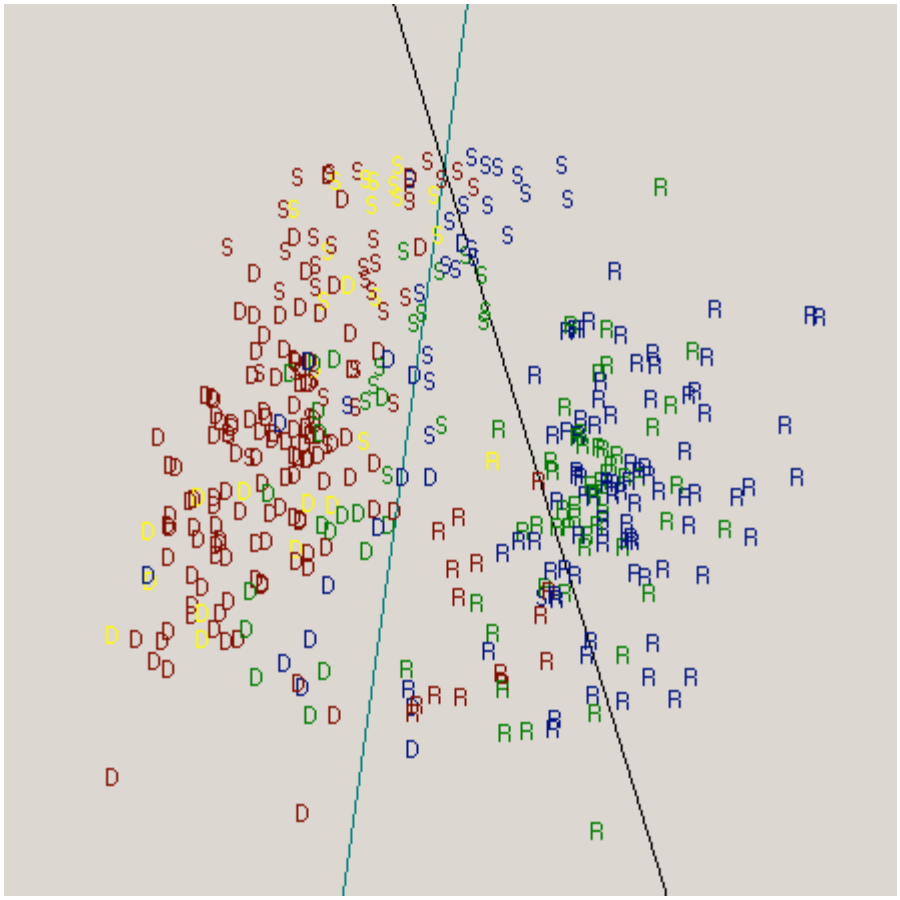
Figure 3: Cutting Lines on the Smith Amendment and H.R. 3191



Note: Black line is the cutting line on the Smith amendment; Teal blue line is the cutting line on final passage of H.R. 3191, the FY 1984 Treasury, Postal Service, and General Government Appropriations Bill. Data is taken from Poole and Rosenthal's (2003) Voteview 3.0.3. Vote numbers 170 and 171 in the 98th House on 6/8/83.

Color coding is as follows:
Red: Yea-Yea
Green: Yea-Nay
Yellow: Nay-Yea
Blue: Nay-Nay
Where D is a Democrat, S is a Southern Democrat, and R is a Republican.

