

CHALLENGING THE PRESIDENT: PRESIDENTIAL-SENATE CONFRONTATIONS ON
FOREIGN POLICY

by

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ABSTRACT

This dissertation is composed of three articles that analyze which determinants influence three aspects of the confrontational relationship between the president and the Senate in the foreign policy/treaty legislation area. The first and second essays focus on the situation that the President takes an “opposed” position on foreign policy legislation and his victories when he takes that position. The third essay focuses on the number of Senators voting against treaty ratification and proposing amendments to the treaties. If the Senate is voting on a bill or amendment that the president opposes, it seems to suggest a direct challenge by the Senate to the President. My finding is the president’s political capital influences the confrontational relationship between the Presidents and Senate in the foreign policy realm. I posit that several variables such as scandal, federal deficit, general approval rating, foreign policy approval rating, and president’s party’s control of the Senate, which reflect the President’s political capital level, influence the occurrence and outcomes of conflict. In the first essay, I find empirical evidence that political capital influences the president’s taking an “opposed” position on foreign policy legislation. A case study of George W. Bush’s taking an “opposed” position on Iraq Mission legislation (S. J. Res. 9) in 2007 is used to illustrate my findings and apply them to an actual historical case.

In the second essay, I find significant evidence that political scandal, foreign policy approval rating, and policy types influence the president’s victories on foreign policy legislation where he takes a “opposed” position. A case study of Bill Clinton’s loss on the Iran Missile

Proliferation Sanction Act in 1998 (H.R. 2709), where he took an “opposed” position, illustrates how scandal and foreign policy approval rating influence the president’s victories on foreign policy legislation.

In the final essay, I examine which determinants influence the number of Senators voting against treaty ratification and proposing amendments to treaties. The number of U.S. troops deployed overseas influences the number of Senators voting against treaty ratification. However, treaty type and the presence of unified government impact Senators’ opposition in unexpected ways. A case study of Jimmy Carter’s Panama Canal treaty in 1978 is used to show how these variables affect Senators’ votes. I also posit political scandal and the number of US troops deployed overseas as variables that impact treaty amendment; I found that treaty types, scandal, the number of U.S. troops deployed overseas influence treaty amendments.

The implication of these findings is that in terms of foreign policy, we may like to think the president and Senators usually cooperate to make a foreign policy law or ratify a treaty in light of the entire national interest. In practice and reality, however, presidents and Senators confront and cooperate with each other based on the president’s political capital. The findings of this dissertation will help scholars, Senators, and other foreign policy experts to understand and predict U.S. foreign policy decision-making in the future.

DEDICATION

This dissertation is dedicated to my wife, Bada Lee, my daughter, Dasom Yun, my father, and my wife's mother. Without my wife and daughter, I would never have made it to graduation. Before I came to the U.S. to get my Ph.D., my wife helped me study. During my Ph.D. studies, she was a good wife and life's mate. Without her support, I could not imagine getting this Ph.D. My daughter gave me energy to make it. My country, Korea, and the Korean Army and Korean Army Academy at Yeongcheon have sponsored me. My respected professor, Dr. Gun Park, was my guide in life who gave me the opportunity to study and to teach. Without his support and teaching, I would never have had the chance to study in the U.S. Including all, I really thank you for all your support and help.

LIST OF ABBREVIATIONS AND SYMBOLS

Adj. R^2	Adjusted R -Squared
AIDS	Acquired Immune Deficiency Syndrome
CBS	United Independent Broadcasters, Inc. CBS (an initialism of the network's former name, the Columbia Broadcasting System)
Coef.	Coefficient
CQ	Congressional Quarterly, Inc.
D	Democratic Party
EPA	United States Environmental Protection Agency
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus.
H.R.	U.S. House of Representatives
I	Independent
MEAs	Multilateral environmental agreements
NATO	North Atlantic Treaty Organization
ND	Northern Democrats
ORC	Opinion Research Corporation
p	p -value, defined as the probability
R	Republican Party
R^2	R -squared

S	United States Senate
SD	Southern Democrats
S.E.	Standard Error
S. J. Res.	Joint resolutions which are taken up simultaneously by the Senate.
<i>t</i>	<i>t</i> -statistic, the ratio of the departure of the estimated value of a parameter from its hypothesized value to its standard error
Z	Z-score, a numerical measurement of a value's relationship to the mean (average) of a group of values, measured in terms of standard deviations from the mean

[Abbreviations for the US States]

Ala.	Alabama
Ariz.	Arizona
Ark.	Arkansas
Calif.	California
Conn.	Connecticut
Del.	Delaware
Ga.	Georgia
Ill.	Illinois
Ind.	Indiana
Ky.	Kentucky
La.	Louisiana
Mass.	Massachusetts
Md.	Maryland

Minn.	Minnesota
Tenn.	Tennessee
Va.	Virginia
Vt.	Vermont
Wash.	Washington
Wis.	Wisconsin
W.Va.	West Virginia
Wyo.	Wyoming

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CHAPTER 1

INTRODUCTION

Unlike domestic policy, the two different actors in foreign policy legislation (i.e., the president and the Congress) are thought to cooperate more often for the sake of U.S. national interests and unity. In domestic policy, there are several actors and various group and regional interests, but in the realm of foreign policy, there are presumably the U.S. national interest and other nations' interests. This is the main reason for actors to cooperate on foreign policy legislation, so they can speak with "one voice" on the foreign policy. However, there can sometimes be a confrontational relationship between the president and the Congress on foreign policy decision-making.

Although many players influence the success or failure of U.S. foreign policy, such as members of Congress, interest groups, and the media, the president is the main player. The president sets the foreign policy agenda and signs agreements with other nations. Unlike domestic policy, citizens almost always think that the president has the ultimate responsibility for foreign policy's success or failure (Newman and Lammert 2011). But during the foreign policy legislative process, the president cannot vote on foreign policy legislation; the House and Senate have exclusive right to introduce, amend, and pass foreign policy legislation. The only way the president can influence foreign policy legislation is by taking a position. Taking a position on foreign policy legislation helps the president to reveal his preferences (Shull and Shaw 2004) on foreign policy legislation and has several effects and purposes. Why is the president likely to take a particular position on foreign policy votes? President's position taking is an important

topic to know. Although the president cannot make the foreign policy agenda for the Congress, he/she can influence foreign policy legislation by taking a position.

In terms of the president's position taking, he/she can choose among three categories: opposed, neutral, and yes position. Mack et al. (2013) studied the factors influencing the president's decision to take a position. They found the main causal factors influencing presidential position taking but they did not study the specific directions of those positions. In my research (1953-2017) related to the Senate's roll call votes, I find that presidents take the 'opposed position' on Senate roll call votes 19.95 percent of the time, take the 'yes position' (17.87%) of the time, and did not take a position (62.16%) of the time. If the Senate is voting on a bill or amendment that the president opposes, it seems to suggest a direct challenge by the Senate to the President, or vice versa. In my research, I focus on the situation when the president takes an "opposed position". It is politically risky behavior for a president to take an "opposed position" on foreign policy legislation. A president needs a strong ground to insist on the "opposed position," when it could lead to an embarrassing defeat for the president. Then why do presidents sometimes oppose Senate proposals? This research question has not been examined before.

It is worthwhile to study when the president takes an "opposed" position. Members of Congress usually have less information and expertise about foreign policy and tend to defer to the president's position on foreign policy bills. This means that presidents are assumed to dominate foreign policy. However, the Senate sometimes challenges the president because the Constitution intended for Congress to play a major role in foreign policy-making. The first essay is about confrontations between the president and the Senate on foreign policy that result in the president taking an oppositional position on Senate roll calls. In the second essay, I study the

final results of these confrontations: whether the president wins.

The effect of the president's positions on his success in Congress has been well studied. Some scholars found empirically that the president's position is an important factor that determines his success (Marshall and Prins 2007), but there has been less study of the situation when the president takes an 'opposed position' and the Congress' vote response to it: that is, when the president takes 'opposed position' and Congress ends up supporting him. This topic is important for scholars, Senators, their advisors, and foreign leaders to understand presidents' and Senators' behavior on foreign policy and treaty ratification.

A confrontational relationship between the president and the Senate may also influence the ratification of a treaty. Once the U.S. signs a treaty with other countries or organizations, the Senate's treaty ratification is needed to make the treaty into law. Unlike other U.S. foreign policy legislation, a treaty is signed with others nations/organization and must be ratified afterward. If a treaty cannot be ratified, it damages the U.S.'s international reputation and leadership. There are a few notable cases in which the Senate voted against a treaty at the risk of harming U.S. interests but previous research notes that treaties almost always succeed. (In fact, treaties in danger of not being ratified are often withdrawn by the President, or never submitted). Yet even on successful treaties many Senators may vote against them, and/or propose amendments to them. Although treaty ratification is almost always assured, why do Senators vote against them? Why do they amend treaties and how successful are they at doing so? These research questions have also not been addressed. It is important to know when Senators vote against treaty ratification despite the fact that such voting may damage or risk the U.S. treaty and leadership.

This dissertation is composed of three articles that analyze which determinants influence three aspects of the confrontational relationship between the president and the Senate in the

foreign policy/treaty legislation area.

The first article, “Correlates of Senate roll calls on legislation opposed by the President” is an attempt to find the determinants that influence the president’s taking an “opposed position” on foreign policy legislation. In this article, I applied political scandal and foreign policy approval rating as the main explanatory variables and found that those variables influence the president’s position-taking behavior. A case study of George W. Bush’s taking an “opposed” position on Iraq Mission legislation (S. J. Res. 9) in 2007 is used to illustrate my findings and apply them to an actual historical case.

The second article, “Correlates of President’s victories on votes where he takes an “opposed” position,” examines which determinants influence the president’s victories on foreign policy legislation where he takes an “opposed position”. I posit president’s political scandal, foreign policy approval rating, and policy types as the main explanatory variables to influence the president’s victories on foreign policy legislation he opposes.

I found that scandal, foreign policy approval, and foreign policy types influence the president’s victories on the foreign policy legislation where he takes a “opposed” position. A case study of Bill Clinton’s loss on the Iran Missile Proliferation Sanction Act in 1998 (H.R. 2709), where he took an “opposed” position, illustrates how scandal and foreign policy approval rating influence the president’s victories on foreign policy legislation.

The third article, “Senators’ voting against treaty ratification and proposing amendments to treaties,” attempts to focus the study of confrontation between the president and the Senate onto the treaty area. This article posits foreign policy approval rating, general approval rating, scandal level, federal deficit level, the number of US troops overseas, Senate seats controlled by the president’s party, and type of treaty as variables that influence the number of Senators that

vote against treaty ratification. A case study of Jimmy Carter's Panama Canal treaty in 1978 is used to show how these variables affect Senators' votes. I also posit political scandal and the number of US troops deployed overseas as variables that impact treaty amendment; I found that those variables influence treaty amendments.

In this research, I focus only on the foreign policy votes in the Senate, not in the House. Only Senators can ratify treaties and confirm diplomats or other foreign policy appointees. Although the House and Senate can vote on other types of foreign policy besides treaties, I only include the Senate's votes. Because most constituents feel that foreign policy issues are remote from their daily life, the members of House may be less likely to challenge the president. By contrast, the Senate is constitutionally delegated to make foreign policy decisions, and members of Senate might feel less constrained by the presidential position taking and relatively freer to challenge the president (McCormick and Wittkopf 1992). The House is more concerned about the domestic impact of foreign policy than the Senate because the structure of representation – the members of House represent local constituencies with seats allocated along with the population of each state, while the members of the Senate represent entire states— suggests that House members stay closer to their constituents and are more parochial than the Senate (Viotti 2010; McCormick and Wittkopf 1992). The fact that Senators represent entire states causes them to address broader concerns and interests. The Senators also allocate more energy and time to foreign policy than members of the House (Viotti 2010). For example, the Senate Foreign Relations Committee is more powerful and prestigious than the equivalent House committee (e.g. SFR Committee hearings on Vietnam helped turn the public against the war (Fry 2006)). Meanwhile, The House of Representatives does not have a Constitutional role in foreign policy except general budgetary powers to initiate the raising of revenue and the appropriation of funds

(Ohaegbulam 1999). Thus, the Senate has traditionally been more assertive and active on foreign policy than the House. In addition, the Senate's less structured rules make it easier for individual members to have legislation and amendments brought to the floor for a vote. This means that legislation opposed by the President is more likely to get to the floor, even then the President's party controls the Senate. In light of this, I focus on foreign policy votes in the Senate in my research.

CHAPTER 2
CORRELATES OF SENATE ROLL CALLS ON LEGISLATION OPPOSED BY THE
PRESIDENT

2.1. Introduction

Nearly five years after President George W. Bush initiated war against Iraq in 2003, 56% of the U.S. population said that the war in Iraq was not worth the loss of Americans' lives. In light of this negative opinion, Democrats proposed several bills including "S. J. Res. 9. Iraq Mission". This joint resolution would "establish a more limited mission for U.S. forces in Iraq and set a binding goal of withdrawing most combat troops by March 31, 2008. Within 120 days of enactment, the measure would require the president to limit the U.S. mission to counterterrorism efforts, training Iraqi forces and protecting U.S. assets." This bill was sponsored by Democrat Harry Reid [D-NV], and President George W. Bush took an "opposed position" on this legislation. Why?

In order to examine the determinants that influence the president's taking an "opposed position" on foreign policy, I posit that the president's taking an "opposed position" on foreign policy legislation can be explained by a risk perspective. Marshall and Prins (2007) mention that "entering the legislative area is not cost-free, but popular presidents are more risk-acceptant".

Taking an "opposed position" means that the president has to consider the risk of his positioning. It is not a natural position because it seems that the president risks loss and

confrontation with the Senate. Like a president's veto action, it seems to be a negative action. The biggest risk with presidential opposition is the impression that it gives to other countries that the US is divided, conflictual, unreliable, indecisive, and/or sending mixed signals. When Senators cooperate with the president on foreign policy, the U.S. can exert strong leadership, but when there is severe conflict or deadlock between the Senate and the president, the U.S.'s international leadership will be damaged. The president's taking an "opposed position" depends on the types of situations/conditions (high political capital/low political capital) that can lead the president to make different decisions. When the president has good political capital, he may accept a risk, but when he has poor political capital, he avoids the risk of taking an "opposed position." But in order to take the risk of taking an opposed position, a president must have an environment that allows him or her to accept the risk.

With this logic, I expect that presidents make different decisions about taking a "opposed position" depending on the conditions they face. When the president has conditions/situations of high political capital such as high foreign policy approval ratings, low levels of scandal, low federal deficit, high level of general approval rating, high level of party control in the Senate, these conditions/situations can lead the president to be more likely to take an "opposed position" on foreign policy legislation. Meanwhile, when there is low political capital such as low level of foreign policy approval rating, high level of scandal, high federal deficit, low level of general approval rating, low level of party control in the Senate, these conditions/situations can lead the president to avoid an "opposed position" on foreign policy legislation.

In order for foreign policy legislation to be passed in the Senate, the first step is for a member to introduce or become the principal sponsor of the legislation. If the foreign policy legislation sponsored by a Senator is passed into law, its policy benefit should usually go to the

sponsor's party. If the sponsor is not a member of the president's political party, the benefit of the legislation will go to the opposing party. Thus, the president is more likely to take an "opposed position" on legislation sponsored by an opposition party member. However, when the sponsor is a member of the president's party, the president is less likely to take an "opposed position". This means that the president seeks a political policy benefit for his party. In the case of "S. J. Res. 9. Iraq Mission", from the partisan perspective, if this foreign policy legislation was passed, the sponsor party (Democrats) would gain from the policy while the president's party (i.e., the Republican party) would have no gain. Also the president himself would lose power over the conduct of the war. Thus, President George W. Bush took an "opposed position" on this legislation, taking his party's interests into consideration.

Taking the risk perspective, President George W. Bush had good (enough) political capital to accept the risk of taking an "opposed position", namely, he had a "low level of political scandal" and a "high level of president's party control in Senate". That is, the Republican Party had 49 seats in the Senate and the federal deficit was low. Although Republicans did not have a majority in the Senate, compared to average number of Senate seats controlled by the president's party (51.64 seats on average, in 1953-2017), President George W. Bush had relatively good proportion of Senate seats, particularly for a president with a Senate minority. This good political capital made President Bush willing to accept the risk of taking an "opposed position". Thus, Bush was risk-acceptant in taking an "opposed position" because he had good political capital.

The president's taking an "opposed position" means that the president does not want the legislation to be passed but the biggest risk with opposition is the impression that it gives to other countries that the US is divided, conflictual, unreliable, indecisive, and/or sending mixed

signals. For the president, taking an “opposed” position on foreign policy is burdensome because he/she needs to use persuasion and political assets to make the Senators defer to the president’s position. Recently, presidents have tended to avoid taking positions more often (Binder 2010). For example, President Barack Obama only took a clear position on 79 among total 397 roll call votes in 2009. Then, why and when does the president take an “opposed position” on foreign policy legislation? Answering this question will offer political science scholars, Senators, their advisers, and even foreign leaders with insight that will enable them to predict future president’s behavior on the foreign policy legislation. It is therefore important to know why presidents take the risk of taking a position that may be against the majority of Senators.

The president can take one of three positions – yes, opposition, and neutral – and use them strategically to influence Congress toward the desired direction. Some scholars have studied the conditions that influence whether the president takes a position, but few researchers have focused on the specific direction of his position, especially why the president takes a “opposed position” on foreign policy bills. The “yes” and “neutral” positions positively influence the passage of roll call votes, but a “opposed position” will have a negative impact on foreign policy roll call votes. Given the negative impact on foreign policy legislation when the president takes an “opposed position”, he/she needs a special reason to do so. When the president has good political capital, he/she can accept the risk (risk-acceptant perspective) and when he/she considers his/her political party’s benefit and does not want the opposition party to benefit, he/she takes an opposed position if the legislation is sponsored by the opposite party. Taking an “opposed position” is an extreme choice, but it does happen and is affected by both political capital and the president’s party’s benefit.

In this article, I posit that the president’s taking an “opposed position” on foreign policy

legislation is related to his political capital (i.e., presence of political scandal and foreign policy approval rating). In the foreign policy realm, the president represents the U.S. Thus, when the president has a scandal, it damages his political assets such as his moral standing. Presidents' taking an "opposed position" requires confidence and power about his position.

Unlike other political assets, once a political scandal happens and its media coverage increases, it is not easy to recover the president's political capital back to its previous level. A severe scandal can even destroy an administration. Thus, political scandal can damage the president's political confidence. During a scandal, the president is more likely to be passive in his/her relationship with the Congress. Thus, when the president has a low level of scandal, he/she is more likely to take an "opposed position" on foreign policy legislation.

Foreign policy approval rating is the evaluation of the president's job performance on foreign policy. A high level of foreign policy approval means the president's political capital is at a good level. Thus, foreign policy approval rating influences the president's taking an "opposed position".

My research makes several significant contributions. First, I provide data about Senate roll call votes on foreign policy bills from 1953 through 2017. Second, I consider new explanatory variables like scandal, foreign policy approval rating, and type of policy as influences on when or how often the President opposes Senate legislation.

Shull and Shaw (2004) argue that during the legislative process president's positions can change and it is hard to observe that. Usually Congressional Quarterly determines whether the president takes a public position on each vote, and what that position is. However, as time goes by, the president's position may change, but CQ cannot always track this change. It is a limitation of the research but I should admit the limitations of the Congressional Quarterly data

on presidential positions. It is not always possible to know whether the president came out with a position before the Senate voted. It is also not possible to know whether the President took a position that the Senators knew about but that the public (journalists) did not know about. It is possible that fear of losing a vote caused the president to not take a public position, meaning that some presidents' opposition may not be revealed in the data. This may make it more difficult to find significant relationships. Thus, it is an imperfect measure of the president's position and our results should be interpreted with caution.

2.2. Review of Literature

Whether or not the president takes a position on legislation has been researched over the past several decades. Although scholars commonly agree that certain factors like international subject matter, public opinion, whether the vote requires a super majority for passage (Mack et al. 2013), whether the president is in the honeymoon period of the administration (Marshall and Prins 2007), and divided government (Edwards III et al. 1997) influence whether the president takes a position, foreign policy votes as a subset unto themselves and the president's specific position direction (i.e., yes, opposition, or neutral) have not been studied yet. This literature review section consists of three parts. Part 1 looks into the president's different ability between domestic and foreign policy and his responsibility in the foreign policy realm. Part 2 addresses the president's position taking on foreign policy. Part 3 predicts the determinants of the president's "opposed position" on foreign policy bills.

2.2.1. Part 1: Understanding of the president's role on foreign policy

Two Presidencies

“The United States has one president, but it has two presidencies; one presidency is for domestic affairs, and the other is concerned with defense and foreign policy” (Wildavsky 1966, 7). Since World War II, presidents have had more legislative success in the international realm than in the domestic arena due to the significant constitutional and institutional advantages they have over Congress in international affairs (e.g., being commander-in-chief of the military, having control over diplomatic and intelligence bureaucracies; Wildavsky 1966). This means that the president has an advantage over the Congress to go along with his greater responsibility. Since Wildavsky's arguments, there have been debate over this “two presidencies” theory. Canes-Wrone et al. (2008) support Wildavsky's theory that presidents exercise more influence over policymaking on foreign than on domestic issues because of informational differences, electoral pressures, and Congress' delegating policymaking authority to the president in foreign affairs. Meanwhile, Edwards (1986) argues that presidents do not systematically receive more support in the foreign policy realm. Fleisher et al. (2000) show that the president's absolute level of support on foreign and defense issues has declined since the second Reagan administration because foreign policy voting has become more partisan. They looked at the trends in success on foreign and domestic votes and observed that difference between foreign and domestic success rates shows up consistently for minority party presidents.

Responsibility of the President for Foreign Policy

The president is the formal and symbolic head of the United States in foreign affairs, signing treaties with other nations and setting the foreign policy agenda. As the U.S. has a presidential system, in the foreign policy realm, the president has not only power to influence foreign policy but also primary responsibility for foreign policy. The public sees the president as the leader in foreign and defense policy (Ripley and Lindsay 1993), and the president has “special standing” with the American people in this policy domain (Sinclair 1993).

2.2.2. Part 2: The President’s Position Taking

The president has many responsibilities for foreign policy bills, including choosing his agenda items and legislative bills to influence (Marshall and Prins 2007). However, in terms of the actual process of passing foreign policy, the president is limited and has no right to schedule or vote on roll calls in the Senate. The only way the president can influence policy votes is by taking a position. In the literature, scholars agree that the president’s position taking has an impact on presidential success in Congress (Neustadt 1990; Hutchings 1998; Marshall and Prins 2007). However, few studies focus on what makes the president take a position. Mack et al. (2013) argue that international subject matter of the vote, the public identifying foreign policy as the most important problem, and requirement of super majority vote influence whether the president might take a position. In this context, international votes include foreign aid, defense spending, Vietnam, the United Nations, refugee issues, and international trade (p. 90). Other scholars emphasize expectations as the main explanation for the president’s position taking. For example, presidential position taking should increase with anticipation of a victory in Congress;

the president does not randomly take positions on policy but does so selectively, according to the anticipated reactions of Congress. The president's assessment of the probability of victory and the utility of such an outcome influences whether the president takes a position (Marshall and Prins 2007). They also argue that entering the legislative arena is not cost-free, but popular presidents are more risk-acceptant, so they take positions on more-difficult or harder-to-win issues (Marshall and Prins 2007). However, fewer studies focus on the specific direction of the president's position taking. Most studies just focus on the whether the president takes any position on the foreign policy bills (Marshall and Prins 2007; Mack et al. 2013) but do not focus on his options like 'opposition, neutral, and yes position'. In my research, Table 2.1 shows that the presidents take a "opposed position" 19.95% of the time, take 'yes position' 17.87% of the time and does not take a position (neutral) 62.16% of the time. It shows that the president takes slightly more "opposed" positions than "yes" positions on foreign policy legislation.

Table 2.1. Foreign Policy Roll Call Votes the President Takes Position in the Senate (1953-2017)
(except treaty ratification)

Presidents' Position	Percentage
Opposition	19.95% (383)
Does not take position (neutral)	62.16% (1193)
Yes	17.87% (343)
Overall	100% (1919)

Number of votes in parentheses.

Edwards et al. (1997) hypothesize that the president opposes more potentially significant legislation under a divided government. They find that the president opposed 217 bills that failed to pass and also that president opposed 37% of the potentially important legislation under divided government, compared to only 12% during under unified government. Edwards et al.

(1997) mention that unified or divided government influences the president's position, but they included only important legislation and did not distinguish between domestic and foreign policy.

To reiterate, a “yes” position on a foreign policy bill or amendment means that the president wants the Senate to pass the bill. A neutral position means that the president does not care about the foreign policy bill or wants to avoid any risk related to it. These are reasonable positions and have less risk for a president. However, taking a “opposed position” is different. The president has all responsibility for foreign policy and can oppose a foreign policy bill that he or she wants to be rejected. However, the president must also explain the reason for opposing the foreign policy. The president may face risk or pressure because opposition gives the impression to other nations that US is divided, conflictual, unreliable, indecisive, and/or sending mixed signals. Thus, accepting the pressure and risk and taking a “opposed position” is not an easy decision for the president. However, the reasons related to the president's taking an “opposed position” have not been researched.

2.2.3. Part 3: Determinants of the President's “Opposed Position” on Foreign Policy Bills

Some scholars have identified the factors that influence whether or not presidents take a position on important legislation. They are better off being proactive in position-taking during the honeymoon period (Mack et al. 2013) but should avoid taking positions on controversial issues during a reelection campaign year (Edwards 1989) because they are the focus of intense scrutiny during their reelection campaigns and they are reluctant to take positions that might damage their electoral prospects (Lockerbie et al. 1998). Mack et al. (2013) found “presidents are more likely to take positions if the vote is international, if the public identifies the ‘most important problems’ as international ones, and if the vote requires a super majority for passage” (79) However, Mack

et al. (2013)'s findings are focused on all important votes. Foreign policy is different from domestic policy. Therefore, for the purpose of this paper, I only focused on foreign policy votes. In Light's book on how the president sets the legislative agenda, he addresses the idea of political capital. Political capital is essentially a president's political strength to achieve their goals while in office (Light 1999, 15). Light writes that the greatest and most important resource a president has is political capital, and without it, he/she is limited in what he/she can bring to the legislative agenda (Light 1999, 26). He notes that there are many factors that influence political capital, such as the amount of party support in Congress, the electoral margin, and the president's public approval rating (Light 1999, 28).

In this study, I posit two theoretical bases to explain the president's taking an "opposed position" on foreign policy. The first is the "risk perspective". When the president enters the legislative arena, it is not cost-free (Marshall and Prins 2007). When presidents take an "opposed position", they must consider the risk of the positioning. Taking an "opposed position" is not a natural position on foreign policy and his taking an "opposed position" puts him in the position of spoiling foreign policy legislation. It looks similar to a president's veto action that opposes the will of the Senate. The president's taking an "opposed position" depends on the types of situations/conditions (high political capital/low political capital) that can lead the president to make different decisions. When the president has good political capital, he may accept a risk, but when he has poor political capital, he avoids the risk of taking an "opposed position."

With this logic, I posit that the president might sometimes act in a risk-acceptant or risk-avoidant way, depending on the situation he is in (e.g., political capital level). When the president has high political capital such as high foreign policy approval ratings, low levels of scandal, low federal deficit, high level of general approval rating, and high level of party control in the Senate,

these conditions/situations can lead the president to take an “opposed position” on foreign policy legislation, all else being equal. Meanwhile, when there is low political capital such as low level of foreign policy approval rating, high level of scandal, high federal deficit, low level of general approval rating, low level of party control in the Senate, these conditions/situations can make the president less likely to take an “opposed position” on foreign policy legislation.

Presidents taking an “opposed position” can also be explained by the partisan perspective. While one might think that president represents the U.S. and seeks the entire national interest in terms of foreign policy, our empirical results show that the presidents consider their political party’s gain or benefit. With partisan perspective, I posit that the president takes an “opposed position” strategically for his party’s benefit. (Of course, the president may strictly believe that what his party wants is best for the national interest – we can’t assume that the president doing this is opposed to the national interest.).

Thus, the second theoretical base to explain the president’s taking an “opposed position” on foreign policy is the partisan perspective. If foreign policy legislation is passed into law, policy benefit should usually go to the sponsor’s party. If the sponsor is not from the president’s party, the benefit of the legislation passing will go to the opposition party. Thus, the president is more likely to take an “opposed position” on the legislation sponsored by opposition party member to block the opposition party’s gain from passing the legislation. However, when the president’s fellow party member sponsors the legislation, there is less reason to block the legislation passed. In the following section, I introduced the specific variables used to test the risk perspective and the partisan perspective.

Scandal

In terms of scandal, the president faces a dangerous situation. There are several possible levels of scandal that impact his or her political future. The president may recover from a minor scandal but a major scandal may lead the president to be forced to resign or to be impeached. As a president, his real power is “power to persuade” (Neustadt 1960, 10). Power to persuade depends on presidential assets like morality, being a perceived role model of the U.S., and so forth. When a scandal occurs, the president loses these political assets and consequently power. The president may find himself facing unwanted foreign policy legislation and votes often more when he is dealing with a scandal, but his weakened position during a scandal may make it harder to take an opposed position. Light (1999) mentions that the president’s political capital impacts his/her political strength to succeed. Factors like public approval and previous election results have been shown to influence the president’s political capital, but few studies include political scandal as a factor impacting political capital. My aim is to consider scandal as a factor that influences a president’s taking an “opposed position”.

General Approval

High presidential approval ratings are related to a higher likelihood of the president’s taking a position. Marshall and Prins (2007) demonstrate that a president who enjoys a high level of popularity is more risk-acceptant and therefore more likely to enter the legislative area and take a position on difficult or harder-to-win issues. Popular presidents may simply take more public stands on pending legislation than unpopular ones, reasoning that Congress will be more likely to bend to their will when they hold the confidence of the electorate (Mack et al. 2013). Popular approval is an important political resource that the president can use for his legislative agenda

(Neustadt 1960). The president's approval rating is not controlled by the president (Brace and Hinckley 1992), but he can use it as a resource when it is high. Some scholars argue that a president is more likely to engage in increased position taking when his approval rating is high because high approval rating is a political asset. However, Shull and Shaw (2004, 592) argue that when the president has a low approval rating, he feels a need to react and "do something" to fix whatever problem or situation has led to the low numbers. By taking a position, the president can show that he is aware of the problem and working on it.

Foreign Policy Approval

In the presidential approval rating used by most scholars, the poll question, such as "Do you approve or disapprove of the way the president is handling his job as president?", is a general question about the president's job performance. For my research related to foreign policy, I found another index to examine the president's perceived job performance on foreign policy. It is a Gallup poll question about "Do you approve or disapprove of the way the president is handling foreign affairs? I call this 'foreign policy approval rating'. This poll gives a more specific evaluation of the president on foreign policy. It is a suitable index to use as an independent variable that influences the president's position taking on foreign policy, but so far few studies have used this 'foreign policy approval rating' as an independent variable. The time series starts with Dwight D. Eisenhower (1953) and ends with Donald Trump. In terms of the Gallup poll, foreign policy approval rating is not measured every month. For example, it was measured on February, March, May, July, August or January, February, March, August, and November in 2001-2018. This means that the frequency changes over time. Thus, in order to get more foreign policy approval data, I used iPOLL, a search engine that searches foreign policy

approval data from various sources. It offers data for almost every month from Gallup as well as the Roper Commercial Survey, Harris Survey, ORC Public Opinion Index, Harris Survey, and CBS News/New York Times Poll. Although the iPOLL engine did not provide data in some months and the poll questions are slightly different from Gallup's, it offers suitable data for foreign policy approval rating for the purposes of this study.

Type of foreign policy

Type of foreign policy may influence whether the president takes a position. Many scholars have made typologies for policy. Shull (1983) and Spitzer (1983) both distinguish between distributive policies (Shull 1983) and regulatory policies (Spitzer 1983). And Gormley (1986) and Canes-Wrone and de Marchi (2002) classified policy by salience and complexity of public policies. Eshbaugh-Soha (2010) classifies policies as 'Major, Minor, Incremental, and Meteoric'. LeLoup and Shull (1979) show that in foreign policy areas like foreign aid, trade, general defense and national security decisions, neither presidents nor Congress dominate. However, presidents dominate high-level diplomatic, specific military, and national security decisions. McCormick and Wittkopf (1992) found that presidents are more likely to get bipartisan support on foreign relations (76%) (not national security) but less support on foreign aid (39%) in the Senate. The difference between the foreign relations and national security is that the foreign relations represents congressional actions on four dimensions such as (1) U.S. funding to international agencies; (2) congressional action on treaties; (3) statements of U.S. policy; (4) ambassadorial appointments. The national security votes deal primarily with authorizations and appropriations for defense, the procurement of new weapons system, and defense research and development. Few scholars use type of votes as an independent variable to influence the

president's position taking or focus on foreign policy with a detailed classification. In this article, I look at foreign policy votes excepting those on treaties, and I classified roll calls (1953-2017) into seven types of legislation: "Trade", "Diplomacy", "Military", "Aid", "Immigration", "Sanction", and "Others" (see appendix). I exclude confirmations of State Department officials or ambassadors and procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy.

Table 2.2. Foreign Policy Roll Call Votes on Which the President Takes a "Opposed Position" in the Senate by the Type of Policy (1953-2017) (except treaty ratification)

President's "Opposed Position"	Percentage	Overall distribution by policy areas (regardless of president's position)
Trade Policy	7.83% (30)	6.98% (134)
Diplomacy Policy	4.17% (16)	14.17% (272)
Military Policy	19.84% (76)	19.85% (381)
Aid Policy	45.95% (176)	31.99% (614)
Immigration policy	8.09% (31)	10.42% (200)
Sanction	4.17% (16)	5.94% (114)
Others	9.92% (38)	10.63% (204)
Overall	100% (383)	100% (1919)

Number of votes in parentheses.

Table 2.2 shows that presidents were more likely to take a "Opposed position" on U.S. aid policy (45.95%) and slightly less likely to take an "Opposed position" on U.S. military policy (19.84%) than I would expect based on the overall distribution of votes. Studying foreign policy classification gives us more detailed understanding of the presidential position taking by the type of votes. In this study, I have done an exploratory analysis to see if there are any systematic patterns in position taking by policy type. I might expect that since President is commander-in-

chief of the military, he will be less likely to oppose bills related to the military than other areas., all else being equal.

Federal Deficit

There are few studies on the federal deficit and presidential position taking. However, similar studies were researched. Kingdon (1995) found that available governmental resources may affect presidential success on some policies. A key factor that may help explain the likelihood of presidential success on policy in Congress should be the surplus or deficit of the federal budget, with a larger budget deficit decreasing the likelihood of presidential success (Eshbaugh-Soha 2010). With this logic, when the federal deficit is lower, it means he has a high level of political capital, thus, he can accept the risk of taking an “opposed” position. I expect that the president is more likely to take an “opposed position” on foreign policy legislation when the federal deficit is low. But if the legislation proposes higher spending, a deficit might lead him to oppose legislation.

Unified government

Party control of the government is well studied in the literature on presidential success in Congress. Similarly, party control has been researched to explain the factors influencing the president’s position-taking on legislation. Edwards et al. (1997) found that the president will oppose more potentially significant legislation under a divided government than under a unified government. For example, the president opposed 217 bills that failed to pass in 1947-1992; among these 217 bills opposed by the president, 186 were opposed by a president under a divided government and 31 were opposed by a president under a unified government. This shows

that there was a difference in presidents' taking an opposed position depending on whether the government was divided or unified. However, Edwards et al. (1997) looked only at "significant" legislation.

Other scholars conclude that presidents more actively submit their own policy agenda items to Congress during periods of unified government because they anticipate that they are more likely to be enacted under these favorable circumstances (Cameron and Park 2008). Others (Bond and Fleisher 2000; Edwards 1989) have shown that the larger the margin of the president's party in Congress, the more assertive the president will be in taking a public stand on an initiative. Presidents will be likely to take a position when they believe they have a good chance of being on the winning side, such as in the situation of a unified government (Marshall and Prins 2007; Covington et al. 1995; Shull and Shaw 2004). Although many scholars have examined whether the president will take a position more often under a unified government than a divided government, there has less attention to the effect of a unified government on whether the president takes a "opposed position". In this study, I expect that the president is more likely to take a "opposed position" under a unified government based on the risk perspective, unified government being an indicator of high political capital. Even though I am only looking at roll call votes in the Senate, I included the Senate and the House of Representatives for the unified government variable because the legislative actions of both bodies are connected; Senators of the opposition party may be more willing to challenge the President when their party controls the other chamber.

The Number of Senate Seats controlled by the President's Party

Whether the president's party controls the Senate is an important element to explain the president's position-taking on foreign policy legislation. Several scholars argue that presidents will be more likely to take a position when they believe they have a good chance of being on the winning side, such as when the government is unified (Marshall and Prins 2007; Covington et al. 1995; Shull and Shaw 2004). The number of Senate seats controlled by the president's party may be an important factor in the position the president takes, independently of the effect of divided government overall.

Bill Sponsor's Party

The bill sponsor's party should influence whether the president takes an "opposed position" on foreign policy legislation. As discussed earlier, if the foreign policy legislation sponsored by a certain party member is passed into law, its policy benefit should usually go to the sponsor's party. Thus, the president is more likely to take an "opposed position" on the legislation sponsored by opposition party member to block the opposition party's gain from passing the legislation. However, when the president's party member sponsors the legislation, there is less reason to block the legislation passed. There are few studies on the effect of conformity between the president's and the bill sponsor's party on the position the president takes.

2.3. Method

2.3.1. Dataset

My analysis relies on all foreign policy roll-call votes in the Senate from 1953 to 2017. The data I employ include votes not covered by previous studies because I collected very recent data (2017) that have not been used before. I initially classified Senate roll calls into two types: “domestic policy” and “foreign policy” and only use “foreign policy” in my research (see appendix). I exclude confirmations of State Department officials or ambassadors and procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy.

In order to check the reliability of my classification between “domestic” and “foreign” policy, I asked a graduate student to classify a sample of 100 roll call votes as domestic or foreign policy bills, and I then compared his classification with mine. On 88% of cases we agreed on the classification, with disagreement on the remaining 12%. In this research, intercoder reliability is assessed by having two or more coders categorize units and calculating the extent of agreement between coders. In this method, percent agreements are between the values of .00 (no agreement) to 1.00 (perfect agreement) (Lombard et al. 2002). I used Neuendorf’s (2002) criteria for reliability. He reviews several methodologists and concludes that “coefficients of .90 or greater would be acceptable to all, .80 or greater would be acceptable in most situations, and below that, there exists great disagreement” (p. 145). By this standard, 88% agreement is good reliability. In addition, I looked at the correlation between my coding and the other coder’s. The correlation coefficient is 0.7458, which is less than the acceptable level (0.8). Thus, the reliability of categories should be improved in future research.

2.3.2. Dependent Variable

DV. The President's taking a 'Opposed position'.

The dependent variable is whether or not the President takes the opposed position on a roll call vote. It is coded "1" when the President takes an "opposed position" on the foreign policy legislation, and "0" when they take a yes or neutral position. These data (1953 to 2017) have been collected from yearly editions of *The Congressional Quarterly Roll Call Votes* and *CQ Almanac*.

2.3.3. Independent Variables

For determinants that influence the president's "opposed position" on foreign policy bills, I posit that some independent variables are indicators of political capital (risk perspective). Specifically, scandal, President's general approval rating/foreign policy approval rating, the number of Senate seats controlled by the President's party, unified government, and federal deficit are indicators of political capital. However, type of foreign policy is not the same as political capital. In addition, I posit a variable representing the bill sponsor's party compared with the president's variable to test the "partisan perspective" hypothesis.

IV. Scandal

Operationalizing a presidential scandal is a tough challenge due to the varying concepts and definitions of scandal. This means that recognizing a scandal is a subjective task. I followed Nyhan (2014)'s concept of defining scandal as a "media scandal" in which there is widespread recognition of a controversy as a scandal in mainstream press coverage. Media scandal reflects a

widespread elite perception of official wrongdoing, corruption, or misbehavior. To measure the media scandal, I used data from *New York Times*. I counted the number of the stories about scandals reported each year on the front page of the *New York Times* and calculate the total number of scandal stories as the independent variable. Specifically, I looked at the total number of articles related to political stories about scandals of the president, executive branch, and politicians who belong to president's political party mentioned on the front page. Of course, each scandal has a different intensity, but this is subjective and not easy to measure. Extensive coverage means that the media is focused on a scandal, and when a scandal is highlighted by the media, coverage of it will increase. In this article, I used the *ProQuest Historical Newspapers: The New York Times* Internet database. I used keywords like "scandal", "bribery", "corruption", and "president" to search articles from 1953 to 2017 and counted the number of articles on the front page that included these words and checked if they are related to the president, executive branch, or politicians who belonged to president's political party (When politicians who belong to the president's political party are involved in scandal, they may impact the president's reputation negatively). This method treats individual stories about different scandals the same as the same number of stories about a single major scandal.

IV. General Approval

The president's (general) approval rating data come from Gallup polls administered over the study period of 1953 to 2017. In the polls, respondents were asked questions like "Do you approve or disapprove of the way [president name] is handling his job as president?" Unlike foreign policy approval rate data that is not measured every month, general approval data from

Gallup are available for each month, so I used the most recent (general) approval rating before the foreign policy legislation vote takes place.

IV. Foreign policy approval rate

The presidential foreign policy approval rate data for this study come from iPOLL data taken over the period of the presidencies from Dwight D. Eisenhower (1953) to Donald Trump (2017). iPOLL offers data from almost every month from Gallup, Roper Commercial Survey, Harris Survey, ORC Public Opinion Index, Harris Survey, and CBS News/New York Times Poll. Although some months' data were not available through the iPOLL engine and the poll questions are slightly different from Gallup's poll question (i.e., "Do you approve or disapprove of the way [the president] is handling [foreign affairs]?"), the data are suitable for measuring foreign policy approval rating for the purposes of this study. In terms of response categories in each poll, Roper Commercial Survey has "Approve, Disapprove, and Don't know", NORC Public Opinion Index has "a very good job, a fairly good job, not so good a job, or a poor job", Harris Survey has "Agree, Disagree, Don't know/No answer", and CBS News/New York Times Poll has "Approve, Disapprove, Don't know/No answer". Response categories are almost similar. I combined the different categories such as "a very good job", "a fairly good job", and "Agree" into an "approval" level for the president's foreign policy. I used the most recent foreign policy approval rating before the vote takes place.

IV. Type of foreign policy

Type of foreign policy is coded along with sub-foreign policy classification. There are 7 types of foreign policy such as trade, diplomacy, military, aid, immigration, sanction, and others. In order to check the reliability of my classifications of types of foreign policy (non-treaty), I asked a graduate student to classify the types of foreign policy in 100 randomly selected roll call votes and compared his classification with mine. The comparison showed that 87% of our classifications agreed and 13% disagreed. Thus, the classifications are reliable. In addition, I looked at the correlation between my type indicator and the other student's. The correlation coefficient is 0.7371, which is less than the acceptable level (0.8). Thus, the reliability of categories should be improved in future research. I exclude confirmations of State Department officials or ambassadors and procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy (See appendix).

IV. The Number of Senate Seats controlled by the President's Party

The president's party control of the Senate is measured as the number of Senate seats controlled by the president's party.

IV. Unified government

Unified government is coded as 1 if the government is unified among the President, Senate and House of Representatives and "0" otherwise.

IV. Bill Sponsor's Party compared with the president

Bill sponsor's political party is coded as "1" if the bill sponsor's party is the same as the president's party and "0" otherwise.

IV. Federal deficit

The US Senate Budget Committee defines the federal deficit as "the amount by which the government's total budget outlays exceeds its total receipts for a fiscal year". It is measured as federal deficit as a percent of GDP (Gross Domestic Product). These data come from *Fred Economy Data (Federal Reserve Bank of St. Louis)*.

2.4. Research Hypotheses

From this discussion about the determinants that influence whether or not the president has taken an "opposed position", I derive several hypotheses.

Hypothesis 1: The president is more likely to take an "opposed position" on foreign policy legislation when the scandal level is low.

Hypothesis 2: The president is more likely to take an "opposed position" on foreign policy legislation when the president's foreign policy approval rating is high.

Hypothesis 3: The president is more likely to take an "opposed position" on foreign policy legislation when the president's general approval rating is high.

Hypothesis 4: The president is more likely to take an “opposed position” on foreign policy legislation when the foreign policy is related to military policy as compared to other types of foreign policies.

Hypothesis 5: The president is more likely to take an “opposed position” on foreign policy legislation when the number of the President’s party’s seats in the Senate increases.

Hypothesis 6: The president is more likely to take an “opposed position” on foreign policy legislation when there is a unified government.

Hypothesis 7: The president is more likely to take an “opposed position” on foreign policy legislation when the bill sponsor’s political party is not the same as the president’s party.

Hypothesis 8: The president is more likely to take an “opposed position” on foreign policy legislation when the federal deficit is low.

2.5. Results

Table 2.3 reports the empirical results of the president’s taking an “opposed position” on foreign policy legislation. The results confirm our expectation in Hypothesis 1 as shown in Model 2. In Model 2, the scandal variable is statistically significant and shows a negative impact on the president’s taking an “opposed position” on foreign policy legislation. This means that when the president has a low level of scandal, he/she has good political capital and is thus “risk-acceptant” and more likely to take an “opposed position”.

Foreign policy approval rating is statistically significant but does not show the predicted direction as predicted in Hypothesis 2. It appears that the president is more likely to take an

“opposed position” on foreign policy legislation when the president’s foreign policy approval rating is *low*. This finding does not make sense. Thus, I need to discuss this result. The variable of general approval rating of the president confirms our expectation in Hypothesis 3. When the president has a high level of general approval rating, he/she has good political capital and becomes risk-acceptant and more likely to take an “opposed position”.

Foreign policy type impacts the likelihood of the president’s taking an “opposed position”. The results show that most types are less likely to get presidential opposition than Military Policy confirming our expectation in Hypothesis 4.

The number of the president’s party’s seats in the Senate variable is statistically significant and meets our expectation in Hypothesis 5. That is, when the number of seats held by members of the president’s party’s in the Senate increases, the president has good political capital and becomes risk-acceptant and thus more likely to take an “opposed position” on foreign policy legislation. He is more certain his position will prevail.

However, the unified government variable does not appear to have any effect on the president’s taking an “opposed position” on foreign policy (Hypothesis 6). This may be because the president’s party’s control in the Senate is more important than the presence of divided government overall.

The bill sponsor’s party variable is statistically significant and shows a negative impact on the president’s taking an “opposed position” on foreign policy legislation. This result confirms our expectation in Hypothesis 7. That is, in terms of the partisan perspective, the president takes a position strategically for his political party’s benefit. When foreign policy legislation is sponsored by a member of the opposition party, the president is more likely to take an “opposed position” on it for president’s party’s interests that prevent the opposition party

from getting benefit the legislation passed. The result for the federal deficit variable confirms our expectation in Hypothesis 8. That is, when the federal deficit is low, the president has good political capital and is more likely to take an opposed position on foreign policy legislation.

Table 2.3. Logistic regression analysis; independent variables on president's taking a "opposed position" on the foreign policy, 1953 to 2017

	Model 1 (without scandal)				Model 2			
	Odds Ratio	S.E.	Z	Significance	Odds Ratio	S.E.	Z	Significance
Scandal	-	-	-	-	.9754	.0068	-3.52	0.000***
Foreign policy approval of president	.9876	.0054	-2.23	0.026*	.9852	.0055	-2.65	0.008**
General approval of president	1.015	.0056	2.7	0.007**	1.016	.0056	2.86	0.004**
Foreign Policy Type (Military is reference variable)								
Immigration	.7691	.1847	-1.09	0.275	.6798	.1652	-1.59	0.112
Aid	1.305	.2139	1.63	0.103	1.332	.2196	1.74	0.082
Diplomacy	.2354	.0682	-4.99	0.000***	.2272	.066	-5.10	0.000***
Sanction	.6761	.2046	-1.29	0.196	.7334	.2231	-1.02	0.308
Trade	1.003	.252	0.01	0.99	.9488	.2397	-0.21	0.835
Others	.8537	.1932	-0.70	0.485	.8237	.1869	-0.85	0.393
The Number of Senate Seats controlled by the President's Party	1.034	.0124	2.78	0.005**	1.021	.0126	1.75	0.08
Unified Government	.7492	.1597	-1.35	0.176	.8458	.1797	-0.79	0.431
Bill sponsor's party same as the president's party	.6782	.0866	-3.04	0.002**	.6725	.0861	-3.10	0.002**
Federal Deficit	.8596	.0334	-3.88	0.000***	.8581	.0332	-3.95	0.000***
Constant	.0713	.0431	-4.37	0.000***	.2176	.1491	-2.22	0.026
Pseudo R ²	0.0659				0.0727			
N	1919				1919			

* $p < .05$. ** $p < .01$. *** $p < .001$.

2.6. Discussion

In this research, I found some determinants that influence the president's taking an opposed position on foreign policy legislation. Several factors such as scandal, president's general approval ratings, president's party's control of the Senate, and federal deficit have an impact on the president's taking an opposed position and confirm my hypotheses. These findings can be explained by "risk perspective." When the president enters the legislative arena, it is not cost-free (Marshall and Prins 2007). Especially when the president takes an opposed position on foreign policy legislation, he/she needs to take a risk. An "opposed position" is not a natural position on foreign policy, and taking an "opposed position" puts the president in the position of taking a possible loss.

The president is more likely to take an "opposed position" on foreign policy legislation when the president has the following conditions/situations: high political capital such as low levels of scandal, high level of general approval rating, low foreign policy approval rating, high level of party control in the Senate, and low level of federal deficit.

Foreign policy type also influences the likelihood of the president's taking an "opposed position". This can be explained by that since President is commander-in-chief of the military, he will be more likely to oppose bills related to the military than other areas.

The bill sponsor's party also influences the president's taking an opposed position. This is explained by "partisan perspective". If the foreign policy legislation sponsored by a certain party member is passed into law, its policy benefit should usually go to the sponsor's party. If the sponsor is not a member of the president's political party, its benefit goes to the opposition party. Thus, the president is more likely to take an "opposed position" on legislation sponsored by an

opposition party member to block the opposition party from gaining from passing the legislation. This hypothesis is supported by the statistical findings in my research.

One unexpected result, however, is that the president's foreign policy approval rating is statistically significant but shows a *negative* direction on the president's taking an opposed position. In my expectation, when the president has a high level of foreign policy approval rating, it seems logical that the resulting good political capital will allow him or her to take an "opposed position" on the foreign policy legislation. However, the empirical result shows that the president is more likely to take an "opposed position" when he or she has a *low* level of foreign policy approval ratings. This unexpected result may be explained as follows: when the president has a low foreign policy approval rating, his foreign policy is less supported by the public and so the Senate may dominate more in the foreign policy realm. This condition makes the president take an opposed position to show awareness of the foreign policy problem. This finding shows why it is a good idea to distinguish between general popularity from specific foreign policy approval. Another explanation for the unexpected results could be explained by that there is a correlation between foreign policy approval ratings and general approval ratings (0.4239). This may cause multicollinearity. Thus, it may cause unexpected results.

There are some limitations of my findings. First, as I mentioned earlier, during the legislative process, the president's position can change and it is hard to notice that. There are two related problems: a.) we don't know if the president announces his position before the Senators vote, so it can influence their vote, b.) we don't know if presidents change their announced position as bills go thru the legislative process. I used *The Congressional Roll Call Votes* and *CQ Almanac* to refer to the president's positions, but these sources cannot identify the exact timing of the position-taking relative to the vote.

Second, there is a relatively low level of Pseudo R2, with 6.93% and 7.57% of explanatory power in models 1 and 2, respectively.

Third, my findings do not include foreign nations' characteristics. When Senators put foreign policy legislation to the Senate, each foreign policy is related to one or more foreign nations. The president may consider partner nations' characteristics like whether they are in an alliance with the U.S., their political system (democracy or non-democracy) or their economic power. The President and Senate may have different values or priorities about which countries should receive US assistance. So if the Senate wants to increase aid to a particular country contrary to the president's priorities, or reduce aid to a country that the president regards as a high priority, presidents will likely state an opposed position. This point is a limitation of my findings and suggests opportunities for further research.

In addition, there are suggestions for future research. In this research, the dependent variable is whether or not the President takes the opposed position on a roll call vote (coded "1" = president's taking an opposed position, and "0" = president's taking a yes or neutral position (no position)). The findings show that the president takes an "opposed position" 19.95% of the time, a "yes position" 17.87% of the time and no position (neutral) 62.16% of the time. Separating the neutral position from taking a yes position may lead to different results, in part because the degree of risk involved may be greater for a yes position than for a neutral position. Future researchers can consider doing multinomial logit such as coding president's position into yes, opposition, and neutral positions, which may contribute further to our knowledge on presidential position-taking and how presidents respond to different kinds of risk.

On a related note, further investigation needs to be done into the remarkable fact that even on foreign policy which should greatly concern the President, he fails to take a public position on

most Senate roll calls (i.e., takes the neutral position). The frequent occurrence of neutral positions may simply be because CQ (Congressional Quarterly) is unable to ascertain the President's real position.

Another explanation is based on the risk perspective: Presidents are especially cautious about taking positions that will be defeated, when foreign leaders as well as people in the U.S. are paying attention. For example, recent presidents have tended to avoid taking positions more often (Binder 2010). President Barack Obama only took a clear position on 79 among a total of 397 roll call votes in 2009. This means that recent presidents have strategically chosen on which votes they want to announce a public position. Presidents are known to choose positions for the best chance of winning (Binder 2010). This explains the trend of presidents' avoiding taking a position.

2.7. Conclusion

In terms of foreign policy, even if the president has great responsibility, he/she does not control the scheduling or passage of foreign policy bills in the Senate but can only take positions on each roll call vote. The president can take one of three positions – yes, opposition, and neutral – and use them strategically to influence the Senate toward his or her desired direction. “Yes” position positively influences the passage of roll call votes, but an “opposed position” has a negative impact on foreign policy roll call votes. Then why does the president take an “opposed position” on foreign policy? Given the negative impact on foreign policy legislation, the president needs a high level of political capital to take the risk of taking such a position. Existing literature emphasizes the anticipation of victory in Congress as an explanation for the president’s position taking (Marshall and Prins 2007). However, few studies focus on why a president takes an “opposed position”. I posited two theoretical bases to explain the president’s taking an opposed position. The first is a risk perspective. A president who has a high level of political capital is more likely accept the risk and take an opposed position on the foreign policy. The second is a partisan perspective. The president takes an opposed position for the political party’s interests. In my research, scandal, general approval rating, president’s party control of the Senate, and federal deficit have significant impacts on the president’s taking an opposed position, and the directions of the findings confirm my hypotheses. The contributions of this study are that I provide more recent data about the president’s position-taking (1953-2017) and introduce new explanatory variables such as scandal, and type of policy as influences on the president’s taking an opposed position. Furthermore, I newly focus on the situation of the president’s taking an opposed position. This research contributes to the literature and gives scholars, Senators, their advisors

and foreign leaders an increased understanding of the president's position-taking behavior and its reasons. This understanding may be beneficial for future policy making.

2.8. References

- Bond, Jon, and Richard Fleisher. 1990. *The President in the Legislative Arena*. Chicago: University of Chicago Press.
- Bond, Jon, and Richard Fleisher. 2000. *Polarized Politics: Congress and the Presidency in a Partisan Era*. Washington, DC: Congressional Quarterly Press.
- Brace, Paul, and Barbara Hinckley. 1992. *Follow the Leader: Opinion Polls and the Modern Presidents*. New York: Basic Books.
- Cameron, Charles, and Jee-Kwang Park. 2008. "A Primer on the President's Legislative Program." In *Presidential Leadership: The Vortex of Power*, edited by Bert Rockman, and Richard Waterman. New York: Oxford University Press, 45-80.
- Canes-Wrone, Brandice, and Scott de Marchi. 2002. "Presidential Approval and Legislative Success." *Journal of Politics* 64 (2): 491-509.
- Canes-Wrone, Brandice, William G. Howell, and David E. Lewis. 2008. "Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis." *The Journal of Politics* 70(1): 1-16.
- Covington, Cary, J. Mark Wrighton, and Rhonda Kinney. 1995. "A Presidency-Augmented Model of Presidential Success on House Roll Call Votes." *American Journal of Political Science* 39:1001-1024.
- Edwards, George C., III. 1986. "The Two Presidencies: A Reevaluation." *American Politics Quarterly* 14: 247-263.
- Edwards, George C., III. 1989. *At the Margins: Presidential Leadership of Congress*. New Haven: Yale University Press.

- Edwards III, George C., Andrew Barrett and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41(2): 545-563.
- Eshbaugh-Soha, Matthew. 2010. "The Importance of Policy Scope to Presidential Success in Congress." *Presidential Studies Quarterly* 40 (4): 708-724.
- Fleisher, Richard, Jon R. Bond, Glen S. Krutz, and Stephen Hanna. 2000. "The Demise of The Two Presidencies." *American Politics Quarterly* 28 (1): 3-25.
- Fry, Joseph A. 2006. *Debating Vietnam: Fulbright, Stennis, and Their Senate Hearings*. Lanham, MD: Rowman and Littlefield.
- Gormley, William T. 1986. "Regulatory Issue Networks in a Federal System." *Polity* 18 (Summer): 595-620.
- Hutchings, Vincent. 1998. "Issue Salience and Support for Civil Rights Legislation Among Southern Democrats." *Legislative Studies Quarterly* 23: 521-544.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown.
- LeLoup, Lance T., and Steven A. Shull. 1979. "Congress Versus the Executive: The "Two Presidencies" Reconsidered." *Social Science Quarterly* 59(4): 704-719.
- Light, Paul C. 1999. *The President's Agenda: Domestic Policy Choice from Kennedy to Clinton*. Baltimore: Johns Hopkins University Press.
- Lockerbie, Brad, Stephen Borrelli, and Scott Hedger. 1998. "An Integrative Approach to Modeling Presidential Success in Congress." *Political Research Quarterly* 51(1): 155-172.
- Lombard, Matthew, Jennifer Snyder-Duch, and Cheryl Campanella Bracken. 2002. "Content Analysis in Mass Communication Assessment and Reporting of Intercoder Reliability." *Human Communication Research* 28 (4): 587-604.
- Mack, W.R., Karl DeRouen Jr., and David Lanoue. 2013. "Foreign Policy Votes and Presidential Support in Congress." *Foreign Policy Analysis* (9): 79-102.
- Marshall, Bryan W., and Brandon C. Prins. 2007. "Strategic Position Taking and Presidential Influence in Congress." *Legislative Studies Quarterly*, XXXII (2): 257-284.

- McCormick, James M., and Eugene R. Wittkopf. 1992. "At the Water's Edge: The Effects of Party, Ideology, and Issues on Congressional Foreign Policy Voting, 1947 to 1988." *American Politics Quarterly*, 20 (1): 26-53.
- Neuendorf, K. A. 2002. *The content analysis guidebook*. Thousand Oaks, CA: Sage.
- Neustadt, Richard E. 1960. *Presidential Power*. New York: Wiley.
- Neustadt, Richard E. 1990. *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan*. New York: The Free Press.
- Nyhan, Brendan. 2014. "Scandal Potential: How Political Context and News Congestion Affect the President's Vulnerability to Media Scandal." *British Journal of Political Science* 45(2): 435-466.
- Ripley, Randall B., and James M. Lindsay. 1993. "Foreign and Defense Policy in Congress: An Overview and Preview." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, 3-35. Ann Arbor: The University of Michigan Press.
- Shull, Steven A. 1983. *Domestic Policy Formation: Presidential-Congressional Partnership?* Westport, CT: Greenwood Press.
- Shull, Steven, and Thomas Shaw. 2004. "Determinants of Presidential Position Taking in Congress, 1949-1995." *The Social Science Journal* 41: 587-604.
- Sinclair, Barbara. 1993. "Congressional Party Leader in the Foreign and Defense Policy Arena." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay. Ann Arbor: The University of Michigan Press.
- Spitzer, Robert J. 1983. *The Presidency and Public Policy: The Four Arenas of Power*. Tuscaloosa: University of Alabama Press.
- Wildavsky, Aaron. 1966. "The Two Presidencies." *Trans-Action* 4(2): 7-14.
- Internet article: Sarah A. Binder. 2010. "President Obama's Partisan Support in Congress." *Brookings*. (<https://www.brookings.edu/blog/up-front/2010/01/13/president-obamas-partisan-support-in-congress/>. (1/13/2010)/

Appendix: Classification criteria for policies we include in our study

I classify Senate roll calls into two types: “domestic policy” and “foreign policy”. Roll calls related to foreign nations/people, whether in the US or abroad, or international issues, are classified as “foreign” policy. Otherwise, they are “domestic” policy. I also divide “foreign policy” into two parts: “foreign policy excepting treaty ratification”, and “treaty ratification”. Roll calls related to the U.S.’s actions toward foreign nations or people or international organizations without signing any agreement/treaties are “foreign policy excepting treaty”, while those related to a treaty or agreement with foreign nations or international organizations are “treaty ratification”, even if the vote is not the ratification of the treaty itself. So a vote to implement provisions of a treaty is a treaty vote.

In this article, I focus on “foreign policy excepting treaty” and classify the legislation into seven types of legislation according to the nature of U.S.’s actions themselves. I classified them by the U.S.’s actions rather than the purpose of such action. Classification by the actions is more reliable and leads to more consistent coding. For example, when the U.S. government trades with other nations, it is a trade action. And when the U.S. provides aid funding to other nations, it is an aid action. And when the U.S. sanctions other nations, it is a sanction action. It means that there is less subjectivity to the classification of U.S. foreign policy. Based on our criteria, the seven types of policies are: “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”. “Trade” policy is related to the U.S.’s trade with other nations. “Diplomacy” policy is related to U.S. intervention in other countries without military action or to diplomatic communication, such as condemning another nation’s action, as well as diplomatic relations with other nations. “Military” policy includes the U.S.’s military action, nuclear/weapons agreements, and weapons sales policies but does not include votes on military

weapons or programs that the US plans to use for itself. “Aid” policy includes the U.S.’s aid to other nations except for military-related aid. “Immigration” policy includes the U.S.’s immigration or refugee policies. “Sanction” policy includes the U.S.’s sanctions on other nations except for military options. “Others” includes foreign policies that do not belong to the above types, including taxes, contributions, and appropriations legislation including more than two programs. Using data in *The Congressional Roll Call Votes* and *CQ Almanac*, I collected 1919 roll calls of “foreign policy excepting treaty” and classified them as: “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”. Military” policy is the reference variable, coded “1” if present and “0” otherwise.

Appendix: Details about distinguishing policy between foreign and domestic policy

In order to check the reliability of my classification between “domestic” and “foreign” policy, I asked a graduate student to classify sample roll call votes as domestic or foreign policy bills, and I then compared his classification with mine. I gave a random sample of 100 of roll call votes in the Senate to the student and ask him to classify them as “foreign policy” or “domestic policy”. I then compared my classifications with his in order to measure similarity. Here are the classification directions.

[Direction: Read the list below of roll call votes in the Senate and classify them as “foreign policy” or “domestic” policy].

Table 2.4. Senate roll call votes and classification form

Number	Roll Call votes	Policy Classification: Foreign or Domestic policy
1	2. H J Res 2. Fiscal 2003 Omnibus Appropriations/Homeland Security. Byrd, D-W. Va., amendment that would add \$5 billion in homeland security spending, including \$1.4 billion in grants to states and local governments. Rejected 45-51: R 0-50; D 44-1 (ND 37-0, SD 7-1); I 1-0. A “nay” was a vote in support of the president’s position. Jan. 16, 2003.	
2	9. S 121. National Kidnapping Alert System/Passage. Passage of the bill that would establish a national coordinator for AMBER alerts, an alert system for missing children, within the Justice Department. The bill also would authorize a grant program to help establish electronic message boards as well as training and education programs in states that do not have the alert system. The Justice Department would be responsible for establishing standards for issuing alerts. Passed 92-0: R 50-0; D 41-0 (ND 35-0, SD 6-0); I 1-0. Jan. 21,2003	
3	10. H J Res 2. Fiscal 2003 Omnibus Appropriations/LIHEAP. Reed, DR.I., amendment that would require that states be given \$300 million appropriated in the fiscal 2001 supplemental spending act (PL 107-20) for the Low Income Home Energy Assistance Program (LIHEAP), bringing total LIHEAP funding to \$2 billion. Adopted 88-4: R 46-4; D 41-0 (ND 35-0, SD 6-0); I 1-0. Jan. 21,2003.	
4	30. S Res 45. Space Shuttle Columbia/Adoption. Adoption of a resolution that would support further space exploration, extend condolences to the families of the seven astronauts killed in the Feb. 1 Columbia shuttle disaster and extend condolences to Israel over the death of Columbia crew member Ilan Ramon, the first Israeli in space. Adopted 95-0: R 50-0; D 44-0 (ND 37-0, SD 7-0); I 1-0. Feb. 5,2003.	
5	35. S 15 1. “Virtual” Child Pornography/Passage. Passage of the bill that would make it a crime to pander or solicit child pornography. It would require the pandering to be linked to material that had been determined to be obscene and would require prosecutors to show a suspect acted with intent. The bill’s pandering provision would make it a crime to present material “or purported material” that conveys the impression that a minor is engaging in sexual behavior. Passed 84-0: R 47-0; D 37-0 (ND 31-0, SD 6-0); I 0-0. A “yea” was a vote in support of the president’s position. Feb. 24,2003.	
6	39. S Res 71. Pledge of Allegiance/Adoption. Adoption of the resolution that would express support for the Pledge of Allegiance and authorize the Senate legal counsel to defend the constitutionality of the words “under God” in the pledge. Adopted 94-0: R 49-0; D 44-0 (ND 38-0, SD 6-0); I 1-0. March 4, 2003.	
7	45. S 3. “Partial Birth” Abortion Ban/Emergency Contraceptives. Murray, D-Wash., motion to waive the Budget Act with respect to the Santorum, R-Pa., point of order against the Murray amendment that would allow states to expand the States’ Children’s Health Insurance Program to include low-income pregnant women. It would require private health plans to cover prescription contraceptives and related medical services and require hospitals to make emergency contraceptives and information about them available to rape victims. Motion rejected 49-47: R 6-44; D 42-3 (ND 36-1, SD 6-2); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) March 11,2003.	
8	57. S Con Res 23. Fiscal 2004 Budget Resolution/War Cost Report. Conrad, D-N.D., motion to waive the Budget Act with respect to the Nickles, R-Okla., point of order against the Conrad amendment that would establish a point of order in the Senate against any legislation or amendment that would increase the deficit until President Bush provides a detailed report on the costs of a conflict with Iraq. The point of order could be waived only by a three-fifths majority vote of all senators. A short-term economic stimulus bill and all bills related to defense and homeland security spending would be exempted from the point of order. Motion rejected 43-56: R 0-51; D 42-5 (ND 36-3, SD 6-2); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) March 18,2003.	
9	61. S Res 95. Troop Support/Adoption. Adoption of the resolution that would commend the president and US. military personnel for their work in the war with Iraq. It also would express gratitude to British Prime Minister Tony Blair, Britain and other allied nations for their support in the conflict. Adopted 99-0: R 51-0; D 47-0 (ND 39-0, SD 8-0); I 1-0. March 20, 2003.	
10	67. S Con Res 23. Fiscal 2004 Budget Resolution/ War Reserve Fund. Feingold, D-Wis., amendment that would create a \$100 billion reserve fund to cover the costs of disarming Iraq, offset by a reduction in the tax cut. Adopted 52-47: R 4-47; D47-0 (ND 39-0, SD 8-0); I 1-0. A “nay” was a vote in support of the president’s position. March 21, 2003.	
11	81. S Con Res 23. Fiscal 2004 Budget Resolution/Military Health Care. Lincoln, D-Ark., amendment that would increase spending on the TRICARE program by \$20.3 billion over 10 years to give members of the National Guard and Reserves and their families greater access to the health care program. The increase would be offset by a reduction in tax cuts. Rejected 46-51: R 0-51; D 45-0 (ND 38-0, SD 7-0); I 1-0. March 25,2003.	
12	104. S Con Res 23. Fiscal 2004 Budget Resolution/Global AIDS Pandemic. Kerry, D-Mass., amendment that would increase funding by \$800 million on global AIDS treatment and prevention,	

	and programs to fight tuberculosis and malaria. It also would include \$800 million for deficit reduction. The spending would be offset by a reduction in tax cuts. Rejected 47-51: R 0-51; D 46-0 (ND 38-0, SD 8-0); I 1-0. March 26,2003.	
13	105. S Con Res 23. Fiscal 2004 Budget Resolution/National Guard and Reserves. Landrieu, D-La., amendment that would increase spending in the resolution on the National Guard and Reserves by \$10.5 billion over 10 years. The spending would be offset largely by a reduction in tax cuts. Adopted 100-0: R 51-0; D 48-0 (ND 39-0, SD 9-0); I 1-0. March 26, 2003.	
14	109. S Con Res 30. Coalition Member Support/Adoption. Adoption of the concurrent resolution that would express the sense of Congress to commend and thank nations participating in a coalition to disarm Iraq. Adopted 97-0: R 51-0; D 45-0 (ND 37-0, SD 8-0); I 1-0. March 27, 2003.	
15	110. HR 1307. Military Tax Breaks/Passage. Passage of the bill that would provide tax breaks to uniformed members of the armed services for five years. Benefits would include an exemption from taxable income of the full \$6,000 cash payment given to survivors of military members killed in the line of duty and a relaxation of a residency requirement to take advantage of a capital gains exclusion on the sale of a primary home. The bill would exempt from military members' taxable income amounts received under the Homeowners Assistance Program and would allow military personnel serving in "contingency operations" a temporary postponement on filing and paying taxes. Individuals serving in the military reserves could take deductions for all travel expenses to meetings more than 100 miles from home. Passed 97-0: R 51-0; D 45-0 (ND 37-0, SD 8-0); I 1-0. March 27,2003.	
16	116. S 762. Fiscal 2003 War Supplemental/National Guard and Reserves. Cochran, R-Miss., motion to table (kill) the Landrieu, D-La., amendment that would appropriate approximately \$1 billion for equipment for the National Guard and Reserves. Motion agreed to 52-47: R 5 1-0; D 1-46 (ND 0-38, SD 1-8); 10-1. April 2,2003.	
17	117. S 762. Fiscal 2003 War Supplemental Commercial Aircraft Missile Defense. Stevens, R-Alaska, motion to table (kill) the Boxer, D-Calif., amendment that would appropriate \$30 million for research and development on and deployment of technology to protect commercial aircraft from terrorist attacks using shoulder-mounted surface-to-air missiles. Motion agreed to 50- 47: R 48-2; D 1-45 (ND 0-38, SD 1-7); I 1-0. April 3,2003.	
18	128. S 476. Charitable Contributions/Passage. Passage of the bill that would create tax incentives for charitable giving, including allowing taxpayers who take the standard deduction to also deduct charitable contributions of between \$250 and \$500 (\$500 and \$1,000 for joint filers), and permitting tax free distributions from individual retirement accounts made directly to a charity. The bill would allow additional scrutiny of tax-exempt organizations. It also would authorize a \$1.4 billion increase for the Social Services Development Block Grant and additional funds to provide technical assistance to small church groups that lack the resources to compete for federal funding. Passed 95-5: R 46-5; D 48-0 (ND 39-0, SD 9-0); I 1-0. April 9, 2003.	
19	129. S Con Res 31. Prisoners of War/Adoption. Adoption of the resolution that would express outrage at the treatment of US. prisoners of war by Iraqi forces, note the expectation that they be allowed to meet with the Red Cross and state that those mistreating U.S. prisoners will be held accountable. Adopted 99-0: R 51-0; D 47-0 (ND 38-0, SD 9-0); I 1-0. April 9,2003.	
20	132. S 151. Protections for Children/Conference Report. Adoption of the conference report on the bill that would appoint a national coordinator for AMBER alerts, an alert system for missing children, provide additional protections for children and enact stricter punishments for sex offenders. Two-time child sex offenders would be subject to mandatory life sentences. The bill would make it a crime to pander visual depictions of children as child pornography. It would increase maximum sentences for several specified crimes against children and make it a crime to travel to foreign countries and engage in illicit sexual conduct with a minor. It also would expand law enforcement's wiretap and electronic surveillance capabilities in investigations of child pornography. Adopted (thus cleared for the president) 98-0: R 51-0; D 46-0 (ND 37-0, SD 9-0); I 1-0. A "yea" was a vote in support of the president's position. April 10,2003.	
21	134. H Con Res 95. Fiscal 2004 Budget Resolution/Conference Report. Adoption of the conference report on the concurrent resolution that would set broad spending and revenue targets over the next 10 years. The agreement would allow a tax cut of up to \$550 billion to be protected by reconciliation rules. Adopted, with Vice President Cheney casting a "yea" vote, 50-50: R 49-2; D 1-47 (NDO-39, SD 1-8); 10-1. April 11, 2003.	
22	145. S 113. FISA Warrants/Feinstein Substitute. Feinstein, D-Calif., substitute amendment that would amend the Foreign Intelligence Surveillance Act to allow surveillance of a foreigner if the government has evidence that the person came to the United States to commit a terrorist act, even if there is no evidence linking that person to a foreign state or terrorist group, a so-called foreign power. FISA judges would be allowed to ignore the lack of such evidence but would not be required to do so. Rejected 35-59: R 1-49; D 33-10 (ND 29-6, SD 4-4); I 1-0. May 8,2003.	
23	147. S 1054. Tax Reductions/On-Budget Surplus. Reid, D-Nev., motion to waive the Budget Act with respect to the Thomas, R*Wyo., point of order against the Reid amendment. The Reid amendment would prohibit the tax cuts on dividend income in the bill from going into effect unless the Treasury secretary certifies that the cuts would still allow for an on-budget surplus. Motion rejected 44-53: R 1-50; D 42-3 (ND 36-1, SD 6-2); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) May 14, 2003.	

24	177. HR 1298. Global AIDS Relief/Global AIDS Fund. Durbin, D-Ill., amendment that would authorize up to \$1 billion for the Global AIDS Fund. The first \$500 million would be allocated with no conditions. The second \$500 million would be allocated only if foreign contributions are at least \$1 billion. Rejected 48-52: R 0-51; D 47-1 (ND 39-0, SD 8-1); I 1-0. A "nay" was a vote in support of the president's position. May 15,2003.	
25	181. HR 1298. Global AIDS Relief/Drug Pricing. Kennedy, D-Mass., amendment that would direct the administration to purchase AIDS treatment drugs at the lowest possible price. Rejected 42-54: R 1-49; D 40-5 (ND 33-3, SD 7-2); I 1-0. May 16,2003 (in the session that began and the Congressional Record dated May 15,2003).	
26	183. HR 1298. Global AIDS Relief/Aid to Caribbean Nations. Dodd, D-Conn., amendment that would include 14 Caribbean nations among the list of priority recipients of the aid contained in the bill. Rejected 44-51: R 0-50; D43-1 (ND36-0, SD 7-1); I 1-0. May 16,2003 (in the session that began and the Congressional Record dated May 15,2003).	
27	185. S 1050. Fiscal 2004 Defense Authorization/Reservist Health Care. Graham, R-S.C., amendment to the Daschle, D-S.D., amendment. The Graham amendment would allow members of the Selected Reserve to enroll in Tricare, the military health care plan used by active-duty members. Enlisted service members would pay premiums of \$330 annually for themselves and \$560 for their families. Officers' premiums would be \$50 higher. Reservists who elect to retain civilian insurance for their families and who are ordered to active duty would be reimbursed for that insurance. The Daschle amendment would allow members of the Selected Reserve to enroll in Tricare at premiums of \$424 annually for individuals and \$1,448 for their families. Passed 85-10: R 39-10; D 45-0 (ND 37-0, SD 8-0); I 1-0. May 20, 2003.	
28	187. S 1050. Fiscal 2004 Defense Authorization/Low-Yield Nuclear Weapons. Warner, R-Va., amendment to the Reed, D-R.I., amendment. The Warner amendment would allow work on low-yield nuclear weapons to proceed beyond the research phase only with explicit approval from Congress. The Reed amendment would ban all work on such weapons beyond the research phase. Adopted 59-38: R 50-1; D 9-36 (ND 4-34, SD 5-2); I 0-1. May 21. 2003.	
29	193. S 1050. Fiscal 2004 Defense Authorization/Iraq Contracts. Warner, R-Va., amendment that would require the Defense Department to comply with the Competition in Contracting Act when soliciting bids and awarding contracts related to the reconstruction of Iraq. Adopted 99-0: R 51-0; D 47-0 (ND 38-0, SD 9-0); I 1-0. May 22,2003.	
30	198. H J Res 51. Debt Limit Increase/Social Security. McConnell, R-Ky., motion to table (kill) the Daschle, D-S.D., amendment that would express the sense of the Senate that cost-of-living adjustments for Social Security recipients should not be reduced. Motion agreed to 52-47: R 51-0; D 1-46 (NDO-38, SD 1-8); I 0-1. May 23,2003.	
31	203. S 14. Energy Policy/Ethanol Requirement Exclusion. Feinstein, D-Calif., amendment to the Frist, R-Tenn., amendment. The Feinstein amendment would allow the EPA to waive the ethanol requirements of the underlying amendment for a state or region that demonstrates it can comply with the Clean Air Act without the use of ethanol or if the requirement would harm the state or region's environment or economy. The Frist amendment would require gasoline refineries to use 5 billion gallons of ethanol or other alternative renewable fuels annually by 2012 and phase out the use of methyl tertiary butyl ether (MTBE). Rejected 35-60: R 19-31; D 16-28 (ND 15-22, SD 1-6); I 0-1. June 3,2003.	
32	205. HR 1588. Fiscal 2004 Defense Authorization/Base Closures. Dorgan, D-N.D., amendment that would cancel a round of base closings scheduled for 2005. Rejected 42-53: R 20-29; D 22-23 (ND 19-18, SD 3-5); I 0-1. A "nay" was a vote in support of the president's position. June 4,2003.	
33	208. S 14. Energy Policy/Liability Standards. Boxer, D-Calif., amendment to the Frist, R-Tenn., amendment. The Boxer amendment adds language that would require that a renewable fuel used for motor vehicles or a fuel containing a renewable additive be subject to liability standards equal to or greater than those used for any other fuel or fuel additive. Rejected 38-57: R 9-40; D 28-17 (ND 26-11, SD 2-6); I 1-0. June 5,2003.	
D34	220. S 1215. Myanmar Sanctions/Passage. Passage of the bill that would impose trade sanctions on exports from Myanmar, the country formerly known as Burma, until the president certifies the nation has made significant progress toward practicing democracy and ending human rights violations. Passed 97-1: R 50-1; D 46-0 (ND 37-0, SD 9-0); I 1-0. June 11,2003.	
35	222. S 824. Fiscal 2004 FAA Reauthorization/Privatization Ban. Lautenberg, D-N.J., amendment that would prohibit the Transportation secretary from privatizing core air traffic control functions, system specialists and maintenance of systems and flight service stations operated by the FAA, excluding the contract tower program. Adopted 56-41: R 11-40; D45-1 (ND 38-0, SD 7-1); I 0-0. A "nay" was a vote in support of the president's position. June 12, 2003.	
36	229. S 1. Prescription Drug Benefit/Premium Cap. Daschle, D-S.D., amendment that would limit any increase in prescription drug premiums to 10 percent of the national average monthly prescription drug premium. Rejected 39-56 R 0-51; D 39-4 (ND 35-1, SD 4-3); I 0-1. June 19,2003.	
37	235. S 1. Prescription Drug Benefit/Canadian Price Equity. Santorum, R-Pa., motion to table (kill) the Pryor, D-Ark., amendment that would require US. drug makers to sell pharmaceutical products to wholesalers or retailers on substantially the same terms as the most favorable terms offered by the drug maker in Canada. Motion agreed to 66-31: R 51-0; D 14-31 (ND 11-26, SD 3-5); I 1-0. June 24,2003.	

38	256. S 1. Prescription Drug Benefit/Immigrant Coverage. Sessions, R-Ala., amendment that would strike a provision in the bill allowing states to provide health coverage to legal immigrant children and pregnant women. It would also express the sense of the Senate that the Finance Committee should hold hearings, relating to Medicaid or welfare reauthorization, on whether the five-year residency requirement for legal immigrants to obtain federal benefits under welfare should be overturned. Rejected 33-65: R 32-19; D 1-45 (ND 1-36, SD 0-9); I 0-1. A "yea" was a vote in support of the president's position. June 26,2003.	
39	267. S 925. Fiscal 2004 State Department Reauthorization/"Mexico City" Policy. Lugar, R-Ind., motion to table (kill) the Boxer, D-Calif., amendment to the Lugar substitute amendment. The Boxer amendment would repeal the "Mexico City" policy, which forbids foreign organizations that receive US. aid from providing abortions or abortion counseling. The substitute would authorize \$27 billion for State Department operations and foreign assistance programs. Motion rejected 43-53: R 42-9; D 1-43 (ND 0-38, SD 1-5); I 0-1. (Subsequently, the Boxer amendment was adopted by voice vote.) A "yea" was a vote in support of the president's position. July 9,2003.	
40	270. S 925. Fiscal 2004 State Department Reauthorization/HIV-AIDS Funding. Bingaman, D-N.M., amendment that would express the sense of Congress that the provisions of the global HIV/AIDS bill enacted this year (PL 108-25) should be fully funded when appropriations are made, even if doing so would exceed the funding allowed by the fiscal 2004 budget resolution. Adopted 78-18: R 33-18; D 44-0 (ND 37-0, SD 7-0); I 1-0. July 10,2003.	
41	271. S 925. Fiscal 2004 State Department Reauthorization/Post-War Iraq. Biden, D-Del., amendment that would express the sense of Congress that it is in the national security interests of the United States to stay in Iraq to ensure peace, stability and a representative government. It would also urge the president to request NATO to form a peacekeeping force and urge the president to ask the United Nations and its member states to provide military forces and civilian police for stability and security. Adopted 97-0: R 5 1-0; D 45-0 (ND 38-0, SD 7-0); I 1-0. July 10,2003.	
42	273. HR 2657. Fiscal 2004 Legislative Branch Appropriations/Passage. Passage of the bill that would appropriate \$3.6 billion in fiscal 2004 for Congress and its affiliated agencies and \$1.9 billion in emergency supplemental spending for fiscal 2003. The supplemental spending would include \$1.6 billion for Federal Emergency Management Agency disaster assistance, as well as \$100 million for AmeriCorps. Passed 85-7: R 44-7; D 40-0 (ND 35-0, SD 5-0); I 1-0. (Before passage, the Senate incorporated the text of S 1383 into the bill.) July 11, 2003.	
43	274. HR 2559. Fiscal 2004 Military Construction Appropriations/Passage. Passage of the bill that would appropriate \$9.2 billion for military construction, including \$3.9 billion for family housing, \$4.7 billion for military construction projects, and \$370 million for base closure expenses. Passed 91-0: R 50-0; D 40-0 (ND 35-0, SD 5-0); I 1-0. (Before passage, the Senate struck all after the enacting clause and inserted the text of S 1357 into the bill.) July 11, 2003.	
44	277. HR 2658. Fiscal 2004 Defense Appropriations/Troop Deployments. Stevens, R-Alaska, motion to table (kill) the Byrd, D-W.Va., amendment that would prohibit funds being appropriated for a National Guard or military reserve member to be deployed for more than 180 days, or for more than one deployment in a 360-day period. Motion agreed to 64-31: R 50-0; D 14-30 (ND 13-24, SD 1-6); 10-1. July 15, 2003.	
45	278. HR 2658. Fiscal 2004 Defense Appropriations/Cost of Iraq Operations. Stevens, R-Alaska, motion to table (kill) the Dorgan, D-N.D., amendment that would require the president to submit to Congress a cost estimate for fiscal 2004 military operations in Iraq and Afghanistan not covered by the underlying bill. Motion agreed to 53-41: R 50-0; D 3-40 (ND 2-35, SD 1-5); 10-1. July 16,2003.	
46	280. HR 2330. Myanmar Sanctions/Passage. Passage of the bill that would prohibit the importation of any products from Myanmar (formerly known as Burma) and freeze the regime's assets in US. financial institutions. The bill also would extend a current US. visa ban against members of the ruling military junta and authorize the president to assist pro-democracy activities in Myanmar. The president could lift sanctions by certifying that human rights and pro-democracy standards have been met or by issuing a waiver in the interests of national security. Passed (thus cleared for the president) 94-1: R 49-1; D 44-0 (ND 37-0, SD 7-0); I 1-0. July 16,2003.	
47	281. HR 2658. Fiscal 2004 Defense Appropriations/Iraq War Costs. Cochran, R-Miss., motion to table (kill) the Boxer, D-Calif., amendment that would require the Defense secretary to submit a report to the House International Relations Committee and the Senate Foreign Relations Committee every 30 days detailing the costs of military action and the number of US. personnel serving in Iraq, including any contributions from foreign countries. Motion agreed to 50-45: R 50-0; D 0-44 (ND 0-37, SD 0-7); 10-1. July 16,2003.	
48	285. HR 2658. Fiscal 2004 Defense Appropriations/Unauthorized Appropriations. Stevens, R-Alaska, motion to table (kill) the McCain, R-Ariz., amendment that would strike provisions appropriating funds for unauthorized or unrequested programs, including \$2.5 million for a canola oil fuel cell initiative, \$1 million for Shakespeare in America military communities, \$1 million for the control of brown tree snakes, \$1 million for the Academy for Closing and Avoiding Achievement Gaps and \$5CG,000 for renovating a hangar at the former Griffiss Air Force Base site in New York. Motion agreed to 79-16: R38-12;D41-3 (ND34-3,SD7-0);10-1. July 16,2003.	
49	287. HR 2658. Fiscal 2004 Defense Appropriations/Intelligence Funding. Stevens, R-Alaska, motion to table (kill) the Durbin, D-Ill., amendment that would withhold \$50 million in intelligence funding until the president submits a report on the role played by executive branch policy-makers in the development and use of intelligence relating to the war in Iraq. The report would have to be submitted	

	to the Senate Foreign Relations Committee, the House International Relations Committee and the Appropriations, Armed Services and Intelligence committees of both chambers. Motion agreed to 62-34: R 51-0; D 11-33 (ND 9-28, SD 2-5); 10-1. July 17,2003.	
50	296. HR 2555. Fiscal 2004 Homeland Security Appropriations/Firefighter Grants. Mikulski, D-Md., motion to waive the Budget Act with respect to the Cochran, R-Miss., point of order against the Mikulski amendment. The Mikulski amendment would provide \$900 million for firefighter assistance grants, \$150 million more than the underlying bill. Motion rejected 48-49: R 2-48; D 45-1 (ND 37-0, SD 8-11; I 1-0. A three-fifths majority (60) of the entire Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) July 23,2003.	
51	298. HR 2555. Fiscal 2004 Homeland Security Appropriations/Canadian Border Security. Schumer, D-N.Y., motion to waive the Budget Act with respect to the Cochran, R-Miss., point of order against the Schumer amendment. The Schumer amendment would provide \$200 million to improve security along the US-Canadian border. Motion rejected 45-51: R 0-49; D 44-2 (ND 37.0, SD 7-2); I 1-0. A three-fifths majority (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) July 23,2003.	
52	300. HR 2555. Fiscal 2004 Homeland Security Appropriations/Maritime Security. Cochran, R-Miss., motion to table the Byrd, D-W.Va., amendment that would increase funding for port and maritime security grants in the bill by \$100 million, funding for Coast Guard operations and security by \$42 million, and firefighter assistance grants by \$100 million. The funding would be offset by decreasing the allocation for the Office of the Undersecretary for Information Analysis and Infrastructure Protection. of the remaining funding for this office, \$50 million would be earmarked for assessing chemical plant security. Motion agreed to 51-45: R 50-1; D 1-43 (NDO-36, SD 1-7); 10-1. July 24,2003.	
53	301. HR 2555. Fiscal 2004 Homeland Security Appropriations/High-Threat Urban Areas. Specter, R-Pa., motion to waive the Budget Act with respect to the Cochran, R-Miss., point of order against the Specter amendment. The Specter amendment would increase the bill's funding by \$300 million for discretionary grants for improving security in high-threat urban areas. Motion rejected 50-46: R 7-44; D 42-2 (ND 35-1, SD 7-1); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) July 24, 2003.	
54	314. S 14. Energy Policy/Standard Market Design. Domenici, R-N.M., motion to table (kill) the Bingaman, D-N.M., amendment to the Domenici amendment. The Bingaman amendment would allow FERC to issue rules related to standard market design before July 2005, while prohibiting the commission from establishing the actual rules before July, 2005. Motion agreed to 54-44 R 47-4; D 7-39 (ND 3-34, SD 4-5); 10-1. July 30,2003.	
55	323. HR 2660. Fiscal 2004 Labor-HHS-Education Appropriations/ Impact Aid. Reid, D-Nev., motion to waive the Budget Act with respect to the Specter, R-Pa., point of order against the Dorgan, D-N.D., amendment to the Specter substitute amendment. The Dorgan amendment would provide an additional \$187 million for the Impact Aid program. Motion rejected 54-42: R 11-40; D42-2 (ND35-1, SD 7-1); I 1-0. A three-fifths majority (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Sept. 3,2003.	
56	345. HR 2660. Fiscal 2004 Labor-HHS-Education Appropriations/ West Nile Virus and Mosquito Control. Landrieu, D-La., motion to waive the Budget Act with respect to the Specter, R-Pa., point of order against the Landrieu amendment to the Specter substitute amendment. The Landrieu amendment would provide \$25 million to the CCC for programs related to West Nile Virus and \$100 million for mosquito control. Motion rejected 46-49: R 3-47; D 42-2 (ND 36-1, SD 6-1); I 1-0. A three-fifths majority (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Sept. 10,2003.	
57	356. HR 2691. Fiscal 2004 Interior Appropriations/Indian Health Service. Daschle, D-SB., motion to waive the Budget Act with respect to the Burns, R-Mont., point of order against the Daschle amendment that would provide an additional \$292 million for clinical services of the Indian Health Service. Motion rejected 49-45: R 6-45; D 42-0 (ND 36-0, SD 6-0); I 1-0. A three-fifths majority (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Sept. 23, 2003.	
58	359. HR 2691. Fiscal 2004 Interior Appropriations/Judicial Review of Timber Sales. Stevens, R-Alaska, motion to table (kill) the Boxer, D-Calif., amendment that would strike a section in the bill that would provide for an expedited judicial review process for cases involving timber harvesting in the Tongass National Forest. Motion agreed to 52-44: R 46-5; D 6-38 (ND 3-33, SD 3-5); 10-1. Sept. 23,2003.	
59	364. HR 2658. Fiscal 2004 Defense Appropriations/Conference Report. Adoption of the conference report on the bill that would appropriate \$368.7 billion in fiscal 2004 for defense and national security, \$3.4 billion less than the administration's request. The total includes \$1 15.9 billion for operations and maintenance, \$98.5 billion for personnel and \$74.7 billion for procurement. Adopted (thus cleared for the president) 95-0: R 50-0; D 44-0 (ND 37-0, SD 7-0); I 1-0. Sept. 25,2003.	
60	371. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/Iraq's Reconstruction. Byrd, D-W.Va., amendment that would eliminate from the bill \$15.2 billion of the \$20.3 billion allocated for Iraq's reconstruction efforts. The remaining \$5.1 billion would be used for security, including public safety requirements, national security and justice purposes. Rejected 38-59: R 1-50; D 36-9 (ND 30-7, SD 6-2); I 1-0. Oct. 1,2003.	

61	373. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/Tax Cut Suspension. Stevens, R-Alaska, motion to table (kill) the Biden, D-Del., amendment that would offset Iraqi reconstruction costs by reducing income tax cuts enacted since 2001 for the top 1 percent of earners. Motion agreed to 57-42: R 50-1; D 7-40 (ND 3-36, SD 4-4); 10-1. Oct. 2,2003.	
62	376. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/Safety Equipment. Stevens, R-Alaska, motion to table (kill) the Dodd, D-Conn., amendment that would add \$322 million to the hill's spending on battlefield clearance and safety equipment for U.S. troops in Iraq. The money would be offset by a reduction in Iraqi reconstruction funds. Motion agreed to 49-37: R 46-0; D 2-37 (ND 1-33, SD 1-4); I 1-0. Oct. 2,2003.	
63	377. S 1053. Genetic Nondiscrimination/Passage. Passage of a bill that would ban employers and health insurers from discriminating based on an individual's genetic profile. Employers would be barred from using genetic information in employment decisions, and insurers would be prohibited from using genetic information to deny coverage or to set or adjust premiums. Passed 95-0: R 51-0; D 43-0 (ND 36-0, SD 7-0); I 1-0. Oct. 14,2003.	
64	379. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan Domestic Spending. Stevens, R-Alaska, motion to table (kill) the Stabenow, D-Mich., amendment that would reduce the amount provided for Iraq reconstruction by \$5.03 billion. It would redirect that funding for domestic programs, including \$1.8 billion for veterans' health benefits; \$1 billion for school reconstruction, renovation and repair, and class size reduction; and \$1.5 billion for capital improvements for federal highways. It would express the sense of the Senate that an additional \$5.03 billion for Iraq's reconstruction should be considered during the fiscal 2005 appropriations process. Motion agreed to 59-35: R 51-0; D 8-34 (ND 7-28, SD 1e6); 10-1. Oct. 14, 2003.	
65	381. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/ Military Reserve Retirement Age. Corzine, D-N.J., motion to waive the Budget Act with respect to the Stevens, R-Alaska, point of order against the Corzine amendment that would lower the retirement age from 60 to 55 for members of the National Guard and reserves. Motion rejected 47-49: R 4-46; D 42-3 (ND 35-2, SD 7-1); I 1-0. A three-fifths majority (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Oct. 15, 2003.	
66	384. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/Removal of Saddam Hussein. Graham, R-S.C., amendment that would express the sense of Congress that the removal of the government of Iraq under Saddam Hussein has enhanced the security of Israel and other U.S. allies. Adopted 95-2: R 50-1;D44-1 (ND36-1,SD8-0); I1-0.Oct. 15,2003.	
67	389. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/ Reconstruction Loans. Bayh, D-Ind., amendment that would provide a total of \$10.3 billion as a grant to rebuild Iraq and would structure the remaining \$10 billion as a loan that would be converted to a grant if 90 percent of all bilateral debt incurred by the former Iraqi regime of Saddam Hussein has been forgiven by other countries. It also would express the sense of Congress that each country that is owed bilateral debt by Iraq should forgive such debt and provide reconstruction aid beginning at the Madrid Donor Conference on Oct. 23. Adopted 51-47:R8-43;D42-4 (ND34-3,SD8-1);11-0.A"nay"was a vote in support of the president's position. Oct. 16,2003.	
68	390. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/ Salary Reimbursement for Federal Employees. Durbin, D-Ill., amendment that would require that federal employees who take leave without pay, in order to serve as members of the uniformed service or the National Guard, be reimbursed for the difference between their salaries, and the pay and allowances they receive while on duty. Adopted 96-3: R 48-3; D 47-0 (ND 38-0, SD 9-0); I 1-0. Oct. 17,2003.	
69	396. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/ Reconstruction Funding Limit. Stevens, R-Alaska, motion to table (kill) the Byrd, D-W.Va., amendment that would reduce funding for reconstruction in Iraq by \$ t.655 billion and reallocate the funds to other purposes such as destroying conventional weapons in Iraq and accelerating reconstruction in Afghanistan. Motion agreed to 51-47: R 49-1; D 2-45 (ND 1-37, SD 1-8); 10-1. Oct. 17,2003.	
70	405. HR 2989. Fiscal 2004 Transportation-Treasury Appropriations/ Cuba Travel Ban. Stevens, R-Alaska, motion to table (kill) the Dorgan, DN.D., amendment that would prohibit any funds in the bill from being used to enforce a ban on U.S. citizens traveling to Cuba. Motion rejected 36-59: R 30-19; D 6-39 (ND 4-33, SD 2-6); 10-1. A "yea" was a vote in support of the president's position. Subsequently, the amendment was adopted by voice vote. Oct. 23, 2003.	
71	408. HR 2989. Fiscal 2004 Transportation-Treasury Appropriations/ Competitive Sourcing. Mikulski, D-Md., amendment that would prohibit the use of any funds in the bill for implementing revised Office of Management and Budget guidelines for opening up some government activities to competition between government and private sources. Rejected 47-48: R 3-47; D 43-1 (ND 36-0, SD 7-1); I 1-0. A "nay" was a vote in support of the president's position. Oct. 23, 2003.	
72	418. HR 1904. Forest Thinning/Air Monitoring. Boxer, D-Calif., amendment that would authorize a program for the EPA to monitor additional air toxins following a fire that is declared a federal disaster. Monitoring would end when the EPA has determined the danger has subsided. Adopted 78-17: R 32-17; D 45-0 (ND 37-0, SD 8-0); 1 1-0. Oct. 29,2003.	
73	420. S 139. Climate Change/Substitute. Lieberman, D-Conn., substitute amendment that would strike the text of the bill and replace it with provisions that would require greenhouse gas emissions to be reduced to 2000 levels by 2010. Greenhouse gases would be defined as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. It would provide a program of scientific research on climate change, establish a nation 11 greenhouse gas database, and	

	create a market-driven system of greenhouse gas tradable allowances. Rejected 43-55: R 6-45; D 36-10 (ND 33-5, SD 3-5); I 1-0. A "nay" was a vote in support of the president's position. Oct. 30,2003.	
74	430. HR 2800. Fiscal 2004 Foreign Operations Appropriations/Abstinence Programs. Feinstein, D-Calif., amendment that would clarify the definition of HIV/AIDS prevention to mean only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of abstinence. It would stipulate that the requirement in the Global AIDS authorization bill that one-third of all prevention funding must be dedicated to "abstinence until marriage programs" applies only to the funds for prevention of the sexual transmission of HIV rather than all AIDS prevention funds. Rejected 45-47: R3-46;D41-1 (ND35-0,SD6-1);I 1-0.Oct.30, 2003.	
75	431. HR 2800. Fiscal 2004 Foreign Operations Appropriations/Global AIDS Initiative. Durbin, D-Ill., motion to waive the Budget Act with respect to the McConnell, R-Ky., point of order against the Durbin amendment that would provide an additional \$589.7 million for the Global AIDS Initiative, to remain available until Sept. 30, 2006, for programs for the prevention, treatment and research of HIV/AIDS, tuberculosis and malaria. It may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Motion rejected 42-50: R 1-48; D 40-2 (ND 34-1, SD 6-1); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Oct. 30, 2003.	
76	439. HR 2673. Fiscal 2004 Agriculture Appropriations/Electricity Market Manipulation. Cantwell, D-Wash., amendment that would provide for a broad prohibition on all manipulative practices in electricity markets. Adopted 57-40: R 12-39; D 44-1 (ND 37-0, SD 7-1); I 1-0. Nov. 5,2003.	
77	440. HR 2673. Fiscal 2004 Agriculture Appropriations/Crop Losses. Dayton, D-Minn., motion to waive the Budget Act with respect to the Bennett, R-Utah, point of order against the Dayton amendment that would require the Agriculture secretary to spend such sums as necessary from the Commodity Credit Corporation for emergency financial assistance to farmers that have incurred qualifying crop and livestock losses for 2001,2002 or 2003. Motion rejected 40-55: R 3-47; D 36-8 (ND 30-7, SD 6-1); I 1-0. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the point of order, and the amendment fell.) Nov. 5, 2003.	
78	444. HR 2673. Fiscal 2004 Agriculture Appropriations/Passage. Passage of a bill that would provide \$79.6 billion for agriculture, rural development and nutrition programs in fiscal 2004, including \$29.9 billion for food stamps, \$11.4 billion for child nutrition, \$3.4 billion for the Federal Crop Insurance corporation fund and \$17.3 billion for the commodity Credit Corporation. Passed 93-1: R 48-1; D 44-0 (ND37-0, SD 7-0); I 1-0. Nov. 6,2003.	
79	445. HR 1825. Syria Sanctions/Passage. Passage of the bill that would require the president to impose at least two sanctions on Syria. Sanctions could include barring US. exports and investment in Syria with the exception of food and medicine, freezing Syrian government assets in the United States, banning Syrian aircraft from US. airspace, reducing diplomatic contacts, and restricting the travel of Syrian diplomats. Any of the sanctions could be waived for national security reasons. The bill also would condemn Syrian involvement with terrorism and demand a withdrawal of Syrian forces from Lebanon. Passed 89-4: R 47-2; D 42-1 (ND 34-1, SD 8-0); 10-1. Nov. 11,2003.	
80	447. HR 1585. Fiscal 2004 Defense Authorization/Adoption. Adoption of the conference report on the bill that would authorize \$401.3 billion for defense and national security in fiscal 2004. It would allow certain disabled military retirees to receive both their retirement and disability benefits simultaneously and would extend the military's Tricare health coverage to National Guard and reservists and their families if the service members have been called to active duty The Air Force would be authorized to lease up to 20 Boeing 767 aerial refueling tanker planes and buy up to 80 more. Adopted (thus cleared for the president) 95-3: R 51-0; D44-2 (ND36-2, SD8-0); 10-1. Nov. 12,2003.	
81	448. HR 2559. Fiscal 2004 Military Construction Appropriations, Adoption. Adoption of the conference report on the bill that would provide \$9.3 billion for military construction, \$199 million more than the president's request. Of that amount, \$1.1 billion would be spent on new family housing units for military personnel and their dependents. The bill also would rescind \$496 million in previously appropriated funds, mostly for construction projects in Germany and Korea, to facilitate the redeployment of US. forces to other foreign bases, such as in Eastern Europe and the Middle East. Adopted (thus cleared for the president) 98-0: R 51-0; D 46-0 (ND 38-0, SD 8-0); I 1-0. Nov. 12,2003.	
82	453. HR 2115. Fiscal 2004 FAA Reauthorization/Cloture. Motion to invoke cloture (thus limiting debate) on the conference report on the bill that would reauthorize the Federal Aviation Administration for fiscal 2004-2007. The bill would authorize \$62 billion over four years for aviation programs and would extend for the same period the requirement that all revenue credited to the Aviation Trust Fund each year must be spent on aviation programs. Motion rejected 45-43: R 42-3; D 3-39 (ND 2-33, SD 1-6); I 0-1. Three-fifths of the total Senate (60) is required to invoke cloture. Nov. 17,2003.	
83	457. HR 1. Medicare Prescription Drug Benefit/Cloture. Motion to invoke cloture (thus limiting debate) on the conference report on the bill that would create a prescription drug benefit for Medicare recipients beginning in 2006, and make structural changes to the program allowing beneficiaries to obtain coverage through traditional Medicare or a private health plan. Motion agreed to 70-29: R 47-3; D 22-26 (ND 16-23, SD 6-3); I 1-0. Three-fifths of the total Senate (60) is required to invoke cloture. Nov. 24, 2003.	

84	17. S 1805. Gun Liability/Gun Safety Devices. Boxer, D-Calif., amendment, as amended, to prohibit the sale or transfer of handguns by a licensed manufacturer, importer or dealer unless a secure gun storage or safety device is provided for each handgun. It would exempt gun transfers to US. or state government agencies and law enforcement officials. It would impose penalties of up to \$2,500 and license suspension or revocation for manufacturers, dealers or importers who sell a handgun without such a device. Adopted 70-27: R 25-25; D 44-2 (ND 37-1, SD 7-1); I 1-0. Feb. 26,2004.	
85	101. S 2400. Fiscal 2005 Defense Authorization/U.S. Foreign Subsidiaries. Lautenberg, D-N.J. amendment that would require that any restrictions on transactions of U.S. companies that do business with countries determined to be state sponsors of terrorism also apply to their foreign subsidiaries, where there is at least 50 percent ownership by the U.S. company. Rejected 49-50: R 3-48; D 45-2 (ND 37-1, SD 8-1); I 1-0. May 19,2004.	
86	140. S 2400. Fiscal 2005 Defense Authorization/Troop Limit. Byrd, D-W.Va., amendment that would cap the number of military troops and civilian contractors in Colombia at 500 each. Rejected 40-58: R 1-49; D 38-9 (ND 32-6, SD 6-3); I 1-0. June 23,2004.	
87	141. Sanchez Nomination/Confirmation. Confirmation of President Bush's nomination of Juan R. Sanchez of Pennsylvania to be a judge for the US. District Court for the Eastern District of Pennsylvania. Confirmed 98-0 R 50-0; D 47-0 (ND 38-0, SD 9-0); I 1-0. A "yea" was a vote in support of the president's position. June 23, 2004.	
88	150. H J Res 97. Myanmar Sanctions/Passage. Passage of the joint resolution that would extend for one year import restrictions on products from Myanmar, formerly known as Burma, until the president certifies that the Myanmar government has made significant progress toward practicing democracy and ending human rights violations. Passed (thus cleared for the president) 96-1: R 48-1; D 47-0 (ND 38-0, SD 9-0); I 1-0. June 24,2004.	
89	151. S Res 393. Middle East Peace Process/Adoption. Adoption of the resolution that would express the sense of the Senate in support of U.S. policy in the Middle East peace process. Adopted 95-3: R 49-1; D 46-1 (ND 37-1, SD 9-0); I 1-0. June 24,2004.	
90	155. S J Res 40. Same-Sex Marriage Ban Constitutional Amendment Cloture. Motion to invoke cloture (thus limiting debate) on the motion to proceed to the joint resolution to propose a constitutional amendment that would define marriage as consisting only of the union of a man and a woman. It would provide that the US. Constitution or any state's constitution could not be construed to require that marriage or any other constructs of marriage be conferred to any other union. Motion rejected 48-50: R 45-6; D 3-43 (ND 2-36, SD 1-7); I 0-1. Three-fifths of the total Senate (60) is required to invoke cloture. A "yea" was a vote in support of the president's position. July 14,2004.	
91	156. HR 4759. U.S.-Australia Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Australia. It would give all U.S. agricultural exports to Australia immediate duty-free access, phase out U.S. duties on Australian beef and lamb exports, and slightly increase the current US. quota for Australian dairy exports. Passed (thus cleared for the president) 80-16: R 48-2; D 31-14 (ND 23-14, SD 8-0); I 1-0. A "yea" was a vote in support of the president's position. July 15, 2004.	
92	157. HR 4520. Corporate Tax Overhaul/Tobacco Buyout and FDA Regulation. DeWine, R-Ohio, amendment to the McConnell, R-Ky. (for Grassley, R-Iowa), substitute amendment. The DeWine amendment would give the Food and Drug Administration (FDA) authority to regulate the manufacture and sale of tobacco products. It would also eliminate the federal quota and price support programs for certain tobacco farmers, authorize \$12 billion over 10 years for the transition from the current quota program, and fund the buyout through assessments on tobacco companies. The substitute amendment would insert the text of S 1637 as passed by the Senate. Adopted 78-15: R 35-14; D 43-0 (ND 36-0, SD 7-0); I 1-0. (Subsequently, the substitute was adopted by voice vote and the bill, as amended, was passed by voice vote.) July 15, 2004.	
93	159. S 2677. US.-Morocco Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Morocco. It would make more than 95 percent of bilateral trade in consumer and industrial products duty-free immediately, with all remaining tariffs eliminated within nine years. It also would reduce some agricultural tariffs. Passed 85-13: R 46-5; D 38-8 (ND 31-7, SD 7-1); I 1-0. A "yea" was a vote in support of the president's position. July 21, 2004.	
94	163. HR 4613. Fiscal 2005 Defense Appropriations/Conference Report. Adoption of the conference report on the bill that would appropriate \$417.5 billion for the Defense Department and related agencies, including \$391.2 billion for the Pentagon and \$25 billion in emergency spending for military operations in Iraq and Afghanistan. Adopted (thus cleared for the president) 96-0: R 51-0; D 44-0 (ND 37-0, SD 7-0); I 1-0. July 22,2004.	
95	184. HR 4567. Fiscal 2005 Homeland Security Appropriations/ Passage. Passage of the bill that would provide \$33.8 billion in fiscal 2005 for the Department of Homeland Security and related agencies, 5 percent more than the administration's request. The bill, as amended, would also provide an estimated \$2.9 billion in emergency aid to agricultural producers affected by natural disasters. Passed 93-0: R 47-0; D 45-0 (ND 37-0, SD 8-0); I 1-0. Sept. 14,2004.	
96	194. S 2845. Intelligence Overhaul/Foreign Subsidiaries. Collins, R-Maine, motion to table (kill) the Lautenberg, D-N.J., amendment that would bar foreign subsidiaries of U.S. companies from doing business with countries considered sponsors of terrorism. Motion agreed to 47-41: R 45-2; D 2-38 (ND 1-33, SD 1-5); I 1-0. Sept. 30,2004.	

97	209. S Res 454. Disaster Assistance/Adoption. Adoption of the resolution that would express the sense of the Senate that Congress should provide emergency spending for disaster assistance to eligible agricultural producers that is not offset by subsequent cuts to the farm bill. Adopted 71-14 R 30-14; D 40-0 (ND 35-0, SD 5-0); I 1-0. Oct. 9,2004.	
98	213. S 2986. Debt Limit Increase/Passage. Passage of the bill that would increase the federal debt limit to \$8.18 trillion, an \$800 billion increase. Passed 52-44: R 50-1; D 2-42 (ND 0-35, SD 2-7); I 0-1. Nov. 17,2004.	
99	214. HR 1047. Miscellaneous Tariffs and Trade/Cloture. Motion to invoke cloture (thus limiting debate) on the conference report on the bill that would suspend duties on hundreds of specific imported goods, authorize reimbursement for duties on certain previously imported goods and make several technical corrections to trade laws. Motion agreed to 88-5: R 47-1; D 41-4 (ND 33-4, SD 8-0); I 0-0. Three-fifths of the total Senate (60) is required to invoke cloture. (Subsequently, the conference report was adopted by voice vote.) Nov. 19,2004.	
100	216. S 2845. Intelligence Overhaul/Conference Report. Adoption of the conference report on the bill that would reorganize 15 U.S. intelligence agencies and create a new director of national intelligence to oversee all U.S. intelligence activities and determine the intelligence budget. The director would be allowed to move no more than 5 percent of an agency's budget. The National Counterterrorism Center would serve as the primary organization for analyzing and integrating all U.S. intelligence pertaining to terrorism and counterterrorism. The measure would authorize approximately 10,000 additional border patrol agents over five years, and new programs and pilot projects to upgrade airport and airplane security. The FBI would be allowed to conduct surveillance and wiretaps on suspected terrorists who have no ties to any foreign country or entity. Adopted (thus cleared for the president) 89-2: R 44-1; D 44-1 (ND 36-1, SD 8-0); I 1-0. A "yea" was a vote in support of the president's position. Dec. 8,2004.	

Appendix: “Hard Cases” Classified into domestic and foreign policy.

In the Senate roll calls, I classify them into two categories. They are “domestic policy”, “foreign policy”. Classification between “domestic” and “foreign” policy can be explained as follows: if a roll call is related to foreign nations/people or international issues, it is classified as “foreign” policy. And if roll calls are not related to above criteria (foreign policy), they are “domestic” policy. However, when I classified them into two parts (i.e., domestic and foreign policy), there are borderline cases which were challenging to classify as either domestic or foreign policy. I suggest several hard cases and illustrate how and why I distinguished them into domestic and foreign policy.

Table 2.5. List of “hard cases” classified into domestic and foreign policy.

Roll Call votes	What I classified	Classification criteria
179. S 1348. Immigration Overhaul/NSF Scholarship. Sanders, I-Vt., amendment to the Kennedy, D-Mass., substitute amendment. The Sanders amendment would establish a National Science Foundation program to award scholarships of up to \$15,000 for math, engineering, health care and	Foreign Policy	The bill is related to refugees and legal immigrants, will impact the U.S.’s immigration policy, and is related to foreign citizens.

computer science to U.S. citizens and certain refugees and legal immigrants with permanent status . Adopted 59-35: R 13-32; D 44-3 (ND 39-3, SD 5-0); I 2-0. May 24, 2007.		
188. S 1348. Immigration Overhaul/Health Insurance Requirement. 188 189 190 191 192 193 194 188 189 190 191 192 193 194 DeMint, R-S.C., amendment to the Kennedy, D-Mass., substitute. The DeMint amendment would require applicants for a new "Z" visa program, which would allow illegal immigrants now in the country to be put on a path to citizenship, to pledge to maintain a minimum level of health coverage through a qualified health care plan . Rejected 43-55: R 40-8; D 3-45 (ND 3-40, SD 0-5); I 0-2. June 6, 2007.	Foreign Policy	This bill is related to illegal immigrants and will influence the U.S.'s immigrant policy and impact future immigrants.
8. H J Res 2. Fiscal 2003 Omnibus Appropriations/Foreign Cruise Ships. Inouye, D-Hawaii, motion to table (kill) the McCain, R-Ariz., amendment that would strike from the resolution a provision giving a subsidiary of Malaysian-owned Norwegian Cruise Lines the exclusive right to operate foreign-made cruise vessels under the US flag in the domestic cruise industry in Hawaii . Motion agreed to 62-33: R 20-30; D 41-3 (ND 36-1, SD 5-2); I 1-0. Jan. 17,2003.	Domestic Policy	Although this bill is related to foreign people, its area is a private company's management. Thus, it is not related to U.S. foreign policy.
146. S 113. FISA Warrants/Passage. Passage of the bill that would amend the Foreign Intelligence Surveillance Act to allow surveillance of a foreigner if the government has evidence that person came to the United States to commit a terrorist act, even if there is no evidence linking that person to a foreign state or terrorist group , a so-called foreign power. FISA judges would be prohibited from denying a warrant on grounds that the target had no connection to a foreign power. Passed 90-4: R 50-0; D 39-4 (ND 31-4, SD 8-0); I 1-0. May 8,2003.	Domestic Policy	Although this bill is related to foreigners with evidence of terrorist affiliation, it is about domestic public security.
185. S 1050. Fiscal 2004 Defense Authorization/Reservist Health Care. Graham, R-S.C., amendment to the Daschle, D-S.D., amendment. The Graham amendment would allow members of the Selected Reserve to enroll in Tricare, the military health care plan used by active-duty members. Enlisted service members would pay premiums of \$330 annually for themselves and \$560 for their families. Officers' premiums would be \$50 higher. Reservists who elect to retain civilian insurance for their families and who are ordered to active duty would be reimbursed for that insurance. The Daschle amendment would allow members of the Selected Reserve to enroll in Tricare at premiums of \$424 annually for individuals and \$1,448 for their families . Passed 85-10: R 39-10; D 45-0 (ND 37-0, SD 8-0); I 1-0. May 20, 2003.	Domestic Policy	This bill is related to the military but limited to health care policies for Reservists and their families.
120. S 2549. Fiscal 2001 Defense Authorization/Military Base Closures and Realignment. McCain, R-Ariz., amendment that would authorize two rounds of military base closures and realignments , one in 2003 and another in 2005. Rejected 35-63: R 13-40; D 22-23 (ND 19-18, SD 3-5). June 7,2000.	Domestic Policy	This bill is related to the military but concerned with military base closure and realignments in the U.S. Thus it is not directly related to foreign nations.
125. HR 4576. Fiscal 2001 Defense Appropriations/Corporate Jets. Stevens, R-Alaska, motion to table (kill) the Boxer, D-Calif., amendment that would strike a section in the bill that allows the Army and Navy secretaries to lease special aircraft . Motion agreed to 65-32: R 49-4; D 16-28 (ND 12-24, SD 4-4). June 13,2000.	Domestic Policy	This bill is related to military weapons systems and special aircraft, but it is related to leasing weapons and is not related to foreign nations.
184. S 2766. Fiscal 2007 Defense Authorization/Fighter Jet Procurement. Chambliss, R-Ga., amendment that would authorize the secretary of the Air Force to enter into a multi-year contract, beginning in fiscal year 2007, for the procurement of not more than 60 F-22A fighter aircraft. It also would authorize the multi-year procurement of up to 120 F-119 engines for the fighter jets and up to 13 spare F-119 engines . Adopted 70-28: R 44-10; D 26-17 (ND 23-16, SD 3-1); I 0-1. June 22, 2006.	Domestic Policy	This bill is related to the procurement of military weapons and is not directly related to foreign nations.
185. S 2766 Fiscal. 2007 Defense Authorization/Missile Defense Agency. Sessions, R-Ala., amendment that would authorize an additional \$45 million for the Missile Defense Agency for testing and operations , to be offset by reducing military personnel accounts by the same amount. Adopted 98-0: R 54-0; D 43-0 (ND 39-0, SD 4-0); I 1-0. June 22, 2006.	Domestic Policy	This bill is related to additional defense authorization in terms of missile defense for testing and operations but is not directly related to foreign nations.

Appendix: Details about distinguishing different policy types of foreign policy

In order to check the reliability of my classification among foreign policy (non-treaty), I asked a graduate student to classify 100 random samples of roll call votes and compare his classification with mine. I gave 100 random samples of roll call votes in the Senate to a student and asked him to classify them as 7 types of foreign policy such as “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”. Here is the classification direction and classification criteria.

[Direction: Read the below list of roll call votes in the Senate and classify them into 7 types of foreign policy such as “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”.

Classification: “Trade” policy is related to the U.S.’s trade with other nations. “Diplomacy” policy is related to U.S. intervention in other countries without military action or to diplomatic positions, such as condemning another nation’s action, and diplomatic relations with other nations. “Military” policy includes the U.S.’s military action, nuclear/weapons agreements, and weapons sales policies. “Aid” policy includes the U.S.’s aid to other nations except for military-related aid. “Immigration” policy includes the U.S.’s immigration or refugee policies. “Sanction” policy includes the U.S.’s sanctions on other nations except for military options. “Others” includes foreign policies that do not belong to the above types, including taxes, contributions, health, legal norms and appropriation legislation including more than two programs.

Table 2.6. Senate roll call votes and classification form

Number	Roll Call votes	Policy Classification:
1	65. HR 5207. Foreign Service Buildings Authorization. Long (D La.) substitute amendment to repeal the 1962 Act which authorized \$73 million for payment of individual Philippine war damage claims. (A Foreign Relations Committee amendment proposed to make the payment to the Philippine Government instead of to individual claimants.) Rejected 22-45: R 3-22; D 19-23 (ND 13-14; SD 6-9). May 23, 1963. A "nay" was a vote supporting the President's position.	
2	47. S J Res 42. Reverse Mexico Anti-Drug Certification Passage. Passage of the joint resolution to reverse the president's certification of Mexico as an ally in the fight against drugs. Rejected 45-54: R 30-24; D 15-30 (ND 14-23, SD 1-7). March 26, 1998. A "nay" was a vote in support of the president's position.	
3	146. HR 2709. Iran Missile Sanctions/Passage. Passage of the bill to require economic sanctions against overseas companies and research institutes that have aided Iranian efforts to develop ballistic missiles that could reach Israel, US, forces in the Persian Gulf or Europe. The measure also contains provisions needed to implement a treaty banning chemical weapons that was approved by the Senate in 1997. Passed 90-4 R 51-2; D 39-2 (ND 33-2, SD 6-0). May 22, 1998. A "nay" was a vote in support of the president's position.	
4	173. HR 7885. The Foreign Assistance Act of 1963, authorizing appropriations for foreign aid in fiscal 1964. Gruening (D Alaska) amendment to raise interest rates on foreign loans to 1/4 of 1 percent higher than the borrowing rate paid by the U.S. Treasury. Rejected 30-44: R 13-15; D 17-29 (ND 12-24; SD 5-5). Nov. 8, 1963. A "nay" was a vote supporting the President's position.	
5	176. HK 7885. Lausche (D Ohio) amendment to delete language that would permit the President to continue granting most favored-nation tariff treatment to Poland and Yugoslavia. Rejected 14-55: K 11-17; D 3-38 (ND 3-30; SD 0-8), Nov. 8, 1963. A "nay" was a vote supporting the President's position.	
6	179. HR 7885. The Foreign Assistance Act of 1963. Miller (R Iowa) amendment to deny development loans or development grants to any nation which is more than one year in arrears on payments to the United Nations unless it is economically unable to pay. Rejected 20-60: R 9-18; D 11-42 (ND 3-31; SD 8-11), Nov. 12, 1963. A "nay" was a vote supporting the President's position.	
7	180. HR 7885. Morse (D Ore.) amendment to bar use of any aid funds by any country for balance-of-payments or budget support reasons. Rejected 31-44: R 11-15; D 20-29 (ND 12-21; SD 8-8), Nov. 12, 1963. A "nay" was a vote supporting the President's position.	
8	181. HR 7885. Gruening (D Alaska) amendment to require a flat 2 percent interest rate on all foreign aid loans. Rejected 41-47: R 17-13; D 24-34 (ND 12-26; SD 12-8)- NOV. 13, 1963. A "nay" was a vote supporting the President's position.	
9	182. HR 7885. Morse (D Ore.) amendment to cut funds for supporting assistance from \$400 million to \$350 million. Rejected 43-52: R 14-18; D 29-34 (ND 16-26; SD 13-8). Nov. 13, 1963. A "nay" was a vote supporting the President's position.	
10	183. HR 7885. Morse (D Ore.) amendment to cut funds for supporting assistance from \$400 million to \$380 million. Accepted 51-41: R 17-13; D 34-28 (ND 20-23; SD 14-5), Nov. 13, 1963. A "nay" was a vote supporting the President's position.	
11	184. HR 7885. The Foreign Assistance Act of 1963. Morse (D Ore.) amendment to allow the President to aid a Latin American military junta government only if he declares it in the national interest and Congress does not adopt a disapproving resolution within 30 days. Rejected 11-78: R 2-29; D 9-49 (ND 6-34; SD 3-15), Nov. 14, 1963. A "nay" was a vote supporting the President's position.	
12	185. HR 7885. Morse (D Ore.) amendment to end foreign aid after June 30, 1965 unless recipient countries have adopted several self-help measures and reforms, the aid is being given under an irrevocable prior contract, and the number of aid recipients has been reduced to 50. Rejected 29-56: R 11-19; D 18-37 (ND 7-31; SD 11-6), Nov. 14, 1963. A "nay" was a vote supporting the President's position.	
13	494. HR 927. Cuban Sanctions Passage. Passage of the bill to expand economic sanctions against Cuba and attempt to establish democratic reforms in the country. The bill would prohibit the extension of any US. loans or credits to finance transactions involving U.S. property confiscated by Cuba and restrict aid to former republics of the Soviet Union that trade with Cuba unless the president determines the aid important to national security. The bill does not contain a controversial provision that allowed US. citizens, who claim confiscated Cuban property, to sue companies that buy or lease the property in US. court. Passed 74-24: R 51-2; D 23-22 (ND 17-18, SD 6-4), Oct. 19, 1995. A "nay" was a vote in support of the president's position.	
14	217. HR 9499. Foreign aid appropriations bill, providing funds for foreign aid in fiscal 1964 and funds for other international programs and Government agencies. Morse (D Ore.) amendment to delete a provision that appropriated \$50 million for the Inter-American Development Bank, contingent upon enactment of legislation authorizing the \$50 million. Rejected 23-60: R 8-16; D 15-44 (ND 3-36; SD 12-8), Dec. 18, 1963. A "nay" was a vote supporting the position of both President Kennedy and President Johnson.	
15	220. HR 9499. Foreign aid appropriations bill. Morse (D Ore.) amendment to cut funds for supporting assistance from \$380 million to \$300 million. Rejected 28-55: R 10-16; D 18-39 (ND 7-31; SD 11-B), