Report Stalemate: Divided Government and the Clash of Negative Agenda Power

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Abstract

Statutorily-mandated reporting requirements are legal provisions that compel the regular submission of information by the executive branch, often concerning agency performance. Although a potential source of information, mandated reports frequently stale with the passage of time. Yet, the statutory nature of reporting requirements conditions their repeal on the costly exercise of positive power. As constraints that exclusively benefit congress, the president presumably pays a price elsewhere to place them on the legislative agenda. Divided government drives up bargaining costs, reducing the likelihood that weakening reporting requirements will warrant compromise in other areas. In corroborating this expectation, this paper further finds that the president can block the opposition congress from strengthening reports, consistent with inter-branch bargaining models and recent research emphasizing the negative power of the presidency. The stalemate over reports is the product of negative agenda powers in both branches.

1 Introduction

In 2010, section 11 of Public Law 111-352 required the President's Office of Management and Budget to assemble a list of "outdated and duplicative" statutorily-mandated reports. These anachronistic reports typically obligate members of the executive branch— including the president and cabinet officials— to regularly submit information to congress on an issue that is no longer relevant. Consider two illustrative cases:

Case 1: *In 1974, the Turkish annexation of northern Cyprus precipitated international outrage. The United Nations passed multiple resolutions condemning Turkey's violation of the island's territorial integrity. Congress passed a law in 1978 requiring the Secretary of State to submit bi-monthly reports on related developments. Thirty-eight years later in 2016, the law still requires the Secretary to submit six reports on this issue every year. The Office of Management and Budget (OMB) claims that these reports have provided no new information in many years.*

Case 2: *The soft lumber trade dispute with Canada began in the 1980s under charges that the Canadian government unfairly subsidized its lumber industry.*

Year	Agency	Subject Matter and Frequency	OMB Objection
1981	Energy	Quarterly report on the dissemination of classified information pertaining to nuclear technology	Lack of public or congressional interest
1985	Agriculture	Annual report on efforts to conserve farmland	Congress did not object to repeal
1990	Defense	Unlimited reports on payments in kind received in connection with base closures	This matter has been resolved
2000	HHS	Regular reports on the development of rapid HIV testing kits	Many kits exist already
2008	NASA	Annual report on NASA outreach efforts	Program never funded

Table 1: Examples of Onerous Mandated Reporting Requirements

The United States retaliated with countervailing duties that arguably put many Canadians out of work. A compromise in 2006 stipulated that countervailing duties would apply only in the event that Canadian lumber prices fell below a certain level. The Softwood Lumber Act of 2008 directed the Secretary of DHS to report semiannually on Canadian compliance with this agreement. As the OMB notes, Canada has always complied, and yet the reporting requirement continues.

The examples in Table 1 tell a similar story. These onerous reports endure because changing or repealing them requires costly lawmaking. Note that reporting requirements acquire the same legal force as any other provision of law; in consequence, only later statutes can permanently modify or repeal them. Moreover, the legislature cares less about reports as they lose informational value with changing circumstances and the passage of time. Since an indifferent legislature is unlikely to raise the issue, the president must negotiate with congress to place the repeal or modification of onerous reporting requirements on the agenda. Her success in doing so should depend largely on whether the party of the president controls the legislature.

Simply put, a co-partisan congress is less likely to stonewall the president than an opposition one. The president is the captain of the party during unified government, taking on a quasi-legislative role in conjunction with the majority in the legislature (Beckmann 2010). As collaborators with a common interest in the party brand (Cox and McCubbins 1993), we expect a co-partisan congress to demand less of the president in return for the weakening of "outdated and duplicative" mandated reporting requirements. Divided government raises the cost of inter-branch bargaining, replacing partisan cooperation with arm's length negotiations between antagonistic actors. The resulting lawmaking environment is effectively framed by the negative power of both congress and the presidency (Krehbiel 1998; Cameron 2000). An opposition congress can refuse flatly to consider the president's preferred legislation. At the same time, the president's veto power generally prevents the opposition congress from instituting its preferred policies. As a rule, divided government permits neither branch to implement its ideal point.

The clash of negative powers that characterizes divided government makes it unlikely that either side can pursue such one-sided policies as the strengthening or weakening of onerous reporting requirements. This central hypothesis guides the analysis that follows. The claim that an opposition congress drives a harder bargain with the president is common enough in the literature on divided government (Epstein and O'Halloran 1999; Huber and Shipan 2002; Lewis 2003; Farhang and Yaver 2015). Less common in that literature is the claim that the president's negative powers bound the opposition. Yet, the clear implication of sequential bargaining and veto pivot models is that the president's negative power constrains the opposition (Krehbiel; Cameron). This is less a conflict in the literature than a disconnection driven by the empirical emphasis of divided government scholars on comparing legislative outcomes under divided government to those under unified government. Looking at whether legislation is relatively more constraining under divided government does not take account of the constraints the opposition was unable to impose given the president's negative power.

In spite of their "outdated and duplicative" character, the study of onerous mandated reporting requirements can help bridge the gap between theories of inter-branch negotiations and the consequences of divided government. Recall that the president's negative "wins" are generally unobservable in an analysis of final legislative outcomes; not so with onerous reports. Since reporting requirements solely benefit the legislature at the sole expense of the executive, the president achieves a negative victory by preventing the opposition from strengthening existing reporting requirements. In parallel terms, the opposition congress enjoys a negative victory when it prevents the weakening of reporting obligations. Tracking the fate of onerous reports against these institutional goalposts makes it possible to score the negative success of each branch. If divided government empowers the majority to constrain the president as it sees fit, then the opposition congress should be more likely to exacerbate onerous reporting requirements. If, on the other hand, divided government is characterized by the clash of negative powers, then the president should be able to ward off this outcome.

This finding would also offer empirical support for the bargaining model of inter-branch relations. Bargaining models associate divergent preferences with greater transactions costs and the winnowing of the Pareto frontier (Krehbiel 1998; Cameron 2000). Even when the policy preferences of the parties overlap, their electoral incentives drive them apart and make agreement more costly. Conceptions of inter-branch relations generally assume the appropriateness of the bargaining model, but the comparison of final bill outcomes under divided and unified governments does not take account of provision-level bargaining. Precisely because they are relatively unimportant, onerous reports should be highly susceptible to transactions costs. When the costs inherent in altering reporting requirements exceed the potential gains, placing reports on the legislative agenda should prove prohibitively expensive. This is likely the case under divided government, with the result that report modification or repeal may survive onto the agenda only when the government is unified. If the transaction costs are high enough, unified government may even be more likely to enhance reporting requirements.

These arguments are developed alongside their empirical tests in the sections that follow. The next section integrates the relevant literature with a descriptive characterization of onerous mandated reporting requirements, emphasizing the importance of the negative agenda power in each of the legislative and executive branches. The third section introduces the mandated report datasets derived from the OMB's list of onerous reporting requirements, which was itself a mandated report in the Government Performance and Results Modernization Act of 2010 (GPRA). Derivative of this list are three survival datasets with different failure events corresponding to (1) repeal, (2) modification favorable and (3) modification unfavorable to the president. This section also describes the empirical approach taken in this paper, a survival analysis of onerous reporting requirements using the Cox proportional hazards model. The fourth section presents the statistical results. The discussion and concluding section relate the empirical evidence to the central idea that divided government is framed by the clash of negative powers.

2 Mandated Reports and Inter-Branch Negotiations

Mandated reporting requirements run to the benefit of congress, either through the provision of information, the expropriation of executive resources or the enhancement of negotiating leverage over the president. The information gathered originates within the executive branch, with the consequence that the president learns nothing from mandated reports that he could not learn internally. Compliance is costly; time spent gathering and describing information for congress is time not spent furthering the agenda of the president. Mandated reporting requirements effectively tax the bureaucratic control and agenda-setting power of the chief executive, his appointees and department heads. Whether this tax be heavy or light depends largely on the relationship between Congress and the president. Co-partisanship greatly mollifies the character of inter-branch relations, foreshadowing the strong role of government unity. The literature surveyed below suggests the further relevance of majority party strength and important legislation, variables respectively associated with congressional and presidential leverage.

The following discussion highlights two connected strands in the institutions literature pertaining to inter-branch negotiations. Research in the first subsection emphasizes the effects of divided government on the lawmaking environment. Presidential-congressional relations are characterized by "sequential bargaining" when the government is divided, with negotiations playing out across several versions of important legislation (Cameron 2000), or even successive nominees for appointment (McCarty and Razaghian 1999). The clash of negative agenda power frames this process, as divided government greatly enhances the value of the president's veto power (Cameron; Guenther and Kernell). The second subsection highlights research connecting divided government to legislative outcomes and control of the bureaucracy. An opposition Congress prefers to constrain executive discretion (Epstein and O'Halloran 1999; Huber and Shipan 2002), and will craft more fragmented implementation regimes to insulate measures from executive interference (Farhang and Yaver 2015; Lewis 2003). The third subsection addresses some alternative explanations for the repeal or modification of mandated reporting requirements.

Divided Government and Inter-Branch Bargaining

The president always wants to shape the legislative output of Congress, both to obtain policy results more in line with her preferences and for political gain (Beckmann 2010). This is significantly easier to do under conditions of unified government. A collaborative lawmaking environment is much more likely when legislative and executive branch preferences align. In contrast, lawmaking is often an adversarial process when the government is divided. Preferences likely come into conflict. Political interests diverge by definition. This adversarial setting places a premium on the negative agenda power of the actors. The opposition congress can prevent a floor vote on undesirable legislation in both chambers (Cox and McCubbins 1994/2005; Sinclair 2000/2011). Similarly, the president can veto unwanted legislation, subject to the threat of override (US Constitution: Art.1 s.7). These clashing negative powers condition the positive exercise of power during divided government on mutual agreement. Neither the executive nor congress can be forced to accept legislation that lies beyond its indifference point (Cameron).

Given this clash of negative powers, Mayhew's (2004) finding that divided government does not affect the legislative productivity of congress appears surprising. How is gridlock avoided? Cameron's "sequential bargaining" framework contends that the president and the opposition bargain over a series of bills on the same subject matter. This approach allows the players to discern credible bargaining postures from incredible ones and incrementally move nearer to a mutually acceptable outcome. While Cameron's model stresses sincere preferences and information, partisan politics likely creep into this bargaining process as well. Congress and the president posture before the electorate as they maneuver for strategic advantage. In this vein, Groseclose and McCarty (2000) argue that congress can benefit from the president's veto of uncompromising legislation, which could make the president appear more extreme to the public. Similarly, the "bully pulpit" enables the president to make direct public appeals that pressure congress to move toward the preferences of the executive (Kernell 1986).

