

Congress and the Politics of Problem Solving

This is the most dysfunctional political environment that I have ever seen. But then you have to juxtapose that with [this Congress being] one of, at least, the three most productive Congresses since 1900.... Making sense of all that can make your head burst.

Norman Ornstein (Fahrenheit, Rucker, and Sonmez 2010)

This was, by far, the most productive Congress in American history.... Why? Because we heard the message the American people sent us last month: They don't want us to sit around and waste their time. They want us to work together and work for them.

Senate Majority Leader Harry Reid (Bolton 2010)

How is it that a legislature like Congress – so rife with dysfunction and partisanship – can nevertheless meet many of the demands of voters and pass much-needed legislation? In this book we consider why and how Congress is able to address problems in society despite the many reasons mustered for why it cannot. According to many recent accounts, congressional politics has become so polarized and dysfunctional that lawmakers are incapable of cooperating on even the most mundane issues. Reelection and partisanship are such all-consuming concerns that individual legislators no longer contribute to the work of the chamber. Congress has been variously described as the “Broken Branch” (Mann and Ornstein 2006), the scene of a “Second Civil War” (Brownstein 2007), and a venue for “Fight Club Politics” (Eilperin 2007).

Claims about congressional dysfunction are hardly new. A review of scholarly research reveals remarkably similar statements in previous decades. In the 1990s, scholars debated how to “fix” or “remake”

Congress (Robinson 1995; Thurber and Davidson 1995). In the 1980s, there was a “crying need” for reform (Penner and Abramson 1988). The 1970s saw a Congress that was “against itself” (Davidson and Oleszek 1977). In the 1960s it was “out of order” (Bolling 1965) and “in crisis” (Davidson, Kovenock, and O’Leary 1966). Even as far back as the 1940s, reforms meant to address a “Congress at the crossroads” (Galloway 1946) were ultimately judged to have “failed” to address Congress’s ills (*Life Magazine* 1947). These are just a small taste of the many books, articles, and reports over the years that have portrayed Congress as an ineffective lawmaking body in need of serious restructuring.

All is not well with Congress. The institution rarely responds as quickly or as completely as many would prefer. Electoral dynamics sometimes create incentives for parties in Congress to highlight their differences rather than their common concerns. Yet, Congress also accomplishes more than is generally appreciated, and much more than many scholarly perspectives would lead us to expect. Contemporary legislative research often portrays the policy preferences of lawmakers as central to understanding policy making and change in Congress. We argue that preferences often take a back seat to another concern – problem solving. On many issues, legislators seek common ground because they share common electoral incentives. Evidence in support of this perspective is hiding in plain sight. As observers have concluded that Congress is broken or failing, the institution has been addressing significant societal problems – the struggle for civil rights, military conflicts in every part of the globe, access to affordable health insurance, environmental and energy crises, educational disparities, tax reform, economic recessions – and many other visible and less visible challenges.

Conflict in Congress is neither all consuming nor is it the defining characteristic of lawmaking. Research documenting partisan polarization focuses on the growing percentage of roll call votes that pit a majority of one party against a majority of the other (McCarty, Poole, and Rosenthal 2006; Roberts and Smith 2003; Theriault 2008). Yet, at the end of the day, partisan *agreement* has been the historical norm in congressional politics, even for important issues. Most bills in the modern era pass with bipartisan support (see Carson, Finocchiaro, and Rohde 2010; Lee 2005, 308). Similarly, although the number of laws passed by Congress has declined somewhat in recent decades (from an average of about 750 laws per term in the 1940s and 1950s, to approximately 450 laws per term in the 1990s and 2000s), the number of pages of legislation enacted has increased by more than 300 percent (from around 2,600 pages of statutory language per term, to well more than 6,000 pages). Congress

also continues to engage in as much regular oversight of federal agencies and programs as it ever has (Aberbach 2002; Ainsworth, Harward and Moffett 2010). And as mentioned, the recent 111th Congress (2009–10), initially characterized as one of the most dysfunctional in years, turned out to be one of the most productive in generations (Fahrenheit, Rucker, and Sonmez 2010; Hulse and Herszenhorn 2010).

