

**The National Agenda and Four Negotiations:
Does the US President Promote Bipartisan Policymaking?**

by

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Abstract

Within the field of presidential studies, there has been a lack of comprehensive empirical study on the degree to which the US president promotes bipartisan legislation. More specifically, this thesis considers two research questions. One, does the president promote bipartisan legislation (with significant frequency)? And two, does the president promote bipartisan legislation more or less than Congress itself? We address this gap in the literature with a two-part analysis. Part One examines presidential agenda setting over the last seven administrations (1977-2018) and compares the types of bills promoted by Congress and the President. Part Two, meanwhile, looks at the bill development process for four specific bills – the ratification of NAFTA, the Personal Responsibility and Work Opportunity Reconciliation Act, No Child Left Behind, and the Medicare Modernization Act – and evaluates whether the president promoted bipartisan or partisan strategies during key occasions. Our findings are that the president generally promotes bipartisanship in both policy initiation and bill development. Bipartisan initiations represent more than 50% of presidential agenda setting and presidents consistently promote bipartisan strategies when developing bipartisan bills. Furthermore, while presidents promote bipartisanship less than Congress in setting the agenda, during bill development they promote bipartisan outcomes more than Congress. Finally, while overall bipartisanship is declining, the president's share in bipartisan outcomes – the proportion of bipartisan bills that are initiated by the White House – is increasing.

Lay Summary

This paper is about the US president, and whether they make cooperation between the two major US political parties on pieces of legislation – also known as bipartisanship – more or less likely. We tackle this problem by looking specifically at presidential agenda setting and policy development, which loosely represents two major stages of the legislative process – how something becomes a congressional issue, and how that issue gets resolved. Our findings suggest that the president does generally promote bipartisanship, although typically less than Congress. We also found that the president's role in bipartisanship is on the rise since 1977. Overall, this conclusion poses important questions for the field of presidential studies, such as whether or not bipartisanship will eventually become a largely presidential phenomenon. But it also gives us a better sense about how the presidency affects the legislation produced by the modern party system.

Preface

The design of this thesis was crafted through collaboration with Professor Paul Quirk, and was based off an earlier research design dated April 2020. The research within this paper primarily involved analyzing and compiling legislative records and accounts collected or written by CQ Press and was conducted solely by the author.

Table of Contents

Abstract.....	iii
Lay Summary	iv
Preface.....	v
Table of Contents	vi
List of Tables	viii
List of Figures.....	ix
Acknowledgements	x
1 Introduction.....	1
2 Pushing for Bipartisanship: Two Research Questions	2
2.1 Presidential Bipartisanship and Congress.....	3
3 Part One: Agenda Setting and Issue Analysis.....	11
3.1 Methods.....	11
3.2 Findings.....	17
4 Part Two: Presidential Negotiation on Four Bipartisan Bills.....	33
4.1 Methods.....	33
4.2 The North American Free Trade Agreement.....	37
4.2.1 The 1992 campaign	39
4.2.2 Side negotiations with Mexico and Canada	40
4.2.3 The August agreement.....	41
4.2.4 The lobbying campaign	42
4.3 The Personal Responsibility and Work Opportunity Reconciliation Act.....	44
4.3.1 Clinton's 1992 campaign	45
4.3.2 Pursuing reform after inauguration.....	46
4.3.3 Responding to GOP momentum.....	47
4.3.4 Vetoing GOP bills.....	49
4.3.5 The modified GOP bill of Summer 1996.....	50
4.4 No Child Left Behind.....	51
4.4.1 Bush's NCLB proposal	52
4.4.2 Dropping vouchers.....	54
4.4.3 Block grants and Straight-A's	55
4.4.4 National Testing	56
4.5 Medicare and the Prescription Drug Benefit.....	57

4.5.1 Bush's first plan	58
4.5.2 Bush's second plan.....	59
4.5.3 House vs Senate Bills.....	61
4.5.4 Budgetary Impact of the bill	62
5 Discussion.....	64
6 Conclusions.....	71
References.....	73
Appendices.....	80
Appendix 1: Data for Policies Initiated by the President	80

List of Tables

Table 1 Overall Data of Policy Initiation.....	17
Table 2 Unified/Divided Government and Presidential Policy Initiation	27
Table 3 Overall Policy Initiation by Administration	31
Table 4 Data on Overall Presidential Legislative Engagement.....	32

List of Figures

Figure 1 Initiation of Key-Vote Bills by the President and Congress, 1977-2018.....	22
Figure 2 Initiation of Partisan Key-Vote Bills by the President and Congress, 1977-2018.....	23
Figure 3 Initiation of Bipartisan Key-Vote Bills by the President and Congress, 1977-2018.....	24
Figure 4 Bipartisan Share of All Key-Vote Bills, 1977-2018	25
Figure 5 Share of Bipartisan Key-Vote Bills by the President, 1977-2018	26
Figure 6 Policy Initiation for One-Term Presidents.....	30
Figure 7 Policy Initiation for Two-Term Presidents.....	30
Figure 8 Average Presidential Policy Initiation Per Congress	31

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1 Introduction

This investigation considers a multifaceted empirical problem: does the United States president promote bipartisanship in policymaking? The need to explore presidential bipartisanship is, at least in part, driven by the reality that appraisals of recent White House occupants have become polarized, as presidents increasingly aggravate the hostilities of opponents while inflaming the loyalties of adherents (Sinclair 2000; Sinclair 2006; Jacobson 2013; Applebaum 2020). If these troubling trends are to be better understood, political scientists need to conduct more rigorous appraisals of the presidency's capacity for bipartisanship and cooperative rule. Matthew Beckmann summed up this need generally in noting “as across-the-aisle negotiations go from an important policymaking venue to an essential one, understanding the factors that drive bipartisan bargaining will be critical to explaining contemporary lawmaking” (2016, 289). Put differently, our understanding of the president’s place in modern American politics depends on how well we can understand and unravel its relationship to America’s most pressing political problem.

We take up the task with a two-part analysis. Specifically, we examine the degree to which the president promotes bipartisan policy and strategies in both agenda setting and policy development. In the following pages I first outline the theory that underpins our approach and describe the research questions of our investigation. I then explain the respective methodologies at the beginning of Parts One and Two, before presenting the findings of each. Then, I close with a discussion of our results and a brief conclusion on the significance and limitations of this research.

2 Pushing for Bipartisanship: Two Research Questions

Commentators on American politics often celebrate instances of bipartisanship when they occur, and look back nostalgically on times when across-the-aisle agreement was (supposedly) the norm. Editorials and opinion pieces calling on the parties in Washington to put their differences aside and govern cooperatively have become commonplace. In part, this is a normative phenomenon; as Russell Muirhead noted, “the party system itself, which seems to impose false divisions on a united citizenry, contradicts the spirit of the nation,” and “partisanship appears to reflect bias [...] and faltering devotion to the common good” (2006, 713-714). But, more importantly, bipartisanship is also considered a matter of good and effective policy. David Mayhew has found that important legislative enactments occur during both divided and unified government largely as a result of continual compromise (2011). Likewise, Charles Jones observed “when it comes to making laws in Washington [...] it is normally done with a substantial amount of cross-institutional and cross-partisan interaction” (1994, 273).

There is a question, however, as to which institutions and leaders are most significant to the prospects for such policymaking. In particular, the role of the president in this regard is highly contested.

Some argue that the president is a major driver of bipartisanship as a function of their non-partisan role as head-of-state. The thinking goes that the president, legally separate and politically independent from the legislative branch, plays a critical role in compelling members of Congress to agree on mutual policy adjustments (Beckmann & McGann 2008). The president might be able to do this more effectively than other political figures because only the president is beholden to the entire nation and only the president represents Americans’ singular collective interests (Simon 2009). Others stress that the president is ultimately a symbol and agent of party interests (Wood

2009; Jacobson 2012). Moreover, the advent of the popular primary and the fragmentation of media have led some to insist that recent presidents are increasingly inclined to ideological and political extremes (Dickinson 2003). Both interpretations, however, are theoretically underdeveloped, and the empirical evidence for either conclusion is limited.

In this section, we address the conflicting considerations around this debate in further depth and outline the expectations for our analysis. To close this discussion, we propose the two research questions that will guide the operational test of this investigation.

2.1 Presidential Bipartisanship and Congress

The idea that the presidency should be fundamentally non-partisan is deeply rooted in American political culture (Genovese 2001). Even as political parties became a more overt aspect of government, the authority of the president, “continued to depend on an ability to transcend party politics” (Milks 2006, 341). However, the extent to which the contemporary presidency still displays partisan neutrality is contested.

Dan Wood provides arguably the best evidence of a partisan theory of the presidency. His work examines presidential representation, evaluating what interests and preferences presidents typically represent and respond to. The ‘centrist’ approach holds that “presidents consider their main constituency to be the entire nation, rather than just the partisans who elected them,” and therefore they respond to ideologically moderate positions (Wood 2009, 26). According to Wood, this theory has serious limitations – both empirical and theoretical – and “may not be a fully accurate description of presidential relations with the mass public” (*ibid.*, 30). Instead, Wood finds that presidential stances are generally partisan: “presidents generally buck the trends of changing mass preferences” and “remain partisans in their public issue stances” (*ibid.*, 85). These findings are based on presidential rhetoric and public mood rather than legislative outcomes, but his

argument suggests that the White House would promote bipartisan legislation only rarely – preferring to promote policies that appeal mainly to partisan interests.

Other scholars echo Wood’s conclusion that the president is primarily a party leader. George Edwards, for instance, acknowledged that the president “is often forced to solicit bipartisan support,” but he suggests that this occurs infrequently because it requires a subordination of the president’s role as party leader (1989, 89). Along similar lines, Gary Jacobson has noted more recently that “insofar as the party label represents a brand name, the president bears prime responsibility for the brand’s current image and status” (2012, 684). This public accountability to the party does not mean that the president will never champion items with bipartisan appeal; indeed, instances of cooperation can improve a party’s reputation, especially among independents and weak partisans (Harbridge & Malhotra 2011). Still, it recognizes the president as the chief agent in promoting party priorities.

Some argue that the president promotes partisan policies most often because they are largely powerless to do much else. Matthew Lebo and Andrew O’Geen argue strongly that the president’s fellow partisans are incentivized to support their agenda, whereas opposing party leaders have strong incentives not to (2011, 732), thus channeling presidential policymaking in partisan directions. If the opposition is unlikely to cooperate with the president on most issues, then why would the president risk their capital on a bill that relied on opposition support? If Lebo and O’Geen are correct, the best a president can hope for is strong majorities to increase the number of members most likely to support the White House’s agenda. Edwards also noted that “the best way to [take advantage of members’ ideological predispositions] is by working to maintain and even increase the number of co-partisans in the House and Senate” through raising money and improving the president’s standing with the public (2016, 194). And when that fails, “the White

House needs to understand and then exploit the opportunities that its party cohorts offer" (*ibid.*, 197). In short, "arithmetic is decisive" (*ibid.*, 192).

This line of research is inconclusive, though, and we are assuming, perhaps incorrectly, that the presidency's public or political roles carry over directly into the legislative function. In assessing congressional outcomes, there is other evidence that presidential leadership is necessary for successful bipartisanship. Beckmann, for example, argues that most instances of bipartisanship necessitate White House participation because only presidents can veto agreements they disagree with and only presidents can provide the political cover necessary for most members to vote with the opposition. Hence, "bipartisan contact emerges when the president is strong politically (rendering opposing leaders willing to compromise) but opposing party leaders are strong institutionally (rendering them crucial to passing the deal)" (Beckmann 2016, 270). Gary Cox and Matthew McCubbins have also found that almost all occasions when a majority party was seemingly 'routed' actually occurred in response to a deal negotiated with the president (2005, 119-120)

Elsewhere, Beckmann has stressed that presidents also matter in shaping what coalitions of members will support a bill. Through proposing or prioritizing legislation, the president can establish an alternative to the status quo that is either ideologically 'proximate' or 'distant' to the current status quo, thus manipulating which pivotal voters will matter in securing passage (Beckmann 2010). This account is obviously theoretical and shouldn't be taken literally, but it draws on the reality that careful presidential agenda setting can render bipartisan outcomes more or less likely. Indeed, "Congress and the public [rely] on the White House to set a legislative agenda," so if a president wants to promote bipartisanship perhaps they possess significant leverage to do so (Mayhew 2011, 34).

This matters because presidents are certainly more independent and politically flexible than we might assume if we focus only on their status as party leader. Brandice Canes-Wrone has found that presidential pandering – instances when presidents follow public opinion even though they believe citizens are misinformed about their interests – is rare and presidents often pursue policy outcomes in direct opposition to obvious political objectives; she writes that presidential pandering “occurs in a limited set of circumstances” and “presidents’ monitoring of current opinion does not typically encourage demagogic policymaking” (2006, 128). Thus, the president would generally promote bipartisanship whenever their own preferences align with the more moderate course. How common this is remains unclear, but there are important political and normative appeals for presidential bipartisanship. For one, a record of bipartisanship can improve a president’s immediate professional reputation in Washington, facilitating further legislative success down the road (Jones 2001). It can also secure electoral benefits as the public becomes increasingly troubled by polarization, and there is evidence that recent presidents manipulate partisan weariness as a rhetoric strategy (Rhodes 2014). Presidents care about their historical legacy and examples of important bipartisan achievements can improve their future repute as savvy, effective legislators (Light 1998, 66). Such motivations do not necessarily contradict the existence of party-incentives like those described above; they simply occur in parallel. Furthermore, if presidents’ unique priorities and preferred strategies strongly influence legislative outcomes, as Fred Greenstein argues, then the president’s promotion of bipartisanship could vary significantly depending on the officeholder and prevailing political circumstances (2004).

But what about Congress? How does the executive institution compare with the legislative in terms of bipartisan promotion? Although thorough research on this question has been rare, enough has been done to offer us a rough set of expectations.

It is quite clear that Congress, as a whole, would initiate more bills and pieces of legislation than the president. The president is only a single person, after all (although with a sizeable staff), and this means that the political energy to identify and pursue policies is generally more limited than the 535-member Congress (Light 1998, 57). Moreover, Wood argues that claims about the president's agenda setting are usually excessive: "although it seems evident that presidents *should* be influential agenda setters at both the systemic and institutional levels, hard scientific evidence showing that presidents *are* influential agenda setters is limited" (italics in original) (Wood 2009, 109). But there are also reasons that congressional bipartisanship would significantly outnumber presidential. The two chambers have countervailing tendencies that generally fosters balance; the House tends to be more partisan, the Senate usually less so. While this is not the place to explore this phenomenon in depth, Mayhew has found that "presidents tend to favor grand rationalizing schemes, whereas Congress is more at home with shapeless compromises agreeable to interest groups and geographic constituencies" (Mayhew 2011, 59). Put differently, coalition building is an inherent aspect of congressional legislating, whereas leadership is the defining quality of its presidential counterpart.

Furthermore, Congress faces specific institutional and operational hurdles that make it easier to impede a partisan bill. Determined minorities or majorities can obstruct what does or does not get voted on, killing initiatives by filibuster in the Senate, through the power of the committee chairs (although this power has waned of late), or with promises to hold up other plans further down the line (Cox & McCubbins 2005; Beckmann 2011; Groseclose & McCarty 2001). The president, as a separate institution with direct and indirect ways of setting the agenda, is not nearly as limited if they want to push a party issue. Frances Lee has produced convincing empirical evidence to this effect, finding that presidential initiatives generally result in more partisan voting

in Congress. Specifically, “presidential leadership exerts a contrary pull on the parties in Congress, driving them farther apart on the issues that presidents champion” (Lee 2008, 924). Taken together, all this suggests that we can expect Congress to promote more bipartisanship than the president, both in raw numbers and proportionally.

This expectation can be challenged, though, by the reality that the president is held accountable for national conditions – peace, prosperity, political efficiency, etc. – and therefore has more direct incentives to push for policies that are useful and have broad impact. In other words, retrospective voting would reward presidents who demonstrate balance and punish those who promote narrow interests (Fiorina 1981), an impact made greater by the fact that the presidential election arguably depends more on independent voters in competitive states, rather than those safely for either party; members of Congress, meanwhile, need only answer to their own constituents. That polarization has fundamentally changed voting patterns and behavior in Congress leads some to assert that the president, interested in broad coalitions and expedient policymaking, has grown detached from the gridlocked parties in Congress. Sidney Milkis, for instance, has noted that the presidency has become increasingly independent from the party system in recent years while Congress descends into ever more firmly partisan camps (2006). Thus, perhaps the president is better situated to build fluid coalitions from issue to issue than Congress itself. Beckmann and Vimal Kumar have shown that “polarization around the pivotal voter can actually provide presidents a unique opportunity to win key votes, secure legislative success, and influence national legislation,” suggesting that congressional gridlock makes presidents more influential in building bipartisan coalitions (2011, 500). Matthew Dickinson has taken these ideas further, arguing that recent presidential influence is driven by different incentives and possibilities than in past decades. Because Congress becomes increasingly unlikely to promote bipartisanship,

the White House is better placed to attain success through compromise. According to Dickinson, a president's best legislative strategy is now "to quietly seek out policies that have the potential for bipartisan consensus and carry a big veto threat" (2006, 477). In sum, perhaps the president promotes bipartisanship proportionately more than Congress not because of differing preferences or capacities, but because the former enjoys strategic opportunities to do so that the latter does not.

Finally, we must comment briefly on the relative significance of divided or unified government. The literature on this is comprehensive and need not be reviewed in depth. However, while the precise effects of divided or unified are still debated, it is largely uncontested that party control of government affects president-Congress interactions in certain ways. For one, it is clear that "the policy production of the president and Congress is greater during periods of unified government" (Coleman & Parker 2009, 383). Moreover, we should see presidents promoting bipartisanship less during unified government, since the necessity of winning opposition votes is less. During periods of divided government, however, presidents should not only initiate less overall but they should promote bipartisan policy more often. If the 'arithmetic' is against the president, in Edwards' phrase, then their leverage in promoting partisan bills should be reduced, in large part because of the disincentives the opposition faces in cooperating (see Lebo and O'Geen above). In any case, we should not expect the extent of bipartisanship to remain stable from year to year; as Paul Quirk and Bruce Nesmith put it, "a divided-control president and Congress may go through periods of partisan rancor and periods of cooperation," with escalations and de-escalations of conflict (2006, 513).

These conflicting considerations offer strong, reasonable arguments. However, the need for greater clarity and specificity is clear. Thus, we seek to answer two research questions:

R1: Does the president promote bipartisan legislation (with significant frequency)?