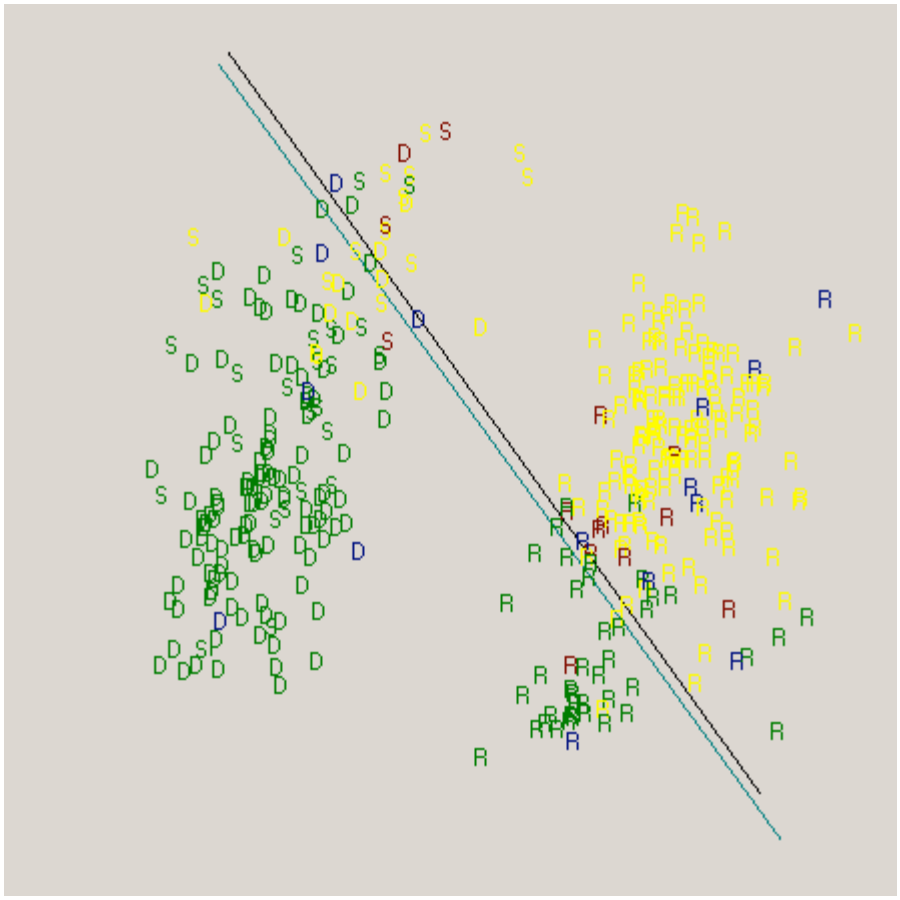
Figure 4: Cutting Lines on the Long Amendment and H.J.Res. 403



Note: Black line is the cutting line on the Long amendment; Teal blue line is the cutting line on final passage of H.J.Res. 403, the FY 1984 Continuing Appropriations Bill. Data is taken from Poole and Rosenthal's (2003) Voteview 3.0.3. Vote numbers 426 and 436 in the 98th House.

Color coding is as follows:
Red: Yea-Yea
Green: Yea-Nay
Yellow: Nay-Yea
Blue: Nay-Nay
Where D is a Democrat, S is a Southern Democrat, and R is a Republican.

Figure 5: Cutting Lines on the Boehlert Amendment and H.R. 2515



Note: Black line is the cutting line on the Boehlert amendment; Teal blue line is the cutting line on final passage of H.R. 2515, the Forest Recovery bill. Data is taken from Poole and Rosenthal's (2003) Voteview 3.0.3. Vote numbers 709 and 710 in the 105th House.

Color coding is as follows:
Red: Yea-Yea
Green: Yea-Nay
Yellow: Nay-Yea
Blue: Nay-Nay
Where D is a Democrat, S is a Southern Democrat, and R is a Republican.

