Rivals for Power

Presidential-Congressional Relations

Fourth Edition

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For my wife, Claudia

And my family,
Mark, Kathryn, Greg, Tristan, Bryan, and Kelsey

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Chapter Ten

The President's Budget vs. Congressional Budgeting: Institutionalizing the Adversarial Presidency?

Joseph White

In the constitutional system of separated institutions sharing powers, the powers to spend and tax are especially important and subject to conflict. Budgeting is at the heart of government, because it is the most direct example of the authoritative allocation of values. The importance of budget decisions and the structural necessity that one subset of those decisions, discretionary appropriations, be made each year puts federal budgeting at the center of much conflict between the president and Congress, as revealed dramatically in the battles during the Reagan administration and during the 104th Congress. But budgeting is also the most fundamental area of cooperation between the two branches, because without cooperation on discretionary appropriations, large sections of federal activity will come to a halt.[1] Budgeting institutions and processes are a major aspect of the modern presidency, just as budgeting is at the heart of governmental decision making.[2]

The constitution, as explained by its framers, clearly intends to give the Congress the largest say in budgeting decisions. Yet it also, both through the president's veto over legislation and his supervision of administration, gave him a major role in the allocation of government funds.[3] Developments in the extraconstitutional political system, such as the emergence of the presidential role as a party leader and his occasional ability to appeal to public opinion, also guarantee that the president, under any circumstances, must have a share of budgeting power.

Under extreme circumstances, such as the warfare between President Clinton and the 104th Congress, the presidential role in budgeting is based almost entirely on those basic resources. Yet federal budgeting is an immensely technical and complicated task, involving many thousands of decisions that are supposed to be integrated into a complex web of legislation and implementation. As a result, both Congress and the presidency include specialized budgeting institutions.

The congressional budget process includes specialized committees for what we now call discretionary spending (the House and Senate Appropriations committees); concentration of authority over revenues also in distinct committees (House Ways and Means and Senate Finance); distinct committees that are required to provide an annual framework for decisions about spending and taxing (the House and Senate Budget Committees, through the annual Congressional Budget Resolution); a wide variety of special rules about consideration of revenue legislation, appropriations, and the class of laws called entitlements (or mandatory spending) that provide budget authority for more than one year (such as for farm price supports and Medicare); and a congressional agency to oversee executive management of budget allocations (the Government Accountability Office).

The executive (or presidential) budget process is managed by the Office of Management and Budget (OMB) within the Executive Office of the President. Although it has undergone various reformulations since its original creation in 1921, the presidential budget bureau[4] has always both managed allocation of funds among agencies, a crucial and occasionally controversial task (budget execution), and packaged agencies' budget requests into an overall bundle subject to presidential approval. It thus asserts presidential power in three ways: influencing information provided to Congress (as agencies are expected to testify in favor of OMB's proposals), influence over implementation (the extent to which bureaus do what legislators expected them to do with the budget, or more what decision makers within the administration prefer), and a basic coordinating function in which individual tax and spending plans are related both to each other and to an argument about desirable totals for taxes, spending, and the federal surplus or deficit.

This chapter addresses the relationship between the presidential process and the congressional process in making budget decisions for the federal government. As budget expert Naomi Caiden wrote, the executive budget process within the United States government is a creature of "paradox, ambiguity, and enigma" that fits awkwardly, at best, with the constitutional design.[5] There are conditions under which it can be the basis for cooperation that serves both branches. That pattern, however, has become much less common over the past three decades. The development of presidential budgeting appears to reflect a broader trend in congressional-presidential relations, which I call the *adversarial presidency* in contrast to the earlier model.

PURPOSES OF BUDGET PROCESSES

Specialized budget processes have a series of functions, or justifications, as part of both democratic politics and competent government. The most commonly cited is to obtain a desirable balance of taxing and spending: "budget balance" broadly defined. Budgeting is also a set of procedures designed to set standards for both bureaucrats and politicians and thereby hold them accountable, is a way to make government transparent and its actions predictable, is a procedure to set social priorities and to pursue efficiency in the operation of public services, and (sometimes) is a process to manage the economy as well as the government.[6]

The fundamental reason for centralized budget processes, however, is to resolve a social choice problem: that preferences about program and tax policy details are highly unlikely to add up to preferences about total spending, total taxes, and the resulting budget balance. Hence processes are needed to *adjust those two preferences to each other*, in such a way that the combination in the end is as satisfactory as possible to the decision-making person or group.

As this problem is normally posed, a set of fragmented decisions about programs and taxes, which is what would happen if agencies simply proposed their own budgets and Congress responded committee by committee, must be resisted by central "guardian" bodies such as the Appropriations or Budget Committees or the Office of Management and Budget. But there is a further problem: there are many ways to obtain the same budget totals.

Most participants in budget making can identify *somebody else's spending* that they would be willing to eliminate, or *somebody else's taxes* that they would be willing to raise, so as to bring details in line with a preferred total. During the budget battles of the 1980s, for example, conservative Republicans could consistently favor a balanced budget because they were willing to slash social programs to achieve the goal, while liberal Democrats could favor balance because they were willing to cut defense spending and raise taxes on corporations and people with higher incomes.[7] Therefore, in reconciling preferences about details and totals, there are three systematic sources of conflict between the presidential and congressional budget processes.

The first is that the median preference within Congress may well be substantively different than the president's budget policy, yet each be equally "responsible," as defined by the amount of government deficit or surplus—which is a recipe for self-righteous conflict. Second, if budget deficits exceed public and elite views of what is proper, that may be because majorities oppose any single set of details that would lower the deficit further. Yet virtually everyone could blame politicians for not lowering the deficit in some way. This exacerbates the fact that budgeting must disappoint a lot of interests so attracts extensive blame anyway, and encourages blame-shedding tactics. Third, the budget bureau asks, "What will fit the president's policies?" Within Congress, however, the basic question is, "How will we pass the bill?" This difference leads to a basic conflict of worldviews, with OMB seeing legislative budgeters as too "political," and their counterparts viewing

OMB's claim to "rationality" as easy for OMB to say because it is only making a proposal to satisfy one hierarchical overseer.