R2: Does the president promote bipartisan legislation more or less than Congress itself?

Neither is a matter of exclusives, as any president will have reasons at various times to promote both partisan and bipartisan outcomes. The proportional share with which each type of policy promotion occurs, however, has important implications for how we understand the presidency and its relationship to problems of polarization. Is the president the champion of bipartisanship, and therefore central to understanding and predicting the phenomenon? Or does the president typically promote partisan politics and is thereby a major obstacle to legislative cooperation?

3 Part One: Agenda Setting and Issue Analysis

In this section we explore the degree of the president's bipartisan promotion in the national agenda by examining the presidential administrations from 1977-2018. We first explain the methodology used to compile our data before presenting and discussing our findings.

3.1 Methods

Part One compiles and analyzes pieces of legislation that were the subject of 'key votes' – policies that were both important and controversial – during each session of Congress of the last seven administrations, from President Carter through President Trump, according to CQ Press. To address whether the president promotes bipartisanship we examine the extent to which the president typically initiates bipartisan bills. To address whether the president does so more or less than Congress, we compare the patterns of presidential initiation to Congress over the same time span.

We constructed our sample of legislative items by using the key votes chosen annually by the editors of Congressional Quarterly (CQ) and published in the *Congressional Quarterly Almanac*. CQ selects these based on which votes during each session of Congress represented or resolved "a matter of great controversy; a matter of presidential or political power [or] a matter of potentially great impact on the nation and the lives of Americans" (CQ Almanac 2018, C-2). The items in our sample will be the bills or policies that were the subject of key votes during each of the last forty-two years.

More specifically, we will only consider votes regarding a matter of domestic policy, since we are concerned with bipartisanship in the domestic arena. So foreign policy, nominations, and internal congressional affairs (such as impeachment or investigations) are not included. Issues regarding trade, while not strictly domestic, will be included as well, given that the legislation in

question always has substantial domestic ramifications and/or affected interests. For similar reasons immigration issues will also be included.

Note, we will not only consider standalone bills. This is because many important policy initiatives are proposed and resolved as ‘riders’ to larger pieces of legislation, and these riders, although technically amendments, will be treated as if they were separate bills. We define riders as amendments that attempt to initiate a policy separate from the main substance of the bill under consideration; amendments that merely adjust or strike provisions of a bill do not classify as riders. For example, for 1994 CQ includes a vote on an amendment to that year’s defense authorization (HR 2401), because that amendment represented Clinton’s effort to repeal the ban of gays in the military. Following the failure to pass the amendment, the ‘Don’t Ask Don’t Tell’ policy was implemented. Here, the passage of the defense authorization itself was not the issue of significance, but the attempt of the Clinton White House to attach a rider was. In this and similar cases, I will only consider the rider as an item in our sample, not the overarching bill itself. This will keep our analysis honest, because major omnibus bills, most commonly regarding the budget or appropriations process, are often the object of riders that represent important policy initiatives without technically counting as bills. To ignore this and only include bills as important legislative items would be to miss much of the actual substance of the national agenda. Simultaneously, however, if passage of an overarching bill is listed as a separate CQ key vote, then that will be counted along with any substantive riders.

Congress passes hundreds of bills each year, and votes on many hundreds more. In relying on key votes, of which there are only around thirty in any given year, we therefore miss a large amount of Congress’ legislative outputs. This does not seriously undermine our analysis, however, because the president cannot be involved in every single issue that reaches the floor; there are too

many, and the White House only has a limited amount of time and political capital. It therefore makes sense to limit our sample to a set of cases that the president would realistically take an active interest in, ignoring items that no president would plausibly influence. In other words, we are concerned with the range of issues an administration might plausibly initiate or be involved in, and since presidential political capital and legislative resources are limited, we are naturally interested in high-stakes policymaking.

In using floor votes, we also obviously miss initiatives that never made it out of committee, or those that did but failed to reach the floor of either chamber. Clinton's healthcare initiative is one major example. However, it would be very difficult to develop consistent criteria for selecting bills that were not subject to floor votes. Using CQ key votes might miss aspects of the agenda like Clinton's healthcare, but it simplifies the research task and avoids the danger of investigator bias in deciding which bills matter.

In order to address our research questions, we divide our sample of legislative items into two categories: bipartisan and partisan. While bipartisanship can be variously defined, here it is understood as an instance where both parties substantially support a given policy, rather than when members of both parties collaborate in crafting a policy's provisions. Since our raw data is a series of votes, here we will rely on floor voting as the measure of party support. Cosponsorship and bipartisan committee or subcommittee approval are important, but there is not a reliable pool of policies that fit these descriptions to sample from nor is it as clear how such initiatives relate to the national agenda (as with CQ key votes). Furthermore, cosponsorship in particular can be a misleading measure. Members on the ideological fringe of a party will often sign onto an initiative important to them or their constituents even if it does not necessarily represent the consensus view of their party; in of itself, this does not represent general across-the-aisle cooperation. Thus, an

item in our sample will be labeled bipartisan if at least 25% of the members present and voting of both parties voted ‘yea’ for its passage in the chamber where the vote occurred. If the same vote occurred in both chambers (passage in the Senate and House) then the calculation would be treated separately for representatives and senators. For example, if a Congress split evenly between Democrats and Republicans voted on a conference report, at least 55 representatives and 13 Senators of both parties would need to support it for it to count as bipartisan.

Sometimes the same bill can attract broad support in one chamber but party-line splits in the other. Most commonly, senators may be in near total agreement on an issue while representatives might be more partisan. To account for this, if an item fails to attract at least 25% support from each party in one chamber, but attracts 50% or more in the other, the issue will still count as bipartisan. So, if the Senate votes 80-20 (D: 50-0; R: 30-20) on a bill that the House passed largely along party lines (or vice versa) it will be considered a bipartisan bill. It would be misguided to ignore overwhelming cooperation in one chamber given the failure to compromise in the other. This should also help keep our analysis consistent during times when the partisanship of one chamber does not reflect that of the other (e.g., the 1994-1995 Congress) and it allows us to adjust for the different tendencies of the chambers.

Policies will be considered partisan if they do not meet the above criteria and their support came from members of the president’s party. Partisan initiatives of the opposition will not be included in the analysis. This is because we want to compare the president’s promotion of bipartisanship compared to their promotion of partisanship, and we cannot expect the president to promote issues in Congress that only the opposition supports. While this is not strictly impossible, including opposition initiatives would only skew our findings by inflating the president’s opposition to partisanship. The crucial question, after all, is not whether the president generally

opposes the opposition, but whether the president pushes the members and leadership of their party into compromising more often than they would otherwise.

After the policies have been sorted, we will determine whether the president initiated the bill or rider in question. To do this we establish whether the legislation originated as a committee mark-up of or Floor debate on a plan proposed by the president, or if the policy was the product of the president calling on Congress to develop a bill. We will also establish what the president's general engagement and stance was throughout the process from initiation to passage or failure.

For deriving the coding for both initiation and engagement, I will use the CQ Almanac article (or articles) that corresponds with the policy in question. These articles explain what the legislative history of the issue in question is and how it arrived on the agenda in the particular session under consideration. They also describe how the bill moved through Congress and whether significant debate or controversy arose at any point in the process. CQ always specifies if a bill represented a presidential priority or if the legislative process began in response to a presidential proposal. Therefore, the articles serve as a succinct yet comprehensive and consistent source for coding.

Sometimes the president will initiate directly (submitting a proposal), indirectly (calling on Congress to develop a bill), or some combination of both. And while we will record which type of initiation occurred for each case, our coding will count all presidential initiatives equally, regardless of whether the president utilized direct or indirect means. It is important to stress that every presidential initiative will undergo change during the legislative process, so attributing initiation is not the same as attributing responsibility for the bill as a final product. But it is an important measure of a policy's institutional origins. If the president did not initiate a policy, then it will count as a congressional initiative.

Looking at engagement will be a supplemental to our initiation data. To understand why this matters, assume that 50% of a president's initiations were bipartisan, but that president also opposed all non-presidential bipartisan policies on the agenda. To conclude anything about the president's promotion of bipartisanship without acknowledging the latter would be problematic. It is unclear whether engagement data will be this clear-cut, but for caution's sake it will be coded, nonetheless. Accordingly, I will use four coding options: supported, opposed, no stance, and lobbied for. If the president had a public stance or announced a signing intention or veto threat at several points leading up to the vote, that will classify as support or opposition. There is a distinction between this and lobbying, however, where the president and their staff engage directly in the negotiation by proposing offers and counteroffers, host meetings, or work the phones on Capitol Hill.

Finally, in arranging and discussing our findings, we will not only compare the presidency to Congress, but we will also consider differences between administrations. If Greenstein and others are correct that personal and strategic differences between presidents matter in predicting their legislative tendencies, then we should expect significant differences in the number and types of policies initiated by the different presidents in our sample. Alternatively, broad consistencies in our data would indicate general features of the presidency.

3.2 Findings

The analysis of CQ key votes yielded 603 pieces of legislation. Table 1 displays our overall data, showing how many policies were initiated by Congress and by the president, as well as how many of each institution's policies were bipartisan and partisan.

Initiating Institution	Bipartisan Policies	Partisan Policies	Total
Congress	304	84	388
President	122	93	215
Total	426	177	603

Table 1: Overall Data of Policy Initiation

For each session of Congress there were on average twenty-nine major bills and riders. Of these, about two-thirds were initiated by Congress and one-third by the president. These ratios are nearly identical to those found by a similar study on presidential agenda setting between 1953-1996, suggesting that our method for evaluating initiation was accurate (Edwards & Barrett 2000). Bipartisan measures, meanwhile, outnumbered partisan ones slightly more than three to one.

The most common type of legislation in our data concerned appropriations, and annual battles over the budget prompted or facilitated many important policy debates. Sometimes this directly concerned the funding under consideration (whether to end a federal education program in the HHS appropriations process, for instance), while other times the connection was more tangential (like the many attempts to end abortion funding under various appropriations bills). Most of the riders in our data were separate policy initiatives attempting to use the budgetary process as a legislative vehicle.

Our data reflects the changing prominence of some of the most important political questions of recent decades. Energy, environment and deregulation dominated during the late 1970s; taxes, defense and budget reconciliation were common subjects for most of the 1980s; education, welfare and healthcare made up several of our items for the 1990s, and so on. Several

policy questions would reappear in the national agenda after several years of political dormancy. Drilling in the Arctic National Wildlife Refuge, campaign finance regulation, and federal education programs, for instance, were issues that kept returning to Congress at various points, albeit through different initiatives. Almost every area of domestic policy appears at some point and cross-referencing our items with Mayhew's authoritative *Important Enactments* data reveals broad parallels (2018). All this supports our measure of legislative activity as a reliable indicator of the most significant policies considered by Congress since 1977.

Not all the items in our data were signed into law, as our sample collected issues that failed to pass as well as those that did. Therefore, when we speak of bills or policies, we are referring to major items of the national legislative agenda – questions that occupied a significant part of the congressional calendar – and not necessarily successful bills. Here, promoting bipartisanship denotes the extent to which the president or Congress introduced important bills that had significant support in both parties support and made it to a floor vote. Our data is not a comment on how successful either institution is in getting its way, nor does it necessarily signify whether their policy preferences are more or less moderate.

Table 1 shows that Congress has initiated almost twice as many important policies over the last forty years as the presidency. As discussed in our methodology section, this was to be expected, since the president always has a carefully selected agenda and a finite amount of political capital, whereas Congress is far less limited in both respects. Although the difference in initiation numbers was generally greater from 1977 to 1990, in most sessions the ratio remained around 2:1. The ratio of bipartisan initiation is of greater interest, however, and here the discrepancy between Congress and presidency is more pronounced. While around 78% of congressional policies were

bipartisan, only 57% of presidential policies were, indicating that proportionally the president promotes bipartisanship far less than Congress.

This is more apparent if we separate the data from Figure 1 into partisan and bipartisan policy initiation (Figures 2 and 3). These graphs show that while the president does not promote partisan initiatives in Congress more than their party leadership does (Figure 2), Congress consistently initiates more bipartisan bills (Figure 3).

This relationship must be understood not only in total numbers, but as a proportional difference, as how many bipartisan policies Congress or the president initiate in any given year matters less than the ratio of congressional to presidential bipartisan issues, since we want to understand the presidency's bipartisan influence relative to Congress. Figures 1-3 can give us a skewed or unhelpful sense of presidential bipartisanship. At first glance, the fact that the president promoted seven bipartisan bills in one session and three in another tells us little. When we break these numbers down as the president's *bipartisan share*, however, we can see the trends of the president's promotion of bipartisanship while adjusting for changes in legislative context (or the number of bills in any given year).

Accordingly, Figures 4 and 5 chart the *bipartisan share* of policy initiatives; the former displays what percentage of overall policies were bipartisan, and the latter shows what percentage of those bipartisan policies were initiated by the president.

Despite sharp variations, our basic findings are (1) congressional and presidential bipartisanship is not obviously correlated to differences over time or presidential administration, (2) the president's share of bipartisan promotion is usually less than Congress, and (3) bipartisan policies make up the bulk of overall bills. Furthermore, the proportions regarding these last two findings appear to be changing, although somewhat erratically. The share of bipartisanship in the

overall agenda is declining. In the first fourteen years of our sample around 80% of policy initiatives were bipartisan; thereafter, this average dropped to around 66%. The correlation coefficient of this trend is -0.38 ($p=0.089$), which, given the small number of observations (21 congressional sessions), is a fairly strong relationship. Anything else than this would frankly be surprising, since polarization has increased the homogeneity of party coalitions in Congress and decreased the likelihood of cross-party voting over this same time frame (Bond & Fleisher 2000; Jacobson 2007; Rohde & Barthelemy 2009). Far less obvious and more consequential for this investigation, however, is the fact that the president's share of bipartisan initiations climbed during the same time period; specifically, the president's share of bipartisan policies (hereafter, simply president's bipartisan share) rose from 24.5% during 1977-1992, to around 35% between 1993 and 2018. The correlation coefficient of this development is 0.43 ($p=0.0501$); an even stronger relationship than the decrease in overall bipartisan share. There is a good deal of variation within this that we do not attempt to explain here – for instance, the president's bipartisan share goes from 58% to 23% from 2001-2002 to 2003-2004. Still, our evidence does suggest that the presidency, while still generally a less frequent initiator of bipartisan legislation than Congress itself, is increasingly involved in getting cooperative policies onto the US agenda.

We must note that changes in *bipartisan share* do not necessarily mean that the presidency itself is changing significantly. The president might be promoting more bipartisanship because there is a gap in overall Congressional bipartisanship, or because with a less active and more combative legislature both the need and opportunity for presidential leadership are greater, as Dickinson argued (2006). Put differently, our findings do not indicate that recent officeholders are becoming more cooperative or are more effective at building cross-party coalitions. All we can assert is that the presidency's promotion of bipartisanship appears to be increasing relative to

Congress, and, if we extrapolate our observed trends, it is even plausible to suggest that the president could become a proportionately greater source of bipartisan policy initiation than Congress.