Why, then, do criticisms of Congress overshadow its accomplishments? “Conflict,” Pamela Shoemaker and Stephen Reese conclude, “is more inherently interesting than harmony” (1996, 117; see also Fiorina, Abrams, and Pope 2005). Given the options of portraying the congressional glass as half-full or half-empty – of focusing on conflict versus consensus – there seems to be a longstanding bias toward the latter (Durr, Gilmour, and Wolbrecht 1997; Hibbing and Larimer 2008; Ramirez 2009). Speaking to CNN, House Speaker John Boehner (R-OH) caustically remarked, “It would surprise people that 90 percent of the time, members of Congress on both sides of the aisle get along. But, you know, that’s not news for those of you in the news business” (Boehner 2011). Rep. Henry Waxman (D-CA), reflecting on an important enactment that received little coverage, opined that the news media “are conditioned to assume that the most important political issues are the ones that create the greatest amount of public drama and culminate in gavel pounding showdowns on the House floor. . . . This set me to pondering the old line about a tree falling in the forest: When a law of real consequence is enacted without anyone noticing, does it still count as an accomplishment?” (Waxman 2010, 136–7). A similar bias toward conflict also seems to pervade scholarly research on Congress, possibly for the same reasons. One goal of this book, in contrast, is to understand better the *agreement* that also seems to be such an important and understudied aspect of congressional lawmaking.

THE POLITICS OF PROBLEM SOLVING

We assert that there is value in looking beyond the conflict to consider what legislatures are able to accomplish and why. We frame our investigation in terms of “problem solving.” David Mayhew, a leading figure of modern congressional studies, has defined problem solving as “a widespread, shared perception that some state of affairs poses a problem and that policymaking should entail a search for a largely agreed upon solution” (2006, 221). Although lawmakers often favor differing policy solutions, they appreciate that many of their supporters are more concerned

with whether a perceived problem is addressed than the specifics of how it is addressed (Fiorina 1981; Lenz 2012).

In December 2010, President Barack Obama explained his support for extending the Bush tax cuts in problem-solving terms:

For the past few weeks there's been a lot of talk around Washington about taxes and there's been a lot of political positioning between the two parties. But around kitchen tables, Americans are asking just one question: Are we going to allow their taxes to go up on January 1st, or will we meet our responsibilities to resolve our differences and do what's necessary to speed up the recovery and get people back to work?¹

In the end, the salience of the issue and a sense of urgency (the new law was passed just two weeks before the old one expired) helped forge an agreement that might not otherwise have emerged in the absence of such pressure. Moreover, the final version of the bill received bipartisan support – most Democrats and Republicans – in both chambers.²

A problem-solving perspective recognizes that Americans share common concerns on many issues (Fiorina, Abrams, and Pope 2005; Page and Shapiro 1992; Stimson 1999). They expect the government to defend the nation, reduce crime, promote economic growth, improve transportation, advance health and safety, and ensure access to education – to name a few. Support for these government functions has hardly wavered over the past three decades. Wanting to address problems and successfully addressing them are two different matters however. Lawmakers appreciate that isolating the causes of societal problems can be difficult and that changing conditions alter the effectiveness of existing policies. As one lawmaker put it, “I cannot recall any project of any size that has ever been presented to this committee that came out in the end like the witnesses testified it would at the outset” (Davidson and Oleszek 2004, 9).

We investigate how endogenous structures (committees) and processes (temporary legislation) enhance Congress's ability to address problems in society. We also highlight understudied institutionalized routines and incremental policy adjustments that are important aspects of the legislative playbook (Lindblom 1959; Pressman and Wildavsky 1984). Finally, we turn our attention to the consequences of problem solving for arguably the most important contribution of legislatures – policy change.

¹ Statement by President Barack Obama in a press conference, <http://www.whitehouse.gov/the-press-office/2010/12/06/statement-president-tax-cuts-and-unemployment-benefits> (accessed April 20, 2012).