The role of the president's budget in federal budgeting has moved from one (mainly theoretical) model, through a model that roughly was the status quo from the 1940s into the late 1960s, toward the model that best describes the budgeting system today. We can call these the *executive dominance*, *clerk/broker*, and *adversarial* models. The executive dominance model essentially assumes that only the president's preferences should matter, which would eliminate the first two conflicts but give him all the blame. In the clerk/broker model, the president would take the lead in finding a middle ground between branch preferences, thereby sharing blame. In the adversarial model, the two sides fight over preferences while trying to stick each other with the blame.

ORIGINS OF THE PRESIDENTIAL BUDGET

The core institutions of the presidential budget were created in the Budget and Accounting Act of 1921, emerging from an elite executive budget movement. As Irene Rubin explained, this movement developed in directions encouraged by President Taft. The "Taft conservatives" distrusted both the legislature and the public, and believed the chief executive and administrators should be free to make decisions that served their view of the public interest.[8] Many subsequent reformist analyses have followed in the Taft tradition, of which the most prominent was the 1937 Brownlow report's analysis of budgeting.[9]

As Naomi Caiden argues, this view was (and is) "at odds both with contemporary practice and the separation of powers." Yet the presidential process as created worked fairly well for decades. It retained "legislative initiative in appropriations" and stressed "the executive budget as a means of gaining executive responsibility and strengthening legislative budgetary control."[10] But how could the same process both make the executive more responsible and strengthen legislative control? The short answer is, the executive budget could serve Congress by helping *both* president and Congress control the executive agencies.

DEVELOPMENT OF THE CLERK/BROKER PATTERN

The executive process could be useful to both by performing a series of functions. The most basic was preventing the agencies from creating "coercive deficiencies." Neither president nor Congress gains if agencies run out of appropriated funds before the end of the fiscal year, for reasons that the agencies could have controlled. Congress will desire neither to appropriate more nor to suffer the political pain of closing down an agency; and the president has no more reason to desire either result. The process created by the 1921 act, in which the budget bureau apportions funds to agencies, greatly reduced this problem.[11]

A second vital contribution was to search for efficiencies within individual agency spending plans. Efficiency is not politically biased because, though it could be used to reduce total spending, it can also be used to obtain more social good for the same spending or to free up funds for different spending. Over time, the budget bureau adopted this broad definition of efficiency, rather than a narrow focus on economy.[12] As one senior OMB career official put it in an interview, "The idea I grew up with was to be a neutral competent budget analyst. As I told my staff, that meant *if it was a Republican administration trying to minimize cost; if it was a Democratic administration, how to maximize value for the money we had.*"

Both branches might benefit from a degree of coordination across programs, both by revealing if agencies were working at cross-purposes and by uncovering the "wasteful" opposite, redundancy or overlap of functions. Congress might choose not to use such information, but providing it would improve Congress's options.[13] The executive process also prevented agencies from submitting "blue sky" requests to Congress, and could provide a first "scrub" to identify technical issues.

The budget bureau developed a somewhat controversial and unstable role in administrative management. Congress has been conflicted on this topic, with some legislators at any given time hoping that better management will yield economies, and others objecting to central (e.g., budget bureau) interference with their own influence over the agencies. Nevertheless, there have been periods when the management wing of the budget bureau played a positive role. By multiple accounts, the Division of Administrative Management established within the budget bureau by Director Harold Smith in 1939 contributed in ways that are still recalled as a kind of "golden age" of the budget bureau.[14]

Most significant, a presidential budget can serve Congress by dispersing blame. If the president proposed restraints that Congress was willing to accept, legislators could accept the proposal and give him some of the blame. If Congress rejected a presidential proposal, so had to replace it with another, legislators could get some credit from the interest they protected. Sharing blame with the president helped with both guardianship and coalition building. The president, however, also benefited, at least in policy terms. If there was agreement that hard choices must be made, the initiative and agenda-setting role given to the president through his budget process, as well as legislators' desire to avoid blame, gave him substantial influence on budget results.

In these ways, the presidential process helped both president and Congress match details to totals, and the budget system developed into a rough equilibrium of shared expectations and mutual adjustment.[15] It fit into the presidential role that Richard Neustadt describes as "clerkship." A better term might be *brokerage*: the president sits at a key point within a complex system of bargaining. In return for facilitating transactions, he collects resources that he uses for his own purposes. Neustadt describes the budget as "among the cardinal services the president-as-clerk performs for Congressmen and bureaucrats and lobbyists."[16] Because it was created by an intensive process within the executive branch; because it represented commitment in its most concrete form, money; and because the nature of appropriations meant that Congress had to respond to those proposals, the budget became the year's premier initiator.

Budgeting in this period was hardly a nonpartisan lovefest. Nevertheless, what Allen Schick termed the "Seven Year Budget War" from 1966 to 1973 initiated a transition to a much more adversarial role for the president's budget.[17] The clerk/broker role depended on conditions that faded away in the late 1960s and would disappear by the 1980s.

TOWARD ADVERSARIAL BUDGETING

One condition was that Congress and the president have roughly similar goals for budget totals. Liberal Democrats and conservative Republicans had very different fiscal policy views, but the conservative coalition that dominated Congress in the 1950s largely agreed with President Eisenhower, and disagreement only became systematic when President Nixon faced a more liberal Congress. At that point, the fact that only the president had economists and a process for saying what the fiscal totals should be became a major problem for Congress.

A second condition was that the instruments available within the budget process be adequate to the task of making details fit the totals. The process that had emerged only guaranteed action on annually appropriated programs, what would later be called "discretionary" spending. In the 1960s the growth of entitlements such as Social Security and Medicare reduced the portion of spending that the traditional process could manipulate.