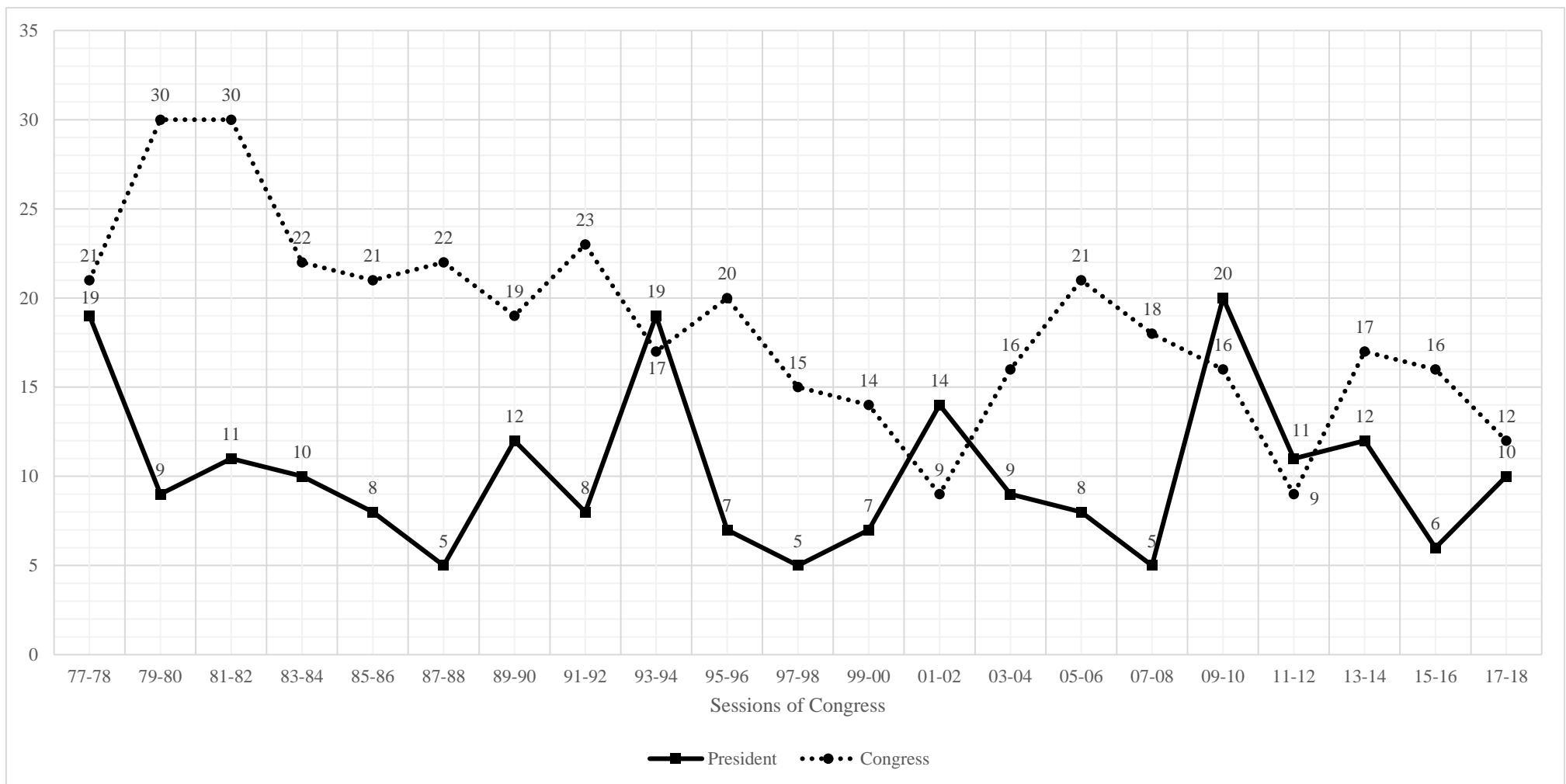


Figure 1. Initiation of Key-Vote Bills by the President and Congress, 1977-2018

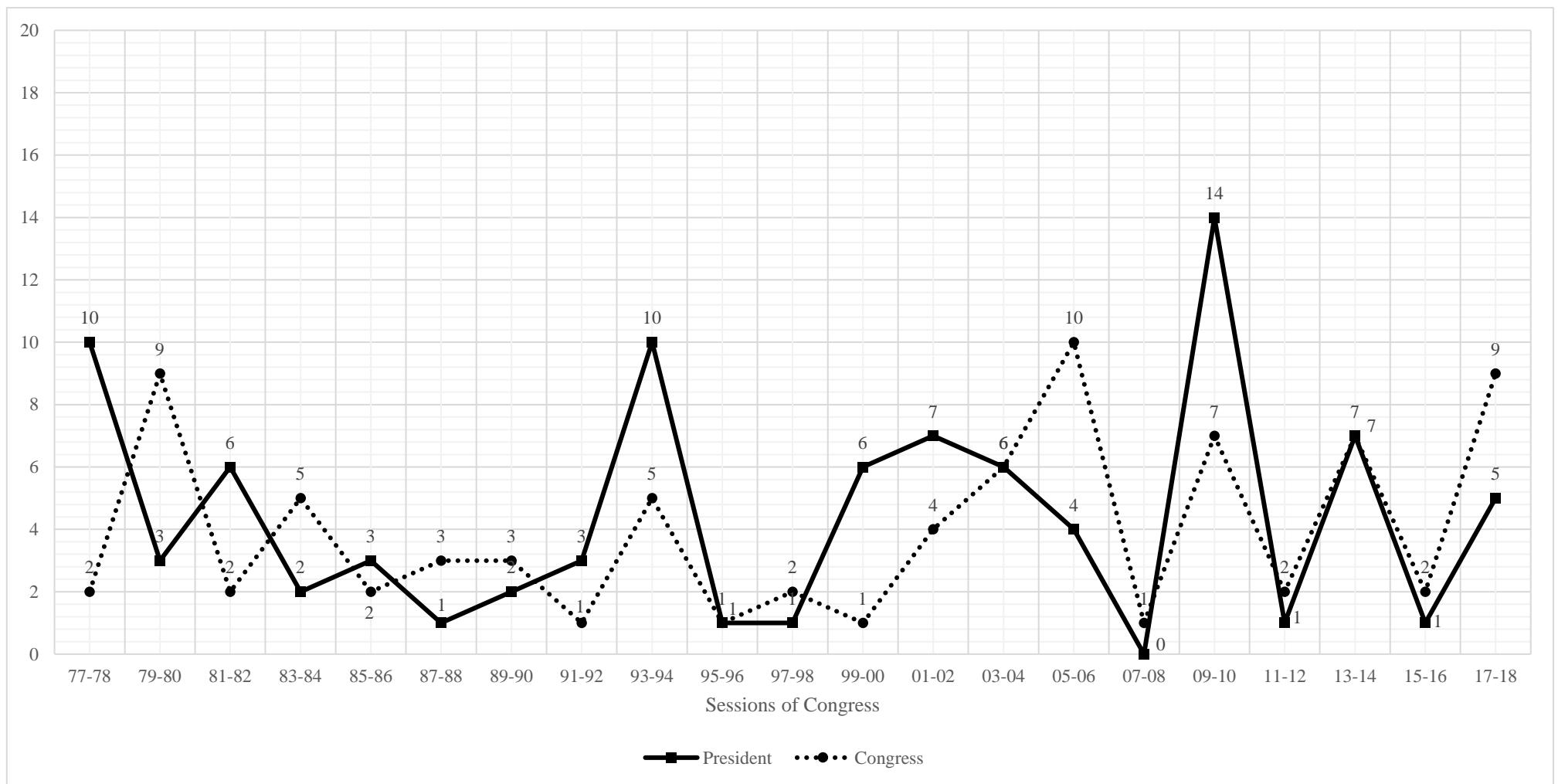


Figure 2. Initiation of Partisan Key-Vote Bills by the President and Congress, 1977-2018

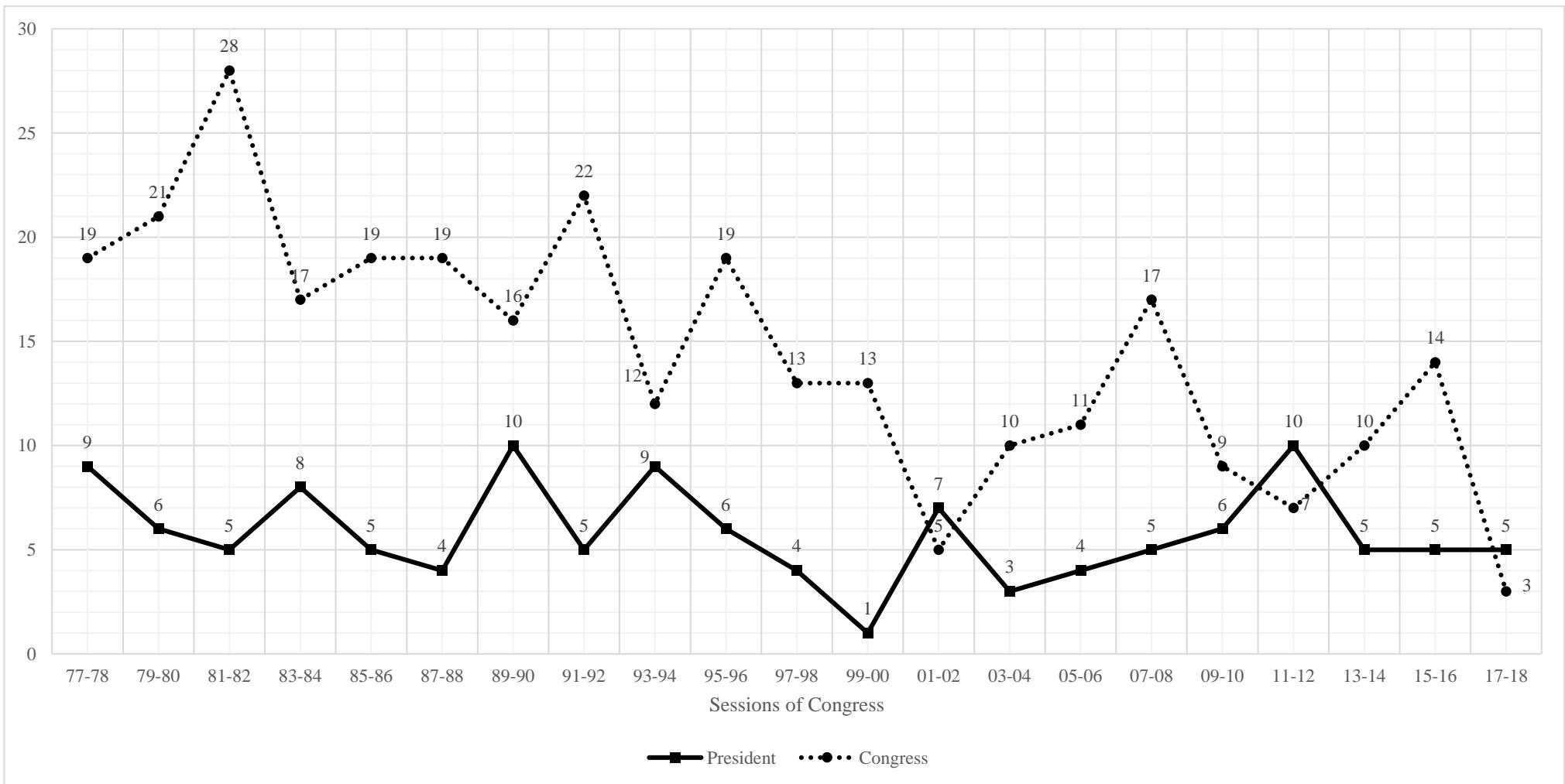


Figure 3. Initiation of Bipartisan Key-Vote Bills by the President and Congress, 1977-2018

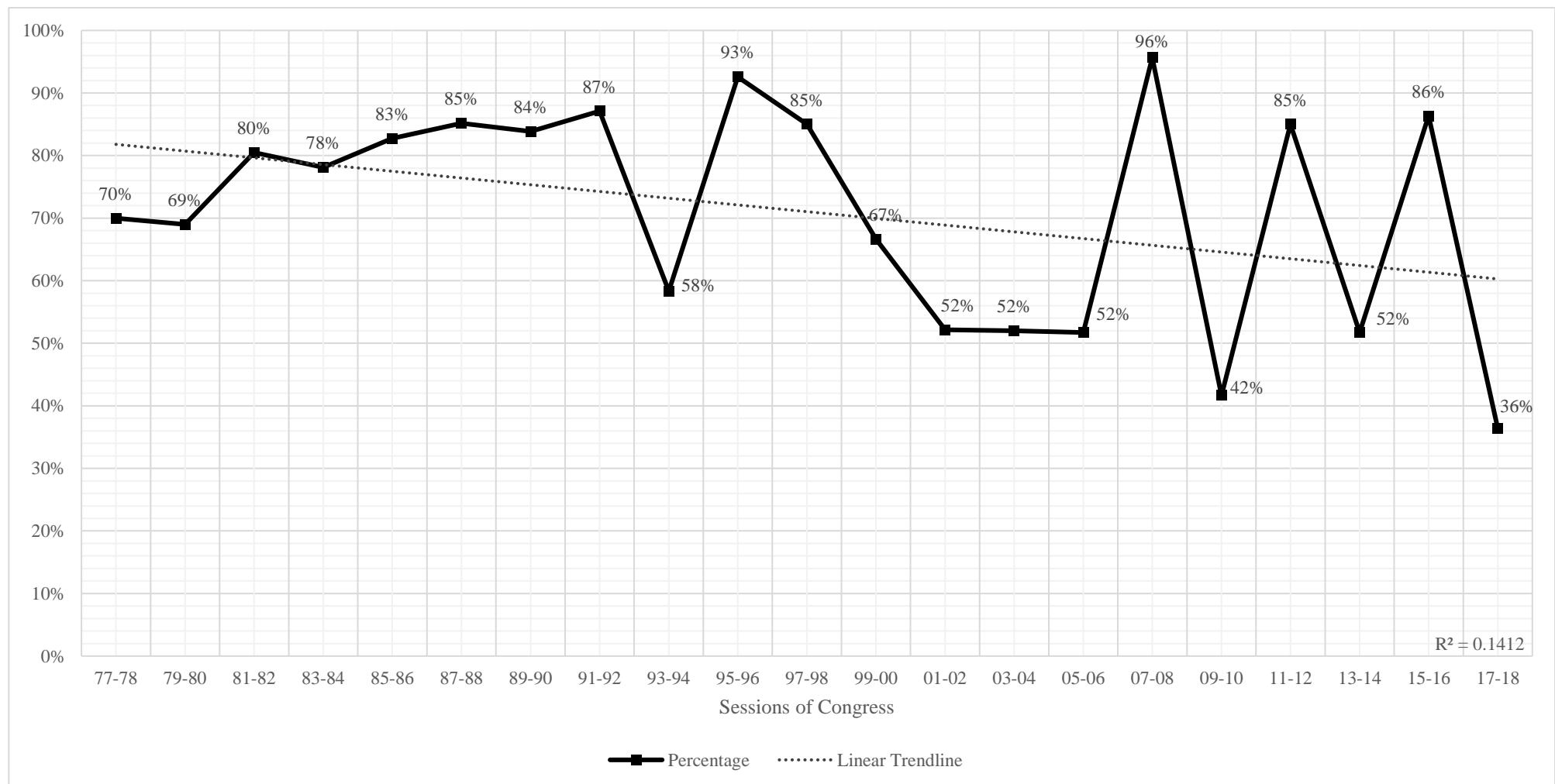


Figure 4. Bipartisan Share of All Key-Vote Bills, 1977-2018

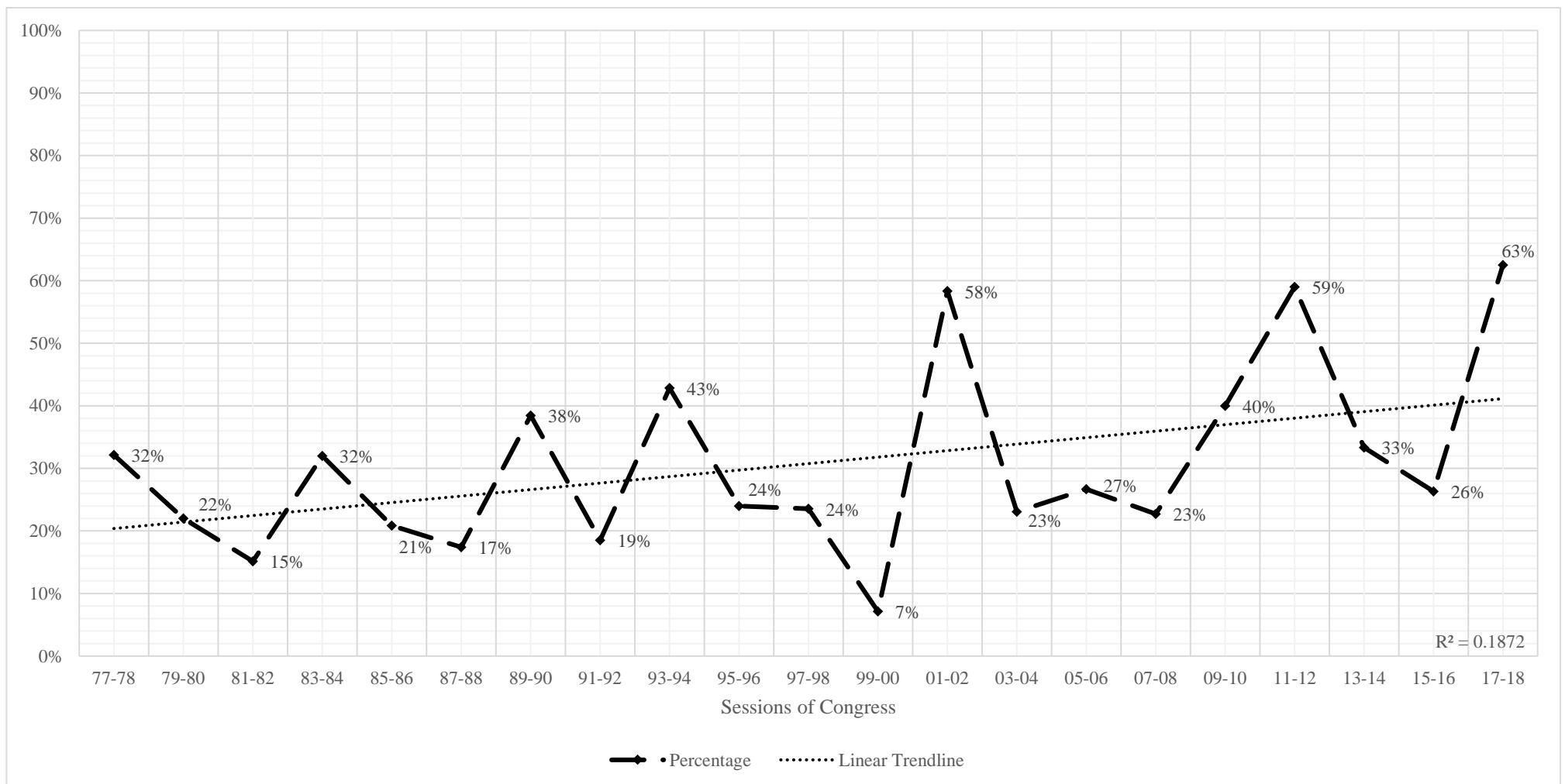


Figure 5. Share of Bipartisan Key-Vote Bills by the President, 1977-2018

Our basic finding, that presidents initiate and promote bipartisanship less than Congress, holds during periods of both unified and divided government. There are important differences between the two sets of data, however (see Table 2). During periods of divided government, the president initiated 32% of all measures (both partisan and bipartisan), but during periods of unified government this increased to 42%. This is as we expected, since, as cited in Section 2.1, “the policy production of the president and Congress is greater during periods of unified government” (Coleman & Parker 2009, 383).

Unified/divided government also has a clear, and more unexpected, impact on the number of presidential initiatives that are bipartisan; 66% of all presidential initiatives are bipartisan during divided government as opposed to 44% in unified government. In itself, the finding that bipartisanship increases during divided government is not surprising. With a divided government, congressional leadership needs to pass relatively bipartisan policy in order for the bill to get the president’s signature (and presidential initiatives need more opposition votes) and therefore the likelihood of a partisan vote passing into law is less and the need for compromise increases (Quirk & Nesmith 2006). But the scale of the difference in our data is notable. It indicates that presidential legislative tendencies change sharply, and the degree to which the president promotes bipartisanship is, to a significant degree, dependent on this one variable.

Party Control	Years of Sample	Total Number of Policies	Total Number of Policies Initiated by President	Percentage of Presidential Policies that are Bipartisan	Percentage of Total Policies Initiated by President
Unified	14.5	230	96	44%	42%
Divided	27.5	373	119	66%	32%

Table 2: Unified/Divided Government and Presidential Policy Initiation

The party of the president, however, is not a significant variable. Republican and Democratic presidents initiate the same number of bipartisan policies, adjusted as a per term average: 11.2. Democrats do promote more partisan policies than their GOP counterparts, however – four more per term. This was not a consequence of differences in divided/unified, since neither set of presidents experienced fundamentally different congressional circumstances, since both parties experienced similar periods of unified and divided control; the GOP had 6.5 years of unified government and 15.5 divided, while Democrats had 8 and 12, respectively.