² House (R 139–36; D 138–112); Senate (R 37–5; D 44–14)

IMPLICATIONS FOR LEGISLATIVE STUDIES

Problem solving does not figure prominently in legislative research. If anything, the prevailing theme of existing research is that lawmakers are unable or unwilling to engage in problem solving. “Lost in the political system’s focus on conflict and controversy,” argue Alan Gerber and Eric Patashnik, “is the tremendous common ground – among ordinary citizens and political elites alike – over government’s role in contemporary American society” (2006, 3). There are exceptions. In *Congress and the Common Good*, Arthur Maass argues that “government conducts a process of deliberation that results in decisions that are based on broader community interests, and it designs and implements programs in accordance with these decisions” (1983, 5). In *The Dysfunctional Congress: The Individual Roots of an Institutional Dilemma*, Kenneth Mayer and David Canon document how legislative theories provide little reason to expect legislatures to produce collectively beneficial policies, before observing that “Congress *does* legislate in the national interest and *has* created general benefits at the expense of localized and concentrated interests” (1999, 39; emphasis in original). Still other authors have examined specific instances of lawmakers doing “the right thing” (such as domestic military base closings or reforming Social Security) by enacting policies that serve the public interest (Arnold 1990; Becker 2005; Muir 1982; Weaver 1988). But in the main, the emphasis of research is on the reasons why Congress fails to fulfill its policy responsibilities.

The primary goal of this book is to understand why and how legislators do engage in problem solving on a routine and sustained basis. We see four main contributions to contemporary legislative research. The first is to draw attention to agenda scarcity and limited capacity in legislatures and their implications for policy making. Scarcity receives little attention in existing legislative research. Leading theories of legislative organization implicitly assume that lawmakers’ preferences dictate not only the content of the winning policy alternative but also the composition of the legislative agenda (Cox and McCubbins 2005; Krehbiel 1991; Weingast and Marshall 1988). This overly narrow focus neglects important questions about how issues get on the legislative agenda, the considerations influencing what lawmakers prefer in any given debate, and even the substance of the issues that shape a party’s “reputation” within the electorate.

The second contribution is to bring an issue perspective to bear on the study of legislative operations and output (Fenno 1973; Lowi 1964). For the better part of a generation, legislative scholars have favored all-encompassing explanations of legislative institutions and behavior. Our work builds upon recent studies demonstrating the value of incorporating policy specific factors into the mix (Clinton and Lapinski 2006; Lapinski 2008; Lee 2009). To a large degree, we confirm what scholars such as E. E. Schattschneider, Theodore Lowi, Frank Baumgartner, Bryan Jones, and others have long noted – that issues often organize activity and conflict in legislatures. Specifically, many issue debates begin with the shared premise that Congress must act. For such “compulsory” issues, lawmakers face considerable pressure to find common ground in timely fashion (Walker 1977). The dynamics of lawmaking are importantly different for other “discretionary” issues where the need for action is less urgent.

Third, this book refocuses attention on the governing contributions of legislative committees. In leading theories of congressional organization, the policy caretaking activities of committees are downplayed or ignored altogether. In partisan theories, committees are portrayed as mere extensions of the majority party leadership. In distributive theories, committees serve limited particularistic purposes. In informational theories, the focus is on the “signaling” contributions of committees. Where are the policy development contributions of committees in these theories? A problem-solving perspective clearly situates committees at the center of governing. It provides a richer account of how committees contribute to the policy-making process than the existing informational perspective. Drawing on original and extensive empirical data on bill referral patterns, we offer new insights into a number of longstanding topics related to committee roles, such as the purposes and effects of committee reforms, patterns of bill-sponsor success, agenda setting, and the dynamics of policy attention.

Fourth, this book advances the study of policy change beyond “major” statutory enactments (i.e., primarily those identified by Mayhew 1991). We lower the threshold for what constitutes a significant enactment to one that encompasses a substantially larger swath of all laws. We then propose a new approach to studying policy changes by exploring those contained within a single law and those that might be part of many different laws. Testing problem-centered explanations for policy change against more familiar preference-centered accounts, we find that policy change in Congress is largely problem driven.

