

# New Data for Investigating the President's Legislative Program: OMB Logs and SAPs

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*This article introduces two newly available sources of data on presidents' legislative programs. The first consists of administration legislative initiatives cleared by the Office of Management and Budget (OMB) for submission to Congress. We refer to these records as "OMB logs" because they record OMB's clearance actions on executive-branch legislative proposals. The second consists of memoranda, officially called Statements of Administration Policy, that OMB sends to floor leaders detailing the president's position on legislation pending floor consideration. We compare these new data on presidents' legislative initiatives and policy preferences with those contained in currently available sources—The Public Papers of the Presidents and Congressional Quarterly's scoring of presidential positions on roll-call votes—and with a long available but seldom used fifth source, the Congressional Record. Both new data sources list bills and legislative preferences that are not included in the currently available sources. We illustrate the value of these new data by calculating presidents' impressive "legislative effectiveness" in the House when all presidential initiatives are taken into account.*

Keywords: president, Congress, Office of Management and Budget, legislative clearance, Statement of Administration Policy, legislative effectiveness

The legislative authority delegated to the president by the Constitution is explicit and quite limited. At the front end of the legislative process, the Constitution charges the president with informing Congress from time to time on the state of the union and

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recommending legislative measures that the president finds “necessary and expedient.” At the back end, there is the veto. Yet modern presidents have an abiding interest in legislation throughout congressional deliberations. Over the twentieth century, Congress has accepted that the complexity of modern governance requires that presidents be actively involved in adjusting and initiating policy to a changing environment. On no occasion is this more evident than each winter when the president sends the next fiscal year’s proposed budget to Congress. The same considerations lead Congress—even when controlled by the opposition party—to give high priority to the president’s other legislative proposals (Edwards, Barrett, and Peake 1997).

Beyond the office’s delegated responsibilities, modern presidents behave as though they are the chief legislator in the U.S. political system. Every session finds presidents proposing, supporting, or opposing dozens of bills. Presidents’ success rate in winning their initiatives and blocking or amending others’ proposals is a familiar benchmark indicator of their overall performance. Yet the information with which researchers appraise presidents’ legislative accomplishments is seriously deficient. Until now, scholars have lacked systematic information on all but presidents’ highest priorities. Similarly, presidents’ efforts to influence pending legislation in letters and memoranda to Congress have fallen through archival cracks.

The root of these informational deficiencies is structural. The U.S. president, unlike parliamentary executives and even many of their counterparts in other presidential systems, does not hold formal agenda-setting authority in Congress. Congress is under no obligation to introduce the president’s legislative proposals, much less give them full consideration. Moreover, before confronting enrolled bills, presidents have no special authority for registering their support for or opposition to legislation. Instead, presidents have developed numerous informal conduits for communicating their preferences to Congress. Presidents may draft and place bills with sympathetic legislators to introduce them; write letters to committees detailing their views on proposals under consideration; send cabinet-level officials to Capitol Hill to buttress their views in committee testimony; write detailed memoranda to legislative leaders expressing their positions on bills receiving floor consideration; and, of course, throughout deliberations have the option to go public to encourage constituents to lobby Congress to support their legislative preferences (Kernell 2007).<sup>1</sup>

Of the president’s various modes of communicating legislative preferences, going public is the easiest to monitor. The Government Printing Office compiles an exhaustive collection of presidents’ public statements, published as the *Public Papers of the President* (PPP). The legislation that each president promotes with these public appeals represents the administration’s highest priorities. Thus, recent efforts to collate presidents’ legislative programs draw heavily, or exclusively, on presidents’ public statements (Cohen 2012; Ponder 2018).<sup>2</sup> This source has proved indispensable for identifying an administration’s

1. Presidents will sometimes break out of these routines and improvise, as when President Donald Trump tweeted a veto threat of an appropriations bill in March 2018.

2. Exceptions include Light (1982) and Rudalevige (2002), who also used the OMB logs to determine the presidential agenda; Larocca (2006), who used executive draft legislation reported in committee legislative calendars; and Mayhew (2013), who used historical accounts to determine presidents’ most important policy proposals.

highest-priority initiatives—what Rudalevige (2002) defines as the “president’s program.”

Given that going public entails both opportunity and transaction costs, we suspect that presidents ration their public appeals so that even some issues they feel strongly about will fail to attract the costly effort to mobilize public support. Moreover, public strategies tend to emphasize policies that require positive legislative action because the veto and its threat make it relatively easy for presidents to block those bills to which they prefer status quo policy. Similarly, when presidents seek only to moderate a proposal so that the new policy hews closer to the status quo, they may well find that a public relations campaign is unnecessary. The exchange of credible preferences between executives and legislators may suffice to allow the two sides to coordinate on new policy, but this may be carried out in direct communication between the principals, and hence remain outside of *PPP*’s domain. Thus, in drawing exclusively on *PPP*’s official archive, scholars have concentrated their inquiries into presidents’ major policy initiatives while necessarily neglecting both their sponsorship of broader changes in public policy and their efforts to boost or impede others’ legislation proceeding through Congress.

During periods of unified party control of Congress, presidents’ success rates in producing sought-after legislation soars; during divided government, it plummets (e.g., Barrett and Eshbaugh-Soha 2007; Bond and Fleisher 1990; Edwards 1989). Under divided government, presidents continue to submit legislative proposals—in some congresses many more, as we will see, than appear in the *PPP*. Yet, with the likelihood of winning passage of their proposals dropping sharply during divided government, presidents’ success will be measured mainly by their ability to block or modify the opposition majority’s objectionable legislation. In this setting, the threat of a veto can be a powerful inducement. Compared to promoting new initiatives, few of these efforts to resist opposition legislation require public campaigns, which would appear in the *PPP*. Veto threats, for instance, can be delivered privately and selectively to key committees and party leaders. Thus, during divided party control, presidents’ true legislative success is likely to lie beyond their public rhetoric.

But given the lower transparency of presidents’ direct communications with Congress, where does one look for their efforts at deterring legislation? Fortunately, scholars who define presidents’ legislative success to include negative agenda control have been assisted by a news producer that closely monitors the daily transactions between presidents and Congress (Edwards 1980, 1989; Bond and Fleisher 1990; Lebo and O’Green 2011). Since 1953, Congressional Quarterly (CQ) has annually calculated its widely reported Presidential Support Score using the president’s attempts to pass new policies and to block or amend the less attractive ideas of others.

Although invaluable, CQ’s record of presidents’ legislative preferences is incomplete. Support scores involve only legislation that receives a roll-call floor vote. If the president threatens to veto a bill, prompting the chamber’s floor leaders to pull it from consideration, CQ will disregard the president’s position for calculating its presidential support rating. CQ even fails to include many of those bills on which presidents clearly express a preference before a roll-call vote. Instead, it tallies those roll calls that are most likely to differentiate legislators’ presidential support ratings. Finally, a president may

have acted strategically to game the system; Kennedy aide Ted Sorensen explicitly raised with his boss the matter of adding “other bills we expect to pass” to JFK’s list of endorsed measures so as to “fatten our ‘batting average’” (Rudalevige 2005, 429). We suspect that the Kennedy White House was neither the first nor the last to come up with this easy way to burnish the president’s record.

Despite their immense value to students of presidential–congressional relations, the limitations of *PPP* and *CQ* data offer an incomplete record of presidents’ legislative activity. To fill in this large informational gap, we introduce two new sources of data about presidents’ positive and negative legislative agendas. The first consists of all legislative proposals drafted in the executive branch that the Office of Management and Budget (OMB) cleared for submission to Congress. We refer to these records as the “OMB logs.” The second consists of memoranda OMB sends to Congress stating the president’s position on pending legislation. Since 1985, these memoranda have been standardized on letterhead titled “Statement of Administration Policy” (SAP).

Over the years, Congress has devised rules for registering many of the standard executive branch communications. The *Congressional Record* (*CR*) reports receipt of “presidential messages” and “executive communications” from agencies and identifies the committees to which they are referred.<sup>3</sup> Unfortunately, many presidential communications do not make it into the *CR*. For example, the *CR*’s entries do not include SAPs. We include the *CR* data for comparison—specifically, to assess how fully the OMB logs and SAPs complement *PPP* in representing the full range of presidents’ legislative efforts. In the next section, we review the origins and development of legislative clearance and how it established the institutional routines that have, in turn, yielded these two new data sources.

## OMB’s Legislative Clearance

The OMB defines its core mission as helping “a wide range of executive departments and agencies across the Federal Government to implement the commitments and priorities of the President.”<sup>4</sup> The Budget and Accounting Act of 1921 established the precursor of the OMB, the Bureau of the Budget (BoB), to help the president create a unified budget for presentation to Congress to replace separate and uncoordinated appropriations requests from each of the federal agencies.<sup>5</sup> On December 19, 1921, the BoB released Budget Circular 49, which required that all legislative proposals written by executive agencies creating a “charge on the public treasury” be cleared by the BoB before submission to Congress (Brass

3. The search engine at [Congress.gov](https://www.congress.gov) facilitates searching for these references by introducing a variable identifying search terms for locating references to these presidential executive communications. Presidential messages and other executive communications sent to the House are available back through the 114<sup>th</sup> Congress, and to the Senate back through the 96<sup>th</sup> Congress.

4. See “The Mission and Structure of the Office of Management and Budget,” [https://obamawhitehouse.archives.gov/omb/organization\\_mission/](https://obamawhitehouse.archives.gov/omb/organization_mission/) (accessed December 5, 2018).

5. The Budget and Accounting Act of 1921 excluded agencies of the judicial and legislative branches from the budget process.