Table 1: Potential Killer Amendments, 1953-2004

Cong.	Bill/Amendment (Voteview Roll Call #)	Roll Call
84	**H.R. 7535 School Construction Aid (124)**	194-224
	Powell (D-NY) Amendment denying federal funds to states that fail to comply with the decisions of the Supreme Court. (122)	225-192
92	**H.R. 13853 Public Works (509)**	189-207
	Blackburn (R-GA) Amendment to forbid funding in any fiscal year where the project deficit exceeds $20 billion. (507)	197-194
	Blackburn (R-GA) To adopt the Blackburn amendment. (508)	205-192
93	**H.R. 12473 Eisenhower Convention Center (640)**	138-211
	Diggs (D-MI) Amendment to provide for a nonbonding advisory referendum by District of Columbia voters on the construction of the center. (638)	276-69
93	**H.R. 14747 Amendments to the Sugar Act of 1947 (728)**	175-209
	Ford (D-MI) Amendment to add two additional criteria when the Secretary of Agriculture determines the minimum wage rate for sugar workers: 1) percentage increase or decrease in productivity during the preceding year and 2) extra expenses which result from travel and living away from home. (726)	244-143
	O'Hara (D-MI) Amendment to require growers who employ sugar field workers at piece rates to pay them at least the hourly minimum wage determined by the Secretary. (727)	233-151
94	**H.R. 7545 Debt Limit Extension (225)**	175-225
	Burke (D-MA) To amend an amendment by reducing further the debt ceiling to $200 billion. (224)	313-84
95	**H.Con.Res. 195 FY 1978 Budget Targets (146)**	84-320
	Pike (D-NY) Amendment to reduce budget authority and outlays in the general government functions by $7 million in order to eliminate the proposed 29% pay raise for members of Congress. (135)	236-179
	Burleson (D-TX) To adopt a substitute amendment to the Pike amendment. This amendment increases defense spending by $4.1 billion and outlays by $2.3 billion so as to reach the spending levels recommended by the President. (138)	225-184
	Pike (D-NY) To adopt the amended Pike amendment (see RC 156 and 157). The original version of this amendment would have cut budget authority by $130 million in order to eliminate the 29% proposed pay raise for the federal judiciary, the executive branch, and certain other federal employees. (139)	218-185
	Holtzman (D-NY) Amendment to restore $324 million in funds for the Law Enforcement Assistance Administration. (141)	224-179
	Anderson (D-CA) Amendment to increase budget authority and outlays by $500 million each for pension programs of World War I veterans. (142)	329-73

95	**H.R. 1037 Cargo Preference (618)**	165-257
	McCloskey (D-CA) Amendment to insure that oil transportation charges under the program developed in this act can be no more than 50% greater than comparable international transportation charges. (617)	253-167
95	**H.R. 11180 Debt Limit (794)**	165-248
	Bolling (D-MO) Amendment to strike Title II of the bill, which states that the limit in the public debt shall be decided thereafter by means of a concurrent budget resolution. (793)	277-132
95	**H.R. 4250 Common-Site Picketing (83)**	205-217
	Asbrook (R-OH) Amendment to the Sarasin amendment offered as a substitute for the Quie amendment, this amendment limits the authority of a union to induce any person to strike or to refuse to work at the site of a construction, thereby protecting from involvement the employer who is not primarily involved in the construction industry. (78)	212-209
	Erlenborn (R-IL) Amendment to the Sarasin amendment offered as a substitute for the Quie amendment in the nature of a substitute, this amendment exempts from the definition of "site" those sites raising residential buildings of three stories or less. (80)	252-167
	Sarasin (R-CT) Amendment offered as a substitute for the Quie amendment in the nature of a substitute, it contains the major language of H.R. 4250, a piece of picketing legislation that was vetoed by the 94th Congress. (82)	246-177
96	**H.Con.Res. 186 Fiscal 1980 Binding Budget Levels (445)**	192-213
	Coughlin (R-PA) Amendment to reduce the recommended level of federal revenues by $250 million to provide for a program of higher education tuition tax credits and a reduction in budget authority for education, training, employment, and social services by $400 million and outlays by $100 million. (443)	221-176
96	**H.J.Res. 399 Continuing Appropriations 1980/Congressional Pay Raise (439)**	191-219
	Lungren (R-CA) Amendment to prohibit use of funds to remodel the gallery in Statuary Hall in the Capitol in order to provide additional office space for members of Congress. (438)	371-31
96	**H.R. 4390 FY 1980 Legislative Branch Appropriations (209)**	186-232
	Murtha (D-PA) Amendment to reduce the pay adjustment ceiling for employees in the legislative, executive, or judicial branches with salaries of at least Executive Level V from 7% to 5.5%. (207)	396-15
96	**H.R. 5229 Public Debt Limit (452)**	200-215
	Fisher (D-VA) Amendment to the substitute, to change the date for extending the temporary debt limit from March 31, 1981 to July 31, 1980 and reduce the ceiling on the debt by $44 billion. (451)	408-1