Scarcity, Agendas, and Issue Priorities

A problem-solving perspective emphasizes that “the most important part of the legislative decision process [is] the decision about which decision to consider” (Bauer, Pool, and Dexter 1963, 405). Time and resources are scarce commodities in all legislatures (Cox 2006; Döring 1995, 223). Scarcity means that “even if agreement can be reached on what a problem is and how to solve it, there remains the formidable question of weighing problems according to their importance in the context of scarce time, attention, and money. Which ones should be tackled and solved?” (Mayhew 2006, 222).

Legislative scholars have devoted very little attention to the implications of scarcity for policy making. More commonly, the implicit assumption is that there is no scarcity. For example, gridlock theory portrays policy change solely in terms of the location of the policy status quo and the preferences of policy makers (Krehbiel 1998). Any policy status quo outside of the gridlock interval is immediately reformed – there is no scarcity problem that compels lawmakers to decide which issues should be priorities. Policy studies, in contrast, have long noted that scarcity has important implications for legislative agendas and prospects for policy change. One of the most specific is Jack Walker’s 1977 study of the U.S. Senate.

According to Walker, senators “exercise little discretion over the scheduling of items for debate. Much of the business transacted by the Senate is either mandated by the Constitution or required for the maintenance of the vast federal establishment” (1977, 424). Walker then goes on to describe the Senate’s issue agenda as made up of a spectrum of items ranging from “required” to “chosen” (Figure 1.1). At the required end of the spectrum are “recurring” legislative issues, such as annual appropriations bills and programs and statutes on short-term authorizations, as well as “politically necessary” issues such as those driven by salient events like the 9/11 terrorist attacks or a massive oil spill. At the opposite “chosen” end of the agenda spectrum are a much smaller set of discretionary issues “selected from the numerous possibilities offered up by the Senate’s legislative activists” (1977, 425). Importantly, Walker argues that lawmakers have limited opportunities to take up discretionary issues because mandated or required issues consume much of the available agenda space.³

³ In this book, we will propose a differentiation of issues that is very similar to Walker’s. Specifically, we distinguish between “compulsory” and “discretionary” issues, whereas he distinguishes between “required” and “chosen” issues. The main reason for the departure is that we are not just interested in what is on the agenda (i.e., what was “chosen”). We are also interested in comparing what *might* have been on the agenda to the actual agenda.

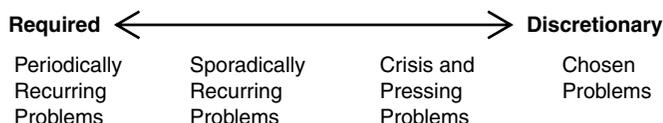


FIGURE 1.1. Walker's Typology of Problems and Agenda Items.

Source: Walker 1977.

John Kingdon (1995) makes a similar point when he portrays policy change as an episodic, event-driven process (see also Baumgartner and Jones 1993). Rather than trying to shift the agenda, policy entrepreneurs recognize that their best opportunities lie in “coupling” their policy ideas to issues that are already on the agenda (1995, Ch. 8). Kingdon specifically references reauthorizations, salient events, presidential attention, and elections as key events prompting policy attention shifts in the face of agenda scarcity. It is easy to appreciate why elected lawmakers would want to respond to publicly salient events or issues that the president highlights. It is harder to appreciate why legislators pass temporary laws requiring reauthorization if one of the consequences is that it limits their opportunities to advance other personal or partisan policy goals.

We argue that decisions to authorize laws and programs on a temporary basis are often attempts to prioritize problem-solving activities. When laws are permanently authorized, inaction has minimal policy consequences. When a law expires, however, the consequence of inaction is often more severe – it is “no policy.” Temporary authorizations encourage busy legislators to invest in collectively beneficial problem-solving activities, such as program oversight and policy updating, by altering expectations about whether an issue will make it onto the agenda. As the responsibilities of the federal government have grown, so has the number of programs authorized on a short-term basis.