2006, 282). This established the first legislative clearance process, whose revised successors still govern the submission of the agency-drafted legislation found in the OMB logs. Budget Circular 49 also required BoB clearance of agency reports on financial “legislation which originated in Congress and was referred to the [executive] departments for technical and advisory review,” a clearance process that evolved into the production of SAPs under the budget director, David Stockman, in the 1980s (Pearson 1943, 138). In December 1934, Franklin Roosevelt extended BoB clearance to all agency legislative proposals and all agency reports on congressional bills—not just to legislative proposals creating a charge on the treasury. As Neustadt (1954, 649) recounts, minutes of the National Emergency Council show that FDR was “quite horrified—not once but half a dozen times—by reading in the paper that some department or agency was after this, that, or the other without [his] knowledge.” Thus, clearance of both agency legislative proposals and agency reports to Congress was established to help the BoB carry out its core mission of bringing the agencies in line with the president’s commitments and priorities. Today, OMB clearance of both agency legislative proposals and agency reports, including SAPs, on congressional bills is governed by Circular A-19, last revised on September 20, 1979 (Daniels 2001; Stuessy 2016).<sup>6</sup>

Each year, executive agencies submit dozens of legislative proposals and hundreds of reports on congressional bills to Congress. Many agency bills are signed into law—some without significant changes. In fact, agencies draft so much legislation that many of the larger agencies retain specialized staffs for just this purpose (Walker 2015). Congress also routinely presses agencies for recommendations and feedback on its own bills. Agencies are in a better position than committees to understand the implementation problems in carrying out their statutory authority and the technical changes necessary to mitigate these problems in reauthorization. In many instances, the officials who run the agencies and the congressional committees that authorize and fund them would prefer that the White House not intrude on their mutually beneficial relationship. But a president and his political party have a stake in legislation for which they have delegated clearance oversight to the modern OMB.

Unlike the executive budget process, the legal authority for both legislative clearance and communicating presidents’ policy views to congressional leaders is based not on statute but on the president’s constitutional prerogatives—the powers “to recommend to [Congress’s] Consideration such Measures as he shall judge necessary and expedient” and to “require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices” (Neustadt 1954, 650, note 28). Despite this constitutional foundation, Johnson (1988, 12) argues that legislative clearance is a “delicate process” because “if OMB misuses its authority, or pushes for too tight control, the agencies, tacitly backed by Congress, can find ways to make their views known through less formal channels to Congress.” Most problematically, when agencies circumvent legislative clearance, “there are no truly effective penalties for noncompliance short of relieving a political appointee of his or her duties” (Johnson 1988,

6. Circular A-19 also governs clearance of prepared testimony by executive officials before congressional committees, which was added to the Bureau’s clearance role by Circular 336 on December 21, 1935, and the review of enrolled bills to recommend whether the president should sign or veto them, which was formally added to the Bureau’s responsibilities by Circular 346 on January 19, 1939—although the Bureau had been performing this function informally since 1921 (Neustadt 1954, 654–55).

12). Nevertheless, most agencies do comply with legislative clearance, including even some agencies that enjoy a provision in their authorizing legislation that permits them to communicate directly with Congress, that is, statutory bypass authority.<sup>7</sup>

## OMB Logs

Central clearance—as defined by OMB Circular A-19—covers “proposed, pending, and enrolled legislation,” as well as public testimony thereon. Over the decades, the OMB has classified proposed bills as “in accord” with, “consistent” with, or “not in accord” with the program of the president. The OMB can also register “no objection” to a bill being transmitted to Congress. As defined in Attachment C of Circular A-19, “in accord ... means that the bill is of sufficient importance for the President to give it his personal and public support.”<sup>8</sup> This accounts for the great majority of bills cleared by OMB. Circular A-19 notes that bills may also be cleared (though relatively few are) as “consistent with” the president’s program when the proposal is “consistent with the Administration’s objectives ... and the Administration’s expressed support is desirable, but the item does not warrant personal identification with, or support by, the President.” Rarely will the OMB deem an agency proposal “not in accord” with the president’s program. Perhaps enthusiasm for legislation destined for such a classification collapses before it is transmitted to Congress. Agencies are, after all, strategic, and their legislative proposals submitted to OMB must be cleared by the political appointees leading the agencies.<sup>9</sup>

Once cleared by OMB, proposed legislation may proceed to Congress via one of several routes: directly “from the president” with an accompanying presidential letter, from the agency, and informally. Under agency transmission, the draft bill is sent back to the agency, which forwards it to Congress with OMB’s “advice,” that is, “in accord” or “consistent with” the president’s program or “no objection.” Bills transmitted to Congress informally may be sent directly by an agency to a member of Congress or even to a staffer. Such informal transmissions of legislative proposals do not appear in official congressional records unless a sponsoring member introduces the bill with a “by request” designation.<sup>10</sup> When a congressional committee requests an agency’s views on a proposal, it

7. With few exceptions, agencies with this statutory bypass authority, like the Federal Election Commission, are independent agencies.

8. Circular A-19 is available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-019.pdf>; see also Orszag (2009). Almost all bills classified as “in accord” with the president’s program are anticipated in the president’s annual budget and are itemized in the budget’s appendix as legislation requiring enactment to authorize the proposed expenditures. Conversation with Matt Vaeth, director of OMB’s Legislative Reference Division, February 25, 2017, University of California, San Diego.

9. However, agencies might discreetly end-run OMB, going directly to sympathetic lawmakers with bills OMB would deem not in accord with the president’s program (Moe 1986, 171; Johnson 1988, 12). These circumnavigations might well elude our OMB Logs database.

10. Agency bills written as a “drafting service” to Congress are also passed directly from the agency to Congress without clearance by OMB. However, “drafting service” technical assistance rarely involves writing a complete bill, but usually includes “general feedback on the proposed legislation, oftentimes with suggested edits and redlines to the draft language” (Walker 2015, 1388). Since agency drafting services do not commit the agency to support a bill or provision, but only offer technical assistance with the statutory language, we also believe that these bills should not necessarily be considered a part of the president’s agenda.

frequently does so informally, which does not trigger the OMB's clearance review (Campbell 2003; see also Shobe 2017, 33).

The OMB began compiling summaries of its legislative clearance activities as early as 1949, which became standardized, updated for each congressional session, and eventually entitled "Status of Administration Legislative Proposals." The bill information we have extracted from these reports makes up our OMB Logs data.

## SAPs

OMB Director David Stockman developed SAPs in response to the loss of political support for the Reagan administration's budget proposals after the Democratic gains in the 1982 House elections. Before Stockman, there was little OMB tracking of congressional action on bills (Hecló 1984; Tomkin 1998). The OMB focused narrowly on control of the federal agencies and was not involved in lobbying Congress to pass the budget or any of the executive agency bills once they were cleared. Johnson (1984, 502) reports that OMB officials "often learned the outcome of subcommittee deliberations from agency officials." In the summer of 1982, Stockman formed OMB bill-tracking teams that attended the subcommittee and committee markups of appropriations bills. The bill trackers "ferret[ed] out information on how the committees arrived at their estimates, and prepar[ed] their own estimates on projected costs of each proposal" (Tomkin 1998, 156). This information was conveyed to Stockman and OMB examining staff for analysis and then, using their guidance, the bill trackers drafted a letter to congressional officials expressing the administration's position on the bill (Johnson 1989, 8). For example, "after subcommittee markup, the bill trackers draft an OMB letter for the full committee chairman. After the full committee reports a bill, a letter to the full House or Senate leadership is drafted" (Johnson 1989, 8). These letters could incorporate both OMB's budget expertise and the threat of a presidential veto to help Stockman negotiate with subcommittees and committees to bring the budget more in line with the administration's budget request (Tomkin 1998). According to Stuessy (2016), "demand from the OMB Director for more sophisticated bill statements grew, resulting in statements that were prepared by various divisions within OMB at every stage of the appropriations process," and these documents "eventually became Statements of Administration Policy" as the Reagan administration progressed. Johnson (1984, 504) argued that "because of the implicit and sometimes explicit threat of a presidential veto, the OMB was successful in exerting such influence in an area of decision normally reserved for an agency and its appropriations subcommittees." In 1985, Stockman extended these SAPs to nonappropriations bills, and the OMB has continued to issue them for most major bills reaching the House or Senate floor. Today, OMB messages to subcommittees and committees about congressional bills are called "OMB letters" internally and are not generally publicly available. OMB messages to House and Senate floor leaders are reserved for SAPs, and it is these messages that have recently become publicly available.

Stockman's successor at the OMB, James C. Miller III, was "less inclined to bargain on the president's request," yielding a SAP clearance process that became more "mechanical and formal" (Johnson 1989, 8). Edwards and Wayne (2014, 443) reported that SAPs

are currently “drafted by the relevant department or agency or occasionally by the OMB,” which represents a more institutional and less politicized process than under Stockman when the OMB’s legislative trackers drafted OMB letters and SAPs, and agencies were mainly brought in through the clearance process to provide feedback. What sets OMB letters and SAPs apart from the typical agency views on congressional bills that run through A-19 clearance is that the OMB letters and SAPs are delivered to Congress by the OMB under Executive Office of the President (EOP) letterhead rather than by an individual agency and as a result more clearly and emphatically transmit the president’s preferences on the bill under consideration.<sup>11</sup>

SAPs form a distinct and new class of presidential messages that allows presidents to communicate unambiguously their preferences on bills reaching the House or Senate floor. As shown in Table 1, the position taken by the administration on a given piece of legislation can vary on a fine scale from *the administration strongly supports the bill* to *the president will veto the bill*. There are eight basic positions as well as variants of these that are particularly likely to occur when the administration desires that the bill be amended. For instance, on February 5, 1985, Stockman’s OMB released a SAP indicating administration support for H.R. 1093 but also indicating that if a committee amendment were adopted then the administration would “strongly” support H.R. 1093.<sup>12</sup> Only about 12% of threatening SAPs state that the “president will veto” or, depending on a contingency, “should veto” if a bill were presented to the president in its current form (Evans and Ng 2006). The OMB’s standardization of language for both cleared initiatives and SAPs works to minimize misunderstandings of the president’s signal in Congress.

From the outset, when the OMB sent these memos to floor leaders, it also released them to others on the Hill—legislators, their staffs, and news organizations, including CQ. The presidential views represented in SAPs soon became common knowledge within the Beltway and beyond, as Washington correspondents drew upon them in their coverage of the president’s dealings with Congress.

**TABLE 1**  
**Levels of Presidential Support and Opposition to Bills in Statements of Administrative Policy**

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1. The administration strongly supports the bill.
  2. The administration supports the bill.
  3. The administration defers to Congress on the enactment of the bill.
  4. The administration has no objection to the bill.
  5. The administration is opposed to the bill (but provides no explicit veto threat).
  6. The secretary of (relevant agency) will recommend to the president that he should veto the bill.
  7. Senior advisors will recommend to the president that he should veto the bill.
  8. The president will veto the bill.
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11. See Cameron (2003) for an extended discussion of the virtues of clear signaling between the branches regarding their respective legislative preferences.

12. Before they are sent to Congress, nonappropriations SAPs also include “below the stars” information at the bottom of the document that includes “explanatory comments, alternative viewpoints, statements of minor issues, and the like” (Stuessy 2016, 2, note 5). This information can serve to warn the president and OMB officials of potential disagreements about the bill between agencies or parts of the EOP.

Issuing SAPs has become an important task for the OMB in large part because its existing clearance procedures could be adapted to coordinating the administration's position on bills originating in Congress. As with administration initiatives, the OMB circulates draft SAPs and queries to the relevant agencies for comment. Based on their responses, the OMB then proposes to the White House whether to send a SAP to the Hill and, if so, what to say. The Legislative Reference staff at the OMB drives the SAP production process. Otherwise, the stimulus triggering a SAP can occur anywhere—within the OMB as its staff monitors legislation, from the agencies, from the White House and other staffs within the EOP, and even from the president's allies in Congress who press for the president's backing to strengthen their negotiating position in deliberations.

### OMB Logs and SAPs as Data

The OMB plays a critical role in both clearing and transmitting the president's preferences to Congress. Yet, in keeping with the notion of the OMB as an in-house presidential institutional staff, the OMB rarely makes its efforts public. Thus, as noted at the outset, scholars were driven to locate proxies for this information, such as the *PPP*. Recently, however, access to OMB records has improved significantly.

OMB logs were once available in the agency library; they were utilized by Light (1982), who used a subset of “in accord” bills to define “the president's agenda.”<sup>13</sup> Open access was lost in the early 1980s, but Rudalevige collected the logs from 1949 to 1979 from archival sources and received 1987–96 data from the OMB directly (see Rudalevige 2002, chap. 4). Additional archival work and conversations with the OMB allowed us to fill in the gaps in the time series and extend them through 2006. Apparently, the series ended—at least temporarily—in about 2012; the Obama administration did not request the production of Status of Administration Legislation reports, though the OMB continued to collect the relevant data.<sup>14</sup>

In 1997, the OMB began posting SAPs on the agency's website. Subsequently, Kernell (2005) obtained all previously issued SAPs that contained veto threats. Now, in response to a 2015 Freedom of Information Act request, the OMB has provided all previously unreleased SAPs.

### OMB Logs

The newly available OMB logs include a considerable number of executive draft bills that do not appear in the *CR*, including bills that are either transmitted “informally” or

13. Light used “in accord” items that also appeared in a presidential State of the Union address. But because of data limitations, he did so only in the first edition of his book, published in 1982; subsequent editions use different data. See Rudalevige (2002, 213, note 6) for additional detail.

14. Conversation with Matt Vaeth, director of OMB's Legislative Reference Division, February 25, 2017, University of California, San Diego. He notes this made the system “very different from what we'd done for years and years and years.”

“never formally transmitted” to Congress.<sup>15</sup> Also, some draft bills that became law—including examples that the OMB classifies as presidential (i.e., “in accord with”)—appear only in OMB logs. Absent from the *PPP* and *CR* data, they have never been examined as presidential initiatives in prior research. Moreover, these logs generally provide more information than do other currently available sources. The *CR* only provides the short title of the draft bill, the date sent to Congress, the executive agency submitting the bill, and the committees to which the bill is referred. The OMB logs include this information and more, including the type of clearance (e.g., “in accord with” the president’s program, “consistent with” the president’s program, or “no objection”), the date of clearance, the types of transmittal (president, agency, informal, no transmittal), whether the bill was introduced in the House or the Senate, the bill number, and whether it was modified and enacted or adopted as part of another law. Figure 1 reproduces the OMB’s log classification for one of President Bill Clinton’s early initiatives, the Safe Schools Act.

This record indicates that this draft bill, LIS #29, was written by the Department of Education (DOE); cleared by the OMB “in accord” (IA) with the president’s program on May 20, 1993; transmitted by the DOE to Congress on May 25, 1993; introduced in the House as H.R. 2455 by Representative Owens; and introduced in the Senate as S. 1125 by Senator Dodd on June 15. It then lists the committees to which the bills were assigned.

For our initial investigation of these records, we have coded all log entries for four congresses: the 103<sup>rd</sup>, 104<sup>th</sup>, 107<sup>th</sup>, and 108<sup>th</sup>, comprising Bill Clinton’s and George W. Bush’s respective first terms. In the appendix, we list legislative proposals from each congress that appear in the president’s public addresses or in the OMB logs as presidentially transmitted to Congress. Figure 2 summarizes the executive draft bills that were introduced in the House of Representatives during these congresses according to the data source. The area of each oval represents the number of bills introduced in each of the several sources: the executive communications recorded in the *CR*, the policy proposals mentioned in the *PPP*, and the draft bills recorded in the OMB logs. Overlapping areas represent bills appearing in more than one source. For example, 35 administration bills released to the House in the OMB records also appear in the *PPP* series. The Venn diagram displays considerable overlap between the bills in the OMB clearance process and the *CR*’s executive communications.

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38. Safe Schools Act of 1993 (LIS #29)

- EDUCATION draft cleared IA on 05/20/93
- transmitted to Congress on 05/25/93
- referred to House Education and Labor on 06/15/93, and to Senate Labor and Human Resources on 06/16/93
- introduced as S 1125 (DODD/ET AL) on 06/15/93 and as HR 2455 (OWENS/ET AL) on 06/15/93

S 1125  
HR 2455

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FIGURE 1. Office of Management and Budget Log of the Safe Schools Act, 1993.

15. Informal transmission can include delivery to a single representative or even to committee staffers (Conversation with Matt Vaeth, director of OMB’s Legislative Reference division, February 25, 2017, University of California, San Diego). Such informal delivery apparently does not trigger Senate Rule XIV, which requires that all “messages from the President shall be referred to the appropriate committees without debate,” and typically yields an entry in the executive communications section of the *CR*.

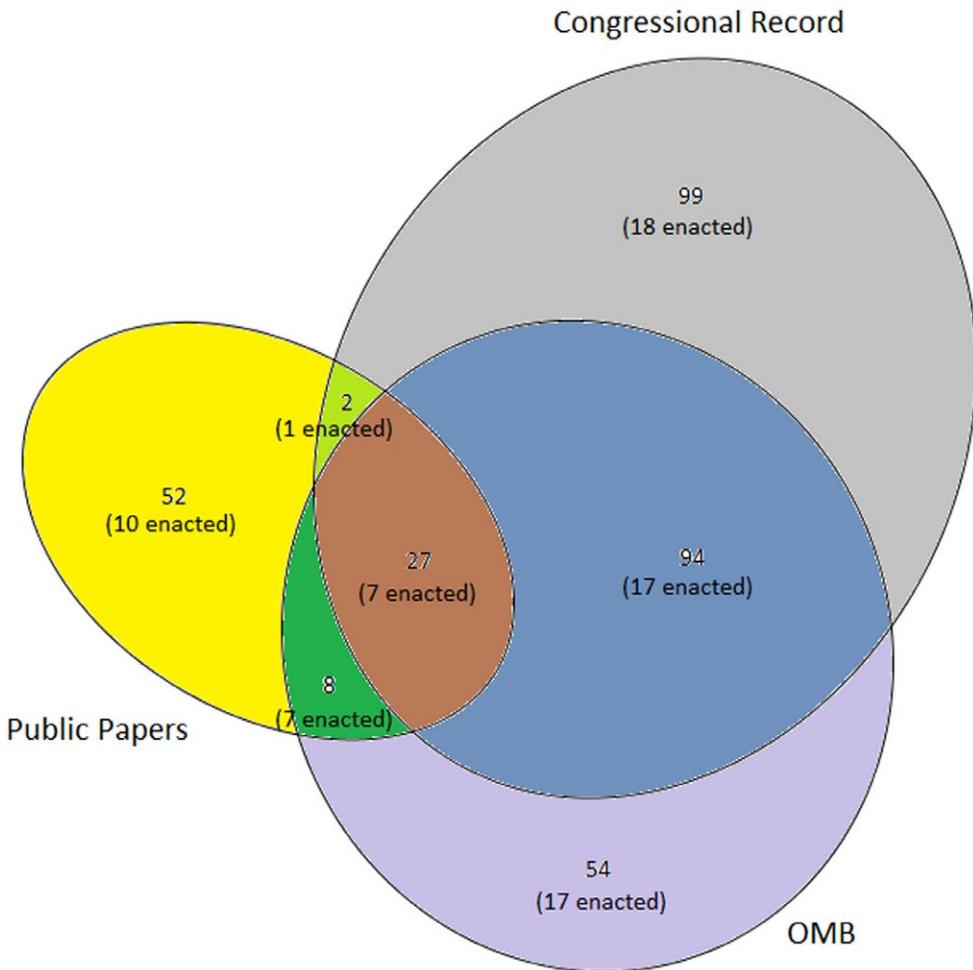


FIGURE 2. Administration Bills in the House of Representatives, by Source, for the 103<sup>rd</sup>, 104<sup>th</sup>, 107<sup>th</sup>, and 108<sup>th</sup> Congresses. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

Yet Figure 2 also shows that a considerable number of bills appear in only one source. Moreover, the discrepancies do not disappear when limiting observations only to those bills that were enacted. The OMB logs offer more comprehensive coverage than the other sources, but even here, 29 “administration” laws fail to appear in the OMB’s legislative records.

The fact that the OMB and *CR* lists of executive proposals do not match is cautionary. Some OMB proposals are transmitted informally to Congress or directly to a sympathetic subcommittee or member (perhaps for use in amending an extant proposal or for inclusion in a chairman’s mark). Others, we suspect, are withheld by the authoring agency—even after clearance. This could reflect changes in conditions, political context, or policy that obviate the need for the proposed legislation. Some of the *CR* proposals that fail to appear in the OMB logs come from agencies with statutory or informal bypass

authority. On the other hand, some of the disagreement between the OMB and *CR* lists of executive proposals submitted to Congress might simply reflect that neither source's procedures are strictly adhered to.

## SAPs

From their introduction in 1985 through the Obama administration, the OMB issued 4,635 SAPs.<sup>16</sup> As shown in Figure 3A, this number approximately doubles the number of presidential positions available in the standard source, CQ. Part of this difference occurs because CQ limits collection of presidential stances to bills that subsequently receive a floor roll-call vote, but even when we also limit SAPs to bills that receive a floor vote, they still outnumber CQ bills by 734 to 521.

CQ's incomplete record of presidential preferences does not reflect inadequate monitoring practices. It carefully records presidents' efforts to influence legislative deliberations, whatever form those efforts take. Its reporters track direct presidential–congressional negotiations, SAPs, signing statements (Cameron 2000; Sinclair 2000; Rice 2010), presidents' public statements, and White House lobbying efforts. In creating its annual Presidential Support Score, CQ rates each legislator's roll-call votes against the president's position on bills or amendments that its editors decide are most indicative of legislators' enthusiasm for the president's policies. In deciding which legislative positions make the cut, the editors favor roll calls with close votes, those that separated the parties, and especially those that included significant party defections. Beyond incompleteness, selecting roll calls on each criterion could conceivably introduce measurement bias of presidents' positions and success.

The SAP data, by contrast, represent a more complete set of presidents' communications of this type with congressional leaders. In Figure 3B, we see they supply more, and more unique, observations of presidents' preferences than do the OMB log and *PPP* sources. Unlike the *PPP* and OMB logs, moreover, SAPs emphasize presidents' views on legislation introduced by others. In Table 2, we find that most tend to express reservations or outright opposition. So, in addition to supplying more observations than previously available, SAPs complement the other sources by supplying information about presidents' preferences beyond their initiatives.

## *PPP*, OMB Logs, and SAPs as Measures of Presidents' Legislative Preferences

How well does the addition of SAPs and OMB logs improve our understanding of presidents' legislative success? Given the president's scarce resources and the logic of strategic conservation, we should expect to find that presidents husbanded public appeals,

16. As of December 2018, searchable text files of all SAPs are posted on the American Presidency Project's website, <http://www.presidency.ucsb.edu/> (accessed December 5, 2018). A total of 3,950 bills (excluding resolutions) were subject to one or more SAPs.

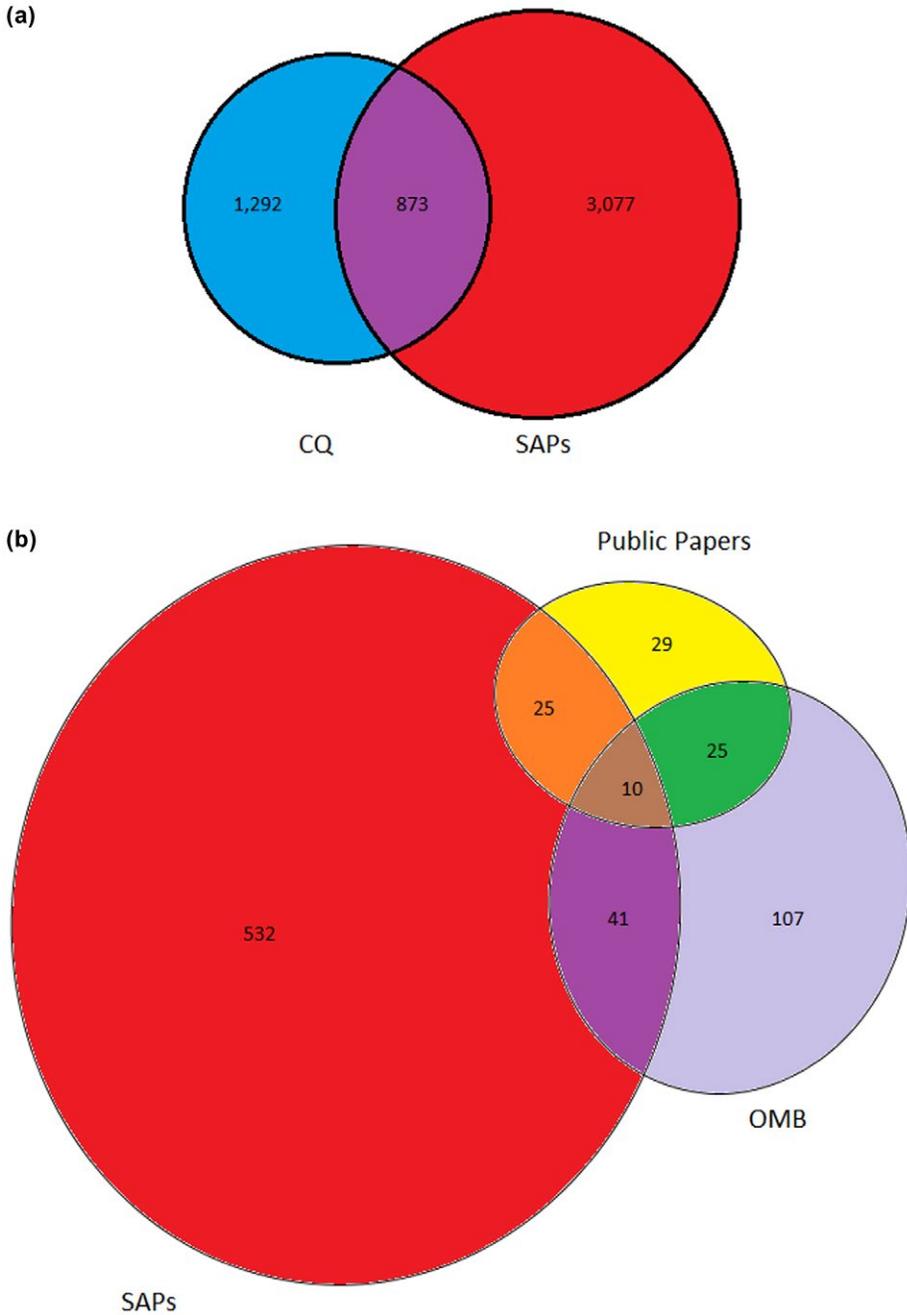


FIGURE 3. Comparing Statements of Administrative Policy (SAPs) with Other Sources of Data on Presidents' Legislative Preferences. (a) Comparing SAPs and Congressional Quarterly's presidential support roll calls: 1985–2014. (b) Comparing SAPs with Office of Management and Budget logs and *Public Papers* entries of the president's legislative program: 103<sup>rd</sup>, 104<sup>th</sup>, 107<sup>th</sup>, and 108<sup>th</sup> Congresses. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

**TABLE 2**  
**The Distribution of Presidents' SAP Signals across Congresses**

| <i>Congress</i>   | <i>Party Control of</i> |                | <i>Oppose</i> | <i>Veto Threat</i> | <i>N</i> |
|-------------------|-------------------------|----------------|---------------|--------------------|----------|
|                   | <i>WH/HR</i>            | <i>Endorse</i> |               |                    |          |
| 99 <sup>th</sup>  | No                      | 49             | 50            | 15                 | 114      |
| 100 <sup>th</sup> | No                      | 49             | 62            | 43                 | 154      |
| 101 <sup>st</sup> | No                      | 44             | 31            | 37                 | 112      |
| 102 <sup>nd</sup> | No                      | 48             | 57            | 48                 | 153      |
| 103 <sup>rd</sup> | Yes                     | 88             | 11            | 0                  | 99       |
| 104 <sup>th</sup> | No                      | 65             | 43            | 26                 | 134      |
| 105 <sup>th</sup> | No                      | 79             | 24            | 59                 | 162      |
| 106 <sup>th</sup> | No                      | 82             | 70            | 41                 | 193      |
| 107 <sup>th</sup> | Yes                     | 50             | 6             | 1                  | 57       |
| 108 <sup>th</sup> | Yes                     | 59             | 8             | 6                  | 73       |
| 109 <sup>th</sup> | Yes                     | 56             | 7             | 6                  | 69       |
| 110 <sup>th</sup> | No                      | 47             | 54            | 75                 | 176      |
| 111 <sup>th</sup> | Yes                     | 67             | 22            | 4                  | 93       |
| 112 <sup>th</sup> | No                      | 86             | 120           | 50                 | 256      |
| 113 <sup>th</sup> | No                      | 51             | 110           | 67                 | 228      |
| 114 <sup>th</sup> | No                      | 13             | 16            | 89                 | 118      |

*Source:* Bonett and Kernell (2017).

reserving them for their highest legislative priorities.<sup>17</sup> Bills that are important to the White House but fall short of meriting (or requiring) a public relations campaign will fail to show up prominently in the *PPP*. For example, in 1994, the Federal Acquisition Labor Law Improvement Act was “transmitted by the President” from the OMB to Congress, but never appeared in the *PPP*, though Senator Simon (D-IL) did note that he was introducing the bill “on behalf of the Clinton administration” in the *CR*. Yet even the most important legislative issues can elude the *PPP*. Earlier we noted that OMB clearances focus on new presidential policy. A second class of legislative preferences underrepresented in the *PPP* consists of presidents’ reactions to proposals that originate in Congress.<sup>18</sup> During divided government, presidents find themselves mostly opposing the opposition party’s initiatives. Generally, they can do so effectively without having to go public. For measuring the president’s responses to congressional initiatives, SAPs are especially valuable.