Further, if we disaggregate the data by administration, our findings do not appear obviously linked to personal differences – in preference or strategy – between the officeholders (see Table 3). There is some variance in the degree of initiation and partisanship between presidents, but, as Figures 6 and 7 display, the numbers are broadly comparable, with only George H.W Bush, and, to a lesser extent, Reagan representing notable outliers because of their comparatively small number of partisan initiatives. Indeed, generally the difference between administrations is a matter of scale rather than proportions; for example, Obama initiated more bipartisan policies than George W. Bush (23 to 17), but for both presidents bipartisan measures represented about 47% of their total initiatives.

There are some differences regarding the forms of bipartisan and partisan policies each administration sponsored, but here too they are outweighed by the similarities (Appendix 1) For all, large legislative packages that provided ample opportunity for riders and dealt with broad policy questions were the most common type of bipartisan initiative; deals over education, housing, farm bills, and corporate regulations are prime examples. Defense authorizations were also almost always bipartisan. In contrast, initiatives that sought fundamentally to alter the budgetary or tax structure were consistently partisan, with Reagan's early 1980s efforts being the

sole exception. Bipartisan measures also played an important role with low-impact but high-salience issues, matters where no clear constituencies were at risk but the cumulative national preference was clear; preserving the International Space Station's funding (1991) or paying reparations for Japanese internment (1988), for instance. Later some of these would become partisan issues, however, such as Carter's bipartisan Alaskan preservation initiative (1980) prefiguring the controversy over drilling in the Arctic National Wildlife Refuge. Additionally, several of each president's bipartisan initiatives involved a White House reaching across the ideological aisle to prioritize something not typically valued by their own party. Reagan initiated a Medicare expansion in 1988, George W. Bush pushed for a forest preservation bill in 2003, and Obama pushed for trade promotion authority in 2015. In most cases, bipartisan policies were fairly broad or expansive – such as dealing with energy, industry deregulation, or farm bills – whereas partisan policies had more narrowly focused goals and mechanisms – particularly regarding civil rights, gun control, specific new environmental regulations, or budget supplementals.

Electoral cycles are significant, but not decisive. Figure 8 shows that presidential initiation drops sharply between sessions one and two, before stabilizing somewhat around Congress three, then declining further. That the president's most active years come early is consistent with research on the subject, as scholars usually agree that an incoming POTUS is usually most ambitious, and their legislative influence greatest, during their 'honeymoon' phase with Congress (Light 1998; Peterson et al. 2003; Beckmann & Godfrey 2007). Regarding bipartisanship specifically, we can also note that presidential policy promotion is only significantly and consistently affected between a president's first and second Congresses – specifically bipartisan initiations remain fairly whereas partisan initiations drop sharply. Moreover, the average number of bipartisan initiations overtakes partisan initiations toward the end of a president's term, suggesting that increased time in office

makes a president more likely to promote bipartisan bills. This is not a crucial finding, but it bears mention.

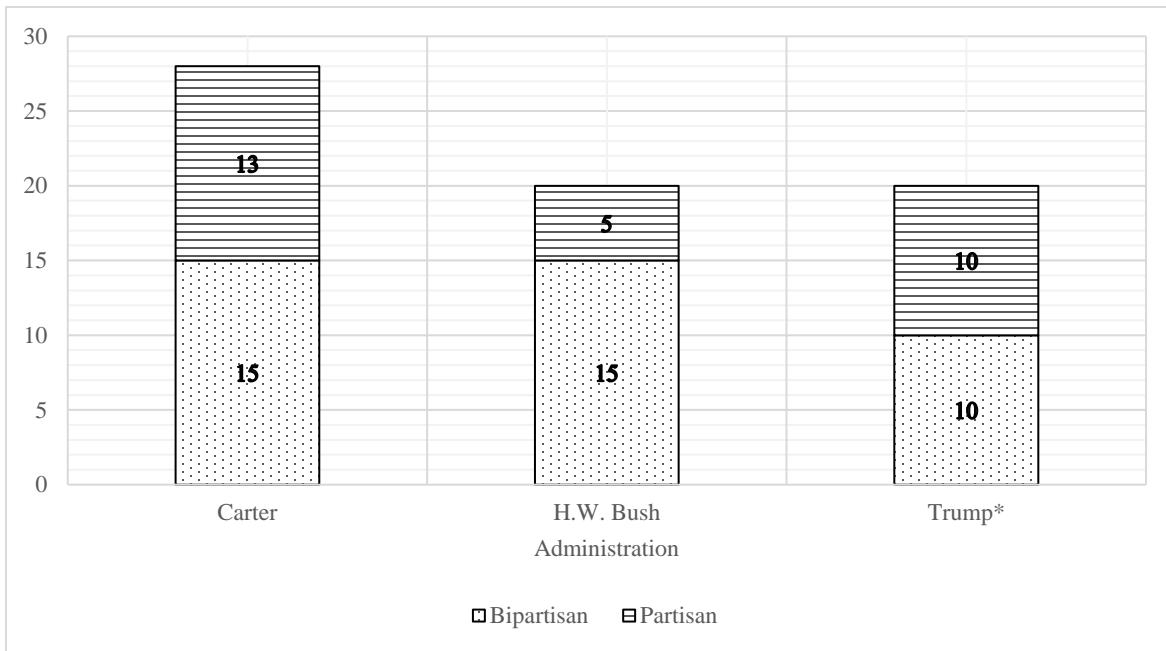


Figure 6. Policy Initiation for One-Term Presidents

* Trump's data is doubled to provide a rough estimate of one full term.

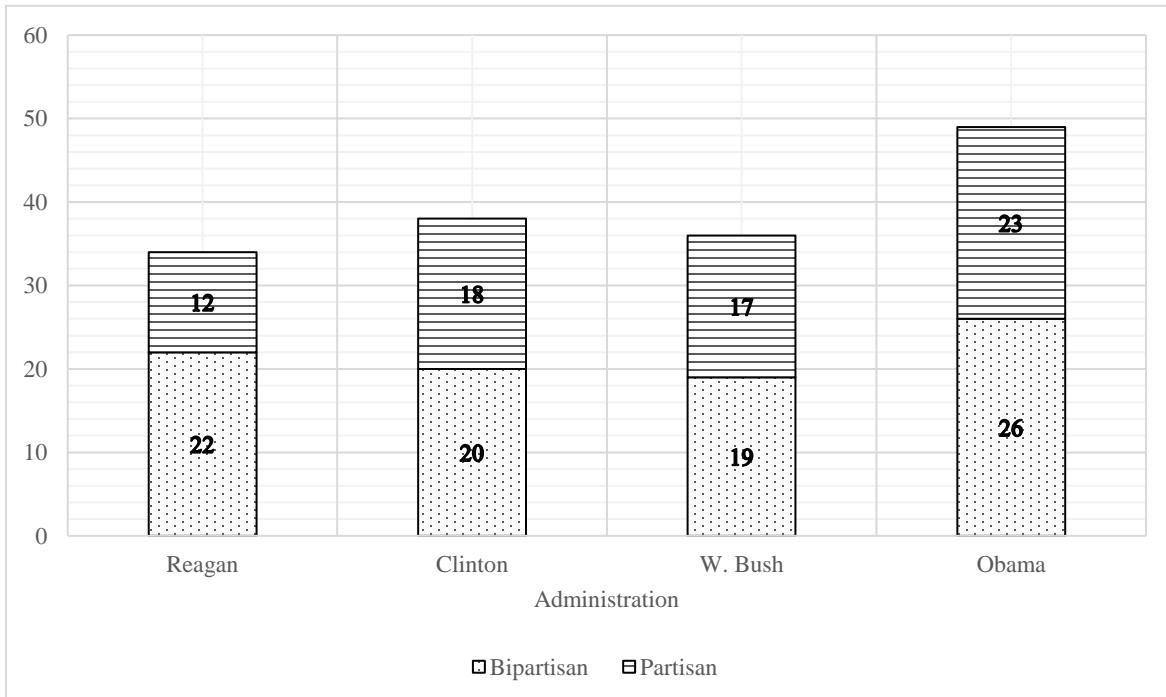


Figure 7. Policy Initiation for Two-Term Presidents

Administration	Initiating Institution	Number of Bipartisan Bills	Number of Partisan Bills	Total Number of Bills
Carter	Congress	40	11	51
	President	15	13	28
	Total	55	24	79
Reagan	Congress	83	12	95
	President	22	12	34
	Total	105	24	129
H.W. Bush	Congress	38	4	42
	President	15	5	20
	Total	50	12	62
Clinton	Congress	57	9	66
	President	20	18	38
	Total	76	28	104
W. Bush	Congress	43	21	64
	President	19	17	36
	Total	62	38	100
Obama	Congress	40	18	58
	President	26	23	49
	Total	66	41	107
Trump	Congress	3	9	12
	President	5	5	10
	Total	8	14	22

Table 3: Overall Policy Initiation Data by Administration

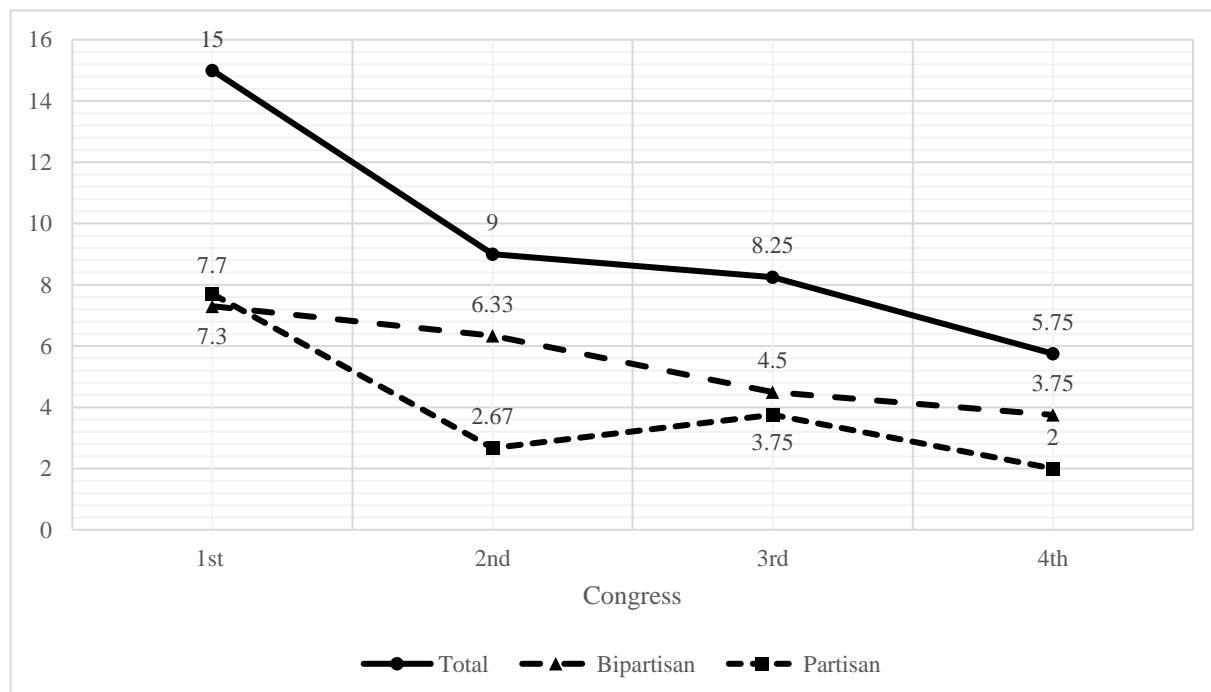


Figure 8. Average Presidential Policy Initiation Per Congress*

*Note, 3rd and 4th Congresses are for a reelected president's second term.

Finally, we must consider our measure of presidential engagement, or how frequently a president typically lobbied, supported, opposed, or remained neutral for bipartisan and partisan policies.

Table 4 displays presidential engagement for bipartisan and partisan bills. Since partisan items in our sample only include those issues put forward by the president's party, it is unsurprising that the president's engagement with these policies is almost always positive. For bipartisan policies the president offered his support in roughly 50% of all cases. These numbers also demonstrate, though, that the president opposed 23% of all bipartisan initiatives and remained neutral for another 24%. Such a high degree of opposition is somewhat surprising, because this means that the president opposed many policies that a significant portion of their own party supported. In other words, although the president initiates around one in every three bipartisan policies, they also attempt to remove (or at least undermine) one in every four.

Type of Presidential Engagement	Bipartisan Policies	Percentage of Total Bipartisan Policies	Partisan Policies	Percentage of Total Partisan Policies
Positive ¹	225	53%	127	72%
Neutral	101	24%	45	25%
Opposition	100	23%	5	3%
Total	426		177	

Table 4: Data on Overall Presidential Legislative Engagement

¹ For both categories, lobbying and support numbers are roughly equal, so they are grouped together under 'positive' engagement.

4 Part Two: Presidential Negotiation on Four Bipartisan Bills

Part One addressed our research questions over a broad time span, allowing us to measure the influence of the presidency in setting the legislative agenda over the last four decades. Part Two, in contrast, involves close attention to a few cases, examining the negotiations involved in four major policy measures during two presidencies.

4.1 Methods

Every legislative negotiation shares three features: the president and Congress need each other to reach their goals; the two institutions (or parties or factions that control them) have both conflicting and complementary interests; and they communicate to find agreement and enact a law (Quirk & Nesmith 2006, 511). In this section we assess how the president behaves in such negotiations, and whether their actions influence the outcome of a bill towards gains for their own party, the other party, or both parties. This judgement is based on the assumption that any legislative feature or policy outcome either party prioritizes is in its interest.

Since all four bills under consideration passed, the issue is not whether the president caused the success, but in which ways they pushed the party leaders during the negotiations, and how this shaped the bill as it developed. We are interested in whether the president made a partisan outcome – or one in line primarily with the interests of their party – more or less likely than a bipartisan outcome – where either mutual or other party interests were achieved.

To this end, we will use qualitative evidence – secondary literature, first-hand accounts, journalism, and CQ weekly articles on congressional news – to document the strategies employed by the president during each negotiation. Specifically, we will consider the stages before, during, and after the bill itself was proposed to Congress, or the entire timeline from initiation to final passage, including actions taken by the president while campaigning for office, if and when

relevant. In our usage, ‘strategies’ refers to actions that the president takes, recommends, or urges others to take. This can include proposing or conceding a provision, staking out a public position, or lobbying members of Congress in one or both chambers. We will determine whether a president’s strategy was partisan (pushing the bill towards party gains) or bipartisan (pushing the bill towards joint or other party gains), using the following criteria:

Partisan strategies:

- Adjust policies to favor own-party priorities or goals;
- Increase role for own-party leaders or members in shaping policy;
- Impose pressure on opposition-party to support a measure (not through concessions);
- Increase conflict between the parties on the issue, reduce the chance of win-win, mutual agreement outcomes;
- Claim credit for president or own party.

Bipartisan strategies:

- Adjust policies to favor opposition-party priorities or goals;
- Increase role for opposition-party leaders or members in shaping policy;
- Impose pressure on own party to support a measure (not through concessions);
- Give credit to opposition party.
- Adjust policies to favor shared, or uncontroversial general-interest, priorities or goals;
- Adjust policies to enhance mutual benefit, reduce conflict, or provide win-win solutions (e.g., by low-cost compensation);
- Increase role of bipartisan discussions or negotiation.

The presence of one or more of these strategies (or differing combinations thereof) will shape our interpretation of the president’s influence on the bill.

Of course, different policy situations will necessitate different strategies. For example, if a president embraces a measure already favored by the opposition, the most likely bipartisan strategy should be the president enticing members of their party to lend their support, rather than making policy adjustments to entice the opposition. Indeed, the bipartisan approach for different cases won't necessarily be the same. What matters for our analysis is whether or not we observe evidence of bipartisan strategies based on the particulars surrounding each bill – namely, the priorities of each party and the joint gains involved.

This method is informed by Quirk's analysis of cooperation in policy conflicts, which holds that cooperative outcomes are almost always possible but often not achieved; "the key task for analysis, therefore, is to understand the variation" (1989, 907). Quirk's approach is not necessarily about coherent political entities like parties or the presidency, but it is the basis of the conceptual definitions – regarding strategies and gains – we use here.

As noted above, Part Two looks at four bills, two bills from the Clinton administration and two from the George W. Bush administration. I selected these administrations because they are recent enough to be highly relevant for the contemporary presidency yet distant enough to allow for the kind of primary and secondary evidence we need to build our cases – they also give us one Democratic White House and one Republican. The selection of cases, meanwhile, was done by considering successful domestic policy bills whose passage was included as a CQ key vote and, either before or after the conference process, passed with sufficient margins to be considered bipartisan (as described in 3.1). To broaden the applicability of our findings we include two bills from unified government and two from divided (one each for each administration). With these criteria, we selected the following bills:

- 1) The 1993 North American Free Trade Agreement Implementation Act, which ratified NAFTA in the United States, thereby establishing the first free-trade bloc to include Canada, Mexico, and the United States. The bill passed 234-200 in the House and 61-38 in the Senate (R: 132-43, D: 102-156; R: 34-9, D: 27-29) in both cases with almost equal Democratic and Republican support – and was signed into law on December 8th.
- 2) The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which replaced the previous Aid for Families with Dependent Children Act (AFDC) as the nation's new welfare system. It passed in the House 328-101 and in the Senate 78-21 (R: 230-2, D: 98-98; R: 53-0, D: 25-21), and Clinton signed the bill into law on August 22nd.
- 3) The 2002 No Child Left Behind Act, (NCLB) which revised the nation's education laws by implementing new national testing requirements and federally mandated standards, as well as tying state failures in these areas to strict penalties for the first time. Broadly supported, it passed in the House 381-41 and in the Senate 87-10 (R: 183-33, D: 198-6; R: 44-3, D: 43-6). Bush signed it into law on January 8th.
- 4) The 2003 Medicare Prescription Drug, Improvement, and Modernization Act (MMA) – which added a prescription drug benefit to Medicare for the first time and revised other aspects of drug costs and supply – was the program's most significant update since implementation under Johnson. While showing initial bipartisan promise, it narrowly passed 220-215 in the House and 54-44 in the Senate (R: 204-25, D: 16-189; R: 42-9, D: 11-35). Bush signed the bill on December 8th.

Although each case study will start with an explanation of how the bill unfolded and, more importantly, what the defined party positions were, the purpose of Part Two is not to provide a thorough narrative. Instead, we are interested in presenting evidence on a specific theoretical issue:

how much the president did or did not promote a bipartisan bill. Therefore, for each bill we judge what the major occasions of presidential influence were, then establish the policy features at stake, and determine whether the president promoted partisan or bipartisan strategies.