A third condition was that the president and congressional majority be in rough agreement on program details or priorities. Again, this disagreement appears to have widened during the Nixon presidency. A fourth condition was

that the apportionment power be used in a way that was remotely acceptable to Congress. Instead, President Nixon used it to impound (refuse to spend) appropriations for purposes that he did not approve and had not been able to veto. A constitutional crisis over budget powers was avoided only because another, culminating in Nixon's resignation, took its place.

Congress responded by passing the Congressional Budget and Impoundment Control Act of 1974. The Budget Act created the Budget Resolution process, through which Congress, before passing other spending and tax legislation, would lay out targets for spending and revenue totals and priorities. This process would be reformed and strengthened in 1980 by implementation of reconciliation, a process through which legislative committees would be given targets for spending cuts or revenue increases in the Budget Resolution. Reconciliation had strong procedural protections against filibuster in the Senate. This provided a vehicle through which Congress was much more likely to respond to presidential proposals to alter entitlement programs such as Medicare and Medicaid, or to change tax law, than had been the case before reconciliation was put into full effect in 1980. This extended the potential influence of the president's budget through both agenda setting and blame sharing, and the Budget Act therefore gave President Reagan greater influence than he would otherwise have had in 1981.[18]

But the Budget Act also reduced Congress's dependence on the president for information, through creation of the Congressional Budget Office (CBO) and the Budget Committee staffs. It eliminated the president's monopoly of fiscal policy arguments, and so enabled Congress to challenge him more directly about the totals. It further forced Congress to make a statement for or against the president's proposed totals and priorities through the Budget Resolution, and therefore highlighted conflict. The resolution could replace the president's budget as an organizing framework for decisions about budget details.

The combination after 1981 of deficits unprecedented during peacetime with intense disagreement between the president and much of Congress (including moderate Republicans) about other budgetary values led, therefore, to battles about budget resolutions and diminishing attention to the president's framework. Either Congress took the lead, as in 1982 and 1984, or leaders maneuvered to create some form of "budget summit," as in 1987 and 1990.

Around 1985, federal budgeting degenerated into a period of competitive blame avoidance and hostage taking, epitomized by the Gramm-Rudman Act, which was described by House Majority Whip Tom Foley as "about the kidnapping of the only child of the President's official family that he loves [defense], holding it in a dark basement and sending the President its ear."[19] As one OMB senior career official described the situation, budgeting became a game of "deficit-reduction roulette." The only ways OMB could look like it was proposing doing "enough" on the deficit were to submit proposals that were obviously unacceptable (so in no sense constituted an "agenda"); to submit or even enact pure gimmicks, such as the 1989 "summit agreement" between the president and Congress that included about $39 billion in smoke and mirrors out of a $47 billion total;[20] or not to submit serious proposals at all. As one agency budget officer expressed it, some proposals did not pass the "laugh test . . . , the committees regard it with utter disdain, with laughter. Even around this table we laugh."

OMB was transformed both in workload and orientation by the pervasive adversarial relationship between the branches. The professional staff were redeployed to support the budget director and his political staff in their negotiations with the many faces of Congress. One of Director David Stockman's top aides described the change as "OMB's adaptation from the budget as a ministerial, executive process to a pluralistic, legislative process." Rationales for cuts were sought as weapons; "the notion was . . . one could find reasons to fit whatever our goal might be." Examiners, once "the center, the institutional weight of the agency," became more like "research assistants" as "we brought that system to an end in our search for centralized control." The cost of this approach was in organizational capacity to identify efficiencies: to understand programs well enough to tell how they could do as much with less. Rationales for cuts are not the same as understanding "the law and the program." This does not mean that no analysis occurred, or that all proposals were unreasonable. If the president proposed an increase within the budgetary environment of the 1980s, it would get more attention than if it came from anyone else. OMB might still find what one senior OMB civil servant called "the least provocative minuses"—proposals Congress could accept. But this became both less common and less of a focus for the process.[21]

In the circumstances of the 1980s intense disagreement about preferences meant that policy gains for one were more likely to look like losses for the other; while the intense pressure to do more about the deficit meant that there was far too much blame to share.[22] During the 1980s, the president's budget was so commonly termed "dead on arrival" that the Office of Management and Budget released the fiscal year 1987 plan by sending it to Congress in an ambulance, in the form of a staffer on a stretcher. He jumped up to reveal a shirt proclaiming, "The FY87 Budget Lives." The George H. W. Bush administration's revisions to the Reagan administration's FY90 plan only specified increases. In the words of one House Appropriations Committee aide, it was "the strangest year I've ever seen. We didn't really feel we ever had a President's Budget." By 1990, the president's men were blaming Congress for not changing his budget enough.[23]

These developments led budget scholars to ask whether the presidential process had outlived its usefulness. Bernard Pitsvada, for example, argued that the president's budget "has passed from a paradox to an enigma and now into an anachronism."[24]

PRESIDENT AND CONGRESS IN THE 1990S

During the first two years of the George H. W. Bush administration, the executive budget was not even a significant part of the president's budget maneuvers. The administration's first two proposals appear to have been placeholders for eventual negotiations, at best. Nevertheless, in 1990 OMB director Richard Darman managed to negotiate both significant deficit reduction and procedural rules—the Budget Enforcement Act—that eliminated the absurdities of Gramm-Rudman and provided totals with which it was possible to budget somewhat more regularly for the rest of the term. In order to do this, however, President Bush had to court blame by abandoning his 1988 campaign pledge of "no new taxes." Then his first package was rejected by his own party in the House, leaving him out on a limb where he had to accept terms that were much more acceptable to congressional Democrats. The process changes that eliminated the most damaging aspects of Gramm-Rudman were done in an obscure way so the president and Congress would not be accused of "weakening" that law's ostensible commitment to deficit reduction. The law included a clearly optimistic economic forecast in order to make its results look better. After years of tight restraint on domestic discretionary spending, negotiators agreed that it was time for those accounts to at least be held harmless, and maybe get a bit of an increase. But they wouldn't say that, either, so the final deal hid this agreement through manipulating the baselines.[25]

President Bush thereby took on blame and helped protect the congressional majority, and the final package in the long run significantly improved budget totals. He then ran for reelection against a Democrat who accused him of not being in touch with economic problems (that he had tried to fix through the conventional wisdom nostrum of deficit reduction), with a third-party candidate (Ross Perot) attacking both parties for not caring about the deficit that Bush had sacrificed political standing to reduce, and with an unenthusiastic base that objected to his raising taxes. His son, if one can judge from behavior, drew a perhaps too obvious conclusion: compromise with your rivals just to improve the budget situation does not serve presidential interests.

Compared to 1990, 1993 was much more clearly a case of presidential leadership, in that the Clinton administration laid out a direction and some details that were largely followed—unlike the bargaining process for the 1990 deal. In its first two years, the Clinton administration's budgets related details to preferences about totals in a way that was careful and considered both short- and long-term effects. However, this was made possible by the presence of a newly united government; the legislation passed by one vote in both the House and Senate, and in the 1994 election congressional Democrats paid the price by losing control of both houses of Congress for the first time in forty years. Apparently united government helps focus partisan blame.

The Republican takeover of Congress in 1994, and especially the capture of the House by Republicans led by Speaker Newt Gingrich who sought to revolutionize American government, created extreme disagreement that left little room for the clerk/broker role. The budgetary relationship between Clinton and the Republican Congress was among the worst in American history, with the logical result that, as two budget process experts expressed, "it often seemed that policy proposals were designed more for partisan posturing than for effectiveness and efficiency."[26]

OMB returned to the Reagan era role of serving the president in continual pitched battles and negotiations with Congress. In both chambers, the leadership wanted the president to make proposals that would reduce the blame they could get for slashing programs, and would take almost any savings he could find so long as they weren't in defense, but this was not a matter of seeking clerical or analytic services. As the FY96 budget debacle stretched into calendar 1996, "there was no way to put together a budget that started from a knowable point," so the administration "submitted . . . a thin set of numbers that were placeholders, and we did the real budget later that year. . . . Anything would be flawed, so we punted."

After Clinton's reelection and the turn of events that allowed the passage of the Balanced Budget Act of 1997 (BBA)—including, to general surprise, a balanced budget—one might have expected that extra money in a budget surplus would lubricate compromise. It did not for two reasons. First, the preferences of the president and of the congressional majority leadership differed too greatly. Second, built into the deficit reduction legislation of 1997 were terms that made a responsible relationship of details to totals extremely difficult.

Clinton sought new spending and congressional Republicans sought new tax cuts. The president, however, appears not to have wanted to spend as much as the congressional Republicans wanted to cut taxes. Moreover, the administration was concerned about the long-term financing of Social Security, and concluded future pensions could be made more affordable by reducing the federal debt and thereby future interest expenses. Therefore the Clinton administration promoted a standard of "saving Social Security first," by which it meant balance the budget without counting the Social Security

surpluses. The policy made sense but the politics, which included much posturing about "lockboxes," was viewed as ludicrous even by conservative budget professionals such as former CBO director Rudolf Penner and Senator Pete Domenici (R-NM), the longtime chair of the Senate Budget Committee.[27] But it served to artificially heighten budget constraints as part of partisan and institutional rivalry.

The BBA also enacted "caps" on discretionary spending, as part of its path to budget balance. These caps required that outlays be cut by about 3 percent relative to their real value in FY98 for FY99, and then be flat from FY99 through FY2002.[28] There was no evident policy reason for these figures; for example, they did not consider predictable events such as the decennial census. The 1990 budget deal had also created five-year caps, but they were based on a quiet agreement to create a bit of room for a compromise level of spending. Those caps were revised and extended in 1993 as part of a strong push within Congress for savings from discretionary spending, with much less attention to the details that would result.[29] These targets were met only with assistance from the Gingrich Congress that the Clinton administration did not seem to appreciate at the time.

The caps enacted in the BBA were especially stringent after the restraint in previous years. They were also, by normal budget logic, entirely unnecessary given that the budget went into surplus in 1997. The Clinton administration therefore immediately began to propose spending more than the caps. From the administration's perspective it was being responsible because it offset the extra spending with proposals such as increased tobacco taxes and user fees. From the congressional perspective the administration was welshing on a deal to constrain domestic spending, and its offsets were generally politically unacceptable. The trouble was that majorities in Congress neither wanted to violate conservative principles by raising the caps, nor fulfill them by spending as little as the caps required, nor enact the offsets.

To some extent this was a problem the Republican Congress brought on itself, but the Clinton administration was not about to risk blame by admitting the caps were nonsensical. So, each year, the administration insisted on its spending; appropriations were delayed by intense conflict; congressional Republicans largely gave in; and the caps were evaded with maneuvers that mainstream observers viewed as "gimmicks," such as shifts of payment dates from one year to another, declaring census spending an "emergency," and declaring somewhat predictable spending for military deployments in Bosnia an "emergency." By the end of 2000, discretionary spending was nearly $100 billion above the cap set in the BBA.[30]

Clinton's budgets could be justified on the grounds that the offsets were good policy, that budget surpluses grew in spite of the higher discretionary spending, or that some "gimmicks" were better policy than the alternatives. If enacting caps without considering the census was irresponsible, it would be more irresponsible to just slash the census to meet the caps. Nevertheless, the combination of deep disagreement with the political need to meet unprecedented stringent goals for totals led OMB to make many proposals that its personnel knew were not going to pass. One explained, "You do what you can to legitimately and sensibly come up with a total that is consistent with the overall decision of the president about what level of spending he wants to propose for the next year, and then turn it over to the appropriations process to change. Sometimes you propose things that you know aren't going to be enacted; it's a feature of the process." Naturally this looked less defensible to the appropriators, who were placed between a rock (the administration's demands) and a hard place (their party leaders' positions about totals) and couldn't solve the problem by adopting "offsets" such as user fees and new taxes that were not likely to be passed by any Congress, never mind a highly conservative Republican one. No Congress is likely to raise revenues when the budget is in surplus!

BUDGETING DURING THE GEORGE W. BUSH ADMINISTRATION

The George W. Bush administration inherited a massive budget surplus and had, for most of its time in office, a supportive Congress. One might have expected not just presidential leadership on the budget, but a presidential budget process that could meet common views about what a good process would do. Instead, events demonstrated that an administration's own preferences control how the presidential process fits into federal budgeting. The second Bush administration had little interest in a clerk/broker role based on functions such as coordination and the search for programmatic efficiencies. But it had no more interest in leading Congress to match details to totals, mainly because it had little interest in totals as conventionally defined (the budget balance), and not much more in many details (particularly for discretionary domestic spending).

Process breakdowns approached levels seen at the height of conflict toward the end of the Reagan administration and from 1995 to 1996. Congress was unable to pass a budget resolution for fiscal years 2003, 2005, or 2007. In 2004 nine of the thirteen appropriations bills did not pass until they were packaged together in an omnibus bill after the election, on November 20. In 2006, the Republican Congress not only failed to agree with the Republican president to pass nine of the bills before the election, but then passed only

a short-term continuing resolution, leaving the new Democratic Congress to deal with those bills in 2007. The Bush administration expressed its disappointment, but had done nothing to make agreement more likely.

Congressional Democrats, who had to get to work on the bills for 2008, then enacted the remaining 2007 bills in a full-year continuing resolution for the first time since 1986. The new Democratic majorities did pass budget resolutions, but only passed appropriations for all of the government except the Pentagon in an omnibus bill on December 19. Such a sweeping bill had not been necessary since 1987. In 2008, Congress, faced with certain vetoes and the possibility of a different president if it waited long enough, passed only the three bills that covered security-related spending (for defense, homeland security, and military construction/veterans affairs), and didn't even bother bringing other bills to the floor of the House and Senate. The new president and Congress were left, again, to deal with the problem after the inauguration.

The second President Bush and his congressional allies engaged in a series of maneuvers to obscure their policy choices and their consequences. These included suppressing the administration's own cost estimates for its Medicare prescription drug legislation, complicated maneuvers with sunset dates of tax legislation, continual failures to honestly address the alternative minimum tax, systematic funding of an ongoing war through supplemental appropriations, and direct defiance of the law through signing statements. Although deficits were not large by historical standards, they appeared larger given the preceding surpluses and previous conservative rhetoric about the threat of higher entitlement spending as baby boomers reached eligibility for benefits.

Previous administrations would have felt compelled to propose measures to improve the budget balance. The Bush 43 administration, however, did not think of budgets in these terms. In its view lower taxes per se were good, lower spending on domestic programs per se was good, defense spending was not to be constrained by budget concerns, and the overall balance mattered much less than the results on the component parts.[31] Within its value structure privatization was more important than budget balance, so it was perfectly reasonable to propose privatizing Social Security without specifying the transition costs, as in 2005; or to enact Medicare legislation that added extra spending to entice people to shift from traditional Medicare to private insurance plans, as in 2003.[32]

The G. W. Bush administration does not appear to have constructed its budgets by making some sort of judgment about the proper balance of spending and revenues. A senior political official reported that they focused on "what is appropriate, needed and fair for nonsecurity. . . . We ended up with some increase, just below inflation, and building from that. So then you ask what is the increase on the security side, you build in that. Then there is DOD, and you can imagine there were discussions on that. *There was no magic on the top line, it's just the sum of the parts.*" This is remarkably different from standard ways of thinking about the budgeting task. Yet career OMB staff broadly supported this description. One, for example, reported that "in recent years it's basically been the Bush administration calling for a dollar freeze on nondefense discretionary spending. Not a whole lot of macroeconomic analysis underlies that." Nor was there much thought for how totals affected details; as another reported, "we have less and less input about the details before the top line is set. The BEA in 1990 really changed how we do our job. . . . We're given a dollar level and have to fit within our number."

How cabinet secretaries allocated their budgets was basically their problem, as one OMB veteran reported, "so long as it meets the totals." The administration took much the same view in its negotiations with Congress. In a July 11, 2007, press conference, outgoing budget director Rob Portman declared, "I think the position of the administration has been clear, which is, $933 billion is the top line, and the flexibility occurs under that top line."[33] A congressional source commented that "for the most part this administration cared about the top line and didn't care much about the detail under that top line . . . [in 2007] we got down to the President's number by cutting $10 billion out of our bills, and we did it without them in the room. There was literally no involvement, which was completely different from the Clinton years."

Even if the administration had wanted to take leadership on the details, institutional developments had left it with less ability to do the work of the clerk/broker model. OMB analysts spent much less time monitoring the appropriations process, because of the administration's disengagement from the details. But OMB's capacity had been reduced through staff cuts under both Clinton and Bush, and the remaining staff was buried under new "management" work, especially the Bush administration's PART (Program Assessment and Rating Tool) process.[34] As one senior career official put it, "you've got fewer people and you're engaged in doing more things."

"There has been a gradual expansion of legislated tasks," another added, "and the result is that there is a substantial amount of examiners' time that gets consumed with responding to requirements that are either mandated or legislated on the institution. During the Bush administration the president's management agenda and interacting with that agenda has been a major change." PART analyses occasionally generated new information that somewhat changed OMB's impressions of programs. But the most common report was that, in one senior career official's words, PART "really ate a lot of time." Another said that "one thing I used to do was sit down with examiners and identify two or three things we would need to learn more about from March to September. . . . We could no longer do that, because PART sucked up every moment between February and September." One put the concern most strongly. He worried that "when examiners can't tell if an agency is lying because they've never been out there to check things, the whole relationship has fundamentally changed. They say whatever they need to say to OMB, because the examiners can't tell. To me that's been one of the problems with the President's Management Agenda. There's a whole lot of paper there, but we don't have the time to see if any of it is actually representative of anything."