When combined with the *PPP*, do the OMB logs and SAPs offer a more complete and accurate record of presidents’ sincere views on proposed legislation? Fortunately, records from President George H. W. Bush’s White House files provide us with a rare

17. Of course, presidents go public for a variety of other reasons that may be more pressing—reelection, scoring audience support for resisting Congress, to perform their obligation of a *quid pro quo*, and others.

18. Note that Rudalevige (2002) excludes endorsement of or opposition to other actors’ legislation from his definition of the “president’s program.”

glimpse of the president's private consideration of the bills that commanded his keenest attention. They vouch for the value of incorporating these new data into any examination of presidents' legislative performance. At the close of the first session of the 101<sup>st</sup> Congress, Frederic McClure, the president's director of White House legislative affairs, drafted a memorandum to Bush reviewing the status of 26 high-priority bills. Table 3 crosslists references to these bills' presence in the *PPP*, *SAPs*, and the *OMB* logs. As expected during this divided-party-control Congress, the president's positive legislative agenda stood little chance of passage. Consequently, the *PPP* data include references to only four of the 26 bills, and the *OMB* logs uniquely identify a single bill. In contrast, the

**TABLE 3**  
G. H. W. Bush's Private Legislative Priorities during the 101<sup>st</sup> Congress

| <i>Bill Number</i> | <i>Public Papers</i> | <i>SAPs</i> | <i>OMB Log</i> |
|--------------------|----------------------|-------------|----------------|
| H.C.R. 106         | No                   | No          | No             |
| H.R. 2             | No                   | Negative    | No             |
| H.R. 1231          | No                   | Negative    | No             |
| H.R. 1278          | Yes                  | Negative    | Yes            |
| H.R. 1465          | No                   | Positive    | Yes            |
| H.R. 1750          | Yes                  | Positive    | No             |
| H.R. 2072          | No                   | Negative    | No             |
| H.R. 2442          | No                   | Negative    | No             |
| H.R. 2461          | No                   | Positive    | Yes            |
| H.R. 2655          | No                   | Negative    | Yes            |
| H.R. 2696          | No                   | Positive    | No             |
| H.R. 2710          | Yes                  | Positive    | No             |
| H.R. 2939          | No                   | Positive    | No             |
| H.R. 2990          | No                   | Negative    | No             |
| H.R. 3015          | No                   | Negative    | No             |
| H.R. 3072          | No                   | Negative    | No             |
| H.R. 3299          | No                   | Negative    | Yes            |
| H.R. 3385          | No                   | Positive    | No             |
| H.R. 3628          | No                   | Positive    | No             |
| H.R. 3660          | Yes                  | No          | Yes            |
| S. 4               | No                   | Negative    | No             |
| S. 5               | No                   | Negative    | No             |
| S. 1160            | No                   | Negative    | Yes            |
| S. 1352            | No                   | Negative    | No             |
| S.J.R. 113         | No                   | Negative    | No             |
| S.J.R. 180         | No                   | Positive    | No             |

*Note:* SAP = statement of administrative policy; OMB = Office of Management and Budget.

*Source:* "Memo from Frederick D. McClure to the President re: Analysis of Key Votes in the 101st Congress, First Session," LE Legislation, [101113-1121224SS], Box LE 2, GBL.

negative-skewed SAPs cover 24 of the 26 bills that McClure brought to the president's attention. Only one entry fails to appear in any of our data sets. The moral is clear: because the several sources contain different types of presidential signals, researchers should employ all three sources to comprehensively represent the president's legislative agenda.

The new SAP data have already proven fruitful in empirical research on the presidency. Rice (2010) used an early release of veto-threat SAPs to study whether presidents use SAPs to signal objections to laws that later appear in signing statements. She found that "presidents sometimes provide Congress advance notice of their constitutional concerns [in SAPs], while at other times, they blindside Congress with concerns raised for the first time" in signing statements (Rice 2010, 704). Hassell and Kernell (2016) examined whether the president can use veto-threat SAPs to limit riders to appropriations bills and found that such threats do help bring appropriations closer to the president's preferences. Bonett and Kernell (2017) use SAPs to estimate presidents' ideologies and find that presidents are less extreme ideologues during unified government than CQ support scores suggest. We next illustrate the value of the OMB logs by using them to calculate the president's legislative effectiveness in Congress (Volden and Wiseman 2014).

### Measuring the President's Legislative Effectiveness

Extending research into presidents' legislative effectiveness beyond their peak policy concerns offers one of the clearest values of these new data. In the following exercise, we tap these new data to explore positive influence on presidents' legislation. Here we follow the lead of Volden and Wiseman (2014), who created a Legislative Effectiveness Score (LES) designed to provide a comparative measure of legislators' overall influence on creation of new policy. The LES weights and adds up the following activity for each member: the number of bills the member introduced, that received committee consideration, that passed on the House floor, and that ultimately became law. Where Volden and Wiseman (2014) used LES to compare the effectiveness of representatives within a given congress, we use the LES to directly compare presidential influence in Congress to that of representatives. Prior to the availability of the OMB logs, this simple exercise would have been nearly impossible.

As above, the data here derive from proposed executive branch legislation during the 103<sup>rd</sup>, 104<sup>th</sup>, 107<sup>th</sup>, and 108<sup>th</sup> Congresses (1993–97 and 2001–05). We differentiate two distinct presidential agendas: a public agenda, which includes the proposals that presidents personally identify with and promote in their public activities, and a larger institutional agenda, composed of proposals written by executive agencies that are routed through OMB's legislative clearance process without direct identification with or promotion by the president. The president's public agenda includes proposals that appear in the *PPP*<sup>19</sup> as well as agencies' proposals in the OMB logs that are "transmitted by the president" to Congress. The institutional agenda includes the agency-drafted bills from the OMB logs that are transmitted directly by the drafting agency to Congress, as well as

<sup>19</sup>. Rudalevige's (2002) data originally cover 1949–96; they have been updated by the authors through the 108<sup>th</sup> Congress.

agency-drafted bills that appear in the *CR*. We calculate separate LESs for the president's public agenda and for the president's institutional agenda.

The LES can only be calculated for presidential bills that are introduced in Congress by a sponsoring representative.<sup>20</sup> Whereas the OMB logs specifically indicate the bill numbers for proposals introduced in Congress and executive communications usually give the titles of executive bills sent to Congress, matching up proposals from the president's messages and speeches to introduced bills can be trickier. In their public speeches, presidents sometimes only endorse general legislative principles and the administration does not send a draft bill to Congress. Sometimes the administration sends proposals only in outline form. When a member of Congress drafts a bill specifically to implement these presidential principles, we count that bill as a part of the president's public agenda.<sup>21</sup>

Identifying actual congressional bills from the president's public agenda can be an arduous process because it requires reading through all available evidence in the legislative history for a purported presidential proposal. For instance, in the 107<sup>th</sup> Congress, the *CQ Almanac* (2001, 9-3) identified H.R. 4 as the "Bush Energy Plan," which the president outlined in a speech on May 16, 2001, and followed up with a "plan for a comprehensive energy bill" sent to Congress on June 28, 2001. However, Bush's energy plan was actually first introduced in several other bills, including H.R. 2436, H.R. 2460, and H.R. 2587. After committee markup of these bills, their provisions were incorporated into H.R. 4, which was then passed by the House. Because H.R. 4 was a product of congressional committee work and compromise and not the initial legislative vehicle of the Bush energy plan, we do not identify it as a presidential bill. Instead, we code only the bills written directly to incorporate the president's plan—H.R. 2436, H.R. 2460, and H.R. 2587—as presidential bills.<sup>22</sup> We also exclude from the public agenda bills drafted mainly within Congress that are later publicly endorsed by the president.<sup>23</sup>

House Rule XXI specifies that federal agencies and programs must be authorized before funds can be appropriated for them (although the House sometimes waives the rule for expired authorization bills). As a result, all federal agencies and programs must be

20. The president sends many draft bills to Congress that are not even introduced by a sponsoring member, particularly through the OMB clearance process, but these bills play no role in our calculations because the lowest stage in the Legislative Effectiveness Score is bill introduction.

21. Some bills that are identified by *CQ Almanac* and other news media as presidential bills, however, are not appropriate for the calculation of the president's LES. Following Volden and Wiseman (2014), we have excluded those bills developed internally in Congress, for example, as a clean bill after committee markup. To render presidents' and legislators' LES comparable, we code only those bills drafted by an executive agency (including the White House) or by a representative explicitly incorporating the president's legislative preferences.