Once on the legislative agenda, a policy item can have many different outcomes. Initiation alone does not tell us what interests and outcomes the president promotes during bill development. Perhaps the president initially promotes a policy with bipartisan appeal but bargains so that the actual bill moves in a partisan direction. The conclusions we reach in this section will be limited by the scope of the evidence under consideration. Nonetheless, the evidence we have collected allows us cautiously to approach answers to our research questions, and from a different perspective than Part One.

4.2 The North American Free Trade Agreement

The ratification of NAFTA in 1993, unlike the other cases considered here, involved a bill that was essentially complete by the time it arrived in the Clinton White House. Mexico had initiated talks to establish a free-trade region with the United States in August 1990 and a final deal was completed in August 1992 during the George H.W. Bush administration. Clinton's election victory, however, left the agreement on uncertain ground. The new president had offered a qualified endorsement during the campaign, but this moderate position between the Republicans, who generally embraced the deal, and Democrats, who largely rejected it, meant that Clinton had to win over members of his own party without making the deal too liberal for conservatives. Clinton therefore retained significant leverage in affecting NAFTA's resolution, despite the majority of its negotiation occurring under the previous administration.

Despite its international scope, NAFTA always had major domestic implications. It represented a policy of economic liberalization, where economic growth for the United States

(both in GDP and net jobs) was the intended joint gain. Still, the parties disagreed about whether NAFTA was sound policy, as it was unclear whether the promised economic growth would be outweighed by domestic job losses and environmental damage. Specifically, most Democrats (and a handful of Republicans) were concerned that integrating the US and Mexican economies (Canada was never really an issue) would result in companies moving their operations south, resulting in the loss of hundreds of thousands of jobs. And some argued that increased economic activity around the border coupled with subpar Mexican environmental regulations would result in significant environmental damage – although “almost every credible analysis concluded that whatever the direction of effect, the magnitude would likely be very small” (Mayer 1998, 220). These twin concerns created a powerful opposition coalition of labor unions and conservationists. Although neither group was homogenous, both had disproportionate political and financial leverage against the Democratic party, placing extreme pressure on most Democratic members to vote against NAFTA.

The Republican center-right, meanwhile, generally dismissed these concerns and argued that increased regulation – especially the possibility of sanctions – based on labor and environmental concerns would undercut economic growth. Moderates like Clinton and Vice President Gore, meanwhile, believed that increased trade was valuable, but it had to be balanced against “domestic distributive costs and environmental externalities” (Cameron & Tomlin 2000, 205). The question was, how best to do so while still getting Mexico and Canada to agree on a deal. Public opinion on these matters was fluid, and voters generally lacked consistent, uncontroversial demands.

At the start of Clinton’s term there were important policy decisions to be made, most significantly whether or not to ratify the agreement at all. Assuming ratification was attempted,

the question was whether to pass parallel legislation or conduct side negotiations on supplemental agreements with Mexico and Canada. The key to securing a cooperative outcome was whether these options could create a single legislative package that appealed to enough Democrats without alienating Republicans.

4.2.1 The 1992 campaign

The first occasion of relevance came when George H.W. Bush tried to use NAFTA as a wedge issue against Clinton. Democrats were generally divided on the deal and he hoped that this would force Clinton to alienate members of his own party. Clinton had spent the year styling himself as a different kind of Democrat, so opposing the mainstream liberal protectionist priority made sense; many of his political advisors, though, wanted him to differentiate himself from Bush and his trade policy, as until then it was mostly assumed that NAFTA was a partisan issue. Therefore, Clinton could either promise to kill NAFTA in deference to his party mainstream, or he could keep it alive.

Clinton chose the latter. He gave a speech on October 4th acknowledging NAFTA's shortcomings while praising its goals: "I'm convinced that I will do it right [and] I am equally convinced that Mr. Bush won't" (Ifil 1992). This qualified – and admittedly vague – support was premised on the need for further side agreements on labor and the environment. After losing reelection Bush signed NAFTA and an implementation deadline was set for January 1st, 1994; ratification in Congress therefore had to happen in 1993.

The immediate result of Clinton's October speech was to put pressure on his party to support NAFTA. Shortly after Clinton won the election, most environmentalists saw the chance to win more regulatory concessions, while the AFL-CIO "hoped to use its influence with the Clinton administration and persuade it to renegotiate the agreement" (Minchin 2017, 196). These shifts

persuaded many Democratic members to reconsider NAFTA's potential merits, or at least give Clinton a chance to fix its problems. The speech also increased the role of bipartisanship on NAFTA, because to win over Democratic skeptics Clinton had to "give a sign to the Democratic Party and the country as a whole about NAFTA's importance" (Betrab 1997, 79). Furthermore, Clinton's vague stance ensured him flexibility, as refusing to make clear promises allowed him the political space to compromise if negotiations broke down (Cameron & Tomlin 2000, 190). There was still a long way to go, but a window of opportunity for a win-win situation was opened.

4.2.2 Side negotiations with Mexico and Canada

Once in office, Clinton had to choose whether and how to act on his campaign pledge. Other domestic priorities in Clinton's agenda consumed most of the administration's time and resources, but the need to assuage Democrats remained; indeed, "it was not hard for the United States to make the case [to Mexico and Canada] that NAFTA would not be ratified by Congress unless side agreements that addressed the concerns of domestic constituents were reached" (*ibid.*, 189). But how far should the US negotiators go? US business groups and Republicans warned "that Republican support was not automatic and that an agreement that made trade sanctions available [...] risked losing Republican votes" (Mayer 1998, 182). A bipartisan outcome thus depended both on whether and how Clinton pursued side negotiations.

Clinton initiated talks in March, and, at this first round of negotiations, Clinton's team insisted that the risk to US labor and environmental conservation needed serious renegotiation. However, critically, White House negotiators did not insist on sanctions (*ibid.*). Despite the internal agreement on these points, "deep ideological divisions and turf battles within the Clinton Administration" were widely reported, and consistent White House signaling regarding the negotiations was lacking (Bradsher 1993).

On balance, Clinton's strategy was bipartisan. As with the campaign stance, he pursued the moderate line between the policy concerns of both parties and attempted to secure a mutual policy adjustment. Moreover, simply following up with NAFTA favored the opposition's priorities to secure passage. However, the absence of a clearer White House message on NAFTA made both parties uncertain and suspicious. Congress was left out of the process and were minimally informed, leading Democratic Senator Christopher Dodd to note, “[the side agreements] are being negotiated without talking to people who have a deep interest in what is to be included in them” (Cameron & Tomlin 2000, 196). As a result, Democratic resistance in particular increased in April. One Mexican envoy argued that this was based “on a misunderstanding of Clinton’s commitment to NAFTA,” because the president “did not give the clear signals needed” (Betrab 1997, 127). So, while the president promoted a bipartisan course in initiating side negotiations, his vague commitment undermined the pressure he had placed on his political allies.

4.2.3 The August agreement

The negotiations did not go smoothly, but in early August, all sides agreed to tighten labor protections slightly in order to discourage corporate relocations and to enhance both environmental regulations and adherence mechanisms – both represented relatively minor changes (Cameron & Tomlin 2000, 193). At this point, with the deadline approaching, Clinton had to decide whether to push for further adjustments – something demanded by liberals like House Majority leader Dick Gephardt – or to accept the outcome and formally push for ratification. Meanwhile, “some of the president’s political advisors continued to argue for abandoning NAFTA altogether” (Mayer 1998, 250).

Clinton chose to accept the negotiated deal in a public announcement issued while most members were back in their home districts.

Although the negotiators found ‘Clinton NAFTA’ to be “deeper and more progressive,” liberal expectations that NAFTA would emerge fundamentally reconfigured were disappointed (Betrab 1997, 98). The president made an astute bipartisan judgement, though. While he had hoped that the negotiations would win over most Democrats, he now acknowledged that “strengthening the side agreement would cost more votes than it would garner” (Cameron & Tomlin 2000, 199). In refusing to pursue the provisions that Gephardt and other liberals wanted, Clinton did not favor partisan priorities and chose instead to rely on more moderate support to make sure NAFTA would pass. This, in turn, expanded the role the GOP would play in ratification, guaranteeing that their votes would be needed to offset nays from the left. These were imperfect circumstances and the president was clearly responding to political necessities. But Clinton’s decision promoted bipartisanship nonetheless, especially since the projected negative effects on labor and the environment (and the risk to joint gains) were marginal.

4.2.4 The lobbying campaign

Despite the announcement of the side agreements, vote counts in early September were daunting. The opposition campaign was in full swing and anti-NAFTA letters flooded into congressional offices. As a price for their support, Republican leadership demanded that Clinton secure at least 100 Democratic votes in the House (the Senate was expected to pass NAFTA fairly easily) to give the GOP political cover in case NAFTA was an economic failure. At the time only around 40 Democratic votes looked plausible. The president could still yield to the preferences of most in his party and avoid risking his reputation. He had to decide whether to commit his administration to final ratification and, if so, how to win enough votes from both parties.

Clinton chose to commit with an impressive display of executive bipartisanship, inviting Ford, Carter and Bush to the White House to speak in favor of NAFTA. The president also signaled

his unambiguous support: “this debate about NAFTA is a debate about whether we will embrace these changes and create the jobs of tomorrow, or try to resist [...] hoping we can preserve the economic structures of yesterday” (Public Papers 1993). In the months before the November ratification vote, Clinton was deeply involved in lobbying Democrats and hosting bipartisan meetings at the White House; journalists cynically dubbed this the ‘NAFTA bazaar’ (Wines 1993; Evans 2010). Speaker Foley remarked that he “had never seen a president work harder to win a vote than Clinton did” (Livingston & Wink 1997, 56).

The lobbying campaign was complex, but generally Clinton promoted bipartisanship by securing Democratic support for the bill. Publicly committing the administration placed immense pressure on Democrats to vote for a Republican-favored policy – opposing NAFTA now meant handing the president a highly embarrassing loss (Uslaner 1998). And Democratic members who were leaning ‘yea’ wanted the president “to make it politically possible to support [NAFTA]” (Ifil 1993). Clinton was not solely responsible for the outcome, but with Gerhardt and other Democratic leaders opposed “much depended on the president’s ability to manipulate the bargaining game” (Avery 1998). Still, in the course of lobbying, the president funneled benefits almost exclusively to Democratic constituents – most notably, last-minute sugar and citrus deals for Florida (Evans 2010). It could therefore be argued that Clinton favored own-party interests in securing the passage of NAFTA. However, as Neustadt noted in response to the shock over Clinton’s frenetic deal making, this argument ignores that “trading of that sort has characterized the fight for almost every major, controversial measure of domestic legislation in the last half century” (1993). Ultimately, Clinton’s lobbying helped ensure passage, and this brought the potential for joint gains in future economic growth.

4.3 The Personal Responsibility and Work Opportunity Reconciliation Act

Welfare reform was essentially a one-sided concern before 1992. For most Republicans, the longstanding welfare system, the Aid to Families with Dependent Children Act (AFDC), “symbolized what was wrong with government programs – their permanency, the unintentional discouragement of personal responsibility, and the undermining of the work ethic” (Woodward 1996, 195). Pressure for reform slowly grew during the 1980s, but the issue remained largely dormant at the federal level until Clinton promised to ‘end welfare as we know it’ during his 1992 campaign. As president, however, Clinton did not immediately pursue a welfare bill. Instead, the resurgent GOP of 1994 pushed welfare to the front of the legislative agenda as part of their ‘Contract with America.’ Just like with NAFTA, on welfare Clinton favored a broadly conservative policy priority and therefore needed to mitigate the more conservative aspects of the bill in order to make the agreement acceptable for Democrats. Nonetheless, his role in the process that led to the bipartisan PRWORA was more complicated and consequential than simply moving the bill to the left.

Reducing the costs of welfare was beneficial for all, but as a budget-balancing measure cutting welfare had disproportionate GOP appeal. Reducing privation, especially among children, also had broad appeal, but held primary political significance for the Democratic party. Reducing overall caseload numbers and creating incentives for work was important for both liberals and conservatives, but the parties disagreed on how best to accomplish this. Republicans thought that compelling changes in behavior by weakening the welfare safety net would push welfare dependents into gainful employment (Murray 1984). They proposed fixed time limits on how long someone could be on welfare, reducing welfare payments, or limiting the number of dependent children for which a mother could receive support. Democrats, however, argued that these measures were punitive and would only lead to more poverty. Instead, to reduce dependence the

government should make well-paying jobs available or facilitate training programs to help recipients transition into self-sufficiency (Ellwood 1988).

Other issues were even more contentious. Whether the large number of unmarried mothers – a group that made up a majority of welfare recipients – represented a serious social and moral lapse was probably the most difficult. Conservatives thought that reducing ‘illegitimacy’ itself should be a priority, while liberals generally did not; regardless, neither party was sure how to “legislate a dad” (DeParle 2004, 141). How much responsibility to give the states also divided the parties; Republicans wanted more state control through block grants while Democrats wanted a strong federal mandate to ensure adequate support for the poor. Kent Weaver has labeled this maze of disagreements the “policymaking traps” of welfare; he argues that policymakers “could not increase the prospects that they would get more of something they wanted without also increasing the risk that they would get more of something they did not want in political or policy terms” (2000, 44). Reforming welfare would therefore require balanced legislating.

4.3.1 Clinton’s 1992 campaign

Welfare reform was the keystone in Clinton’s larger effort during the 1992 campaign to reimagine the Democratic position on contentious issues. Clinton could speak with some authority on the subject because, as Michael Nelson put it, welfare “had deep roots in his life and career” (2016, 154). The challenge was to craft a message that sufficiently respected Republican priorities but retained legitimacy with Democrats. With an unapologetic Democrat approach the chances of bipartisan cooperation would be slim.

Clinton’s strategy was twofold. First, he made welfare a top priority, frequently promising to ‘end welfare as we know it.’ Second, he adopted a hybrid stance – attacking the welfare system while defending the individuals who relied on it. He emphasized the importance of work and

personal responsibility (even arguing that welfare should be time-limited) but argued that welfare recipients themselves were the loudest advocates of reform. Further, he offset the more conservative elements of his plan by firmly rejecting family caps and insisting “I think we ought to end welfare as we know it by spending even more” (DeParle 2004, 104).

These decisions were bipartisan, because Clinton imposed pressure on Democrats to support welfare reform; as with NAFTA, it became harder for members to oppose a measure the president endorsed. Echoing the Republican priorities of work and responsibility while defending welfare recipients as well-meaning, even noble Americans also adjusted any potential policy in a decidedly bipartisan direction. Specifically, Clinton “constructed a situation in which the lack of support for the current system was unanimous” (Carcasson 2006, 660). This consensus was artificial, but it highlighted the potential for compromise. Indeed, “‘as we know it’ offered an all-purpose hedge” that could appeal to the priorities of both parties (DeParle 2004, 103-104). “Critical choices remained about what elements would be in the package, how expensive it would be, and how it would be paid for,” but Clinton promoted a bipartisan approach to these choices (Weaver 2000, 130).

4.3.2 Pursuing reform after inauguration

After his inauguration, the president faced a strategic dilemma. There was potential for a bipartisan breakthrough, but there were other Democratic and White House priorities, primarily Clinton’s budget, healthcare, and eventually NAFTA. Even with strong Democratic majorities the president had to decide how much he was going to risk party unity in pursuing yet another conservative priority.

Clinton chose to delay on welfare. He set up an interagency task force in early 1993 but it did not propose a plan until late in the summer of 1994 – far too late in the session to get anything

done before the mid-terms. The task force, cochaired by Harvard academics David Ellwood and Mary Jo Bane, and Clinton's domestic policy guru Bruce Reed, was riddled with internal divisions and poor coordination, something aggravated by the absence of consistent White House leadership. As one participant put it, "the president never really weighed in on something in a totally clean way" (*ibid.*, 235).

Clinton's delay allowed the GOP to take the lead in welfare negotiations, and in this sense the president promoted bipartisanship. But this interpretation ignores the fact that Clinton did not "anticipate the Republican takeover in Congress that would seize control of the welfare reform agenda and force him into a defensive posture" (*ibid.*, 224). Instead, "a great deal of mistrust, miscommunication, and difficulty in agreeing on a [proactive strategy]" fueled the decision to delay (*ibid.*, 272). And "by failing to provide any welfare timetable and letting the issue slip far from his view" Clinton undermined agreement on the issue, therefore promoting partisanship (DeParle 2004, 109). Indeed, inter-party conflict worsened and positions hardened because of Clinton's strategy; Bruce Reed, for instance, asserted "we were no longer in a position where we were able to have a bipartisan debate, build a bipartisan coalition, because both sides retreated to their respective camps" (Nelson 2016, 161). Years later, Clinton himself called this "one of the major errors of his presidency," precisely because it made it appear that he only cared about Democratic issues (DeParle 2004, 108). By early 1995, the chances of bipartisan welfare reform seemed slim.

4.3.3 Responding to GOP momentum

The resurgent Republican Congress took their seats in January 1995 and pushed ahead with the welfare bill they had crafted the year before, passing it through the House in March. The president had to choose his response carefully. If Clinton wanted to pursue a partisan strategy, the

president could use the veto threat to hamper conservative reform efforts and then blame the failure of reform as a blunder of a punitive GOP. Alternatively, he could support the Republican bill and try to ameliorate its excesses.

Clinton opted to triangulate and took the middle road. Throughout Spring and Summer he positioned himself between the Democrats and Republicans, criticizing GOP plans but withholding explicit veto threats. The constant hedging could be frustrating for his advisors and members of both parties; but, as Bruce Reed argued, “if they didn’t know what it would take, we could get more” (*ibid.*, 136).

These tactics increased the role of bipartisan negotiations and imposed pressure on Democrats to support welfare reform, especially in the Senate. After the passage of the GOP House-bill Democratic Senators seemed to realize “that their own president might well agree with Republicans on welfare reform [...] they were looking to cut a deal” (Haskins 2007, 198). The Democrats echoed themes from the president’s rhetoric and argued that the GOP bill was ‘tough on kids’ and ‘weak on work’ (Weaver 2000, 289; Haskins 2007, 173). In response, Senate Majority Leader Bob Dole agreed to drop some of the most conservative provisions, particularly regarding the unmarried. While not wholly attributable to the president, “Clinton deserves immense credit for leading Democrats to a position that previously was considered right of center on mandatory work and that shattered one of the major barriers to congressional passage” (Haskins 2007, 174). The Senate-bill passed in September and drew significant support from both parties. In the long run, “one result of the major involvement of Senate Democrats was that the final bill signed into law had a somewhat more moderate cast than it otherwise might have had” (*ibid.*, 198).