The Dynamics of Issue Attention and Policy Change

In 2003, a Republican-led Congress and a Republican president passed the Medicare Modernization Act (P.L. 108-173), the “largest expansion of the welfare state since the creation of Medicare” (Fiorina 2006). Media coverage and subsequent scholarly studies of the debates highlighted the differences among the parties, chambers, and even members within the majority party over the details of the reform (Eilperin 2007; Sinclair 2006). But why was a dramatic expansion of the Medicare entitlement on the agenda at all under a Republican government?

Problem solving highlights decisions about policy priorities – what might be termed the *issue agenda*. In contrast, existing legislative theorizing tends to focus on the policy alternatives considered in a given debate – what might be called the *choice agenda*. More often than is generally appreciated, governments have things they must do – crises they must address (rising prescription drug costs) and policies that require updating (reauthorization of the Voting Rights Act) – lest elected officials face retribution from voters at the ballot box. The explanation offered as to why Medicare changes were on the agenda in 2003 was decidedly problem centered. Pollsters advised Republican Party leaders that addressing the salient problem of rising out-of-pocket costs for prescription drugs was critical to the party’s prospects in the coming election (Carey 2000, 1436; Oliver, Lee, and Lipton 2004, 307–8). The issue, not the party, drove the agenda.

The fact that Republicans were in control did have important consequences for the choice agenda. The specifics of the Medicare Modernization Act were clearly different than would have been the case under a unified Democratic government. Among other things, the federal government was prohibited from negotiating prices for drugs with pharmaceutical companies. But the policy preferences of the majority party did not explain why the issue was on the agenda in the first place.

We anticipate that policy change in Congress is more often problem driven than preference driven. A limited number of legislative studies have explored the factors influencing legislative policy change by examining variations in legislative output across time (Binder 2003; Brady 1988; Krehbiel 1998; Mayhew 1991) as well as “historic” reforms to existing laws and programs (Berry, Burden, and Howell 2010; Lewis 2002; Maltzman and Shipan 2008; Ragusa 2010). We broaden the investigation of policy change by testing indicators of problem-solving considerations as predictors of not only “historic” statutory changes (which represent a small proportion of all policy changes), but also of policy changes that meet a lower threshold of significance. Indicators of problem-solving motivations appear to be more robust predictors of policy change than are indicators of electorally induced shifts in preferences or partisan control.

PROBLEM SOLVING AND PARTISAN POLITICS

Partisan politics poses important challenges to problem solving. Necessary compromises become more difficult when “every legislative choice by

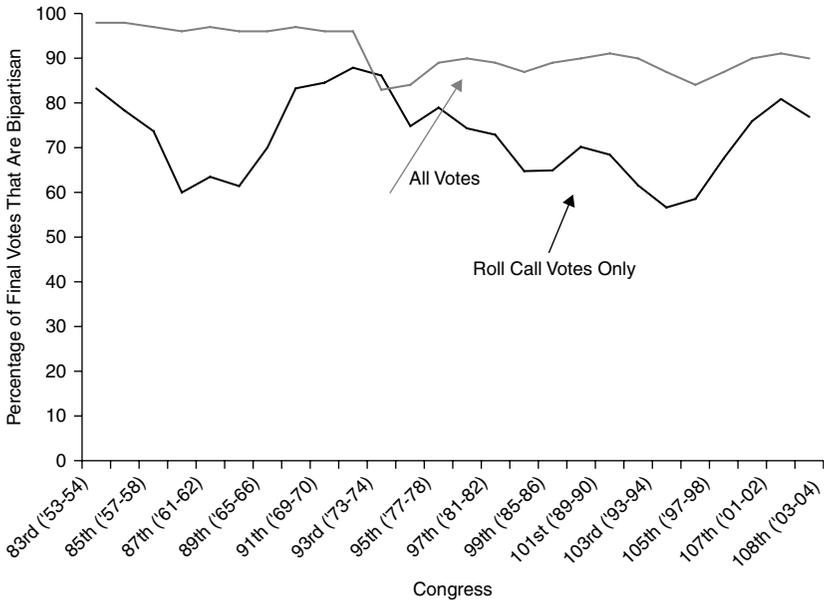


FIGURE 1.2. Bipartisan Voting Behavior on House Final Passage Votes, 1953–2004.

each party is viewed not only in light of what is substantively desirable but also with regard to how it may affect electoral fortunes” (Carson, Finocchiaro, and Rohde 2010, 220; Binder 2006). Some observers conclude that congressional politics has evolved to the point where partisanship and conflict are all-consuming. Yet it is one thing to draw attention to the increasing role of partisanship in congressional deliberations, and another to conclude that partisanship is the driving force of legislative operations. Partisan politics does not infuse every legislative issue – far from it. The vast majority (about 80%) of House bills in the modern era have passed with bipartisan support – a majority of Republicans aligning with a majority of Democrats (Figure 1.2; see also Lynch and Madonna 2008; Lee 2005, 308). As well, nearly three-fourths of the historic laws identified by Mayhew adopted in the postwar era were passed with bipartisan majorities or by voice vote (Mayhew 1991).

Laurel Harbridge similarly finds high levels of bipartisanship when analyzing a different facet of lawmaking – publicly expressed support for legislative proposals through bill cosponsorship from 1973 to 2004. More than half of all bills in the House of Representatives that have multiple cosponsors receive significant support from lawmakers of both

parties. Important legislation is the most likely to attract bipartisan cosponsors (Harbridge 2011).⁴

That decision making in Congress has become dramatically more partisan is also less evident in the data than is generally believed. Jamie Carson and colleagues carefully examine four different congressional terms from the late-1970s through the mid-2000s and report that the proportion of conflictual bills has, if anything, decreased (Carson, Finocchiaro, and Rohde 2010, Appendix). The percentage of these conflictual bills that involved partisan conflicts did increase by about 15 percent, but the total number of partisan bills decreased by more than 40 percent over the three decades of their analysis.

These patterns underscore that congressional policy making is not simply a zero sum struggle between the political parties. The congressional “agenda is diverse and multifaceted, and only a portion of it relates to matters that provoke disagreement between the parties. . . . Sometimes controversy will arise from sources other than party, such as regional or urban-rural conflicts” (Rohde 2005a, 208). For example, conflicts between the House and Senate seem to elicit as much media attention as do partisan conflicts (Baker 2008).

A problem-solving perspective helps to explain why lawmakers cooperate more often than existing perspectives lead us to expect. Majorities of Americans in both parties continue to express support for government programs and deep disapproval of lawmakers’ inability to find common ground on some of the pressing issues of the day. Problem solving helps to explain why lawmakers often pursue workable solutions when doing so requires compromising strongly held values. At the very least, this suggests that many lawmakers do not always view choices in purely partisan terms, and that party agendas are not as distinct as many would assume.

Overall, we hope that readers agree that *Congress and the Politics of Problem Solving* provides a refreshing and provocative perspective that draws renewed attention to the policy contributions of legislatures and the underlying structures, particularly committees, that help them to fulfill their governing responsibilities. We make a compelling case that, to a very large degree, the legislative process is problem driven. Citizens often share common concerns about societal problems and expect their representatives to do more than stake out ideologically motivated positions. Lawmakers appreciate that voters value problem solving and that

⁴ Harbridge defines *bipartisan cosponsorship* as bills that have at least 20% of the cosponsors from the party other than the original sponsor.

they have an electoral interest in responding to such concerns. Congress is not merely a venue for expressing partisan or ideological divisions; it is an operational governing body.