Divided government radically transforms the role of the president, vesting the executive with credible negative power (Cameron; Guenther and Kernell). This negative power is much more powerful than past literature appreciated (see Matthews 1989; Cameron and McCarty 2004). Guenther and Kernell develop and examine a new dataset of Statements of Administration Policy (SAPs) and find that even the threat of a veto is powerful. Moreover, they find the executive can effectively target the veto threat at specific provisions within pending legislation. Since mandated reporting requirements are law, this finding lends support to the claim that the president's negative power extends to enhanced reporting requirements. However, greater negative power does not allow the president to rid the executive branch of onerous reporting requirements because repeal or modification is conditional on Congressional agreement. An opposition Congress will exact concessions in return for repeal or modification, and the president will frequently conclude that the cost exceeds the return. The report will go on.

Divided Government and Legislative Outcomes

In addition to framing the negotiating environment, divided government influences the content of the legislation that enters into law. Political science research consistently finds that an opposition Congress seeks to frustrate the president's preference for hierarchical, streamlined control of the bureaucracy (Epstein and O'Halloran 1999; Huber and Shipan 2002; Howell and Lewis 2002; Lewis 2003; Farhang and Yaver 2015). The desire to insulate lawmaking from "coalition drift" motivates this strategic behavior (Moe 1989; Lewis; Farhang and Yaver). Future congresses and executive discretion constitute the principal threats to bargains struck by the present coalition (Moe). Executive discretion to enforce the law is an especially pervasive problem for the legislature. Congress generally relies on "fire alarms" from key constituents to monitor executive performance (McCubbins and Schwartz 1984). Like any other executive actor, the strategic president seizes upon infrequent monitoring to influence resource allocation and enforcement activities on the margins (Shipan 2004).

Mandated reporting requirements are but one way congress can keep tabs on the executive. These "police patrol" provisions provide members with information that does not depend on constituent fire alarms. To date, the agency design literature has identified three other institutional features that similarly enhance the monitoring capabilities of an opposition Congress: delegation away from the president (Epstein and O'Halloran), bill specificity (Huber and Shipan) and enforcement regime fragmentation (Farhang and Yaver). Puzzled by Mayhew's null finding regarding divided government and the productivity of congress, Epstein and O'Halloran ask whether the opposition congress nonetheless tailored the degree of executive delegation and constraint in important bills. Indeed, they find that divided government leads congress to increasingly delegate authority to more tractable actors, including lower level officials, independent government agencies or corporations, and state or local entities. The pressures of governance may result in productivity, but with strings attached.

Just as an opposition congress may prefer to place its trust in sub-cabinet level actors, so may it seek to constrain the president's explicit authority by writing more detailed and specific bills (Huber and Shipan). A priori, more detailed legislation circumscribes the range of valid interpretations of the law. Moreover, bill specificity expands the potential scope of congressional interference in the event an issue becomes politically salient. Congress is in a better position to jockey for political advantage if it can point to specific legal authority or argue that the president's exercise of executive power defies the express will of the legislature. The threat of congressional hearings or public grandstanding reinforces the credibility of detailed legislation because allegations of executive misconduct tarnish the president's image (Krine and Schickler 2014). Finding that congressional hearings erode presidential approval ratings, Krine and Schickler conclude that the wise executive checks its exercise of discretion to stave off searching inquiry.

In addition to delegating authority away from the president and writing more detailed legislation, Farhang and Yaver contend that an opposition congress constrains executive discretion by fragmenting responsibility to implement the law. In returning to Mayhew's original set of important legislation, they find that divided government leads congress to allocate overlapping authority to a larger number of actors and actors in different agencies. Doing so creates more opportunities for congressional monitoring, both in terms of "fire alarms" and "police patrols" (McCubbins and Schwartz). Fire alarms operate on a principle

Report Characteristics	Obs.	Mean	Min.	Max.	St. Dev.
Cabinet Report	321	0.64	0	1	0.48
Report Frequency	264	1.2	0.17	12	1.1
Irregular Trigger	320	0.19	0	1	0.40
Created by Divided	321	.67	0	1	0.47
Favorable Modifications	321	0.08	0	2	0.29
Unfavorable Modifications	321	0.08	0	4	0.41

Table 2: Characteristics of Mandated Reporting Requirements

of network diffusion, with the consequence that the strength of a system of fire alarms depends in part on the number of connections between congress, the bureaucracy and special interests. Fragmentation increases the number of these relevant connections. Police patrols, in contrast, depend on access to accurate information. Dividing responsibility across multiple actors increases accountability by making it more difficult for any one actor to conceal information.

Mandated reporting requirements fit well within this literature. In this case, congress tasks the executive branch with the gathering and submission of information. This reporting assignment implies the subordination of the resources of the executive branch. As such, mandated reporting requirements represent clear constraints on executive authority. The delegation and constraints literature provides valuable insight into what makes a reporting requirement onerous. Epstein and O'Halloran's analysis suggests that cabinet-level reports should be especially burdensome, for example. The descriptive statistics in Table 2 show that 64 percent of onerous reports are assigned to cabinet-level officials, a high figure even with the exclusion of entities the White House deems to have cabinet rank. High frequency reporting requirements should also qualify on these grounds. Not surprisingly, the average onerous report must be submitted more than once per year. While annual reports make up the bulk of observations, semiannual and quarterly reports are common, with bi-monthly and monthly reports marking the onerous end of the scale.

Since mandated reports are constraints, the delegation literature generates the strong assumption that an opposition congress prefers to impose and strengthen reporting requirements. However, the clash of negative powers interpretation of divided government strongly suggests that the greater preference of the opposition congress for reports will not translate into new or stronger reporting requirements. The negative powers of the executive and the legislature check one another when the government is divided, generally conditioning the positive exercise of power on inter-branch agreement. Moreover, Guenther and Kernell's finding suggests that the president's negative power extends to specific provisions in bills. The president should be able to stonewall the strengthening of reporting requirements; just as congress can the president in the context of weakening them. If correct, then there would not be a positive relationship between the strengthening of mandated reporting requirements and divided government. Hence the underwhelming share of reports created by divided government in Table 2.

Due to transaction costs rather than congressional preferences, a negative relationship between divided government and the strengthening of mandated reporting requirements likely exists. While the opposition congress undoubtedly prefers to constrain the president, its preference to strengthen reporting requirements crashes into the executive's veto power—as do many other constraining features that do not survive into the final bill. Unified government is a different story. The prospect of positive agenda power incentivizes the president to assume a quasi-legislative role as leader of the majority coalition (Beckmann; Kesavan and Sidak 2002). Under these circumstances, the president and the majority coalition want to insulate their reforms against future coalitions (Moe 1989; Lewis 2003). For example, Lewis argues that the objective of insulation likely motivated the unified Democrats to design the National Transportation Safety Board (NTSB) as an independent agency in 1967. The president may reappraise the value of constraints in light of the ability to tie the hands of future executives and lawmakers.

Of course, the president remains an executive officer when the government is unified; the costs of compliance should continue to be of concern, even when pursuing an ambitious legislative agenda. Yet, mandated reporting requirements may be much less costly for the executive than other constraints that directly interject into the chain of command, especially delegation and fragmentation. The benefits of control almost certainly exceed the costs of information sharing. Howell and Lewis (2002) study the subset of agencies created by executive order and find that their organizational designs emphasize the president's hierarchical command even more than agencies designed under unified government. The implication is that the president must negotiate structure, even with her co-partisans in congress. Indeed, Lewis (2003) finds that the strength of the majority party influences the degree of agency insulation under both unified and divided government. All else equal, a strong congress wants more control. If negotiation costs do not fall to zero under unified government, the president likely accepts some constraints.

Any association between unified government and mandated reporting requirements likely reflects the president's superior ability to negotiate for less obtrusive constraints when dealing with his co-partisans. The preceding discussion suggests that mandated reporting requirements are lower-level constraints than provisions implementing structural fragmentation, implying smaller payoffs for the bargainers. If negotiating costs shift from low to high in the transition from unified to divided rule, the cost of negotiating low-utility items becomes increasingly prohibitive. This notion of cost is reflected in the credibility of negotiating postures; an opposition congress could not credibly commit to walk away from a deal with an insulated design it finds acceptable merely because the president resists a set of reporting requirements. This analysis is consistent with Cameron and Krehbiel, who agree that veto players with divergent preferences restrict the bargaining space. Only those issues promising policy gains in excess of transaction costs will make the agenda. Even onerous reports rarely make the cut.

The following hypotheses test the clash of negative powers and role of transaction costs in inter-branch bargaining:

H1: *Divided government reduces the likelihood that onerous reporting requirements will be weakened.*

H2: *Divided government does not increase the likelihood that onerous reporting requirements will be strengthened.*

H3: *Divided government reduces the likelihood that onerous reporting requirements will be strengthened.*

Alternative Accounts for the Repeal or Modification of Mandated Reports

While this analysis underscores the effects of divided government on inter-branch bargaining, the literature identifies a number of other variables that may also account for changes in mandated reporting requirements. Of special interest to congressional-presidential relations are majority party strength (Lewis 2003; Weingast and Moran 1983; Shipan 2004) and bill importance or complexity (Kiewiet and McCubbins 1988; Cameron 2000; Beckmann 2010; Kousser and Phillips 2012). Partisanship aside, congress has a vested interest in information about government activities. As noted earlier, majority party strength should improve the leverage congress wields when bargaining for additional information about bureaucratic and presidential performance. Holding all else equal, a stronger congress should be in a better position to extract reporting requirements or withhold their modification or repeal. The congressional dominance literature also expects a more homogenous coalition to maintain a more tight-fisted grip on the bureaucracy (Weingast and Moran; Shipan; MacDonald 2010).

A different line of work argues that the leverage of the president depends on the legislative context, with the president exercising additional authority over important legislation, especially budgetary items. Beckmann evaluates presidents as chief legislators and concludes that they are capable strategic actors who often succeed in advancing their legislative agendas. When negotiating over important bills, presidents can engage in sequential bargaining, vetoing legislation with the expectation that congress will revisit the important subject matter in a new law (Cameron). As a strategic actor, the president should focus resources on the legislation most important jointly to congress and the executive branch. Budgetary legislation offers a case in point, as the executive appears to enjoy a bargaining advantage in this context—at least, insofar as the legislature is relatively weak (Kousser and Phillips 2012). In the case of mandated reports, we might therefore expect the president to enjoy greater success in repealing reporting requirements attached to important legislation.