22. There was a fourth bill, H.R. 2511, that incorporated energy tax breaks from the president's energy plan, but it was modified so significantly from Bush's original proposal before it was introduced that we do not count it as a presidential bill. The dissenting views from the committee report for H.R. 2511 complain that "very few of the provisions in the Committee bill were recommended by the Cheney energy task force." By contrast, the committee reports for the other three bills clearly indicate that they are designed to implement the president's energy plan.

23. We assess whether a member of Congress was the main author of a bill endorsed by the president through a detailed study of the legislative record for such bills, including sponsor introductory remarks on the bill, committee reports, floor debate in the *CR*, and reporting by *CQ*. Most of the bills excluded from the public agenda in this way had been introduced in nearly identical form by the same representative in previous congresses, predating the president.

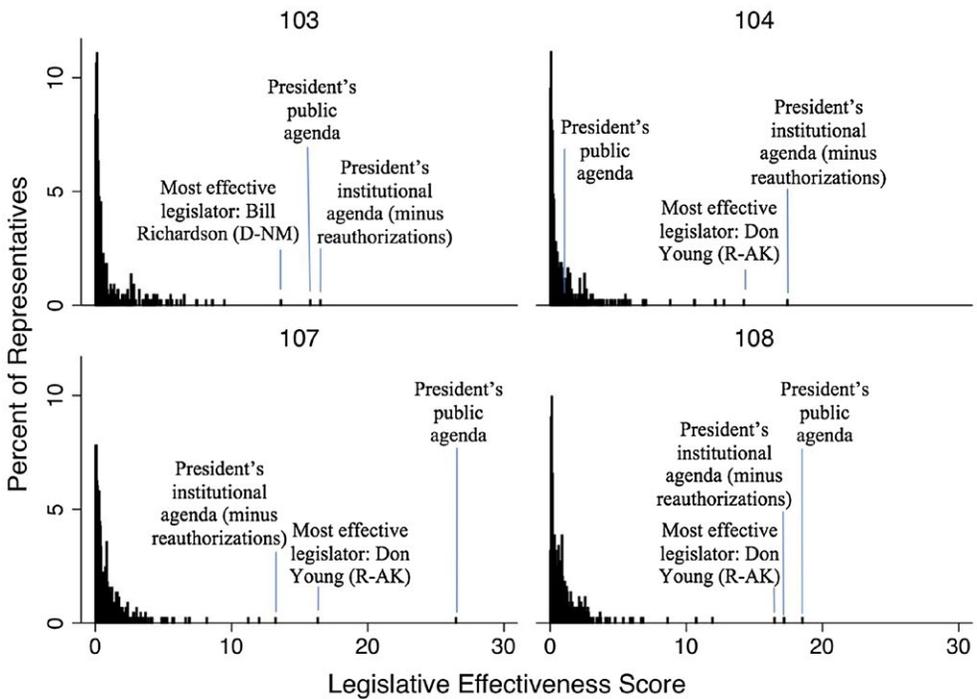


FIGURE 4. Distribution of Representatives' and President's Legislative Effectiveness Scores, by Congress. [Colour figure can be viewed at [wileyonlinelibrary.com](http://wileyonlinelibrary.com)]

reauthorized on a semiannual basis. Most reauthorization legislation is drafted by the agency seeking reauthorization, and these proposed bills also make their way through the OMB legislative clearance process. Consequently, a substantial portion of the president's institutional agenda consists of program reauthorizations. Charles O. Jones (1994, 164–65) cautioned against ascribing presidential agenda setting to these reauthorizations: “the national government has an agenda that is continuous because much of it is generated from existing programs,” and “it is useful to remind oneself of this fact as a corrective to the tendency to overstate the role of the president as an agenda setter.” To avoid overstating the president's institutional influence because of the prevalence of program reauthorizations, we remove reauthorization bills from the calculation of the president's LES.<sup>24</sup>

In Figure 4, we plot the distribution of the LESs for the president's public and institutional agendas against Volden and Wiseman's (2014) index for all House members. First, we consider Clinton's first and second congresses. The effectiveness of the president's public agenda was an impressive 15.76, higher than all legislators in the unified

24. We searched on Congress.gov for bill titles that included reauthorization and authorization and then read through the bill summaries and bill text, when necessary, to determine which bills were mainly program or agency reauthorizations. We then calculated the LES for the president's institutional agenda excluding program reauthorizations.

103<sup>rd</sup> Congress, but it dropped significantly to 1.46 in the divided 104<sup>th</sup> Congress. The president's public agenda in the 103<sup>rd</sup> was higher than the 13.5 of the highest member, Representative Bill Richardson (D-NM), in the 103<sup>rd</sup>, but the president's public agenda was not much more effective than the 0.34 median LES in the 104<sup>th</sup> House. This is not surprising given the historic leadership role Speaker Newt Gingrich assumed after Republican victories in 1994 gave the GOP its first House majority in more than 40 years. The robustness of Clinton's institutional agenda during the 104<sup>th</sup> Congress is surprising. Even in the polarizing environment of divided government, the president was able to use the draft legislation (excluding reauthorizations) from the institutional agenda to gain an LES of 17.45, more influential than the 14.23 LES of the most effective legislator of the opposition party controlling Congress and only slightly lower than the 16.55 LES of the president's institutional agenda (excluding reauthorizations) in the 103<sup>rd</sup> Congress.

George W. Bush's LES-based legislative performance on behalf of his public agenda during his first two congresses was even more stunning—26.50 in the 107<sup>th</sup> and 18.05 in the 108<sup>th</sup>—registering the president more effective than both congresses' most effective legislator, Representative Don Young (R-AK). The president's institutional agenda (excluding reauthorizations) dipped to 12.04 in the 107<sup>th</sup> Congress, but returned to 17.16 in the 108<sup>th</sup>, beating Young's 16.48 LES in the 108<sup>th</sup> Congress. The 107<sup>th</sup> was a reverse case of the 104<sup>th</sup>. Whereas Clinton yielded to Gingrich's public leadership of Congress in the 104<sup>th</sup>, Bush assumed more forceful public leadership of Congress in the 107<sup>th</sup> after the terrorist attacks of September 11, 2001, shaping a variety of critical proposals in the EOP rather than leaving them to the executive agencies.

Overall, these results demonstrate the enormous influence of both the president's public and institutional agendas compared to individual members of Congress. Even when excluding program reauthorizations, the president's legislative leadership is on par with the most effective legislator in the House in three of the four congresses examined.

## Conclusion

As Rudalevige (2002, 85) noted more than 15 years ago, "systematic analysis of the president's program is well overdue. . . . That program has long been like a bird in the upper reaches of a rain forest: known to exist, heard from, but rarely more than glimpsed." This article provides an extension of—and a complement to—a long line of efforts to identify and analyze the president's program.

In this article, we have presented new data from the OMB's historical files that will allow scholars to examine the extent and success of presidents' legislative performance. The OMB logs provide a bird's-eye view from within EOP of the legislative setting within which presidents seek to shape public policy. Similarly, the SAPs give a more complete picture of the president's expressed preferences on legislation as it enters a chamber's floor deliberations. We foresee these data having broad application for empirical research. To this purpose, we are releasing these records immediately. All SAPs through the Obama

administration are posted at the American Presidency Project (<http://www.presidency.ucsb.edu/>). The OMB logs, along with the SAPs and presidents' public appeals, can be found at The President in Congress project's website: <https://sites.google.com/ucsd.edu/president-in-congress/>.

## References

- Barrett, Andrew, and Matthew Eshbaugh-Soha. 2007. "Presidential Success on the Substance of Legislation." *Political Research Quarterly* 60: 100–112.
- Bond, Jon R., and Richard Fleisher. 1990. *The President in the Legislative Arena*. Chicago: University of Chicago Press.
- Bonett, Derek, and Samuel Kernell. 2017, September. "The President's Ideal Point and Party Leadership." Presented at the 2017 Meetings of the American Political Science Association, San Francisco, CA.
- Brass, Clinton T. 2006. "Working in, and Working with, the Executive Branch." In *Legislative Drafter's Deskbook: A Practical Guide*, ed. Tobias A. Dorsey. Alexandria, VA: TheCapitol.Net, 269–94.
- Cameron, Charles M. 2000. *Veto Bargaining: Presidents and the Politics of Negative Power*. New York: Cambridge University Press.
- Campbell, Colton C. 2003. *Executive Branch Comment on Legislation: A Brief Overview*. CRS Report RS21600. Washington, DC: Congressional Research Service.
- Cohen, Jeffrey E. 2012. *The President's Legislative Policy Agenda, 1789–2012*. New York: Cambridge University Press.
- Daniels, Mitchell E., Jr. 2001. "Memoranda 01–12 Legislative Coordination and Clearance." OMB Memorandum for the Heads of Departments and Agencies. February 15.
- Edwards, George C., III. 1980. *Presidential Influence in Congress*. San Francisco, CA: W. H. Freeman.
- . 1989. *At the Margins: Presidential Leadership of Congress*. New Haven, CT: Yale University Press.
- Edwards, George C., III, Andrew Barrett, and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41: 545–63.
- Edwards, George C., and Stephen Wayne. 2014. *Presidential Leadership: Politics and Policy Making*. 9<sup>th</sup> ed. Stamford, CT: Cengage Learning.
- Evans, C. Lawrence, and Stephen Ng. 2006. "The Institutional Context of Veto Bargaining." In *Rivals for Power*, ed. James A. Thurber. Boulder, CO: Rowman & Littlefield, 183–208.
- Hassell, Hans J. G., and Samuel Kernell. 2016. "Veto Rhetoric and Legislative Riders." *American Journal of Political Science* 60: 845–59.
- Hecl, Hugh. 1984. "Executive Budget Making." In *Federal Budget Policy in the 1980s*, eds. Gregory B. Mills and John L. Palmer. Washington, DC: The Urban Institute Press, 255–91.
- Johnson, Bruce. 1984. "Analyst to Negotiator: OMB's New Role." *Journal of Policy Analysis and Management* 3: 501–15.
- . 1988. "OMB and the Budget Examiner: Changes in the Reagan Era." *Public Budgeting and Finance* 8(4): 3–21.
- . 1989. "The OMB Budget Examiner and the Congressional Budget Process." *Public Budgeting and Finance* 9: 5–14.
- Jones, Charles O. 1994. *The Presidency in a Separated System*. Washington, DC: Brookings Institution Press.
- Kernell, Samuel. 2005. *Presidential Veto Threats in Statements of Administration Policy: 1985–2004*. Washington, DC: CQ Press.
- Kernell, Samuel. 2007. *Going Public: New Strategies of Presidential Leadership*. 4<sup>th</sup> ed. Washington, DC: CQ Press.
- Larocca, Roger. 2006. *The Presidential Agenda: Sources of Executive Influence in Congress*. Columbus: Ohio State University Press.

- Lebo, Matthew J., and Andrew J. O'Green. 2011. "The President's Role in the Partisan Congressional Arena." *The Journal of Politics* 73: 718–34.
- Light, Paul C. 1982. *The President's Agenda: Domestic Policy Choice from Kennedy to Reagan*. Baltimore: Johns Hopkins University Press.
- Mayhew, David. 2013. *Partisan Balance: Why Political Parties Don't Kill the U.S. Constitutional System*. Princeton, NJ: Princeton University Press.
- Moe, Ronald. 1986. "Central Legislative Clearance." In *Office of Management and Budget: Evolving Roles and Future Issues*. Committee of Governmental Affairs. United States Senate. Senate Print 99-134. Washington, DC: Government Printing Office.
- Neustadt, Richard. 1954. "Presidency and Legislation: The Growth of Central Clearance." *American Political Science Review* 48: 641–71.
- Orszag, Peter R. 2009. "Memorandum for Heads of Agencies and Departments: Legislative Coordination and Clearance." Office of Management and Budget memorandum M09-09, January 27. <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2009/m09-09.pdf> (accessed December 5, 2018).
- Pearson, Norman. 1943. "The Budget Bureau: From Routine Business to General Staff." *Public Administration Review* 3: 126–49.
- Ponder, Daniel E. 2018. *Presidential Leverage: Presidents, Approval, and the American State*. Stanford, CA: Stanford University Press.
- Rice, Laurie. 2010. "Statements of Power: Presidential Use of Statements of Administration Policy and Signing Statements in the Legislative Process." *Presidential Studies Quarterly* 40: 686–707.
- Rudalevige, Andrew. 2002. *Managing the President's Program: Presidential Leadership and Legislative Policy Formulation*. Princeton, NJ: Princeton University Press.
- . 2005. "The Executive Branch and the Legislative Process." In *Institutions of American Democracy: The Executive Branch*, eds. Joel D. Aberbach and Mark A. Peterson. New York: Oxford University Press, 419–51.
- Shobe, Jarrod. 2017. "Agencies as Legislators: An Empirical Study of the Role of Agencies in the Legislative Process." *George Washington Law Review* 85: 451–535.
- Sinclair, Barbara. 2000. "Hostile Partners: The President, Congress, and Lawmaking in the Partisan 1990s." In *Polarized Politics*, eds. Jon R. Bond and Richard Fleisher. Washington, DC: CQ Press, 134–53.
- Stuessy, Meghan M. 2016. *Statements of Administration Policy*. CRS Report R44539. Washington, DC: Congressional Research Service.
- Tomkin, Shelley Lynne. 1998. *Inside the OMB: Politics and Process in the President's Budget Office*. New York: M. E. Sharpe.
- Volden, Craig, and Alan Wiseman. 2014. *Legislative Effectiveness in the United States Congress: The Lawmakers*. New York: Cambridge University Press.
- Walker, Christopher J. 2015. "Federal Agencies in the Legislative Process: Technical Assistance in Statutory Drafting." Report to the Administrative Conference of the United States.

Appendix

TABLE A1  
The President's Public Agenda in the 103<sup>rd</sup> Congress

| <i>Cleanance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i>    | <i>Title of OMB Draft Bill or Topic of President's Speech</i>                          | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudolavice Public Papers</i> |
|-----------------------|--------------------|----------------------------|--|----------------|---------------|------------------|---------------------------------|
|                       | 2/17/93            |                            | Administration Goals: crime bill (more police, gun control)                            | 3131           | 1488          |                  | X                               |
| 4/1/93                | 4/1/93             | Health and Human Services  | Comprehensive Child Health Immunization Act of 1993                                    | 1640           | 732, 733      | X                | X                               |
| 4/21/93               | 4/21/93            | Education                  | Goals 2000: The Educate America Act  | 1804           | 846, 1150     | X                | X                               |
| 5/5/93                | 5/10/93            | Office of National Service | National Service Trust Act of 1993   | 2010           | 919*          | X                | X                               |
| 5/5/93                | 5/10/93            | Education                  | Student Loan Reform Act of 1993  | 2055           | 920*          | X                | X                               |
|                       | 4/1/93             |                            | Russian aid package (Foreign Operations Assistance Act): aid, exchange programs        | 2295           |               |                  | X                               |
|                       | 6/15/93            |                            | Reauthorize (but restructure) Radio Free Europe and Radio Liberty                      | 2333           |               |                  | X                               |
| 10/26/93              |                    | Veterans Affairs           | Streamlining Benefits Claims Processing  | 2574           | 1445*         | X                |                                 |
| 7/15/93               | 7/15/93            | Treasury                   | Community Development Financial Institutions Act of 1993                               | 2666*          | 1275          | X                | X                               |
|                       | 7/14/93            |                            | Request additional appropriations for flood disaster relief                            | 2667           |               |                  | X                               |
| 7/27/93               | 7/27/93            | Justice                    | Expedited Exclusion, Asylum Reform, and Alien Smuggling Enhanced Penalties Act of 1993 | 2836*          | 1333          | X                | X                               |
|                       | 8/5/1993           |                            | School-to-Work Opportunities Act   | 2884           | 1361          |                  | X                               |
|                       | 2/17/93            |                            | Administration Goals: cut subsidies to Rural Electrification Administration            | 3123           |               |                  | X                               |
|                       | 10/26/93           |                            | Federal Workforce Restructuring Act  | 3345           |               |                  | X                               |
| 10/26/93              | 10/26/93           | President                  | Government Reform and Savings Act of 1993  | 3400           |               | X                | X                               |

(Continued)

TABLE A1 (Continued)

| <i>Cleanance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i>   | <i>Title of OMB Draft Bill or Topic of President's Speech</i>  | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudalvige Public Papers</i> |
|-----------------------|--------------------|---------------------------|--|----------------|---------------|------------------|--------------------------------|
| 11/4/93               | 11/3/93            | U.S. Trade Representative | North American Free Trade Agreement Implementation Act of 1993 | 3450*          | 1627*         | X                | X                              |
| 10/27/93              | 7/15/93            | Health and Human Services | Community Development Banks                                    | 3474           |               |                  | X                              |
|                       | 9/22/93            | Health and Human Services | Health Security Act of 1993                                    | 3600           | 1757*         | X                | X                              |
| 3/25/94               | 3/15/94            | Labor                     | Reemployment Act of 1994                                       | 4040*,<br>4050 | 1951,<br>1964 | X                | X                              |
| 10/26/93              |                    | HUD                       | Multi-Family Asset Management and Disposition                  | 4067           |               | X                |                                |
| 6/21/94               | 6/14/94            | Health and Human Services | Work and Responsibility Act of 1994                            | 4605           | 2224*         | X                | X                              |
| 9/27/94               | 9/27/93            | U.S. Trade Representative | Uruguay Round Implementation Act                               | 5110*          | 2467*         | X                | X                              |
| 7/26/94               |                    | President                 | Federal Acquisition Labor Law Improvement Act of 1994          |                | 2328*         | X                |                                |

*Note:* OMB = Office of Management and Budget. \*Bill marked as introduced "by request" in *Congressional Record*.

**TABLE A2**  
**The President's Public Agenda in the 104<sup>th</sup> Congress**

| <i>Clearance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i> | <i>Title of OMB Draft Bill or Topic of President's Speech</i>             | <i>HR Bill</i> | <i>S Bill</i>                       | <i>OMB or CR</i> | <i>Rudalenige Public Papers</i> |
|-----------------------|--------------------|-------------------------|---|----------------|-------------------------------------|------------------|---------------------------------|
| 2/8/95                | 2/9/95             | Labor                   | Major League Baseball Restoration Act                                     | 870            | 376                                 | X                | X                               |
| 2/8/95                | 2/9/95             | Justice                 | Omnibus Counterterrorism Act of 1995                                      | 896            | 390*                                | X                |                                 |
| 2/13/95               | 2/13/95            | Labor                   | Working Wage Increase Act of 1995   | 940            | 413                                 | X                |                                 |
| 2/13/95               | 2/13/95            | Treasury                | Middle Class Bill of Rights Tax Relief                                    | 980*           | 452*                                | X                |                                 |
|                       | 3/29/95            |                         | To establish a D.C. Financial Authority                                   | 1345           |                                     |                  | X                               |
| 5/3/95                | 5/3/95             | Justice                 | Antiterrorism Amendments Act  | 1635*          | 761                                 | X                |                                 |
| 5/3/95                | 5/3/95             | Justice                 | Immigration Enforcement Improvements Act of 1995                          | 1929*          | 754                                 | X                |                                 |
| 11/13/95              |                    | OMB                     | To permanently increase the public debt                                   | 2862           |                                     | X                |                                 |
|                       | 2/9/96             |                         | Reversing defense auth provision requiring discharge of soldiers with HIV | 2959           |                                     |                  | X                               |
| 5/23/96               | 5/23/96            | Treasury                | Retirement Savings and Security Act                                       | 3520           | 1821*,<br>1818*,<br>1819*,<br>1820* | X                | X                               |
|                       | 10/12/95           |                         | Small Business Lending Enhancement Act                                    |                | 895                                 |                  | X                               |
|                       | 12/7/95            |                         | ERISA Enforcement Improvement Act (protecting 401(k) investments)         |                | 1490                                |                  | X                               |

*Note:* OMB = Office of Management and Budget. \*Bill marked as introduced "by request" in *Congressional Record*.

TABLE A3  
The President's Public Agenda in the 107<sup>th</sup> Congress

| <i>Clearance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i>   | <i>Title of OMB Draft Bill or Topic of President's Speech</i>             | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudolavige Public Papers</i> |
|-----------------------|--------------------|---------------------------|---|----------------|---------------|------------------|---------------------------------|
| 1/6/01                |                    | U.S. Trade Representative | United States-Jordan Trade Area Implementation Act of 2001                | 2603           |               | X                |                                 |
| 1/27/01               | 1/23/01            |                           | No Child Left Behind Act  | 1              | 1             |                  | X                               |
|                       | 1/29/01            | EOP                       | Immediate Helping Hand Prescription Drug Assistance Act of 2002           | 3684           |               | X                | X                               |
|                       | 1/30/01            |                           | CARE Act of 2002  | 7, 1284        |               |                  | X                               |
|                       | 2/7/01             |                           | Bipartisan Patient Protection Act of 2001                                 | 526            |               |                  | X                               |
| 2/8/01                | 2/8/01             | President                 | Economic Growth and Tax Relief Reconciliation Act of 2001                 | 1836           | 896           | X                | X                               |
| 8/8/01                | 3/31/01            | HHS                       | Promoting Safe and Stable Families Amendments of 2001                     | 2873           | 1503          | X                | X                               |
|                       | 5/1/01             |                           | Section 245(i) Extension Act of 2001                                      | 1885           |               |                  | X                               |
|                       | 5/10/01            |                           | To extend the authorization of the Drug-Free Communities Support Program  | 2291           | 1075          |                  | X                               |
|                       | 5/16/2001          |                           | National Energy Plan  | 2436           |               |                  | X                               |
|                       |                    |                           |   | 2460           |               |                  |                                 |
|                       |                    |                           |   | 2587           |               |                  |                                 |
|                       | 5/10/01            |                           | Trade Promotion (Fast-Track) Authority                                    | 3005           |               |                  |                                 |
|                       | 9/12/01            |                           | Supplemental Appropriations to Address the September 11 Terrorist Attacks | 2888           | 1426          |                  | X                               |
|                       | 9/20/01            |                           | Air Transportation Safety and System Stabilization Act                    | 2926           | 1450          |                  | X                               |
|                       | 9/25/01            |                           | USA PATRIOT Act of 2001   | 3162           | 1510          |                  | X                               |
|                       | 9/27/01            |                           | Airport Security Federalization Act of 2001                               | 3150           | 1447          |                  | X                               |
|                       | 10/4/01            |                           | Job Creation and Worker Assistance Act of 2002                            | 3090           |               |                  | X                               |
| 10/17/01              | 10/17/01           | OPM                       | Freedom to Manage Act of 2001   |                | 1612          | X                | X                               |

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TABLE A3 (Continued)

| <i>Clearance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i> | <i>Title of OMB Draft Bill or Topic of President's Speech</i>                       | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudalovige Public Papers</i> |
|-----------------------|--------------------|-------------------------|---|----------------|---------------|------------------|---------------------------------|
| 10/25/01              | 10/25/01           | Justice                 | To implement the International Convention for the Suppression of Terrorist Bombings | 3275           | 1770          | X                | X                               |
| 11/8/01               | 2/5/02             | HHS                     | Public Health Security and Bioterrorism Preparedness and Response Act               | 3448           | 1715          | X                | X                               |
| 7/26/02               | 2/2/02             |                         | Pension Security Act of 2002  | 3762           | 1969          |                  | X                               |
|                       | 2/14/02            | EPA                     | Clear Skies Act of 2002   | 5266*          | 2815*         | X                | X                               |
|                       | 2/26/02            |                         | Working Toward Independence Act of 2002   | 4092           |               |                  | X                               |
|                       | 3/5/02             |                         | Teacher Tax Relief Act of 2002  | 5085           | 2662          |                  | X                               |
|                       | 4/4/02             |                         | Trade Act of 2002   | 3009           |               |                  | X                               |
|                       | 4/8/02             |                         | Terrorism Risk Insurance Act of 2002  | 3210           |               |                  | X                               |
|                       | 4/9/02             |                         | Citizen Service Act of 2002   | 4854           |               |                  | X                               |
|                       | 6/15/02            |                         | American Dream Downpayment Act  | 4446           |               |                  | X                               |
| 6/18/02               | 6/18/02            | President               | Homeland Security Act of 2002   | 5005*          | 2452          | X                | X                               |
|                       | 7/25/02            |                         | A bill that will protect the American patients from medical malpractice             | 4600           |               |                  |                                 |
|                       | 3/7/02             |                         | Sarbanes-Oxley Act of 2002  | 3763           | 2673          |                  | X                               |
|                       | 9/12/02            | Agriculture             | Healthy Forests Initiative  | 5319           |               |                  | X                               |

*Note:* OMB = Office of Management and Budget. \*Bill marked as introduced "by request" in *Congressional Record*.

TABLE A4  
The President's Public Agenda in the 108<sup>th</sup> Congress

| <i>Clearance Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i>   | <i>Title of OMB Draft Bill or Topic of President's Speech</i>                            | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudalevige Public Papers</i> |
|-----------------------|--------------------|---------------------------|--|----------------|---------------|------------------|---------------------------------|
|                       | 3/4/03             |                           | Medicare reform: add prescription drug benefit to Medicare                               | 1              |               |                  | X                               |
|                       | 1/7/03             |                           | Growth-and-jobs plan to strengthen America's economy                                     | 2              |               |                  | X                               |
|                       | 1/16/03            |                           | Medical malpractice tort reform: \$250K cap on non-economic damages                      | 5              | 11            |                  | X                               |
|                       | 2/6/03             |                           | Comprehensive energy plan  | 39             | 14            |                  | X                               |
|                       |                    |                           |  | 238            |               |                  |                                 |
|                       | 1/7/03             |                           | "Growth-and-jobs plan": Personal Reemployment Accounts                                   | 1644           |               |                  | X                               |
|                       | 1/28/03            | EPA                       | Clear Skies Legislation (cap and trade amendments to Clean Air Act)                      | 999*           | 485*          |                  | X                               |
|                       | 10/15/03           |                           | \$200 million "down-payment fund" to increase minority homeownership                     | 1276           | 811           |                  | X                               |
|                       | 1/31/03            |                           | Emergency Plan for AIDS Relief: \$15b five-year "comprehensive plan"                     | 1298           |               |                  | X                               |
|                       | 1/20/04            |                           | Make 2001 (and 2003) tax cuts permanent  | 1308           |               |                  | X                               |
|                       | 3/25/03            |                           | FY03 supplemental funding for Iraq war (\$74.7b)   | 1559           |               |                  | X                               |
|                       | 5/20/03            |                           | Healthy Forests Restoration Act  | 1904           |               |                  | X                               |
| 2/5/03                | 2/5/03             | OMB                       | Increase development aid by 50% over three years as part of Millennium Challenge Account | 1966           | 571*          |                  | X                               |
|                       | 2/3/03             | HHS                       | Project Bio-Shield: \$6b for vaccines and treatments vs. anthrax, botulinum, Ebola, etc. | 2122           | 15            |                  | X                               |
| 7/15/03               | 7/15/03            | U.S. Trade Representative | Legislative proposal to implement recent free trade agreement with Chile                 | 2738*          |               | X                | X                               |

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TABLE A4 (Continued)

| <i>Cleanse<br/>Date</i> | <i>Speech Date</i> | <i>Authoring Agency</i>   | <i>Title of OMB Draft Bill or Topic of President's Speech</i>                                 | <i>HR Bill</i> | <i>S Bill</i> | <i>OMB or CR</i> | <i>Rudolphe<br/>Public Papers</i> |
|-------------------------|--------------------|---------------------------|---|----------------|---------------|------------------|-----------------------------------|
| 7/15/03                 | 7/15/03            | U.S. Trade Representative | Legislative proposal to implement recent free trade agreement with Singapore                  | 2739*          |               | X                | X                                 |
|                         | 9/7/03             |                           | War supplemental budget requests incl. \$66b for ongoing military and intelligence operations | 3289           |               | X                | X                                 |
|                         | 1/15/03            |                           | AGOA (Africa Growth and Opportunity Act) Acceleration Act of 2004                             | 4103           | 2529          |                  |                                   |
|                         | 7/6/04             | President                 | Free trade agreement U.S.—Australia   | 4759*          |               | X                | X                                 |
|                         | 7/15/04            |                           | Free trade agreement U.S.—Morocco   | 4842*          | 2677          |                  |                                   |
|                         | 8/2/04             | 9/11 Comm.                | Create new position of National Intelligence Director (from 9/11 Commission)                  | 5150           | 2840,<br>2845 |                  | X                                 |
|                         | 9/6/04             |                           | Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act                  | 5212*          |               |                  |                                   |
|                         | 1/28/03            |                           | Outlaw all human cloning  |                | 303           |                  | X                                 |
|                         | 5/9/03             | Transportation            | Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003                  | 2088*          | 1072*         | X                |                                   |

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