4.3.4 Vetoing GOP bills

The Senate bill had to be reconciled with the more conservative House bill during a Fall conference that was dominated by Republicans. At the same time, Speaker Newt Gingrich and Clinton were locked in a battle over balancing the budget. Unsurprisingly, the welfare conference report was thoroughly conservative and became subsumed in the larger budgetary conflict. Specifically, Gingrich linked Welfare reform to large cuts in healthcare and the very popular earned income tax credit (EITC). The conference report only received 17 Democratic votes in the House and 1 in the Senate before being attached to an omnibus reconciliation bill. The cuts were unacceptable to the White House, but the dilemma for Clinton was how to keep his promise to end welfare as we know it, since a veto could kill any chance at reform.

Clinton refused to accept the controversial aspects of the GOP plan and twice vetoed the bill. Once as part of the reconciliation bill in December 1995 and again as a standalone bill in January 1996. In his second veto statement, he stuck to his triangulating position: “in disapproving H.R. 4, I am nevertheless determined to keep working with the Congress to enact real, bipartisan welfare reform [...] H.R. 4 does too little to move people from welfare to work” (Public Papers 1996a).

By rejecting these highly partisan bills Clinton pushed the negotiation back towards bipartisanship and away from controversial provisions. Until then, “Clinton had sought political life by embracing Republican plans [...but] now the advantage lay in their differences, especially in his refusal to accept the cuts in Medicare, a middle-class entitlement as popular as welfare was reviled” (DeParle 2004, 146). Indeed, the president’s vetoes “did not alter his fundamental objective of achieving an accommodation with the Republican-controlled Congress and seeing welfare reform enacted” (Weaver 2000, 315).

4.3.5 The modified GOP bill of Summer 1996

At this point, Gingrich and especially Dole wanted to leave welfare unfinished to embarrass Clinton ahead of the 1996 election. Most Republican members, however, felt that they had to keep to their Contract and compromise with the president. Clinton – who faced similar electoral pressure to deliver on campaign promises – continued to insist, “they know I would sign a welfare reform bill if they sent it to me by itself” (Public Papers 1996a). Gingrich finally agreed to delink welfare from Medicaid and the EITC when his own caucus demanded it. The modified bill still had controversial elements, most notably provisions that cut legal immigrants out of welfare, but on July 30th Republican leadership informed the president that the bill wouldn’t change further (Gillon 2008, 177). Clinton could endorse the package and secure a bipartisan yet still controversial outcome on welfare, or he could reject it, make it a campaign issue, and try again with the new Congress.

Clinton agreed to support the bill, and both chambers quickly passed it in late July. At a press conference on the day of the vote, the president acknowledged that the bill was “far from perfect,” but he emphasized that “it gives us a better chance to give those on welfare what we want for all families in America, the opportunity to succeed at home and at work” (Public Papers 1996b). After Clinton’s statements congressional Democrats mostly voted for the bill. Several weeks later, at the White House signing ceremony, the president implied that the credit was mostly his, stressing that “this Act honors my basic principles of real welfare reform” (*ibid.*).

The president may have claimed most of the credit, but his decision sustained the pressure he had been exerting on Democrats and Republicans to reach mutual agreement and thereby ensured a bipartisan resolution to the negotiation. While it is frequently asserted “that [Clinton] signed landmark welfare reform legislation [...] for short-term and crassly political reasons,” the long arc of Clinton’s tactics make it more likely that his decision was primarily motivated by policy

considerations (Nelson 2016, 152). The final bill itself undoubtedly favored GOP concerns, but it required significant compromise from both parties – Republicans got a five-year lifetime limit and strict work requirements, while Democrats got supplemental spending for children care and eliminated exclusions for teen mothers. Besides these mutual policy adjustments, Clinton made many more Democrats support a conservative measure than had once seemed possible, particularly in the House; “with a brief statement, he could do what [Republicans] could not do after eighteen months of solid effort [and] get more than a handful of House Democrats to support welfare reform” (Haskins 2007, 329). In short, Clinton’s final strategic decision secured the bipartisan outcome he had been promoting.

4.4 No Child Left Behind

The first major expansion of federal education policy, the Elementary and Secondary Education Act (ESEA), passed in 1965 during the Johnson presidency. Thereafter, a long political stalemate took hold. During the 1990s, however, both George H.W. Bush and Clinton brought the debate to the national stage by arguing for the need for large-scale action to improve schools. Clinton contributed modestly with his Goals 2000 legislation of 1994, but implementation “efforts were patchy across the country” (Parker 2009, 184). Thus, by 2000 federal education reform had become a top priority for the American public, and the 2001 ESEA reauthorization represented the perfect opportunity to do so (McGuinn 2006b, 223). When Bush took office, there was widespread hope for national education reform. Indeed, he had run as a ‘compassionate conservative’ dedicated to fixing schools and as Governor of Texas he had established a national reputation as an effective, and moderate, education-reformer (Godwin & Sheard 2001, 126). Nonetheless, “a consensual, bipartisan approach was not inevitable” (Parker 2006, 185).

The mutual gain here was clear; both Democrats and Republicans were troubled by America's falling ranking in school performance and public satisfaction and wanted to reverse both trends (Wong & Sunderman 2007, 341). Moreover, there was a general national consensus on effective school reform; large majorities favored local control of schools, but called for increased federal spending, rigorous national standards and testing, and greater options for public school choice (DeBray-Pelot & McGuinn 2006, 24).

The two parties disagreed, however, when it came to the details. On local control, Republicans thought that states should be free to spend federal funds as they saw fit, while Democrats wanted funding to be allotted for specific and controlled purposes. Curiously, on the issue of national standards for students and teachers, they almost reversed positions. Most Republicans believed that strict national standards were a prerequisite for improving student performance and teacher competency, and both schools and teachers should be reprimanded for failing to meet such standards. Democrats objected that standards would hurt disadvantaged regions while needlessly threatening the security of teaching jobs. National testing for students grades 3 through 8 appealed to centrists in both parties but upset liberal Democrats and conservative Republicans. School vouchers, however, were the crucial policy disagreement. Liberals wanted to fund and reform public schools and felt that any voucher program would undercut the public-school system. Conservatives insisted that vouchers were an excellent way to assist students in failing schools. This placed a large hurdle in the way of cooperative agreement.

4.4.1 Bush's NCLB proposal

Bush's 'compassionate conservatism' mirrored Clinton's New Democrat strategy, in that it tried to counter traditional narratives about the Republican party by staking out policy positions usually reserved for Democrats (Quirk & Mucciaroni 2004). Education reform was the archetype

of this; Bush had positioned himself as a moderate and adroitly used the issue to attract electoral support from independents and centrist Democrats (McGuinn 2006b, 218). The controversial nature of his election, however, left Democratic members skeptical of his intentions (Rhodes 2012, 149). Further, with Republicans in control of Congress, some conservatives argued that Bush should take a partisan approach and push for a Republican bill. In particular, many conservative members of Congress saw this “as a historic opportunity to pass voucher legislation” (McGuinn 2006a, 173).

Bush, however, did not adopt a partisan strategy. As president-elect he invited a bipartisan group to confer on education and the week after his inauguration, he met privately with Democratic Senator Ted Kennedy in the White House. His education plan – released on his second full day in office and entitled the No Child Left Behind Act – involved two important decisions: first, it was an outline rather than detailed legislative language, and second his proposals favored many moderate priorities, particularly on national testing (*ibid.*, 168).

These deliberate strategies “sent the signal that Bush would seek a bipartisan bill,” encouraging opposition leadership to take an active part in the negotiation (Rhodes 2012, 150). And the issue of national testing was carefully chosen as “the cornerstone of his program” largely because it had appeal across the political spectrum (Godwin & Sheard 2001, 125). By publicly distancing himself from conservative priorities Bush also put pressure on Republicans to drop their overtly partisan approach and support a moderate measure. Isolating extremists and serving as a cross-party conciliator, the president therefore reduced partisan conflict during the early development of the bill. Furthermore, in submitting an outline Bush gave himself the political flexibility to compromise if it became necessary – just as Clinton did with his NAFTA pledge.

4.4.2 Dropping vouchers

Negotiations began in February and the first major challenge appeared in March. The issue was school vouchers. The public was starkly divided, but tended to agree with Democrats, as voucher referenda in Michigan and California had been defeated decisively (Godwin 2001). While's Bush proposal did not include a broad voucher program it did suggest that disadvantaged students would be allowed to transfer to private schools or pay for private tutors if a school failed its yearly evaluation three years running (McGuinn 2006a, 168). Even with this milder version, Democrats threatened to withdraw their support unless the provision was removed. Bush had to decide whether or not to drop it entirely.

Bush agreed to drop the problematic language and worked out a compromise for "students in failing schools to use federal Title I money for private tutoring" only (McGuinn 2006a, 173). And when Republicans tried to reintroduce voucher provisions as House amendments in May, Bush refused to support these efforts. The amendments were defeated – around sixty Republicans joined the Democrats in voting no – and the most contentious aspect of school reform was out of the negotiations.

This is a clear instance of the president favoring the priority of his opposition and simultaneously pressuring his party to support a less partisan bill. Bush made it known publicly that the loss of vouchers did not warrant a veto, and the administration worked "to convince conservatives that the glass is half full and the compromise bill is still a victory" (Nather 2001b). After the House failed to reintroduce vouchers, the last chance of a "pure" conservative bill was lost and most Republicans began to acknowledge how much "the president wanted a bipartisan bill" (Nather 2001a). Given that vouchers were so controversial, Bush's concession kept the fragile bipartisan coalition together.

4.4.3 Block grants and Straight-A's

The issue of state flexibility was the next significant disagreement. Most Republicans supported the ‘Straight A’s’ provision, which would turn most federal education programs into block grants under local control. Bush actually favored much stronger federal control than most in his party, but his original proposal had included Straight-A’s (McGuinn 2006a, 163). Democrats called the provision a ‘deal-killer’ (*ibid.*). Just as with vouchers, the bipartisan negotiation threatened to come apart over the issue in early May. And once again Bush had to decide whether to stick to the conservative line or concede to Democrats.

Bush, in cooperation with the Chair of the House Education Committee John Boehner, pushed to have the provision dropped. Instead of Straight A’s, both sides agreed on a compromise whereby school districts (rather than states) would be permitted to transfer funds according to specific school needs.

This effective compromise between Democrat and Republican positions was not solely Bush’s doing, as Boehner was more directly involved in crafting the agreement. But Bush chose to support the concession and was quick to yield to the other-party priority. Doing so “helped keep Democrats at the negotiating table,” (Rhodes 2012, 152). The bipartisanship of this choice is clearer considering that it alienated many Republicans; one Representative complained that, for the White House, “appeasing Democrats was more important than sending the president’s plan to the floor intact” (McGuinn 2006a, 175). But that is precisely the point. The president had fully staked his public reputation – and his status as a compassionate conservative – on passing bipartisan education reform (Nather 2001c). In a parallel to Clinton and NAFTA, Bush’s stance pressured members of the GOP to suppress their dissatisfaction, as a loss for the president now would severely weaken him and the party. Simultaneously, for moderate Republicans Bush’s

public endorsement provided political cover to support stronger federal mandates. There remained just one roadblock to bipartisan success.

4.4.4 National Testing

Instituting federally mandated and regulated reading and math comprehension tests for all students grades 3 through 8 was the basis of Bush's NCLB plan. As noted, it was also the principal point of consensus on which both moderate Democrats and Republicans agreed. As long as it was in the package, cooperative agreement was likely. But both the liberal left and conservative right were strongly opposed to national testing – liberals thought they were unfair for the disadvantaged while conservatives felt that they undercut state control over schooling. This unusual bipartisan alliance put together a strong bloc of voters and tried to remove testing requirement in mid-May.

Bush, however, lobbied against the amendment, and it was defeated 173-255. National testing remained in the bill, and the centrist coalition on education picked up momentum.

Because the issue of national testing threatened to fragment bipartisan support for NCLB, Bush's influence in killing the amendment favored the opposition and kept the negotiation cooperative. True, a major lobbying campaign by both business and grass-roots interests had helped deflect “many of the demands of educational conservatives and educational liberals” (Rhodes 2012, 158). But while it seems doubtful that Bush coordinated or managed these behind-the-scenes efforts to any substantial degree, it is plausible, and indeed likely, that he tailored his rhetoric and tactics to complement, rather than contradict, the substantial political forces already in play. The agreement on testing was extraordinary; Democratic Senator Tom Carper observed that “even a couple of years ago, no president would have proposed, and no Congress would have passed, the accountability provisions that are part of this bill” (Nather 2001). By early June Bush claimed “the reforms in this bill reflect the core principles of my education agenda: accountability,

flexibility, local control and more choices for parents" (Public Papers 2001). And while it would take several more months, after June the final cooperative result was never seriously in doubt. Bush had certainly benefitted from "the political rapport that was associated with the first months of a new administration" but his careful leadership steered the pre-conference negotiation towards "an unusually bipartisan bill" (Wong & Sunderman 2007, 339; McGuinn 2006a, 177).

4.5 Medicare and the Prescription Drug Benefit

When the Medicare program began in 1965, the lack of outpatient prescription drug coverage seemed a minor legislative oversight, as the need for such coverage was slight. However, the changing healthcare landscape brought ever-rising prices as drugs became much more important for therapy and outpatient care. In response, calls to expand Medicare coverage to include prescription drugs became loud and persistent. Given their botched attempt to transform the American healthcare system, the Clinton administration lacked the political credibility to pursue an expansion in drug coverage, but the Gingrich GOP presented their own vision of Medicare reform centered on partial privatization, Health Savings Accounts (HSAs), and deficit reduction; this, however, only mobilized fierce opposition. With projected budget surpluses approaching \$500 billion by 2000, a rare opportunity for action seemed fast approaching and prescription drug coverage became a 'top-priority' issue (Oberlander 2003, 1128). By 2003 even most Republicans were promising to fix elderly healthcare. There was room and potential for broad agreement, but conflicting ideological and political interests dominated.

The main issue in this negotiation was simply whether to add a prescription drug benefit. The joint benefit of this was obvious: for policy and political reasons, both liberals and conservatives wanted to offer seniors better and cheaper drugs. Indeed, seniors represented a particularly powerful electoral bloc, making up 25% of all voters in presidential elections and 30%

in the off year and “clear majorities of seniors wanted a universal and seamless prescription-drug benefit added directly to traditional Medicare, and they hoped the federal government would use its clout to control drug prices” (Skocpol 2004). Although difficult choices would have to be made (even with the budget surplus, full coverage for all seniors wasn’t financially possible), offering better drug coverage was fairly uncontroversial.

More intense disagreements existed regarding a second issue: whether to restructure Medicare in the process of adding a drug benefit. Republicans wanted to reintroduce restructuring initiatives like those proposed by Gingrich, aimed at moving Medicare recipients from government plans to private or partially private plans. Making Medicare funding ‘means-based,’ or dependent on how much a senior earned, was also popular with conservatives. Both sought to reduce the scope and scale of Medicare and to transition responsibility for senior healthcare from the state to the market. The GOP also opposed price controls on drug companies and foreign drug imports as threats to healthcare market-efficiency. Democrats, however, found this unacceptable; they wanted Medicare left untouched, with only a drug benefit added ‘directly’ to the traditional program along with drug price controls and foreign imports (Skocpol & Keenan 2005).

4.5.1 Bush’s first plan

At the beginning of Bush’s first term, the president had to navigate the policy disagreements and decide whether or not to seize on the opportunity offered by the budget surplus and broad public agreement. While campaigning he had vaguely endorsed a prescription drug benefit, but his position was unclear (Oberlander 2003, 1130). As with NCLB, Medicare was a traditional Democratic issue, so there was potential for a strategic bipartisanship. Would Bush choose to start bipartisan discussions on Medicare as he had with education?

He did not. Bush signaled his position by proposing a means-based reform package in January 2001, paralleling some of what Gingrich had endorsed, in a relatively unambitious bill that only cost around \$40 billion. While not as sweeping as Gingrich's plans had been, Bush's proposal strongly reflected Republican priorities in Medicare reform.

This early posturing was a starkly partisan strategy. It adjusted the bounds of policy reform in line with own-party priorities, in keeping with Bush's goal "to advance the political reconstruction initiated by Ronald Reagan in the 1980s" (Jaenicke 2006, 220). And its means-based approach was meant to 'modernize' Medicare (Oliver et al. 2004, 307). Skocpol noted that modernize "is Republican-speak for the idea that seniors' health care should be made more like the patchwork health system for everyone else" (2004, 26). In focusing explicitly on structural changes of Medicare, Bush increased the role his party leaders would eventually have in shaping the drug benefit policy. Bush's plan also increased conflict between the parties on the issue, as it was neither extensive nor moderate enough to satisfy the hopes of either side; throughout 2002 legislators from both parties therefore offered competing visions along traditional liberal-conservative lines (Oliver et al. 2004, 308). Thus, Bush's early proposal promoted partisanship and reduced the chance of a win-win resolution.

4.5.2 Bush's second plan

While legislative action on Medicare was limited for the rest of 2001-2002, the GOP majorities after the midterms lent the issue new relevance. Republican strategists wanted to steal Medicare from Democrats before the 2004 election, leaving them electorally vulnerable. Simultaneously, Republicans hoped to use the coming election to force Democrats into supporting more conservative health care provisions; if liberal opposition killed a prescription drug bill, GOP

members could blame Democrats. Of course, this partisan strategy would depend in part on presidential leadership, and whether the White House preferred a cooperative bill.

Bush made two strategic decisions. First, he presented a second plan that was much more expensive but still essentially an outline, as NCLB had been. Unlike NCLB, however, Bush's second decision was to defer directly to his party leadership to fill in the details; "Bush followed the advice of his congressional liaisons and Republican legislators who said they wanted to draft their own reform plan" (*ibid.*, 309). The plan represented "a significant philosophical change from the nature of the proposals in January 2001," in that it was much more ambitious and expensive, but Bush made no attempt to favor the priorities of Democrats or seek non-controversial agreement (Waddan 2009, 170).