At first glance, it may seem appropriate to include the report characteristics in Table 2 as explanatory variables. Whether a report requires the attention of a cabinet official, or regular and frequent submission all imply rising compliance costs. But note that the data here begin with a class of reports the OMB deemed onerous at the outset. To the extent that report characteristics render reporting obligations more burdensome, the OMB and reporting agencies presumably took account of them when assembling their list of onerous reports. Consider that cabinet-level requirements made up 64 percent of onerous reports; and, that 81 percent of reports required regular submission; or, that reports on average were reported more often than annually. These report characteristics likely do influence the likelihood of repeal or modification of reports generally. But no theory here would explain why these factors should influence the likelihood of repeal or modification of onerous reports specifically. For robustness purposes, however, the results section occasionally includes report characteristics among the set of control variables.

3 Data and Methods

The unified Democrats passed the GPRA Modernization Act in the final days of the 111th Congress. Section 11 requires the OMB to recommend a list of reporting requirements that the various agencies deem "outdated or duplicative" for elimination or consolidation, noting that the first such list should encompass no less than 10 percent of all statutorily mandated reports. The data analyzed here begin with this list. From the GPRA characterization as "outdated or duplicative", the information these reports contain is presumably unimportant or readily accessible. Congress does not depend on them, and yet compliance with these mandates can be costly to the executive branch. Such reports may be validly regarded as annoying. In their own peculiar way, the reports identified in the OMB list constitute a sort of elite; they are the ten percent most annoying reports that agencies in the executive branch must confront. Onerous reports are both tedious and of little value to the opposition. But, as such, they offer insight into the dynamics of inter-branch bargaining, particularly with respect to divided government and transaction costs.

Onerous Reports Identified by the OMB

As the GPRA directed, the OMB gathered a list of nearly 400 onerous reporting requirements from twenty-seven agencies, ranging from the Department of Agriculture to the Social Security Administration. The OMB list identifies the agency subject to the report, its official or unofficial title, the source of legal authority, and a justification for the agency's objection to the reporting requirement. As a static document, however, the OMB list did not indicate whether Congress later repealed or modified these mandated reports. An inquiry into their current status required some legal analysis. With my training as an attorney, I was able to track the vast majority of these reporting requirements through the annotated United States Code (USCA). The master dataset comprises the 319 traceable reporting requirements I identified. There were approximately seventy exclusions: sixty-five reports in provisions not assigned to the USCA, and five were characterized in terms too vague to allow identification.

Out of this set of traceable reports, I constructed three survival datasets. The first two tracked the weakening of reporting requirements, measured both as a complete repeal or a "favorable modification." A favorable modification reduces the scope or frequency of reporting requirements and falls short of repeal. The logic of favorable modifications should parallel that of repeals, so I include this dataset as an important robustness check. The third dataset measures the strengthening of reports through the "unfavorable modification" of requirements. Unfavorable modifications expand the scope or increase the frequency of mandated reporting requirements. At least some reports have multiple entries in each of the datasets, requiring clustering by report. Two reporting requirements were reenacted after an initial repeal: an export control report enacted in 1968 was repealed in 1973 and reenacted in 1974; and an environmental report enacted in 1976 was repealed in 1982 and reinstated in 1984. Reports were much more likely to be modified than repealed, leading to a greater number of multiple entries in those datasets.

Cox Survival Analysis

The empirical question here concerns the likelihood of a reporting requirement surviving until its respective failure event. Researchers commonly employ the Weibull model or the Cox proportional hazards model to study the impact of a variable on the survival of an observation. The advantage of the Cox proportional hazards model is that it is non-parametric, meaning that it does not impose a shape on the baseline hazard rate. Methodological research involving computer simulations suggests that the Weibull model is more appropriate to use when researchers know the shape of the hazard rate at the outset (Crumer 2011). This is not the case here. The Cox proportional hazards model, leaning on fewer assumptions about the data, offers a more skeptical test of the empirical relationships hypothesized in this paper. As a robustness check, the appendix includes a set of Weibull regression results that corresponds to the Cox results presented in the next section. The Weibull results are consistent in every respect with the primary analysis, and with slightly stronger statistical effects.

While the Cox model is non-parametric with respect to the baseline hazard rate, it does assume that explanatory variables exert proportional effects over the duration of "spells"—the time to failure in the data (Box-Steffensmeier and Zorn 2001). In terms of this paper, the model assumes that divided government and the other independent variables described below proportionately affect the likelihood that mandated reporting requirements will be repealed or modified, whether favorably or unfavorably, over the course of their survival. A number of diagnostic tests can and should be used to justify the inclusion of variables in the Cox model on the basis that they do not violate the assumption of proportional hazards (Box-Steffensmeier and Zorn). The researcher can employ time-varying covariate regression and the analysis of Schoenfeld and scaled Schoenfeld residuals to test whether the model satisfies this important assumption. These tests are presented in connection with the hazard ratios in the next section. As noted above, the favorable modification dataset also serves as a further robustness check for the repeal results.

Independent and Control Variables

The most important explanatory variable in this analysis is Divided Government, a dummy variable that takes on the value of 1 when the president and majority in congress belong to different parties. Net Majority is a key variable indicating the degree to which changes in a party's strength in congress influence report repeal or modification; this variable is measured as the net strength of the majority party. The third independent variable is Long Legislation, the purpose of which is to capture the superior bargaining position of the president with respect to important bills—often authorization measures that keep the government running from year to year. The literature frequently looks to the length of bills for an indication of importance or complexity (Huber and Shipan 2002; Maltzman and Shipan 2008; Guenther and Kernell). Out of a concern for legal boilerplate in many long bills, I follow Guenther and Kernell in measuring the length of CRS summaries of legislation. If the CRS summary includes more than 100 provisions, then Long Legislation takes on a value of 1, and 0 otherwise.

For reasons given above, it would be inappropriate to include report characteristics as explanatory variables. However, they can function as controls to test the robustness of the statistical results. Accordingly, Cabinet-Level Report takes on the value of 1 when congress holds a cabinet official responsible for submission of the mandated report in question. Another dummy, Irregular Trigger, takes on the value of 1 when the reporting period is not specified in the underlying statutory provision. And, Frequency reports the number of regular reports per year the original law requires. The other bill characteristics enumerated in Table 2 are also included in the analysis. Created by Divided Government is a dummy with a self-evident definition. No. Fav. Mods and No. Unfav. Mods indicate the number of times a report was modified favorably and unfavorably, respectively. To address bill-level variation, additional controls include the number of cosponsors (No. Cospon.), the length of time congress took to pass the bill (Years to Pass), and a dummy indicating an authorization bill (Authorization).

The influence of the party or popularity of the president also cannot be investigated here. Chiefly, there occurred little or no variation in these measures during the 2010-2015 period of study. President Obama was reelected in 2012 with about the same level of moderate public support that he tended to enjoy throughout this period. As a result, the findings allow no inference regarding the role of these variables in the weakening or strengthening of onerous reporting requirements. However, we would theoretically expect any effects of presidential party and popularity to be independent of Divided Government, Net Majority and Long Legislation. Which particular party divide prevails is likely to matter little, since the incentives that lead an opposition congress to differ on agency design with the president are institutional in nature. The legislature wants to guard against executive discretion, while the executive pursues direct lines of control over the bureaucracy. Presidential approval, on the other hand, likely does matter. However, we still expect a popular president to lose leverage with divided government and gain leverage with unified government.

4 Results

The results surveyed below confirm the hypotheses set forth in Section 2. Regression results and diagnostic tests for each survival analysis are presented in turn. This analysis treats repeals and modifications as non-overlapping failure events in three separate applications of the Cox proportional hazards model. Note that the regression tables report hazard ratios rather than coefficients. Significance is interpreted the same way, but the effects are not. A hazard ratio of 1 indicates no change in the likelihood of failure (repeal or modification), whereas values below 1 indicate a reduction in the likelihood of failure, and values over 1 signal an increase in the same likelihood. The diagnostic tables report time-varying covariate and Schoenfeld and Scaled Schoenfeld tests side-by-side for each survival analysis. A significant result under these tests indicates a violation of the key assumption of proportionality, justifying removal of the offending variable. These tests and their appropriate interpretation are further detailed below. The appendix includes additional tests and materials omitted

Variable	(1)	(2)	(3)	(4)
Divided Government	$.08\hat{}^{***}$	$.05\hat{}^{***}$	$.04\hat{}^{***}$	$.02\hat{}^{***}$
Net Majority		$.93\hat{}^{***}$	$.93\hat{}^{***}$	$.92\hat{}^{***}$
Long Legislation			$2.60\hat{}^{**}$	1.84
Cabinet Report				.63
Report Frequency				.91
Irregular Trigger				$.15\hat{}^{***}$
Created by Divided				$.29\hat{}^{***}$
No. Fav. Mods				$.32\hat{}^{***}$
No. Unfav. Mods				.71
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	319	319	313	257
Wald	157.3	209.3	174.4	152.5

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 3: Repeals - Cox Hazard Ratios

here for the sake of space.

Survival Analysis 1: Time to Repeal

Table 3 reports the covariate hazard ratios associated with the likelihood that onerous reporting requirements will be repealed. The first column presents a simple bivariate relationship, a good initial test of the effect of Divided Government on the survival of mandated reports, measured in years to repeal. Divided Government's hazard ratio of .08 indicates that the likelihood of repeal falls by 92 percent when the government is divided. The effect is significant at the .001 level. Moreover, the results do not weaken when we include other variables of interest. While retaining high levels of statistical significance, the effect even grows somewhat in magnitude. The results in Column 3 suggest that the likelihood of an onerous mandated report being repealed declines by 95 percent when we control for changes in the net advantage of the majority party and the importance or complexity of legislation. The sharply divergent survival functions in Figure 1 depict this effect. As expected, Net Majority significantly reduces the likelihood of repeal while Long Legislation significantly increases it.