97	**H.Con.Res. 345 First Budget Resolution, FY 1983 (477)**	159-265
	Oakar (D-OH) Amendment to the Latta substitute, to increase fiscal year 1983 health budget authority by $400 million and outlays by $4.85 billion, and make corresponding reductions in defense budget authority. (463)	228-196
	Oakar (D-OH) Amendment to the Aspin substitute, to reduce 1983 fiscal year funding for Medicare by $2.3 billion and funding for defense by $9.2 billion. (464)	328-94
	Hoyer (D-MD) Amendment to the Latta, Aspin, and Jones substitutes, to increase the fiscal year 1983 pay adjustment cap for federal civilian employees from 4 percent to 5 percent. (466)	259-159
	Downey (D-NY) Amendment to the Latta and Jones substitutes, to eliminate the cap on cost-of-living adjustments for federal civilian and military retirees. (467)	327-94
	Whitten (D-MS) Amendment to the Jones substitute, deleting the deferred enrollment provisions. (472)	212-205
	Whitten (D-MS) Amendment to the Latta substitute, deleting the deferred enrollment provisions. (473)	212-206
97	**H.R. 3518 FY 1982, 1983 State Department Authorization (199)**	165-226
	Beard (R-TN) Amendment to prohibit funds for UNESCO if that organization implements any policy or procedure to license journalists or their publications, censor or otherwise restrict the free flow of information within or among countries, or impost mandatory codes of journalistic practice of ethics. (198)	372-19
98	**H.J.Res. 403 FY 1984 Continuing Appropriations (436)**	203-206
	Long (D-MD) Amendment (as amended by the Zablocki amendment) to authorize and appropriate $11.29 billion in increased funds for foreign assistance programs. The Zablocki amendment contains an authorization for $266.2 million for U.S. voluntary contributions to international organizations. (426)	262-150
	Wright (D-TX) Amendment to provide $145 million for carrying out emergency immigrant education assistance under Title V of the Higher Education Act of 1965. (427)	208-203
	Wright (D-TX) Amendment to provide $20 million in funds for work-study programs under Title IV of the Higher Education Act of 1965. (429)	336-72
	Wright (D-TX) Amendment to provide $10 million in additional funds for supplemental education opportunity grants under Title IV of the Higher Education Act of 1965. (430)	328-78
	Wright (D-TX) Amendment to provide an additional $20 million to carry out Titles II and XIX of the Public Health Service Act with respect to community health centers. (431)	267-141
	Wright (D-TX) Amendment to provide an additional $1.7 million to carry out National Technical Institute for the Deaf Act. (432)	257-150
	Wright (D-TX) Amendment which states that no part of the funds appropriated or otherwise made available by this or any other act may be used to implement mandatory monthly reporting retrospective budgeting for the Food Stamp program during the period beginning on Jan. 1, 1984, and ending Oct. 1, 1984. (433)	210-201

	Wright (D-TX) Amendment to increase 1984 appropriations by $954.5 million for 16 educational and social programs; to increase the authorization for the WIC nutrition program by $234 million; to increase the School Lunch and Child Nutrition authorization by $2.5 million. (434)	254-155
98	**H.R. 1398 Daylight Saving Time (240)**	199-211
	Coats (R-IN) Amendment that permits states to exempt themselves from the additional two months of daylight savings, while maintaining the six-month period. (239)	221-187
98	**H.R. 3191 FY 1984 Treasury, Postal Service, and General Government Appropriations (171)**	141-259
	Jacobs (D-IN) Amendment to reduce by $900,000 the funds for former presidents. (169)	244-169
	Smith (R-NJ) Amendment to prohibit the use of health benefit funds to pay for abortions unless the life of the mother is endangered. (170)	226-182
99	**H.J.Res. 247 Aid to Nicaragua (62)**	123-303
	Hamilton (D-IN) Amendment in the nature of a substitute that provides $10 million for humanitarian assistance to Nicaraguan refugees to be distributed by the Red Cross or the United Nations, and $4 million for the implementation of a Contadora Peace Agreement. (60)	219-206
99	**H.R. 1616 Plant Closing Notification (383)**	203-208
	Jeffords (R-VT) Amendment that requires employers of 50 or more employees to give at least 90 days notice before they close their plants or lay off over 30% of the employees. (381)	211-201
100	**H.J.Res. 484 Contra Aid (511)**	208-216
	Bonior (D-MI) Amendment in the nature of a substitute to give non-military aid to the Nicaraguan Contras. (510)	215-210
101	**H.R. 4636 FY 1990 Foreign Aid Supplemental Authorization (486)**	169-243
	Moakley (D-MA) Amendment to provide additional conditions on FMLN and Salvadoran military attacks on civilians, requiring the Salvadoran president to control military aid. (485)	248-161
102	**H.R. 6 Banking Reform (361)**	89-324
	Vento (D-MN) Amendment that gives states 3 years to “opt out” of the interstate branching system. (353)	366-4
105	**H.R. 2515 Forest Recovery (710)**	181-201
	Boehlert (R-OR) Amendment that prohibits the use of any funds to construct roads. (709)	200-187

106	**H.R. 2122 Gun Shows (242)**	147-280
	Dingell (D-MI) Amendment to require all gun show sales to complete a background check on purchases within 24 hours; also would require mandatory minimum prison sentence of 15 years for people who use gun clips with 10 rounds or more during the commission of a crime. (232)	218-211
	Davis (R-VA) Amendment to prohibit a licensed manufacturer from selling any handgun to anyone without a secure gun storage or safety device; establishes liability for persons who lawfully purchase a handgun and use a secure gun storage or safety device with that gun. (234)	311-115
	Cunningham (R-CA) Amendment to allow qualified current and former law enforcement officers to carry a concealed weapon. (235)	372-52
	McCollum (R-FL) Amendment to prohibit anyone under the age of 18 from possessing a semi-automatic assault weapons. (236)	354-69
	Sessions (R-TX) Amendment to require that gun owners who put their guns in a pawn shop and leave them there for more than one year may not retrieve the guns until passing a background check. (237)	247-181
	Hunter (R-CA) Amendment to permit citizens of the District of Columbia who have not been jailed for any crime and who have not committed any violent crime to own a handgun and keep it in their homes. (239)	213-208
	Rogan (R-CA) Amendment to prohibit individuals who commit violent acts of juvenile delinquency from owning a gun after they turn 18. (240)	395-27
108	**H.R. 4663 Budget Enforcement (992)**	146-268
	Brady (R-TX) Amendment that would establish a 12-member Federal Sunset Commission to review all federal agencies for their efficiency, effectiveness, redundancy, and need. (979)	272-140
	Kirk (R-IL) Amendment that would require the Congressional Budget Office to prepare an annual analysis comparing budgeted entitlement spending to actual entitlement spending, with an account-by-account breakdown to show spending trends. (984)	289-121

Table 2: Results of Spatial Analyses of Potential Killer Amendments

Cong.	Bill	Bill Title / Amendment Sponsor	Significance 1st Dim	Significance 2nd Dim	PCP	GMP	Cutting Line Angle	Summary
84	**H.R. 7535**	**School Construction Aid**	*	*	0.867	0.744	144.0	
		Powell		*	0.785	0.629	173.8	Likely
93	**H.R. 12473**	**Eisenhower Convention Center**	*	*	0.747	0.605	142.9	
		Diggs		*	0.801	0.602	51.7	Possible
96	**H.R. 4390**	**FY 1980 Legislative Branch Appropriations**	*	*	0.769	0.605	78.3	
		Murtha	*		0.964	0.840	78.4	Unlikely
96	**H.J.Res. 399**	**Continuing Appropriations 1980**	*	*	0.719	0.583	72.6	
		Lungren	*		0.923	0.795	83.9	Unlikely
97	**H.R. 3518**	**FY 1982, 1983 State Dept. Authorization**	*	*	0.732	0.602	120.3	
		Beard	*		0.962	0.921	98.1	Unlikely
93	**H.R. 14747**	**Amendments to the Sugar Act of 1947**	*	*	0.721	0.562	16.6	
		Ford	*	*	0.856	0.720	142.6	Possible
		O'Hara	*	*	0.858	0.714	137.7	Possible
95	**H.Con.Res. 195**	**FY 1978 Budget Targets**	*	*	0.795	0.698	28.1	
		Pike (135)	*	*	0.763	0.602	69.1	Possible
		Burleson	*	*	0.871	0.759	139.1	Possible
		Pike (139)	*	*	0.868	0.766	138.4	Possible
		Holtzman	*	*	0.617	0.523	145.6	Possible
		Anderson						Unlikely
95	**H.R. 1037**	**Cargo Preference**	*	*	0.740	0.601	34.2	
		McCloskey	*	*	0.767	0.622	49.7	Unlikely
95	**H.R. 4250**	**Common Site Picketing**	*	*	0.874	0.729	113.7	
		Ashbrook	*		0.869	0.746	100.6	Unlikely
		Erlenborn	*		0.876	0.748	97.5	Unlikely
		Sarasin	*	*	0.888	0.752	122.8	Unlikely
96	**H.Con.Res. 186**	**Fiscal 1980 Binding Budget Levels**	*	*	0.862	0.741	56.0	
		Coughlin	*	*	0.824	0.659	76.9	Possible

Cong.	Bill	Bill Title / Amendment Sponsor	Significance 1st Dim	Significance 2nd Dim	PCP	GMP	Cutting Line Angle	Summary
97	**H.Con.Res. 345**	**First Budget Resolution, FY 1983**	*	*	0.816	0.659	52.5	
		Oakar (463)	*	*	0.825	0.668	138.7	Unlikely
		Oakar (464)	*	*	0.777	0.602	132.9	Possible
		Hoyer	*		0.804	0.661	91.4	Possible
		Downey	*		0.827	0.692	84.6	Unlikely
		Whitten (472)	*	*	0.784	0.619	54.9	Unlikely
		Whitten (473)	*	*	0.871	0.715	67.0	Unlikely
98	**H.J.Res. 403**	**FY 1984 Continuing Appropriations**	*	*	0.883	0.728	81.3	
		Long	*		0.722	0.584	125.9	Unlikely
		Wright (427)	*		0.849	0.734	92.4	Unlikely
		Wright (429)	*		0.902	0.792	100.1	Unlikely
		Wright (430)	*		0.894	0.818	104.4	Unlikely
		Wright (431)	*		0.924	0.792	100.1	Unlikely
		Wright (432)	*		0.885	0.767	103.9	Unlikely
		Wright (433)	*	*	0.908	0.814	87.4	Unlikely
		Wright (434)	*		0.927	0.825	98.4	Unlikely
98	**H.R. 1398**	**Daylight Saving Time**	*	*	0.643	0.535	142.7	
		Coats	*	*	0.716	0.575	128.9	Unlikely
98	**H.R. 3191**	**FY 1984 Treasury, Postal Service, and General Government Appropriations**	*	*	0.710	0.572	39.4	
		Jacobs						Unlikely
		Smith	*	*	0.739	0.603	132.5	Possible
99	**H.R. 1616**	**Plant Closing Notification**	*	*	0.888	0.765	117.9	
		Jeffords	*	*	0.891	0.765	118.3	Unlikely
100	**H.J.Res. 484**	**Contra Aid**	*	*	0.883	0.723	63.8	
		Bonior	*	*	0.911	0.773	79.2	Unlikely
101	**H.R. 4636**	**FY 1990 Foreign Aid Supplemental Auth.**	*	*	0.816	0.696	127.8	
		Moakley	*	*	0.916	0.810	120.6	Unlikely
105	**H.R. 2515**	**Forest Recovery**	*	*	0.911	0.768	146.3	
		Boehlert	*	*	0.897	0.744	146.5	Unlikely

Cong.	Bill	Bill Title / Amendment Sponsor	Significance 1st Dim	Significance 2nd Dim	PCP	GMP	Cutting Line Angle	Summary
106	**H.R. 2122**	**Gun Shows**	*	*	0.801	0.659	47.6	
		Dingell	*	*	0.869	0.738	149.3	Unlikely
		Davis	*	*	0.836	0.713	151.3	Unlikely
		Cunningham	*	*	0.884	0.742	126.1	Unlikely
		McCollum	*	*	0.863	0.737	144.7	Unlikely
		Sessions	*	*	0.860	0.671	152.4	Unlikely
		Hunter	*	*	0.888	0.747	144.7	Unlikely
		Rogan	*	*	0.936	0.830	120.4	Unlikely
108	**H.R. 4663**	**Budget Enforcement**	*	*	0.843	0.749	60.5	
		Brady	*	*	0.879	0.760	125.3	Unlikely
		Kirk	*	*	0.815	0.658	105.7	Possible

Note: The substance of each amendment is described in Table 1.

* Indicates dimension is significant in a probit model: $y(\text{vote}) = \beta + \beta_1(\text{NOMINATE 1st Dimension}) + \beta_2(\text{NOMINATE 2nd Dimension})$