These choices promoted partisanship by favoring own-party goals and greatly increasing the role of GOP leadership in crafting the legislation. Certainly, Bush's deferral to conservatives empowered many in his party to reject other bipartisan approaches. Since Medicare was a traditional Democratic priority, one could argue that earnestly pursuing reform favored opposition-party goals. Close examination, however, reveals that Bush's plan contained discreet provisions aimed at a conservative redesign of Medicare. Jacob Hacker has described this as "hidden means," whereby structural change in the liberal welfare state is achieved through "strategies of stealth, obstruction, and indirection" (2004, 243). The endorsement of private plans and the universal availability of HSAs was meant to sow division among Medicare beneficiaries and disperse the senior constituency over the long term, enabling a larger transition from public coverage to private risk (*ibid.*, 253). Put differently, Bush's bill covertly favored the long-term healthcare goals of conservatives. Indeed, "Bush's delay in pushing for enactment until unified Republican government had replaced divided government was pragmatic in policy terms, because he could

not have achieved the same amount of conservative restructuring if he had to compromise with a Democratic Senate" (Jaenicke 2006, 227).

4.5.3 House vs Senate Bills

Despite these early partisan strategies, the potential for a cooperative outcome remained. In May 2003 two bills were in development, one in each chamber. The House bill was solidly conservative and retained controversial provisions along the lines Bush had proposed while the Senate bill was produced by a bipartisan team and compromised on most contentious issues (Oliver et al. 2004, 310). Much would now depend on the president's position. Extending support for the Senate bill would pressure Republicans to accept moderate reform and increase the chance of bipartisan agreement. Support for the House bill would increase the likelihood that the whole bill would become more partisan in conference.

Bush offered a mild endorsement of the Senate bill but lobbied aggressively for the House bill; Vice President Dick Cheney even visited the House floor shortly before that vote. Both bills passed in their respective chambers, but Bush had made his true preferences clear, and as the bills went to conference, GOP leaders continued to play the leading role in negotiations (Nather 2003).

This was a continuation of Bush's partisan approach. The president's efforts to support the House bill did not just preserve own-party priorities but actually strengthened them. In ensuring that two very different bills would emerge, Bush also increased the chance for party-conflict. Presidential effort to support the Senate bill and deflect the more controversial House provisions, as Bush had done with NCLB, might have pushed the negotiation towards moderation and mutual adjustment. Instead, the conference produced a conservative bill that mirrored the conservative policy layering of Bush's earlier plans. Whether behind-the-scenes presidential prodding saved these provisions is unclear, but Scott McClellan, Bush's deputy press secretary at the time, later

wrote that Bush was not interested in “a watered-down version [of Medicare reform] tainted by Democratic input” (2008, 238). In any case, Bush’s choice eventually “deepened rather than resolved cleavages that pitted Democrats against Republicans” (Oliver et al. 2004, 316).

4.5.4 Budgetary Impact of the bill

The healthy budget surplus was an important context in energizing the negotiation in the weeks before passage, specifically because a slowing economy and Bush’s tax cuts made it clear that the surplus was gradually decreasing. Accordingly, the support of many members hinged on how much a prescription drug bill would cost. The conference report Bush helped craft appeared to fit reasonably within the budgetary constraints, and this had convinced some last-minute holdouts on both sides to lend their support.

The Bush White House, however, had known about a much larger predicted figure for some time – \$534 billion over ten years compared to \$410 billion over ten years – and “had deliberately kept the [the figure] suppressed during the final stages of debate about the MMA in order not to frighten fiscally conservative Republican members of Congress” (Waddan 2009, 170). These numbers came out only after the bill was law (Pear 2003; Goldstein 2004).

This does not fit as cleanly into our list of strategies, but it did undermine a feature of mutual agreement (working within budget constraints) and the inaccurate numbers imposed pressure on some of the opposition to support a measure without making concessions. Certainly, “members of both parties have acknowledged that if the administration’s estimates had been known to legislators and the public, significant changes would likely have been required in the final provisions of [the bill]” (Oliver et al. 2004, 323). The Bush White House undermined trust between the parties on the issue in the immediate future as well; indeed, the tactics of information

manipulation helped fuel perceptions that Bush was “relentless” in his pursuit of neoconservative presidential power (Aberbach 2005, 145; Zelizer 2010; Greenberg 2010).

5 Discussion

To recapitulate, we report three main findings. One, the president generally promotes bipartisanship in both policy initiation and bill development. Bipartisan initiations represent more than 50% of presidential agenda setting and presidents consistently promote bipartisan strategies when developing bipartisan bills. Two, presidents promote bipartisanship less than Congress in setting the agenda, but during bill development they promote bipartisan outcomes more than Congress. And three, while overall bipartisanship is declining, the president's share in bipartisan outcomes – the proportion of bipartisan bills that are initiated by the White House – is increasing.

That presidents promote bipartisan policy far less than Congress is broadly consistent with Wood's characterization of the presidency. Indeed, the president promotes partisan policies more often than their congressional leadership and opposes twenty-three percent of bipartisan initiatives, suggesting that they are, as Edwards and Jacobson argue, first and foremost a party leader.

Partisan theories of the presidency, however, are limited in explaining why bipartisan initiatives remain an important part of the president's agenda. Wood does not discuss how the president's partisanship translates into agenda setting but it is difficult to fully embrace his view of the presidency since partisan initiatives remain in the minority for the office. Other scholars are more helpful in this regard. Light, Canes-Wrone, and Beckmann, in particular, stressed that the president's legislating is fluid and linked to the president's commitment to effective policy outcomes, which appears borne out in our data (1999; 2006; 2010). These scholars do not argue that the president's preferences are always moderate or that party constituencies don't matter, but, depending on the situation and the policy, it can make good sense to promote a bill that attracts wide support and a legislative victory can secure electoral benefits (Jones 2001; Harbridge & Malhotra 2011; Rhodes 2014).

Generally, then, broader political conditions seem most significant in explaining when a president will promote bipartisan policies. The occurrence of divided government, for example, and the session of Congress (first, second, third, or fourth) within a presidency were important variables. The president was more likely to promote a bipartisan bill during divided government, and the proportion of bipartisan initiations was higher during a president's final Congress (for both one- and two-term presidents) than in their first. During unified government the president has strong legislative support to promote party interests, while during divided government the president must adjust agenda setting and choose issues more carefully to gain necessary opposition votes; otherwise no effective policy of any kind will get passed. Presidents also face different political pressures at different points of their administration; they usually enter office with extensive political capital and committed to their campaign platform and accordingly promote more party policy, but with time in office they set the agenda less, particularly on partisan issues.

The four bipartisan bills examined offer even stronger challenges to Wood's theory. However, the promotion of bipartisan strategies is less clearly linked to general political conditions than bipartisan policy initiation.

Our evidence indicates that the president promotes bipartisanship when their policy preferences make bipartisan strategies both feasible and necessary. More specifically, when the president favors an outcome generally in line with the priorities of the opposition, then bipartisan strategies are the likely outcome.

In the three cases where the president consistently promoted bipartisan outcomes – NAFTA, PRWORA, and NCLB – the president's ideal outcome conflicted somehow with the mainstream interests of their own party. It was therefore strategically necessary to appeal for support from the other party. This observation is essentially what Beckmann described in his

pivotal voter theory (outlined in Section 2.1). When the president proposes an alternative to the status quo, they manipulate (although imperfectly) which votes (or members of Congress) matter for securing passage (Beckmann 2010). It follows that the president's lobbying strategies will depend on the ideological location of their preferred policy alternative – if it is distant from their party's median position (for example, Clinton's welfare priorities in 1992 compared to those of Democrats) then this will necessitate greater cooperation with the other party in order to secure enough votes.

This is in stark contrast with Part One, where we specifically noted that individual differences in political or strategic preferences appeared to matter little for how often a president would promote bipartisan policies. Perhaps the degree of presidential bipartisanship depends on different factors depending on which stage of the legislative process is underway.

Of course, the president's policy preference is itself a reflection of political strategy – Bush preferred a moderate education policy in part because he wanted to secure a bipartisan win. Preferences are part of what we are trying to explain as much as they are part of the explanation. We cannot fully untangle the causality here but must simply acknowledge the shortcomings of presidential preferences as an explanation.

Our second research question concerned the differing institutional tendencies of the presidency and Congress. However, Part One and Part Two reached different conclusions.

In Part One, the institutional difference was both unambiguous and significant; the president is not the champion of bipartisanship in setting the US agenda, and over the last forty years most bipartisan bills – both in total numbers and proportionately – have been the product of congressional initiative.

One explanation is that Congress polarizes when voting on an issue proposed or championed by the president, as Lee, Lebo and O'Geen have found (2008; 2011). This would clarify why presidential initiatives in general are comparatively less bipartisan, but also hints at why the president nonetheless promotes a significant amount of bipartisan legislation. Depending on shifting political fortunes, presidential bills can attract support from both parties more in some years than others, even if the policies themselves don't fundamentally change. This is supported by Beckmann's observation that a politically strong president compels the opposition towards cooperative legislating (2016).

However, this reasoning does not fully explain our findings, specifically why the president's bipartisan share is steadily increasing. If Lee, Lebo, and O'Geen are correct – if Congress votes along party-lines for presidential bills only because the president is the one initiating them – then why would increasing polarization decrease the amount of overall bipartisanship but not presidential bipartisanship?

We do not have firm answers to this question. It is possible that members and leaders of Congress are becoming more politically extreme, while presidents are not; but whether or how this discrepancy in polarization has occurred is unclear. Another likelihood is that as Congress polarizes, the president is presented with new opportunities to build cross-party coalitions and a strong incentive to display a capacity for bipartisanship. In short, with polarization the political relevance and appeal of bipartisan policymaking changes for the presidency; as cross-party coalitions become more scarce, they become more important to secure whenever possible, and their value to the president's political and public standing grows. Accordingly, the president's bipartisan share gradually, if irregularly, increases. Dickinson argues along these lines and has noted that recent presidents should increasingly "seek out policies that have the potential for

bipartisan consensus” (2006, 477). Edwards implied something similar in stressing “successful presidents facilitate change by recognizing opportunities in their environments and fashioning strategies and tactics to exploit them” (2009, 188).

In Part Two, we did not compare the two institutions so directly. The evidence, however, revealed that, when a bipartisan bill is in development, the president promotes joint or opposition party gains more consistently and effectively than their party’s congressional leadership. Members of the president’s party certainly pushed for cooperation on various occasions – Democratic Senators bargained for a bipartisan welfare bill and Boehner helped arrange the Straight A’s compromise, for example – but these actions were almost always framed or preceded by presidential choices or positions. In our cases, whether the leadership of the president’s party promoted cooperation when developing a bipartisan bill depended largely, although not exclusively, on whether the president promoted a bipartisan approach.

The particular electoral pressures the president faces may be the cause, as Fiorina suggested (1981). Indeed, our cases made clear that presidents “confront a constitutional term limit that puts a premium on bagging results – quickly” (Beckmann 2016, 271). Thus, a president may compromise ideological purity for legislative victory. Both Clinton and Bush tried to stand by their campaign promises (PRWORA and NCLB) or pass a bill when the moment of opportunity appeared to be closing (NAFTA and MMA). Once again, the implication is that presidential bipartisanship is fundamentally opportunistic and concerned with effective policy outcomes.

We noted in 2.1 that Congress should initiate more bipartisan bills as a result of its inherently coalitional nature. More specifically, the absence of strong party discipline, ad hoc coalitions which shift from issue to issue, and the bicameral system (where different parties can control each chamber) inclines the institution of Congress towards bipartisan policy promotion.

However, during the development of a bill, a Congress defined by coalition building and loyalty to geographic constituencies might find it more difficult to overcome the will of the party once a majority favors a given policy. By contrast, the president's ability to assert stances and bargain independently from Congress makes it easier to sidestep entrenched preferences. As evidence, both Clinton and Bush were able to establish new middle grounds that their parties previously had been unwilling to accept. Through ambiguous posturing and flexible goals they led the bargaining on NAFTA, PRWORA, and NCLB, rather than being led by it. This is another reason to infer, as noted above, that different points during the legislative process require different types of lawmaking for effective bipartisanship.

Ultimately, though, the overall degree to which the president promotes bipartisanship can only be explained if we accept first that the president is a party leader who promotes party issues in line with their congressional leadership but simultaneously acknowledge that the president is separately interested in and capable of achieving bipartisan outcomes.

As has been made clear at various points in our discussion, this account leaves many questions unanswered. Most significantly, there are gaps in the data we have collected and instances of unexplained variation. We do not have a compelling set of explanations for why one session of Congress witnesses such stark differences in the degree of presidential bipartisanship compared to another, for instance, nor can we be sure that the four bills we examined necessarily represent how the president will react in different policy circumstances.

A main task for future research, then, would be to augment the evidence assembled here while looking for exceptions to the trends we have identified. This involves posing further questions. Is presidential bipartisanship during unified government motivated by the same concerns as during divided government? Does the president use bipartisanship even when strategic

conditions might favor partisan choices? Besides policy preferences, what other variables consistently account for the president's use of bipartisan strategies? Until these questions are thoroughly considered, our appreciation of presidential bipartisanship will be incomplete at best.

This investigation has attempted to build on past efforts and address an empirical gap, but in so doing it has also made clear how much more work this aspect of presidential studies requires.

6 Conclusions

With our findings established, it only remains to consider their significance. As explained above, there is a basic validity to both perspectives outlined in our theory section; we cannot fully explain the president's promotion of bipartisanship by emphasizing one side of the debate alone. However, in the main, a partisan theory of the presidency has less applicability in explaining the president's bipartisan tendencies. And if the president generally promotes bipartisanship, then perhaps they are not the obvious agent of party interests, even if their public stances and rhetoric indicates otherwise. This, in turn, implies that the public aspects of the presidency do not necessarily reflect on their legislative tendencies, despite the widespread polarization that increasingly shapes how recent presidents are perceived.

Since the president's share of bipartisan outcomes is increasing, it follows that the conditions surrounding the president's position in government – such as the officeholder's reputation, political capital, and public approval – may become the most important variables regarding the prevalence of bipartisanship. As noted in Part One, if current trends continue, presidential bipartisan policies might come to outnumber congressional bipartisan policies. This would represent a significant departure from how bipartisanship is usually studied and analyzed, from a legislature-centric phenomenon to a crucial aspect of presidential responsibility. In any case, with presidential bipartisanship becoming more important for US lawmaking, scholars should devote more attention to explaining the variation and motivations behind presidential bipartisanship, addressing questions this investigation has uncovered, but left unanswered.

Finally, there is a practical implication of our results. If, as asserted, presidential bipartisanship is opportunistic and increases in response to declining congressional cooperation, then bipartisanship in Washington might come to be defined, to a large extent, by whether or not

a president seizes on opportunities for bipartisanship. This assumes that recent presidents other than the incumbent are good indicators of future trends, however, as Trump has neither been prone to cooperate with Democrats but nor has he been a reliable conservative Republican either. Indeed, relations between the president and Congress have been fundamentally conflictual of late, and it remains to be seen whether this signifies enduring new features. If it does not, the occurrence or capability for bipartisan action might depend on whether the president is willing and able to take the lead on the agenda and in negotiations. Whether, in short, the White House is able to strengthen their political leverage over an increasingly partisan and diminished Congress.

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Appendices

Appendix 1: Data for Policies Initiated by the President

Date ²	Issue and Bill	Partisanship ³	Initiation ^{4 5}	Presidential Action
April 1977	Fiscal budget targets/substitute amendment H Con Res 195	BP	Pres proposal	Supported
October 1977	Housing and community development programs/conference HR 6655	BP	Pres proposal	Lobbied for
May 1977	Clean air amendments HR 6161	BP	Pres proposal and priority	Lobbied for
May 1977	Farm-Food bill S 275	BP	Pres proposal and priority	Lobbied for
June 1977	Public officials' integrity act S 555	BP	Pres proposal and priority	Supported
June 1977	Public works-ERDA appropriations/delete water projects funding HR 7553	BP	Pres proposal	Lobbied for
August 1977	National energy policy HR 8444	P	Pres proposal and priority	Lobbied for
August 1977	Campaign financing/cloture S 926	P	Pres proposal and priority	Lobbied for
September 1977	Defense appropriations/delete B-1 bombers funding HR 7933	P	Pres proposal	Supported
October 1977	Cargo preference HR 1037	P	Pres proposal	No stance
November 1977	Social Security financing HR 9346	P	Pres proposal and priority	Lobbied for
February 1978	Supplemental appropriations/B-1 Bomber amendment HR 9375	P	Pres proposal and priority	Lobbied for
February 1978	Consumer protection agency formation HR 6805	P	Pres proposal and priority	Lobbied for
April 1978	Fiscal budget targets S Con Res 80	P	Pres proposal	Supported
April 1978	Airline deregulation S 2493	BP	Pres priority S (D)	Supported
October 1978	Revenue act of '78 HR 13511	BP	Pres proposal	Supported

² This represents the date of the vote, not initiation.

³ 'BP' represents a bipartisan bill, 'P' a partisan one.

⁴ Where the bill was a presidential priority, chamber of Congress where the bill was first proposed is specified. Options are House (H), Democrat or Republican, Senate (S), Democrat or Republican, or Jointly (J), Democrat or Republican. For all options if both parties proposed then 'BP' will be signified.

⁵ 'Pres' is simply shorthand for president.