The Bush 43 budgets were viewed as having much the same problems as the late Reagan budgets. Some of these controversies involved traditional worldview differences between OMB and the agencies, such as whether agencies could find savings to offset pay increases (OMB finds that more reasonable). One should not imagine, either, that legislative budgeters are less likely than executive budgeters to resort to gimmicks to square budgetary circles. In some cases they will take an OMB "trick" and improve on it. But my congressional respondents made the same kind of comments that had been made in the late 1980s. PART didn't help in part because of distrust: in one's words, "the sense was that the program evaluation process was established for the purpose of destroying programs, so there wasn't a great deal of respect for those evaluations." But they also complained that PART didn't provide real budget analysis; in one appropriations veteran's words, "a sense of how our agencies are doing."

The most fundamental problem with PART, for Congress, was that it involved OMB making value judgments while pretending that they were efficiency judgments. There are clear cases of PART judgments being based on opinions of program content, such as the fact that Medicare does not offer stop-loss coverage; or dislike of block grants as a program design; or even setting standards that contradict the law.[35] In all these cases OMB was saying it did not like the program designs that the political system has created. That's not a position that Congress can be expected to approve.

Even at the height of conflict, appropriations staff suspected that the president's budget could be helpful by providing some constraints on agency requests and vetting of their details. One pointed to the example of the National Cancer Institute's "bypass budget," the list of what the institute wants separate from the constraints of the president's process, which "is just too expensive. No one can use it." So Congress wants information about how to increase the efficiency of individual programs. Yet what PART offered was program comparisons, and because each program is motivated by different values comparative "efficiency" judgments are inherently value judgments.

Hence the president's budget process in the second Bush presidency was a strange amalgam of relevance and irrelevance from an adversarial stance. Both because of his veto and his party's control of Congress for most of the period, President Bush largely got his way on both totals and details he cared about. Discretionary domestic "nonsecurity" spending was substantially constrained, military spending was not, and two large tax cuts were passed along with a major expansion and "reform" of Medicare. But this level of success appears to have had little to do with the apparatus of presidential budgeting. Some observers have even wondered in what sense the Bush administration took its own budgets seriously. Press coverage of the president's budget declined substantially; whether because of the administration not wanting attention or because of changes in the structure and interest of the media is hard to say.[36]

Disinterest in the usual activities of the clerk/broker role makes "adversarial" the default description of Bush 43 presidential budgeting. So does that administration's complicity in process breakdowns even during united government. An alternative interpretation, however, would be that both the Bush administration and congressional Republican leadership were more interested in attacking the federal government than in making budgets. In this sense they were allies, not adversaries.

A WAY FORWARD?

In spite of the substantial influence of the president on budget policies, there has been little recent advocacy for change in the presidential process. Perhaps that is because the adversarial nature of the president's budget is now taken for granted. It's his budget process. He will do with it what he wishes. Hardly anyone appears to expect executive dominance (if they did, they would call for executive responsibility). But even fewer observers appear to expect the process to serve the rest of the political system.

Intense disagreement between particular congresses and presidents is the most obvious reason for this development. More subtle but almost as pervasive is the failure of budget commentators to recognize that policies about details are as legitimate as policies about totals. The focus on totals far more than details during the 1980s and 1990s created a bizarre dynamic of blame avoidance by both Congress and president, which further intensified conflict. The extreme results were the hostage game of Gramm-Rudman and then the failure to repeal the BBA spending caps even when they were clearly not necessary. A third evident factor is actual presidential preferences, both about how to relate to Congress and what budgeting should do. The George W. Bush administration simply wanted more of what it liked and less of what it disliked. Starting from this point of view, there could not be any functions that the president's budget could serve for Congress or the agencies.

A fourth, more subtle, factor is the current understanding of the presidency among politicians, the public, and scholars. Richard Neustadt's view of how presidents can benefit from serving as clerks or brokers is no longer dominant among political scientists. Barbara Sinclair begins her chapter in this volume by expressing the more recent public expectations when she states, "A good president, most voters will tell you, is one who keeps his promises, and that requires, at minimum, enacting his agenda." One suspects that FDR, in contrast, thought he would be judged by how well the government performed. In that view, the president has many reasons to pursue power, but also incentives to think about how he can make Congress's job easier so the government as a whole performs better.

Both presidents and recent political scientists appear to lean toward the view of the president's situation articulated by Terry Moe.[37] Moe describes presidents as surrounded by political rivals outside the executive branch and within it by bureaucrats, even within the Executive Office, who cannot be trusted to follow their lead. Yet, he argues, expectations for visible leadership from the public and media, as well as the desires of activist presidents of both the left and right, require that presidents accumulate power more directly than by the Neustadt methods, in particular by dominating the bureaucracy through ensuring its political loyalty. From this view, the concept that Congress and the president share some agenda in relating to the agencies is counterintuitive; the basic subject of their rivalry is control of the agencies that do the government's work.

From a different perspective, the expectation of rivalry could be viewed as part of the "resurgence" of Congress, and the period of brokerage viewed as one of congressional submission to the presidency. While there is certainly a case that the executive had far more initiative in the era before expansion of both congressional staff and interest groups, it is interesting that neither the budget literature nor the traditional presidency literature views budgeting in the time Neustadt and Wildavsky described as dominated by the president.

So it seems worthwhile to ask what, if both president and Congress believed they could work together in federal budgeting, they might do.

Congress could begin by removing some of the management mandates that were created during the 1990s. Second, it could encourage and support increases in both the size and stability of OMB staff. Each of these measures might seem counterintuitive to supporters of Congress. Yet the shrinking OMB under first Bill Clinton and then George W. Bush did not make presidential budget moves less obnoxious to Congress; and if OMB has performed all its new management functions in a helpful manner, that does not appear to have been noticed.

Presidents could contribute by, at a minimum, avoiding the kinds of egregious challenges to Congress issued by the second President Bush, such as signing statements declaring he would not follow the terms of laws. Most important, presidents could seek agreement rather than confrontation. Partisan divides may make that impossible, but better analysis can help a bit whether the president wants more or less spending than Congress.

Commentators in the public sphere could help by not succumbing to the misleading belief that the problem is simply "guardianship," a view that leads to promotion of budget constraint with little regard for the consequences to the details, and so fails to recognize the legitimacy of disagreement about the details. Unrealistic standards for the totals make the job of budgeting harder than it has to be. Elite panic about the deficit in the 1980s, about supposed long-term budget crises in the 1990s and at present, force adversarial budgeting by creating too much blame to be shared.

There may well be periods of united government when the president and Congress have a relationship that allows the clerk/broker role, even if totals are challenging. This occurred in 1993, and could have occurred during the George W. Bush administration. So some of how the president's budget fits into American governance will be chosen by the president.

Yet it seems reasonable to assume that there will be many periods in the future, as during the past four decades, when Congress and the president disagree seriously enough that they define their political interests in an adversarial manner. That seems especially likely given how common views of the president's interests have developed. The adversarial model, therefore, is likely to be common going forward.

NOTES

I would like to thank John Gilmour, Tom Lauth, Roy Meyers, and Jim Savage for their comments on various iterations of this manuscript; none bear any responsibility for any errors or infelicities herein. In addition to the literature cited below, this article is derived from interviews conducted over twenty-five years of research, and most especially thirty-three interviews on the executive process in 1990 and twenty-three on the executive process in the summer of 2008. A more extensive report based on the 1990 interviews is Joseph White, "Presidential Power and the Budget," in *Federal Budget & Financial Management Reform*, ed. Thomas D. Lynch (New York: Quorum Books, 1991).

1. For accounts of conflict, see Elizabeth Drew, *Showdown: The Struggle between the Gingrich Congress and the Clinton White House* (New York: Simon & Schuster, 1996); David Maraniss and Michael Weiskopf, *Tell Newt to Shut Up! Prize-winning Washington Post Journalists Reveal How Reality Gagged the Gingrich Revolution* (New York: Simon & Schuster, 1996); Joseph White and Aaron Wildavsky, *The Deficit and the Public Interest: The Search for Responsible Budgeting in the 1980s* (Berkeley and New York: University of California Press and Russell Sage Foundation, 1991).

2. Larry Berman, *The Office of Management and Budget and the Presidency* (Princeton, NJ: Princeton University Press, 1979); Richard E. Neustadt, *Presidential Power: The Politics of Leadership from FDR to Carter* (New York: John Wiley and Sons, 1980); Aaron Wildavsky, *The Politics of the Budgetary Process* (Boston: Little, Brown, 1964).
3. The basic statement of both the need to combine authority and the expected greater role of the Congress over spending matters is Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, for example, the Bantam Classic Edition (New York: Random House, 2003), especially papers 47 and 48, by Madison.
4. The term *budget bureau* will be used in this chapter when I refer to either the Bureau of the Budget (pre-1971) or Office of Management and Budget (1971 and after) in general; I will use the formal names of the agency in question when the use of the term is clearly time bound.
5. Naomi Caiden, "Paradox, Ambiguity, and Enigma: The Strange Case of the Executive Budget and the United States Constitution." *Public Administration Review* 47, no. 1 (Jan/Feb 1987).
6. Typical lists of functions are in Donald Axelrod, *Budgeting for Modern Government* (New York: St. Martin's Press, 1988); Irene Rubin, *The Politics of Public Budgeting: Getting and Spending, Borrowing and Balancing*, 3d ed. (Chatham, NJ: Chatham House, 1997); Allen Schick, "Twenty-five Years of Budgeting Reform." *OECD Journal on Budgeting* 4, no. 1 (2004); and White and Wildavsky, *The Deficit and the Public Interest.*
7. The classic statement of this problem is Anthony Downs, "Why the Government Budget Is Too Small in a Democracy," *World Politics* 12, no. 4 (1962): 541–63; also see Joseph White, "Making 'Common Sense' of Federal Budgeting," *Public Administration Review* 58, no. 2 (1998).
8. Irene Rubin, "Early Budget Reformers: Democracy, Efficiency, and Budget Reforms," *American Review of Public Administration* 24, no. 3 (1994), 246.
9. Paul Posner, "The Continuity of Change: Public Budgeting and Finance Reforms over 70 Years," *Public Administration Review* 67 (Nov/Dec 2007): 1023.
10. Caiden, "Paradox, Ambiguity, and Enigma," 84.
11. United States Senate Committee on Appropriations, *Committee on Appropriations U.S. Senate: 1867–2008.* 110th Congress, 2d Session, Document no. 14. Washington, DC: U.S. Government Printing Office, 2008.
12. Allen Schick, "The Road to PPB," *Public Administration Review* 26, no. 4 (1966); Aaron Wildavsky, "The Political Economy of Efficiency: Cost-Benefit Analysis, Systems Analysis, and Program Budgeting," *Public Administration Review* 26, no. 4 (1966).
13. The coordinating function expanded to legislation, and even that can have benefits to Congress by revealing problems before extensive investment in an initiative.

Richard E. Neustadt, "Presidency and Legislation: The Growth of Central Clearance," *American Political Science Review* 48, no. 3 (1954).

14. Mathew J. Dickinson and Andrew Rudalevige, "Worked Out in Fractions: Neutral Competence, FDR, and the Bureau of the Budget," *Congress & the Presidency* 34, no. 1 (2007); Frederick C. Mosher, *A Tale of Two Agencies: A Comparative Analysis of the General Accounting Office and the Office of Management and Budget* (Baton Rouge: Louisiana State University Press, 1984); Donald Stone, "Administrative Management: Reflections on Origins and Accomplishments," *Public Administration Review* 50, no. 1 (1990).

15. Wildavsky, *The Politics of the Budget Process*; for a useful corrective that emphasizes the budget bureau's role, see John P. Crecine, M. S. Kamlet, D. C. Mowery, and M. Winer, "The Role of the Office of Management and Budget in Executive Branch Budgetary Decision-Making," in *Proceedings of the First Annual Research Conference on Public Policy and Management*, ed. J. P. Crecine (Greenwich, CT: JAI Press, 1980).

16. Neustadt, *Presidential Power*, 83.

17. Allen Schick, *Congress and Money* (Washington, DC: Urban Institute Press, 1980).

18. How reconciliation worked in practice is a very complicated story. I have argued (White and Wildavsky, *The Deficit and the Public Interest*) that the Ways and Means and Finance committees remained the key players; and certainly they took the lead in ways the president did not after 1981. For other accounts, see John B. Gilmour, *Reconcilable Differences? Congress, the Budget Process, and the Deficit* (Berkeley: University of California Press, 1990); and Allen Schick, *Reconciliation and the Congressional Budget Process* (Washington, DC: AEI Press, 1982).

19. This development is documented in White and Wildavsky, *The Deficit and the Public Interest*, quoted on 431–32. The president thought he was taking domestic programs hostage.

20. See the statement of Rep. Lee Hamilton in the *Congressional Record* for May 3, 1989, pp. H1553–56.

21. A longer account with citations is in White, "Presidential Power and the Budget."

22. Joseph White and Aaron Wildavsky, "Public Authority and the Public Interest: What the 1980s Budget Battles Tell Us about the American State," *Journal of Theoretical Politics* 1, no. 1 (1989).

23. White, "Presidential Power and the Budget."

24. Bernard T. Pitsvada, "A Call for Budget Reform," and see also Fred Thompson, "Reforming the Federal Budget Process: A Symposium Commemorating the 75th Anniversary of the Executive Budget," both in *Policy Sciences* 29 (1996); quote p. 225.

25. See the postscript to White and Wildavsky 1991 op.cit., *The Deficit and the Public Interest*, as well as Shelley Lynne Tomkin, *Inside OMB: Politics and Process in the President's Budget Office* (Armonk, NY: M. E. Sharpe, 1980).

26. Philip G. Joyce and Roy T. Meyers, "Budgeting during the Clinton Presidency," *Public Budgeting & Finance* (Spring 2001), 2; also Drew, *Showdown*, and Maraniss and Weiskopf, *Tell Newt to Shut Up!*

27. The quotes are from Daniel J. Parks, "Between the Lockbox and a Hard Place," *CQ Weekly Online*, September 8, 2001, at library.cqpress.com/cqweekly/weeklyreport107-000000306l-17 (accessed June 11, 2008). For an explanation of the arguments about Social Security, see Joseph White, *False Alarm: Why the Greatest Threat to Social Security and Medicare Is the Campaign to "Save" Them* (Baltimore: Johns Hopkins University Press, 2003).

28. See United States Congressional Budget Office, *The Economic and Budget Outlook: Fiscal Years 1999–2008* (Washington, DC: Congressional Budget Office, 1998), 67.

29. The administration was divided about the 1993 caps; Tomkin, *Inside* OMB, op.cit.

30. On process, see Joyce and Meyers, "Budgeting during the Clinton Presidency"; for numbers, U.S. Congressional Budget Office, *The Budget and Economic Outlook: Fiscal Years 2004–2013* (Washington, DC: Congressional Budget Office, 2003).

31. For a good example of the fundamentalist view about the evils of taxes, in an unlikely place, see White House Office of Homeland Security, *National Strategy for Homeland Security* (July 2002), 65.

32. Jonathan Oberlander, "Through the Looking Glass: The Politics of the Medicare Prescription Drug, Improvement, and Modernization Act," *Journal of Health Politics, Policy, and Law* 32, no. 2 (2007).

33. Brian Friel, "Spending: The Power of the Purse Strings." *NationalJournal.com*, July 28, 2007, at www.nationaljournal.com/njmagazine/print_friendly.php?ID=nj_20070728_7 (accessed June 11, 2008).

34. For a variety of views of PART, see F. Stevens Redburn, Robert J. Shea, and Terry F. Buss, eds., *Performance Management and Budgeting: How Governments Learn from Experience* (Armonk, N.Y.: M. E. Sharpe, 2008). For a summary of other management initiatives during the 1990s, see Posner, "The Continuity of Change."

35. For examples of the latter, see Beryl A. Radin, "The Legacy of Federal Management Change: PART Repeats Familiar Problems," in *Performance Management and Budgeting*, eds. Redburn et al.

36. Administration officials virtually disappeared from the Sunday morning talk shows when the budget was released. Two sources in my interviews said that was more because the major networks were not interested, but that in itself says something negative about the stature of the president's budget. Stan Collender, "Ego Interrupted," *NationalJournal.com*, February 28, 2007, at www.nationaljournal.com/scripts/printpage/cgi?/members/buzz/budget/022707 (accessed June 12, 2008).

37. Terry M. Moe, "The Politicized Presidency," in John E. Chubb and Paul E. Peterson, eds., *The New Direction in American Politics*, eds. in John E. Chubb and Paul E. Peterson (Washington, DC: The Brookings Institution, 1985). On the contrast, see Dickinson and Rudalevige, "Worked Out in Fractions" and William F. West, "Neutral Competence and Political Responsiveness: An Uneasy Relationship," *Policy Studies Journal* 33, no. 2 (2005).