I analyze the performance of the model by assessing whether it violates the assumption of proportionality. Since the concern under the Cox model is whether the effects of the covariates change disproportionately over time, the interaction of the covariates with a natural log function of time offers a valuable test. If any of the interaction terms are significant at the .05 level, they violate the assumption of proportionality under the time varying covariate (TVC) test. I also test the results using the Schoenfeld and scaled Schoenfeld residuals (S&S). Similarly, we assume that chi-square values significant at the .05 level violate the assumption of proportionality. Table 4 reports the results of these two tests. None of the key explanatory variables raise issues under both tests. Divided Government and Long Legislation clearly pass both tests. Net

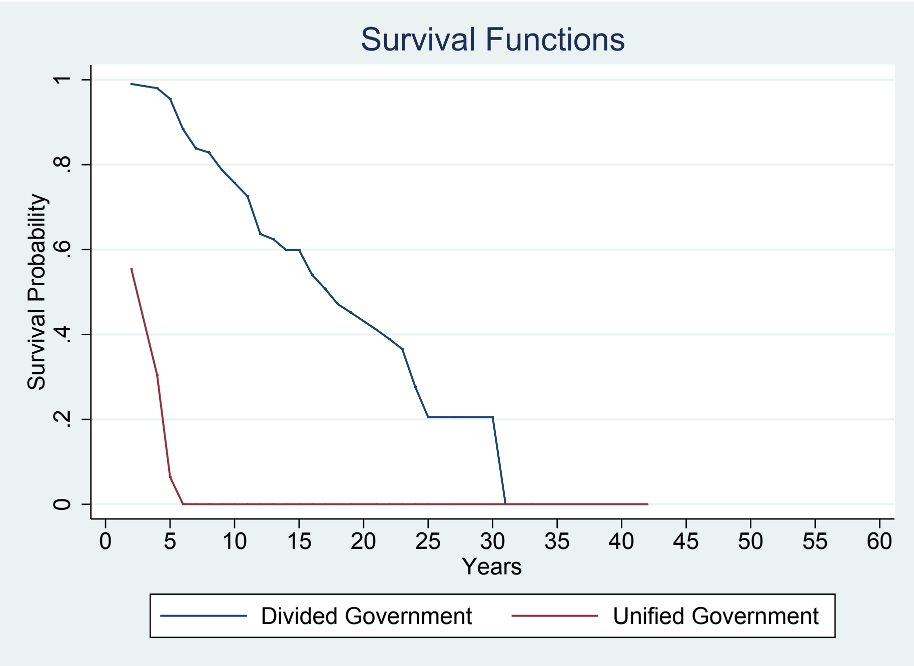

Figure 1: Time to Repeal of Onerous Mandated Reports under Divided and Unified Government.

Majority does register as significant in the TVC test, but the same measure falls out of significance in the S&S test. The desire for theoretical completeness and the ambivalence of these test results weigh in favor of retaining this important variable.

Figures 2 and 3 depict the S&S analysis of the key independent variable, Divided Government. Figure 2 shows a scatterplot of S&S residuals with a locally-weighted regression (lowess) curve drawn through it. The test is whether the lowess curve running through the S&S residuals is roughly horizontal and parallel to the line y=0. This is patently the case here, strongly suggesting that this variable does not violate the assumption of proportionality. Figure 3 is a log-log plot of the S&S residuals over time, analyzed separately under conditions of divided and unified government. As in a Kaplan-Meier test of equality, the lines associated with divided and unified government should progress in a roughly parallel fashion, and they should not intersect. The respective lines in Figure 3 follow the expected pattern, further suggesting that Divided Government does not violate the assumption of proportionality. In addition, the appendix includes a figure demonstrating the strong fit of this model to the data. These tests cumulatively reinforce the results in Table 3.

Survival Analysis 2: Time to Favorable Modification

Since favorable modifications benefit the president in a comparable manner to repealing reports, the underlying variables should operate similarly. The analysis of this alternative dependent variable represents an important robustness

TVC INTERACTION TERM	HAZARD RATIO	S&S RESIDUALS	CHI2̂	p
Divided Government	.11	Divided Government	0.02	0.877
Net Majority	.97$\hat{*}$	Net Majority	3.22	0.073
Long Legislation	.90	Long Legislation	0.01	0.910
		Global Test	3.72	0.445
Observations	313			
Wald	195.3			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 4: Repeals - Time-Varying Covariates (TVC) and Schoenfeld and Scaled Schoenfeld (S&S) Tests of Assumption of Proportionality

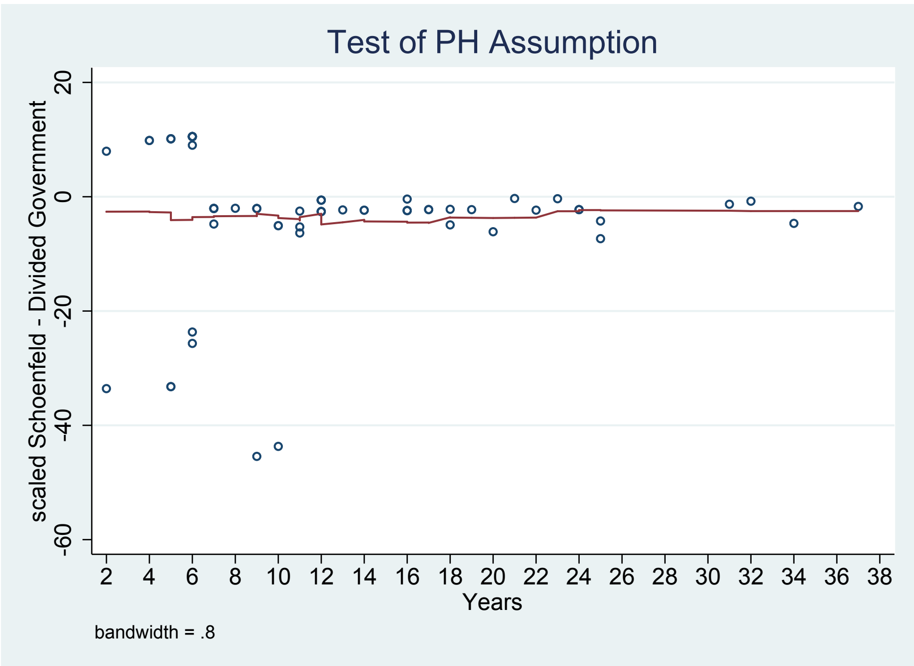

Figure 2: Repeals - Therneau and Grambsch Test of Non-Zero Slope.

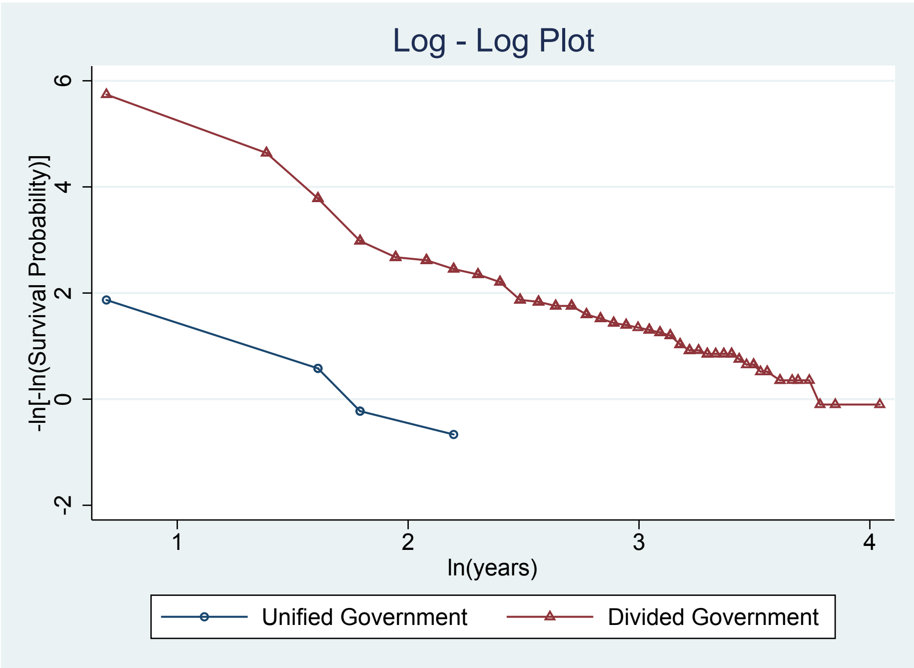

Figure 3: Repeals - Log-Log Test of Parallel Slopes under Divided and Unified Government.

check in this research design. Table 5 reports the results; the Cox hazard ratios are comparable in magnitude and significance to those for repeal in Table 3. Note that repeals were coded as censored in the favorable modification dataset, and therefore do not color these results. Divided Government is associated with an 83 to 93 percent decrease in the likelihood of a modification favorable to the president. The preferred model in column 3 reports an 84 percent reduction in likelihood of favorable modification during periods of divided government. An increase in Net Majority similarly reduces the likelihood of a favorable modification, consistent with the expectation that a stronger majority party in congress enjoys greater leverage relative to the president. And, Long Legislation is associated with an increase in the likelihood of favorable modification, indicative of presidential leverage.

Table 6 reports the corresponding TVC and S&S tests of the assumption of proportionality. None of the TVC interaction terms exert a significant effect, suggesting that we do not have a violation. Similarly, the test of S&S residuals does not yield any significant results, as is consistent with the null hypothesis of no violation. These test results support the claim that Divided Government and the overall model in Table 5 do not run afoul of the assumption of proportionality. These results further reinforce the confidence with which the Cox hazard ratios can be interpreted in both survival analyses assessing the weakening of reporting requirements. As with the repeal of reports, Divided Government exerts a large and significant delaying effect on the favorable modification of onerous reporting requirements. The contrast between the survival curves of reporting requirements under divided and unified government in Figure 4 vi-

Variable	(1)	(2)	(3)	(4)
Divided Government	.07***	.17***	.16***	.13**
Net Majority		.93***	.90*	.90
Long Legislation			1.30	1.42
Cabinet Report				1.36
Report Frequency				1.15
Irregular Trigger				.29
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	327	327	321	257
Wald	98.9	54.1	62.9	98.8

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 5: Favorable Modifications - Cox Hazard Ratios

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi2	p
Divided Government	1.78	Divided Government	0.73	0.393
Net Majority	1.03	Net Majority	0.01	0.939
Long Legislation	2.36	Long Legislation	0.02	0.898
		Global Test	1.41	0.843
Observations	321			
Wald	150.3			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 6: Favorable Modifications - Time-Varying Covariates (TVC) and Schoenfeld and Scaled Schoenfeld (S&S) Tests of Assumption of Proportionality

sually reflects this finding. These results parallel those in the repeal dataset. This constitutes evidence of the power of the opposition congress to resist the weakening of reports.