September 1978	Natural gas pricing HR 5289	P	Pres proposal	Lobbied for
October 1978	Medicare-Medicaid cost containment/Nelson amendment HR 5285	BP	Pres priority S (D)	Lobbied for
October 1978	National energy act H Res 1434	P	Pres priority H (D)	Supported
May 1979	Alaska lands HR 39	BP	Pres priority H (D)	Supported
July 1979	Education department HR 2444	P	Pres proposal	Lobbied for
November 1979	Energy mobilization board HR 4985	P	Pres priority H (D)	Supported
November 1979	Welfare reform HR 4904	P	Pres proposal and priority	Supported
December 1979	Chrysler loan guarantees HR 5860	BP	Pres proposal	Supported
March 1980	Windfall profits tax/conference report HR 3919	BP	Pres proposal and priority	Supported
April 1980	Trucking deregulation S 2245	BP	Pres priority S (BP)	Supported
April 1980	Draft registration funding H J Res 521	BP	Pres proposal and priority	Lobbied for
September 1980	Rail deregulation HR 7235	BP	Pres proposal	Lobbied for
February 1981	Debt limit increase HR 1553	BP	Pres proposal	Supported
April 1981	Budget reconciliation instructions S Con Res 9	BP	Pres proposal	Supported
May 1981	Budget targets/Latta substitute H Con Res 115	BP	Pres proposal and priority	Supported
May 1981	Supplemental appropriations/social security reductions HR 3512	P	Pres priority S (R)	Supported
June 1981	Budget reconciliation/Latta amendments HR 3982	P	Pres proposal	Supported
July 1981	Tax cuts/substitute amendment HR 4242	P	Pres proposal and priority	Lobbied for
December 1981	Agriculture and food act/conference report S 884	BP	Pres priority S (BP)	Lobbied for
May 1982	Budget resolution S Con Res 92	P	Pres proposal	Lobbied for
July 1982	Defense authorizations/Courter substitute regarding binary munitions HR 6030	BP	Pres proposal	Supported
July 1982	Budget reconciliation tax increases/spending cuts HR 4961	P	Pres proposal and priority	Lobbied for

December 1982	Continuing appropriations/Conte jobs amendment H J Res 631	P	Pres proposal	Supported
March 1983	Social security act amendments/Pickle amendments on retirement HR 1900	BP	Pres priority H (D)	Lobbied for
July 1983	Omnibus defense authorizations/Binary weapons S 675	BP	Pres priority S (R)	Lobbied for
July 1983	Interest and dividend tax withholding Caribbean basin initiative/conference report HR 2973	BP	Pres proposal and priority	Supported
March 1984	Constitutional amendment on School prayer S J Res 73	BP	Pres priority S (BP)	Lobbied for
March 1984	Agricultural programs adjustment act HR 4072	BP	Pres proposal	Lobbied for
April 1984	Deficit reduction/Dole amendment regarding tax brackets and property HR 2163	BP	Pres priority S (R)	Supported
May 1984	Equal access act/suspend the rule and pass the bill HR 5345	BP	Pres priority H (D)	Lobbied for
May 1984	Deficit reduction/Baker amendment HR 2163	BP	Pres priority S (R)	Supported
June 1984	Omnibus defense authorization/strategic defense initiative S 2723	P	Pres proposal	Supported
June 1984	Omnibus defense authorization/MX missiles S 2723	P	Pres proposal	Supported
March 1985	MX Missile authorization S J Res 71	P	Pres proposal and priority	Lobbied for
May 1985	First budget resolution/Dole amendment S Con Res 32	P	Pres priority S (D)	Lobbied for
June 1985	Department of defense authorization/chemical weapons production HR 1872	BP	Pres proposal	Supported
July 1985	Line item veto/cloture S 43	BP	Pres proposal and priority	Supported
December 1985	Farm programs reauthorization/conference HR 2100 S 1714	BP	Pres proposal	Lobbied for

December 1985	Tax overhaul HR 3838	BP	Pres proposal and priority	Lobbied for
August 1986	Defense authorization/‘Star Wars’ program S 2638	P	Pres priority S (R)	Supported
September 1986	Tax overhaul/conference report HR 3838	BP	Pres proposal and priority	Lobbied for
September 1987	Defense authorization/ nuclear testing prohibition allowance S 1174	BP	Pres priority S (R)	Lobbied for
March 1988	Budget resolution H Con Res 268	BP	Pres proposal	Supported
May 1988	Defense authorization/SALT II limits S 2355	P	Pres priority S (R)	Supported
June 1988	Catastrophic health insurance/conference report HR 2470	BP	Pres proposal and priority	Lobbied for
September 1988	Welfare reform/conference HR 1720	BP	Pres priority H (R)	Lobbied for
June 1989	Fiscal Supplemental Appropriations HR 2072	BP	Pres proposal	Supported
June 1989	Child Care/Dole substitute S 5	P	Pres priority S (R)	Supported
July 1989	Defense Department Authorization/SDI funding S 1352	BP	Pres proposal	Supported
October 1989	Fiscal budget reconciliation HR 3299	BP	Pres priority J (BP)	Lobbied for
October 1989	Anti-flag desecration constitutional amendment S J Res 180	BP	Pres priority S (R)	Lobbied for
February 1990	Education programs/senate version S 695	BP	Pres proposal and priority	Supported
May 1990	Clean air act reauthorization HR 3030	BP	Pres proposal and priority	Lobbied for
October 1990	Omnibus crime package S 1970	BP	Pres proposal and priority	Supported
June 1990	Amendment on flag desecration H J Res 350 S J Res 332	BP	Pres priority J (R)	Lobbied for
July 1990	Americans with disabilities/conference report S 933	BP	Pres priority S (D)	Lobbied for
July 1990	Campaign finance overhaul/taxpayer funding amendment S 137	P	Pres priority S (R)	Supported
October 1990	Fiscal budget resolution/conference report H Con Res 310	BP	Pres priority J (BP)	Lobbied for

November 1991	Surface transportation reauthorization S 1204	BP	Pres proposal and priority	Lobbied for
June 1991	VA and HUD appropriations/restore space station funding HR 2519	BP	Pres proposal and priority	Lobbied for
November 1991	National Energy policy/cloture S 1220	BP	Pres proposal and priority	Lobbied for
January 1992	Elementary and Secondary education/school choice rider S 2	P	Pres proposal and priority	Lobbied for
October 1992	National energy policy/conference S 2166	BP	Pres priority S (D)	Lobbied for
March 1992	Health reauthorization/banning fetal tissue research HR 2507	P	Pres priority S (R)	Supported
May 1992	National Energy policy HR 776	BP	Pres proposal and priority	Lobbied for
September 1992	Tax bill/enterprise zones amendment HR 11	P	Pres proposal	Lobbied for
February 1993	Family Leave HR 1	BP	Pres priority S (D)	Lobbied for
March 1993	Budget Resolution H Con Res 64	P	Pres proposal	Supported
April 1993	Fiscal Stimulus HR 1335	P	Pres proposal	Lobbied for
June 1993	Budget Reconciliation HR 2264	P	Pres proposal and priority	Lobbied for
August 1993	National Service	BP	Pres proposal and priority	Lobbied for
September 1993	Defense/Gay Ban amendment S 1298	P	Pres proposal and priority	Lobbied for
November 1993	Defense Authorization S 1298	BP	Pres proposal	Supported
October 1993	National Biological Survey HR 1845	BP	Pres proposal and priority	Lobbied for
November 1993	Omnibus Crime/Assault Weapons amendment S 1607	P	Pres proposal and priority	Lobbied for
November 1993	NAFTA HR 3450	BP	Pres proposal and priority	Lobbied for
November 1993	Campaign Finance HR 3	P	Pres proposal and priority	Lobbied for
February 1994	Goals 2000 HR 1804	BP	Pres proposal and priority	Lobbied for
February 1994	EPA Cabinet level HR 3425 S 171	P	Pres priority S (D)	Lobbied for
May 1994	Assault Weapons Ban HR 4296	P	Pres priority H (D)	Lobbied for

May 1994	Abortion Clinic Access S 636	BP	Pres priority J (D)	Supported
May 1994	Fiscal Budget Resolution H Con Res 218	P	Pres proposal and priority	Supported
May 1994	Safe Drinking Water S 2019	BP	Pres priority S (D)	Supported
August 1994	Omnibus Crime Bill HR 3355	P	Pres priority S (D)	Lobbied for
December 1994	GATT HR 5110	BP	Pres proposal	Lobbied for
September 1995	Welfare Overhaul HR 4	BP	Pres priority H (R)	Opposed
March 1996	Debt Limit Extension HR 3136	BP	Pres proposal	Supported
August 1996	Health Insurance/conference S 1028	BP	Pres priority S (R)	Lobbied for
May 1996	Employee Commuting Act/Minimum wage HR 1227	BP	Pres priority H (R)	Supported
June 1996	Campaign Finance/Cloture S 1219	P	Pres priority S (BP)	Lobbied for
July 1996	Welfare Overhaul/ Conference Report HR 3734	BP	Pres priority H (R)	Lobbied for
September 1996	Fiscal Omnibus Appropriations/Conference Report HR 3610	BP	Pres proposal	Supported
May 1997	Fiscal Budget Resolution H Con Res 84	BP	Pres proposal	Lobbied for
October 1997	Campaign Finance Overhaul (M-F)/Cloture S 25	P	Pres priority S (BP)	Lobbied for
November 1997	Fasttrack Trade/Cloture S 1269	BP	Pres priority S (R)	Lobbied for
June 1998	Tobacco Restrictions/Cloture S 1415	BP	Pres priority S (R)	Supported
October 1998	Fiscal Omnibus Appropriations HR 4328	BP	Pres proposal	Lobbied for
May 1999	Juvenile Crime/Gun Show checks amendment S 254	P	Pres priority S (D)	Lobbied for
July 1999	New Teachers and Training Programs/substitute effort HR 1995	P	Pres priority H (D)	Lobbied for
September 1999	Campaign finance HR 417	P	Pres priority H (BP)	Supported
October 1999	Campaign Finance/cloture S 1593	P	Pres priority S (BP)	Supported
March 2000	Minimum wage/two-year period HR 3846	P	Pres priority H (D)	Lobbied for

June 2000	Fiscal Defense Authorization/ Hate Crimes amendment S 2549	P	Pres priority S (D)	Lobbied for
July 2000	Community renewal program HR 4923	BP	Pres proposal and priority	Lobbied for
March 2001	Income tax reduction HR 3	P	Pres proposal and priority	Lobbied for
May 2001	Tax Cut Reconciliation HR 1836	P	Pres proposal and priority	Lobbied for
December 2001	ESEA Reauthorization/conference HR 1 (No Child Left behind)	BP	Pres proposal and Priority	Lobbied for
December 2001	Defense authorization/conference S 1438	BP	Pres proposal	Supported
October 2001	Anti-Terrorism Authority HR 3162	BP	Pres proposal and priority	Lobbied for
December 2001	Trade Promotion Authority HR 3005	P	Pres proposal and priority	Lobbied for
April 2002	Energy Plan/Closure on amendment for ANWR drilling S 517	P	Pres proposal	Supported
May 2002	Fiscal defense authorization HR 4546	BP	Pres proposal and priority	Lobbied for
May 2002	Welfare Renewal HR 4737	P	Pres priority H (R)	Supported
July 2002	Fiscal supplemental/conference HR 4775	BP	Pres proposal	Lobbied for
June 2002	Prescription Drug Coverage HR 4954	P	Pres priority H (R)	Lobbied for
June 2002	Terrorism insurance S 2600	BP	Pres priority S (R)	Lobbied for
July 2002	Trade Promotion Authority/Conference report HR 3009	P	Pres priority J (BP)	Lobbied for
September 2002	Homeland security/independent commission rider HR 5005	BP	Pres priority S (D)	No stance
March 2003	Fiscal budget resolution H Con Res 95	P	Pres proposal	Supported
May 2003	Tax reductions/conference report HR 2	P	Pres proposal and priority	Supported
June 2003	Prescription Drug Benefit S 1	BP	Pres priority S (BP)	Supported
July 2003	Head start reauthorization HR 2210	P	Pres proposal and priority	Supported
October 2003	Forest thinning HR 1904	BP	Pres proposal and priority	Supported
November 2003	Energy policy/cloture HR 6	P	Pres proposal and priority	Lobbied for
November 2003	Medicare prescription drug benefit/conference report HR 1	P	Pres priority H (R)	Lobbied for

July 2004	Same-sex constitutional amendment S J Res 40 H J Res 106	P	Pres priority J (R)	Supported
September 2004	Family and corporate tax breaks/conference report HR 1308	BP	Pres priority J (R)	Lobbied for
June 2005	Central American free-trade agreement S 1307 HR 3045	P	Pres proposal and priority	Lobbied for
July 2005	Energy policy/conference report HR 6	BP	Pres proposal and priority	Lobbied for
December 2005	Patriot Act Reauthorization/cloture HR 3199	P	Pres priority H (R)	Lobbied for
December 2005	Fiscal defense appropriations/cloture (ANWR) HR 2863	P	Pres priority S (R)	Lobbied for
March 2006	Patriot Act Reauthorization/conference report HR 3199	BP	Pres proposal and priority	Lobbied for
May 2006	Immigration overhaul S 2611	BP	Pres proposal and priority	Lobbied for
July 2006	Pension Overhaul HR 4	BP	Pres proposal	Lobbied for
September 2006	Warrantless electronic surveillance HR 5825	P	Pres priority H (R)	Supported
June 2007	Immigration Overhaul/cloture S 1639	BP	Pres proposal and priority	Lobbied for
August 2007	Foreign intelligence surveillance revisions S 1927	BP	Pres proposal	Lobbied for
November 2007	US-Peru Free trade agreement HR 3688	BP	Pres proposal	Lobbied for
June 2008	Foreign intelligence surveillance HR 6304	BP	Pres proposal and priority	Lobbied for
July 2008	Mortgage relief/motion to concur with Senate amendment HR 3221	BP	Pres proposal	Lobbied for
February 2009	Economic stimulus/cloture HR 1	P	Pres proposal and priority	Lobbied for
March 2009	Mortgage loans modification HR 1106	P	Pres priority H (D)	No stance
April 2009	Housing loans modification S 896	P	Pres priority S (D)	No stance
May 2009	Credit Card Company regulations HR 627	BP	Pres priority H (D)	Lobbied for

December 2009	Fiscal commerce-justice-science appropriations/conference HR 2847	P	Pres proposal	Supported
June 2009	Greenhouse gas emissions HR 2454	P	Pres priority H (D)	Lobbied for
July 2009	Fiscal defense authorization/strike the F22 Aircraft S 1390	BP	Pres proposal	Lobbied for
September 2009	Student loan overhaul HR 3221	P	Pres proposal and priority	Lobbied for
November 2009	Health care overhaul HR 3962	P	Pres proposal and priority	Lobbied for
December 2009	Health care overhaul/cloture HR 3590	P	Pres priority S (D)	Lobbied for
January 2010	Debt limit increase/fiscal task force substitute H J Res 45	BP	Pres proposal	Supported
March 2010	Health care reconciliation HR 4872	P	Pres priority H (D)	Lobbied for
May 2010	Fiscal defense appropriations/Don't ask don't tell repeal HR 5136	P	Pres priority H (D)	Supported
July 2010	Financial regulatory overhaul/conference report HR 4173	P	Pres priority H (D)	Lobbied for
July 2010	Offshore drilling regulation overhaul HR 3534	P	Pres Priority H (D)	No stance
July 2010	Supplemental appropriations HR 4899	BP	Pres proposal	Lobbied for
September 2010	NASA Reauthorization S 3729	BP	Pres proposal	Lobbied for
December 2010	Tax rate extensions/cloture HR 4853	BP	Pres proposal	Lobbied for
December 2010	Immigration Policy revisions/cloture HR 5281	P	Pres priority H (D)	Supported
December 2010	Don't Ask Don't tell/motion to concur HR 2965	P	Pres priority S (BP)	Supported
February 2011	Continuing appropriations/F-35 alternative HR 1	BP	Pres proposal	Supported
August 2011	Debt Limit S 365	BP	Pres proposal and priority	Lobbied for
October 2011	General System of Trade Preferences HR 2832	BP	Pres priority J (BP)	Lobbied for
October 2011	Colombia trade agreement HR 3078	BP	Pres proposal and priority	Lobbied for
October 2011	Panama trade agreement HR 3079	BP	Pres proposal and priority	Lobbied for

October 2011	South Korea trade agreement HR 3080	BP	Pres proposal and priority	Lobbied for
December 2011	Defense authorization/amendment on detainees S 1867	BP	Pres priority S (D)	Lobbied for
March 2012	Small-Business startups /motion to concur HR 3606	BP	Pres priority H (R)	Lobbied for
May 2012	Fiscal defense authorization/Guantanamo detention HR 4310	P	Pres priority H (D)	No stance
December 2012	Russia trade relations HR 6156	BP	Pres proposal and priority	Lobbied for
December 2012	Disaster supplemental HR 1	BP	Pres proposal and priority	Supported
December 2012	Tax rates extensions HR 8	BP	Pres proposal	Lobbied for
January 2013	Disaster supplemental HR 152	P	Pres proposal and priority	Supported
January 2013	Short-term debt limit increase HR 325	BP	Pres proposal	Supported
April 2013	Gun policy revisions/background checks rider S 649	P	Pres priority S (D)	Lobbied for
June 2013	Immigration overhaul S 744	BP	Pres priority S (BP)	Supported
July 2013	Student loan interest rates HR 1911	BP	Pres priority H (R)	Lobbied for
August 2013	Fiscal transportation-HUD appropriations/cloture S 1243	P	Pres proposal	Lobbied for
October 2013	Fiscal continuing appropriations and debt limit suspension/motion to concur HR 2775	BP	Pres priority H (R)	Supported
December 2013	Fiscal budget agreement/concur H J Res 59	BP	Pres proposal	Supported
February 2014	Debt limit extension S 540	P	Pres proposal and priority	Supported
April 2014	Minimum wage increase/cloture S 2223	P	Pres priority S (D)	Lobbied for
September 2014	Equal Pay/cloture S 2199	P	Pres priority S (D)	Supported
November 2014	Surveillance Authorities/cloture S 2685	P	Pres proposal and priority	Supported
March 2015	Homeland appropriations/motion to concur HR 240	BP	Pres Priority H (R)	Lobbied for

May 2015	Trade promotion authority HR 1314	BP	Pres proposal and priority	Lobbied for
November 2015	Defense authorization S 1356	BP	Pres proposal	Lobbied for
May 2016	Zika funding/cloture on appropriations amendment HR 2577	BP	Pres proposal	Supported
June 2016	Firearm Background Checks/cloture on appropriations amendment HR 2578	P	Pres priority S (D)	Supported
December 2016	Pharmaceutical research/motion to concur HR 34	BP	Pres priority S (R)	Lobbied for
July 2017	Healthcare Law repeal HR 1628	P	Pres proposal and priority	Lobbied for
June 2017	Veterans affairs department accountability S 1094	BP	Pres priority S (R)	Supported
June 2017	Enforcement on sanctuary cities HR 3003	P	Pres priority H (R)	Supported
September 2017	Disaster funding supplemental HR 601	BP	Pres proposal and priority	Lobbied for
October 2017	Abortion ban HR 36	P	Pres priority H (R)	Supported
December 2017	Tax Overhaul/conference report HR 1	P	Pres proposal and priority	Lobbied for
January 2018	FISA Reauthorization S 139	BP	Pres Priority S (BP)	Supported
March 2018	Dodd-Frank Partial repeal S 2155	BP	Pres proposal and priority	Lobbied for
May 2018	Veterans' Health Care S 2372	BP	Pres priority S (R)	Supported
June 2018	DACA and border security compromise bill HR 6136	P	Pres priority H (R)	Lobbied for