Data Sources

Roll call voting has been an important and valuable source of information in contemporary congressional studies. However, roll call votes capture only one limited aspect of lawmaking that is not necessarily representative of the issues considered or policy changes adopted by Congress (Carrubba, Gabel, and Hug 2008; Krehbiel and Woon 2005). Prior studies rightly question whether conclusions drawn from floor voting behavior extend to other contexts, such as committee politics (Carson, Finocchiaro, and Rohde 2010; Mayhew 2006; Potoski and Talbert 2000). Lawmakers sponsor bills, committees engage in oversight and policy development, leaders make decisions about issue priorities and agendas, and the institution enacts policy changes that vary widely in terms of significance. In addition, studies of roll call voting have generally found that lawmakers exhibit stable patterns of voting over time, which has been used to suggest that electoral replacement is the primary driver of policy change in Congress (Asher and Weisberg 1978; Brady and Sinclair 1984; Brady and Volden 1998; Poole and Rosenthal 2007). Moving beyond roll call votes as a testing ground for legislative theories can produce significantly different perspectives on lawmaking and policy change (Harbridge 2011; Lee 2009).

Valuable data sources tapping many different aspects of legislative policy making are now widely available. The data used in this book come from every corner of American politics. We investigate the electoral foundations of problem solving by examining more than two decades worth of American National Elections Studies surveys, as well as a unique survey of former members of Congress. To test hypotheses related to legislative organization and agenda setting, we exploit other novel data sources spanning decades of policy making. These include our Congressional Bills Project, an archive of information about more than four hundred thousand public and private bills introduced since 1947. In addition, we construct an important new database of expiring provisions of law over two decades. These original data sets are further supplemented by other valuable resources, including the Policy Agendas Project, the Congressional Districts Data Set, the PIPC Roll Call Voting database, Keith Poole and Howard Rosenthal's NOMINATE scores, Sarah Binder's compilation of newspaper editorials, James Stimson's policy mood measures, Andrew

Rudalevige's presidential statements, Harold Spaeth's Supreme Court decisions, Gallup's "most important problem" surveys, and a congressional staff survey by the Annenberg Public Policy Center. Exploiting such a wide array of sources has its own limitations. Foremost among them is that different data sources span different time periods. This inevitably means that the periods of study vary for different aspects of our investigation. To address this source of concern, we make every practical effort to ensure that the years or congressional terms examined minimize the potential for bias. In our view, the considerable advantages stemming from this exploitation of diverse data sources outweigh the potential pitfalls.

OVERVIEW OF THE BOOK

Congress and the Politics of Problem Solving offers important insights into electoral accountability, institutional design, agenda-setting processes, and policy-change dynamics in legislatures. The first part of the book investigates the electoral foundations of problem solving. In Chapter 2, *Problem-Focused Voters and Congressional Accountability*, we propose that reelection-motivated lawmakers have incentives to respond to publicly salient events in a timely manner and to ensure that existing government programs perform to the satisfaction of voters. Support for these assertions is found in existing congressional elections research and in voter and elite surveys. Electoral studies indicate that voters care about problem solving and that it influences their vote choices. Elite surveys also indicate that lawmakers believe that their personal and collective legislative accomplishments influence their reelection prospects. Chapter 3, *Congressional Approval and Incumbent Accountability*, extends the theme of Chapter 2 by systematically testing the hypothesis that incumbent legislators have electoral incentives to be concerned about Congress's collective performance. Analyzing voter decisions and district-level incumbent vote shares over several decades, we find that approval of Congress is significantly related to support for individual incumbents, whether support is measured in vote share, probability of reelection, or probability of returning to office (to account for strategic retirements). The importance of collective performance also varies by political conditions. Under unified governments, we find that only incumbents of the majority party are held to account for Congress's collective performance. Under divided government – the more common condition – collective accountability extends to incumbents of both political parties.