Survival Analysis 3: Time to Unfavorable Modification

With respect to modifications unfavorable to the president, this paper considers two consistent, alternative hypotheses. The primary hypothesis is that Divided Government does not significantly increase the likelihood that Congress will exacerbate an already onerous reporting requirement. The secondary hypothesis is that, given relatively high transactions costs, Divided Government significantly reduces the likelihood that an opposition congress will be able to enhance mandated reporting requirements. The results are consistent with the stronger claim, and hence the first as well. Table 7 reports Divided Government hazard ratios ranging between .08 and .14, implying an 86 to 92 percent reduction in the likelihood of unfavorable modification. The result is significant at the .01 level or better in every model. No other variable proves significant. As discussed in the section to follow, these results are consistent with increasing transaction costs when the government is divided. This finding also bolsters the claim that the president's negative power influences inter-branch lawmaking.

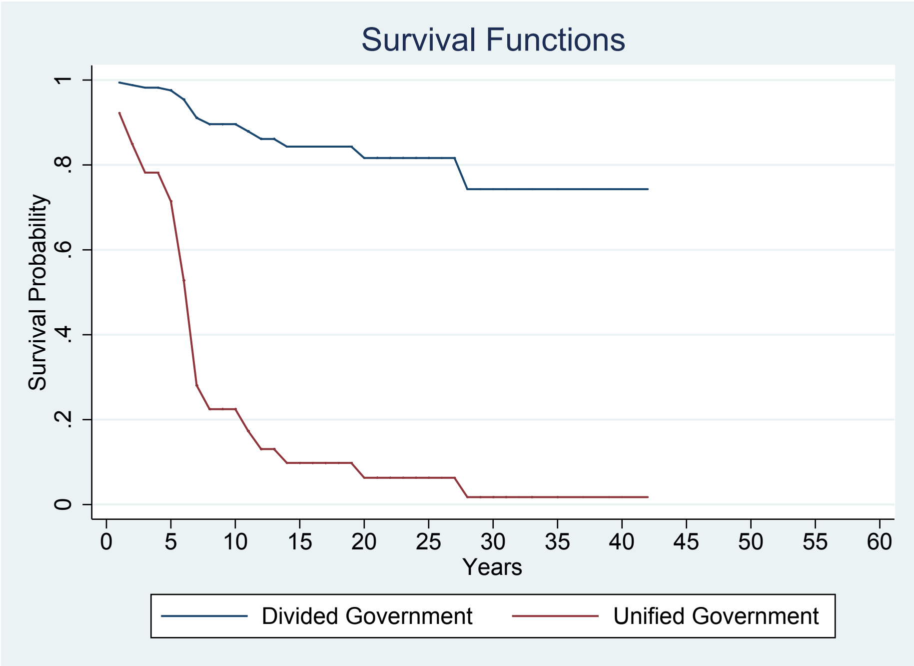

Figure 4: Time to Favorable Modification of Onerous Mandated Reports under Divided and Unified Government.

Variable	(1)	(2)	(3)	(4)
Divided Government	.10***	.08***	.11***	.05**
Net Majority		.99	.99	1.02
Long Legislation			1.91	.36
Cabinet Report				2.71
Report Frequency				1.14
Irregular Trigger				.00***
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	325	325	319	257
Wald	70.3	74.4	85.4	4162

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 7: Unfavorable Modifications - Cox Hazard Ratios

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi2	p
Divided Government	0.50	Divided Government	3.07	0.080
Net Majority	1.01	Net Majority	0.22	0.638
Long Legislation	0.78	Long Legislation	0.17	0.465
		Global Test	4.94	0.294
Observations	319			
Wald	130.4			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 8: Unfavorable Modifications - Time-Varying Covariates (TVC) and Schoenfeld and Scaled Schoenfeld (S&S) Tests of Assumption of Proportionality

TVC and S&S diagnostic tests bolster the results in Table 7. None of the measures in Table 8 are significant at the .05 level in either test, grounds to assume that the model and its component parts do not violate the assumption of proportionality. The appendix includes lowess curve and log-log plots analyzing the S&S residuals, as well as graphs of the goodness of fit and the respective survival functions under unified and divided government. Again, these cumulatively strengthen the interpretability of the Cox hazard ratios in Table 7. The findings in this and the earlier survival analyses of repeals and favorable modifications strongly confirm the theory of clashing negative powers during divided government. Simply put, divided government takes report modification off the table; dueling negative powers in the legislature and executive raise the transaction costs of negotiating them to a prohibitive level, especially given their outdated and redundant nature. The next section returns to the hypotheses proposed earlier and relates them to these results in greater detail.

5 Discussion

What explains onerous—outdated and redundant—mandated reports? The explanation proffered here begins with the observation that the statutory nature of reporting requirements conditions their repeal or modification on a positive exercise of power. As circumstances and priorities change with time, the informational value of mandated reports generally diminishes and the legislature pays less attention to them. However, the costs of compliance continue to burden the executive branch. The president hence finds himself at a disadvantage when negotiating the repeal or weakening of reporting requirements. With an indifferent legislature, the president must pay some price to place reporting requirements on the table. Congress may be compliant during unified government, but the majority party is antagonistic during divided government. The opposition congress may not value the information in outdated and redundant reports any more than the president's co-partisans, but their aggravating nature turns them into bargaining chips. Annoying as they are, mandated reports are not important enough for the president to compromise legislative gains on major policies and bureaucratic organization.

The president is not without defenses in this narrative. Chiefly, the opposition cannot make onerous reporting requirements worse. This result follows from the president's veto power, which allows her to credibly threaten legislation that fails to improve on the status quo during periods of divided government (Cameron). Placing onerous reporting requirements on the agenda in order to make them more burdensome should be costly for an opposition congress. If the underlying legislation does not advance the president's agenda, she can veto it subject to the rare cross-floor coalition large enough to override. If the legislation is important, the president can rely on sequential bargaining to trim away unimportant and one-sided provisions. Similar to the president, the opposition congress would generally need to compromise elsewhere to place these items on the agenda. Given the outdated and redundant nature of these onerous reports, the price should generally exceed the potential benefits by a wide margin. Only when the government is unified should we see transaction costs fall low enough to permit this outcome.

The results in the previous section tell a story consistent with this account. Divided Government reduces the likelihood that mandated reporting requirements will be weakened by some ninety percent. The result is robust, with statistically comparable effects on both the repeal of reporting requirements and modifications favorable to the president. Similarly, Divided Government does not increase the likelihood that congress will exacerbate already onerous reporting requirements. In fact, the data bear out the stronger hypothesis that Divided Government reduces the likelihood that mandated reports will be modified unfavorably to the president. Under these conditions, the transaction costs inherent in making onerous reporting requirements worse are high enough to push the topic off the legislative agenda. Not without irony, such an outcome is more likely under unified government—not because president's co-partisans want to tie the executive's hands more than the opposition, but because transaction costs substantially reduce the bargaining space during divided government.

Divided government stalls the timely updating of reporting requirements, comparably affecting both the strengthening and weakening of requirements. However, the results in Table 7 suggest that a different logic underlies the strengthening of onerous reporting requirements. The significant effects of majority party strength and important legislation disappear in the case of unfavorable modifications. This finding tells us something about the base preferences of the legislature. Recall that the agency design literature expects the legislature and executive to hold different preferences about the bureaucracy, regardless of co-partisanship. The significantly negative effect of Net Majority on the weakening of reporting requirements is consistent with this idea, suggesting that the legislature generally values reporting requirements. The lack of a significantly negative effect on the strengthening of reporting requirements cuts the other way, indicating no innate legislative preference to shield the president. We would expect none.

Similarly, the president's leverage over important bills loses significance when the strengthening of reports is at issue. This finding is also consistent with a transaction costs interpretation. The president's leverage over important legislation is a story about the positive agenda power of the executive. The argument here is that the president's enhanced negative powers during divided government enable the executive to prevent the exacerbation of onerous reporting requirements. Since this ability does not depend on the president's positive agenda power, we should not expect important legislation to be significant. The weakening of reports is a separate matter, where executive success is conditional on the positive exercise of power. As expected, important legislation increases the likelihood of weakening onerous reporting requirements. This finding adds weight to the central claim that the problem of outdated and redundant reporting requirements grows out of their statutory permanence.

6 Conclusion

It is easy to sneer at onerous reporting requirements. The subject matter quite often resembles a bad joke about government waste. The legislature overlooks them as unimportant, and they effectively serve to annoy the executive branch. Set aside such disparagements. Mandated reports tell us a great deal about inter-branch bargaining, for two reasons. First, they are "pure" constraints because reports run exclusively to the benefit of the legislature. The president cannot benefit from reporting requirements. As constraints, they therefore approximate the ideal point of congress. The agency design and constraint literature highlight the effects of divided government on legislative outcomes, but these outcomes presumably reflect compromise and the ideal point of neither congress nor the president. Second, onerous reporting requirements afford a glimpse into the relationship between transaction costs and the unity of government, precisely because they are unimportant. As pure constraints, we know with the literature in hand that the opposition congress prefers to exacerbate reporting requirements more than does a co-partisan congress. If it cannot succeed, this discussion implicates transaction costs stemming from the president's veto power.

These two qualities of mandated reports enable this study to empirically validate two important assumptions in the literature of inter-branch bargaining. The first is that legislative outcomes reflect give and take on the part of both the president and the legislature. Cameron theorizes that this is the case, but showing it has been more difficult. The study of final legislative outcomes in much of the empirical literature necessarily omits consideration of the provisions negotiated out of the bill. As a result, the empirical literature has tended to stress the preferences and negative power of the opposition congress at the expense of that of the president. Guenther and Kernell reverse this trend, highlighting the effectiveness of veto threats in targeting particular bill provisions. The findings here similarly show that negative agenda power is a two-way street when the government is divided. While the opposition congress can refuse to repeal onerous reporting requirements, the president enjoys an equivalent ability to refuse unfavorable modifications to those same requirements. This is empirical evidence that legislative outcomes reflect the dynamics of inter-branch bargaining, with give and take in both institutions.