The second part of the book turns to the question of how electoral incentives to address problems in society impact the organization and activities of Congress. Chapter 4, *Problem-Solving Constraints and Legislative Institutions*, argues that committee systems can be viewed as institutional responses to two important constraints to problem solving – scarcity and shirking. Committees increase legislative problem-solving capacity through (among other things) a division of labor and nearly exclusive issue jurisdictions that promote specialization and accountability. However, as the scope of federal government responsibilities have expanded in recent decades, Congress has faced increasing challenges in terms of its ability to address problems in an effective and timely manner. Chapter 5, *Agenda Scarcity, Problem Solving, and Temporary Legislation*, proposes that a central reason for the increasing use of short-term authorizations in Congress has been to encourage problem-solving activities in an environment of limited legislative capacity. The challenge that lawmakers face is that promises of side payments or policy influence for engaging in collectively beneficial problem-solving activities are less effectual rewards to the extent that proposals are unlikely to make it onto the agenda. When Congress authorizes a program on a temporary basis, expectations that Congress will revisit the issue in the foreseeable future are considerably enhanced, as are members' incentives to invest in that issue.

The third part of the book tests some institutional implications of the theoretical arguments presented in the previous chapters. Chapter 6, *Rethinking Committee Reform*, investigates the institutional consequences of the largest set of committee jurisdictional reforms of the postwar period. Prior research concludes that the Bolling-Hansen reforms of the 1970s had no appreciable impact on congressional policy-making activities. A problem-solving perspective offers specific and unique predictions about their consequences. We find that the reforms substantially clarified committee issue responsibilities in ways that served to promote information sharing and reduce policy duplication. Significantly, these findings match the stated objectives of the reformers of the time – objectives that have been largely rejected by scholars. Chapter 7, *Agenda Setting in a Problem-Solving Legislature*, examines the legislative issue agenda with the goal of assessing the extent to which it is problem driven. After developing an original methodology for distinguishing compulsory issues from discretionary ones, we find that compulsory issues make up an increasing proportion of the agenda as legislation moves through the process. Committees play a much more central role in managing compulsory

issues both in terms of who sponsors the bills that pass the chamber and in terms of whose policy positions prevail on the floor.

The fourth part of the book shifts from testing institutional implications of a problem-solving perspective to testing its policy implications. Are legislative activity and policy change within issue areas shaped by problem-solving considerations? We anticipate that agenda scarcity means that compulsory issues will serve as important focal points for policy change. Chapter 8, *Problem Solving and Policy Focal Points*, investigates changing attention to issues across time, as measured by member bill-sponsor activity. Whereas previous research portrays bills sponsorship as a means for shaping the legislative agenda, we find that lawmakers sponsor bills in anticipation of congressional action. The best explanations for variations in legislative attention to issues are problem centered.

Chapter 9, *Problem Solving and the Dynamics of Policy Change*, addresses what is arguably the core question of governmental studies: what considerations best explain policy change? An investigation of statutory changes builds on existing research to shed additional light on why “major laws” are reformed. An investigation of cumulative policy changes takes the study of policy change a step further by acknowledging that a single law may address multiple policies (e.g., an omnibus law) and that a policy can be a product of multiple laws (e.g., airline safety policy).

Although several different dependent variables are examined in Chapters 8 and 9 – bill sponsorships, statutory changes, and cumulative policy changes – our findings regarding key explanatory variables are similar. Expiring provisions of law and indicators of public issue salience – variables capturing problem-solving motivations – are robust predictors of all three. Indicators of the changing preferences of lawmakers and changes in partisan control (measured in a variety of established ways) are not.

The concluding chapter reflects on these findings and their boundaries. A problem-solving perspective constitutes an important and refreshing departure from existing approaches to the study of lawmaking. It connects the policy-making activities of Congress to the electoral arena. It fills in details about how committees contribute to lawmaking and why lawmakers engage in committee work. It offers the most specific insights into the composition of the legislative agenda of any study to date and demonstrates the value and importance of distinguishing among the different

types of issues legislatures address. Perhaps most importantly, it offers a new account of congressional policy change that focuses scholarly attention on the question of why legislatures take up issues, emphasizing the important role of problems as opposed to preferences in explaining legislative agendas. This account helps to explain why seemingly “broken” legislatures nevertheless continue to engage in important lawmaking activities and often address important issues when circumstances would otherwise suggest little possibility of change. Recurring policy items and matters propelled onto the agenda by public or presidential salience tend to drive Congress’s lawmaking activity.