This research also offers empirical support for the proposition that the bargaining space constricts during periods of divided government. Mayhew's finding that divided government produced about the same amount of important legislation as unified government raised an important challenge to this assumption. From this analytical perspective, the relative unimportance of onerous reporting requirements becomes a boon to the researcher. As pure constraints, we know the opposition would prefer to enhance them more than would the president's co-partisans. This justifies the assumption that, absent the need to negotiate with the executive, divided government should be associated with a greater likelihood of report modifications unfavorable to the president. A contrary empirical result is then evidence that bargaining with the president becomes markedly more difficult during divided government. Indeed, the finding here associates divided government with a significant reduction in the likelihood of unfavorable modification. Knowing the underlying preferences of the institutional actors facilitates the conclusion that divided government constricts the bargaining space.

Divided Government privileges the negative agenda power of the opposition congress and the president, greatly limiting the positive agenda power of each. Whatever their joint concerns about policy, the opposition congress and the president play a fundamentally antagonistic game that never loses sight of electoral consequences. The price of positive action is compromise, and the leverage to shape the outcome largely derives from the ability to reject proposals that do not improve on the status quo. The adversarial context of negotiations focuses the attention of the executive and the legislature onto major provisions regarding policy and bureaucratic organization, because the players can credibly threaten to kill the proposal if the deal omits them. Not so with onerous reporting requirements, far too unimportant to justify such brinkmanship. The one-sided nature of these pure constraints conditions a mutually advantageous bargain on the willingness of congress (when seeking to strengthen reports) or the president (when seeking to weaken reports) to compromise in other areas. Divided government significantly reduces the prospects for such cooperation, with the result that mandated reporting requirements tend to outlive their usefulness when divided government predominates.

SOURCES

Alesina, Alberto and Howard Rosenthal. 1995. Partisan Politics, Divided Government and the Economy. Cambridge UP.

Beckmann, Matthew N. 2010. Pushing the Agenda: Presidential Leadership in US Lawmaking, 1953-2004. Cambridge UP.

Bendor, Jonathan. 1995. "A Model of Muddling Through." Annual Political Science Review, v89: 819-40.

Binder, Sarah. 2004. Stalemate. Brookings Institution.

Box-Steffensmeier, Janet M. and Christopher J.W Zorn. 2001. "Duration Models and Proportional Hazards in Political Science." American Journal of Political Science, v45: 972-88.

Cameron, Charles. 2000. Veto Bargaining: Presidents and the Politics of Negative Power. Cambridge UP.

Cameron, Charles and Nolan McCarty. 2004. "Models of Vetoes and Veto Bargaining." Annual Review of Political Science, v7: 409-35.

Canes-Wrone, Brandice. 2001. "The President's Legislative Influence from Public Appeals." American Journal of Political Science, v45: 313-29.

Cox, Gary W. and Mathew D. McCubbins. 1993. Legislative Leviathan: Party Government in the House. UC Press.

Cox, Gary W. and Mathew D. McCubbins. 2004. Setting the Agenda: Responsible Party Government in the U.S. House of Representatives. UC Press.

Crumer, Angela Maria. 2011. "Comparison between Wiebull and Cox proportional hazards models." Kansas State Electronic Theses, Dissertations and Reports, available at krex.k-state.edu, last accessed March 2016.

Epstein, David and Sharyn O'Halloran. 1999. Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers. Cambridge UP.

Farhang, Sean and Miranda Yaver. 2015. "Divided Government and the Fragmentation of American Law." American Journal of Political Science: 1-17.

Gallup. Obama Job Approval. Available at gallup.com, last accessed March 2016.

Groseclose, Tim and Nolan McCarty. 2001. "The Politics of Blame: Bargaining before an Audience." American Journal of Political Science, v45: 100-19.

Guenther, Scott M. and Samuel Kernell. Forthcoming. “Veto Threat Bargaining with a Bicameral Congress.”

Howell, William G. and David E. Lewis. 2002. “Agencies by Presidential Design.” Journal of Politics, v64: 1095-1114.

Huber, John D. and Charles R. Shipan. 2002. Deliberate Discretion? The Institutional Foundations of Bureaucratic Autonomy. Cambridge UP.

Kernell, Samuel. 1986. Going Public. CQ Press: 2006, 4th edition.

Kesevan, Vasan and J. Gregory Sidak. 2002. “The Legislator-in-Chief.” William & Mary Law Review, v44: 1-64.

Kiewiet, D. Roderick and Mathew D. McCubbins. 1988. “Presidential Influence on Congressional Appropriations Decisions.” American Journal of Political Science, v3: 713-36.

Kousser, Thad and Justin H. Phillips. 2012. The Power of American Governors: Winning on Budgets and Losing on Policy. Cambridge UP.

Krehbiel, Keith. 1998. Pivotal Politics: a Theory of U.S. Lawmaking. Univ. of Chicago P.

Kriner, Douglas L. and Eric Schickler. 2014. “Investigating the President: Committee Probes and Presidential Approval, 1953-2006.” Journal of Politics: 1-14.

Lewis, David E. 2003. Presidents and the Politics of Agency Design: Political Insulation in the United States Government Bureaucracy, 1946-1997. Stanford UP.

Lewis, David E. 2008. The Politics of Presidential Appointments: Political Control and Bureaucratic Performance. Princeton UP.

Lindblom, Charles E. “The Science of ‘Muddling Through.’” Public Administration Review, v19: 79-88.

Library of Congress. Website. Available at Congress.gov, last accessed March 2016.

Maltzman, Forrest and Charles R. Shipan. 2008. “Change, Continuity, and the Evolution of the Law.” American Journal of Political Science, v52: 252-67.

Matthews, Steven. 1989. “Veto Threats: Rhetoric in a Bargaining Game.” The Quarterly Journal of Economics, v104: 347-369.

Mayhew, David. 1993. Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990. Yale UP: 2nd edition, 2005.

McCarty, Nolan and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996." American Journal of Political Sciencem v43: 1122-1143.

McCubbins, Mathew D. and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." American Journal of Political Science, v28: 165-79.

MacDonald, Jason A. 2010. "Limitation Riders and Congressional Influence over Bureaucratic Policy Decisions." American Political Science Review, v104: 766-82.

Moe, Terry. 1985. "Congressional Control of the Bureaucracy: An Assessment of the Positive Theory of Congressional Dominance." Legislative Studies Quarterly, v12: 475-520.

Moe, Terry. 1989. Chapter. "The Politics of Bureaucratic Structure." In Can the Government Govern? Brookings Institution: 267-329.

Niskanen, William A., Jr. 1971. Bureaucracy and Representative Government. Aldine-Atherton, Inc.

Office of Management and Budget (OMB). Report. "Reports required by PL 111-352". Available from Federal News Radio: federalnewsradio.com, last accessed March 2016.

Scholz, John T and B. Dan Wood. 1998. "Controlling the IRS: Principals, Principles, and Publica Administration." American Journal of Political Science, v42: 141-62.

Shipan, Charles. 2004. "Regulatory Regimes, Agency Actions, and the Conditional Nature of Political Influence." Annual Review of Political Science: 467-80.

Sinclar, Barbara. 1997. Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress. CQ Press: 4th edition, 2011.

Sinclair, Barbara. 2000. "Question: What's Wrong with Congress? Answer: It's a Democratic Legislature." Boston University Law Review, v89: 387-97.

United States Code Code, Annotated (USCA). Available from: GPO Access, gpoaccess.gov/index.html, last accessed March 2016.

United States Constitution. 1787. Available at archives.gov, last accessed March 2016.

Weingast, Barry and Mark J. Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission." Journal of Political Economy, v91: 765-800.

Appendices

Table of Contents

Dependent Variable	Obs.	Mean	Min.	Max.	Censored
Repeal Spells	321	15.6	2	57	250
Independent Variables	Obs.	Mean	Min.	Max.	St. Dev.
Divided Government	8	0.75	0	1	0.46
Net Majority	8	52	25	95	22
Long Legislation	175	0.65	0	1	0.48
Included in Appendix 3	Obs.	Mean	Min.	Max.	St. Dev.
Presidential Approval	10	42	29	46	5.3
Democratic President	4	0.25	0	1	0.5
No. Cosponsors	177	23	0	343	50
Authorizations	181	0.67	0	1	0.47
Years to Pass	178	0.64	0	1.83	0.45
Pres. Election Yr.	10	0.1	0	1	0.32

Table 9: Repeals - Variable Descriptive Statistics

Dependent Variable	Obs.	Mean	Min.	Max.	Censored
Fav. Mod. Spells	342	14.7	1	57	321
Independent Variables	Obs.	Mean	Min.	Max.	St. Dev.
Divided Government	14	0.71	0	1	0.47
Net Majority	14	52	8	136	36
Long Legislation	183	0.64	0	1	0.48
Included in Appendix 3	Obs.	Mean	Min.	Max.	St. Dev.
Presidential Approval	18	51	28	75	11.3
Democratic President	10	0.50	0	1	0.53
No. Cosponsors	185	24	0	343	50
Authorizations	189	0.67	0	1	0.47
Years to Pass	186	0.63	0	1.83	0.44
Pres. Election Yr.	18	0.17	0	1	0.38

Table 10: Favorable Modifications - Variable Descriptive Statistics

7 Appendix 1: Descriptive statistics for each survival analysis

Tables 9 through 11 report descriptive statistics for each dataset and survival analysis in the paper.

Dependent Variable	Obs.	Mean	Min.	Max.	Censored
Unfav. Mod Spells	344	14.5	1	57	321
Independent Variables	Obs.	Mean	Min.	Max.	St. Dev.
Divided Government	17	0.76	0	1	0.44
Net Majority	17	66	8	171	47
Long Legislation	185	0.63	0	1	0.48
Included in Appendix 3	Obs.	Mean	Min.	Max.	St. Dev.
Presidential Approval	23	50	31	75	11.6
Democratic President	10	0.50	0	1	0.53
No. Cosponsors	187	24	0	343	51
Authorizations	191	0.67	0	1	0.47
Years to Pass	188	0.64	0	1.83	0.44
Pres. Election Yr.	23	0.35	0	1	0.49

Table 11: Unfavorable Modifications - Variable Descriptive Statistics

Variable	(1)	(2)	(3)	(4)
Divided Government	.06$\hat{}^{***}$	.04$\hat{}^{***}$	.03$\hat{}^{***}$	.02$\hat{}^{***}$
Net Majority		.93$\hat{}^{***}$	.93$\hat{}^{***}$	.92$\hat{}^{***}$
Long Legislation			2.88$\hat{}^{***}$	2.15$\hat{}^{*}$
Cabinet Report				.68
Report Frequency				.89
Irregular Trigger				.12$\hat{}^{***}$
Created by Divided				.26$\hat{}^{***}$
No. Fav. Mods				.36$\hat{}^{***}$
No. Unfav. Mods				.68
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	319	319	313	257
Wald	197.3	263.6	209.5	171.0

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 12: Repeals - Weibull Model

8 Appendix 2: Weibull hazard ratios

The Weibull results in Tables 12 through 14 parallel the Cox hazard ratios reported in the results section. Generally speaking, the Weibull hazard ratios are of greater magnitude and statistically significant. Consistency across different modeling assumptions underscores the robustness of the reported effects.

Variable	(1)	(2)	(3)	(4)
Divided Government	$.08\hat{*}**$	$.24\hat{*}*$	$.24\hat{*}*$	$.26\hat{*}*$
Net Majority		$.87\hat{*}*$	$.88\hat{*}$	.87
Long Legislation			.95	.92
Cabinet Report				.66
Report Frequency				$1.13\hat{*}$
Irregular Trigger				1.36
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	327	327	321	257
Wald	82.9	37.3	40.8	101.9

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 13: Favorable Modifications - Weibull Model

Variable	(1)	(2)	(3)	(4)
Divided Government	$.09\hat{*}**$	$.05\hat{*}**$	$.08\hat{*}**$	$.10\hat{*}$
Net Majority		.98	.98	.99
Long Legislation			2.47	1.43
Cabinet Report				1.64
Report Frequency				.98
Irregular Trigger				$.00\hat{*}**$
Clustered by Report	Y	Y	Y	Y
Quad. Time Trend	Y	Y	Y	Y
Observations	325	325	319	257
Wald	74.1	79.1	87.7	694.8

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 14: Unfavorable Modifications - Weibull Model

Variable	Repeals	Fav. Mods	Unfav. Mods
Divided Government	$.00^{***}$	$.05^{***}$	$.10^{***}$
Net Majority	$.89^{***}$	.89	1.01
Long Legislation	1.17	1.42	.38
Cabinet Report	.71	2.36	2.22
Report Frequency	.90	1.12	1.14
Irregular Trigger	$.08^{***}$	$.09^{***}$	.00
Created by Divided	$.42^{**}$		
No. Fav. Mods	$.32^{**}$		
No. Unfav. Mods	$.61^{**}$		
Dem. President	138^{**}		.25
Pres. Approval	1.07		1.06
No. Cosponsors	1.00	1.02	1.00
Authorizations	2.82^{**}	.41	
Years to Pass	$.24^{***}$	.89	.72
Clustered by Report	Y	Y	Y
Quad. Time Trend	Y	Y	Y
Observations	257	257	257
Wald	203.3	93.2	177.2

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 15: Survival Models - Additional Controls

9 Appendix 3: Regression results with additional controls

The significant effects of Divided Government do not dissipate with the inclusion of additional variables not shown in the main text, including a dummy for the party of the president (Dem. President), Gallup presidential approval ratings (Pres. Approval), the number of cosponsors of the bill (No. Cosponsors), whether authorizations are at issue (Authorizations), and the amount of time to pass the legislation from its date of introduction (Years to Pass). Table 15 includes these variables where appropriate, as indicated by the TVC and S&S tests of the proportionality assumption included in Appendix 5. Those tests indicated that Dem. President and Pres. Approval strongly violated this assumption in the case of favorable modifications, and Authorizations violated the assumption in the case of unfavorable modifications. The significance and general magnitude of Divided Government do not change in these alternative specifications.

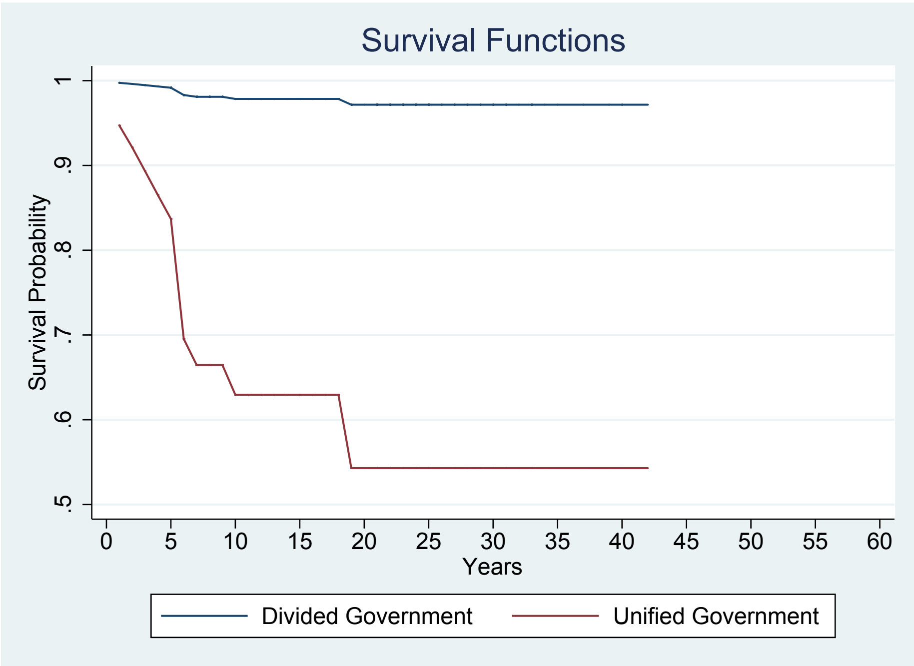

Figure 5: Time to Unfavorable Modification of Onerous Mandated Reports under Divided and Unified Government.

10 Appendix 4: Survival plot for unfavorable modifications

The survival functions in Figure 5 are consistent with other functions shown for the weakening of reports. Under conditions of divided government, the prospects for the strengthening of reports decline. This result suggests that transaction costs constrict the bargaining space during divided government. Since the present literature clearly establishes the stronger preference of the opposition congress to bind the president, this effect cannot be interpreted as a sign that unified government prefers to exacerbate reporting requirements. Rather, low transaction costs during unified government make it feasible for report modifications to reach the legislative agenda.

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi2	p
Cabinet Report	2.50^{*}	Cabinet Report	3.64	.0565
Report Frequency	1.27	Report Frequency	.02	.884
Irregular Trigger	3.16	Irregular Trigger	.00	.989
Created by Divided	3.46^{*}	Created by Divided	1.61	.205
No. Fav. Mods	10.0^{*}	No. Fav. Mods	3.86	.050
No. Unfav. Mods	9.38^{**}	No. Unfav. Mods	.55	.46
		Global Test	11.2	.083
Observations	262			
Wald	28.2			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 16: Repeals - TVC and S&S Tests of Report Characteristics

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi2	p
Dem. President	$.00^{**}$	Dem. President	.16	.692
Pres. Approval	.90	Pres. Approval	5.40	.020
No. Cosponsors	1.00	No. Cosponsors	.09	.770
Authorizations	.84	Authorizations	.05	.516
Years to Pass	6.04^{*}	Years to Pass	2.91	.088
		Global Test	14.3	0.014
Observations	314			
Wald	275.1			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 17: Repeals - TVC and S&S Tests of Institutional Controls

11 Appendix 5: Additional TVC and S&S test results

Tables 16 through 21 report tests of the proportionality assumption with respect to the control variables reported in the text and in Appendix 3. Significance under both tests strongly supports the assumption that the variable in question violates proportionality and should be omitted from the model. With respect to the expanded regression results in Appendix 3, this process eliminated Dem. President, Pres. Approval and Authorizations from at least one analysis. A number of other variables identified below raise issues as well. Ultimately, the inclusion of these variables tells us about the robustness of the statistical results. Many report-level and institutional variables cannot be meaningfully investigated here due to data limitations. For example, the role of the party of the president and her popularity cannot be substantively considered because the bulk of the data describe the 2010 to 2015 period, throughout which time the identify and general popularity of the president did not change.

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi$\hat{2}$	p
Cabinet Report	.53	Cabinet Report	.11	.740
Report Frequency	1.30	Report Frequency	.01	.911
Irregular Trigger	.82	Irregular Trigger	.04	.850
		Global Test	.17	.983
Observations	262			
Wald	70.8			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 18: Favorable Modifications - TVC and S&S Tests of Report Characteristics

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi$\hat{2}$	p
Dem. President	23$\hat{*}$**	Dem. President	40.8	.000
Pres. Approval	1.17$\hat{*}$**	Pres. Approval	40.9	.000
No. Cosponsors	1.00	No. Cosponsors	4.40	.036
Authorizations	.38	Authorizations	13.5	0.000
Years to Pass	2.50	Years to Pass	.68	.410
		Global Test	19.4	0.002
Observations	322			
Wald	150.5			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 19: Favorable Modifications - TVC and S&S Tests of Institutional Controls

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi$\hat{2}$	p
Cabinet Report	.11$\hat{*}$	Cabinet Report	2.11	0.146
Report Frequency	.66	Report Frequency	0.03	0.859
Irregular Trigger	2.65	Irregular Trigger	0.24	0.624
		Global Test	2.35	0.502
Observations	262			
Wald	7141			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 20: Unfavorable Modifications - TVC and S&S Tests of Report Characteristics

TVC Interaction Term	Hazard Ratio	S&S Residuals	Chi$\hat{2}$	p
Dem. President	3.82	Dem. President	1.97	0.161
Pres. Approval	1.05	Pres. Approval	3.20	0.074
No. Cosponsors	$1.03\hat{*}^{**}$	No. Cosponsors	.23	0.629
Authorizations	$8.48\hat{*}^{**}$	Authorizations	.65	0.001
Years to Pass	3.76	Years to Pass	.63	.001
		Global Test	19.4	0.002
Observations	320			
Wald	198.1			

$p < .05^{*}; p < .01^{**}; p < .001^{***}$

Table 21: Unfavorable Modifications - TVC and S&S Tests of Institutional Controls

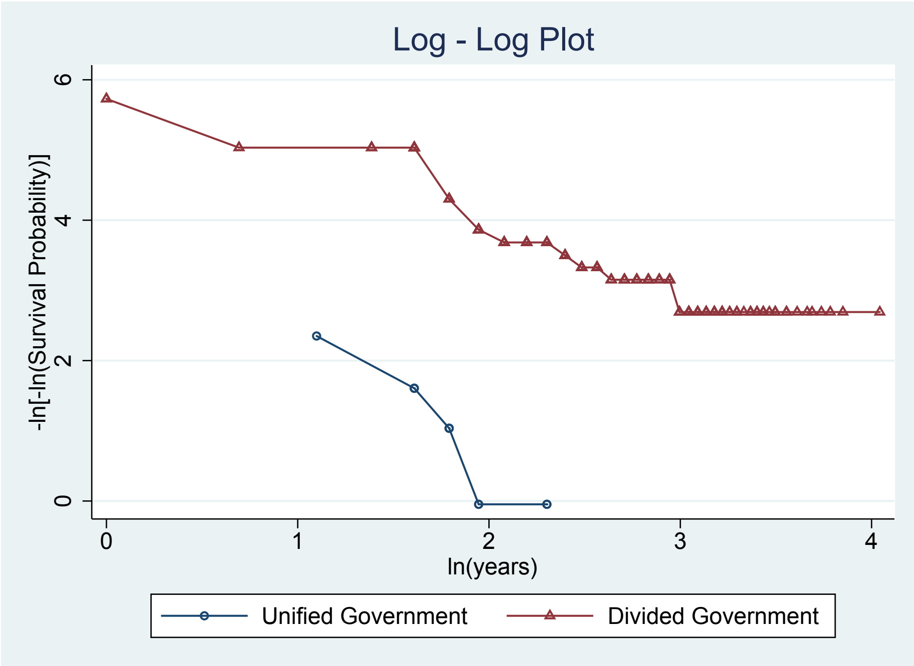

Figure 6: Favorable Modification- Log-Log Test of Parallel Slopes under Divided and Unified Government.

12 Appendix 6: Log-log plots for favorable and unfavorable modifications

Figures 6 and 7 show log-log plots omitted in the main text. These figures support the claim that the variable Divided Government does not violate the assumption of proportionality in the favorable and unfavorable modifications datasets.

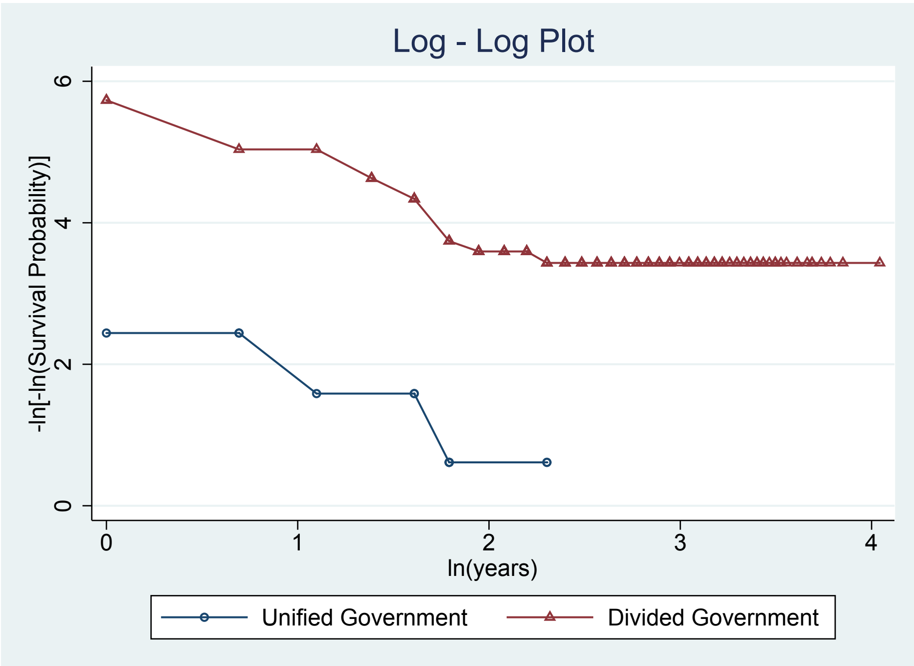

Figure 7: Unfavorable Modification- Log-Log Test of Parallel Slopes under Divided and Unified Government.

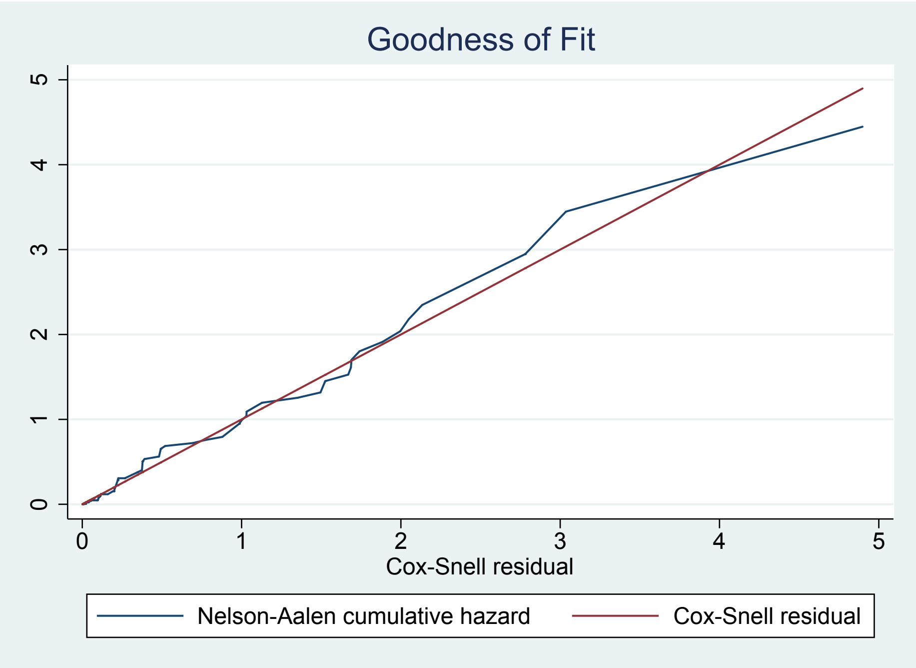

Figure 8: Repeals - Goodness of Fit.

13 Appendix 7: Goodness of fit plots for each analysis

Figures 8 through 10 demonstrate the strong fit of the survival models to the underlying data. The Cox-Snell residual line reflects the expected trajectory of residuals in the model under the assumption of proportionality. The Nelson-Aalen cumulative hazard line shows the trajectory of the observed residuals in the model, and should approximate the Cox-Snell residual line. The fit need not be perfect to support the model– indeed, successively larger deviations are expected at more extreme values. The deviation in Figure 9 at the end of the scale is not concerning because the fit is strong in the middle range of Cox-Snell residuals.

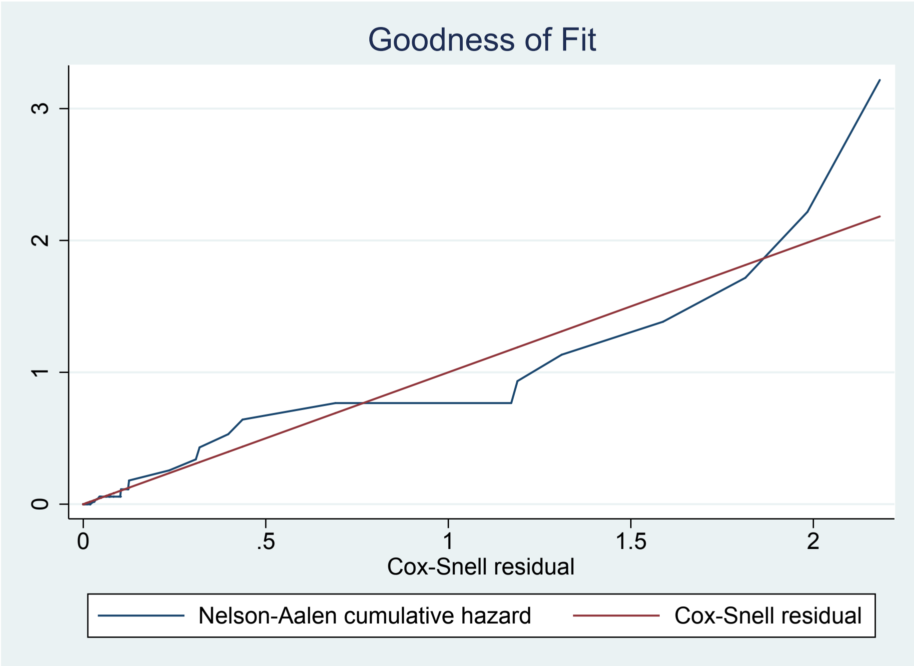

Figure 9: Favorable Modification - Goodness of Fit.

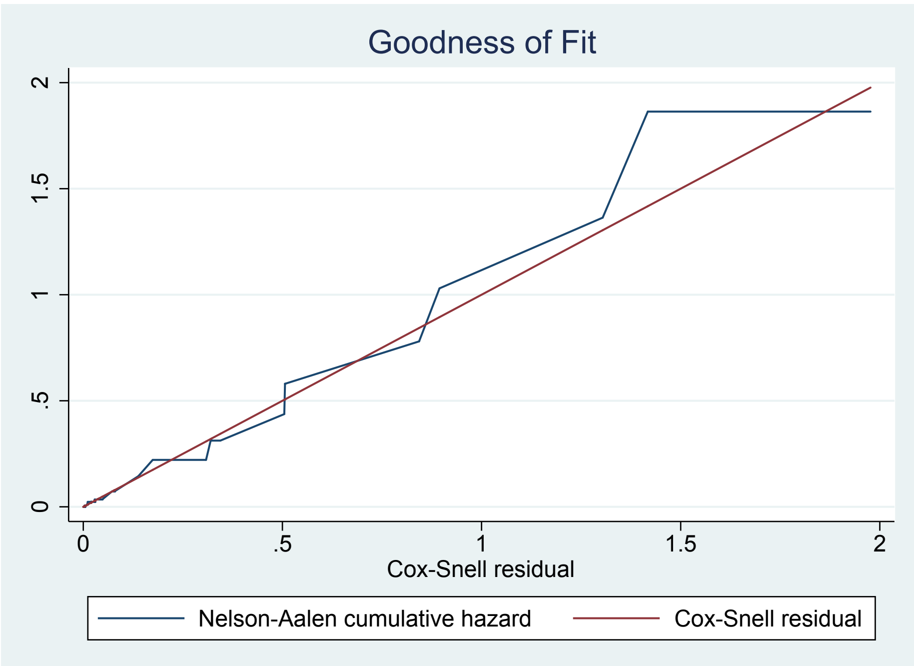

Figure 10: Unfavorable Modification - Goodness of Fit.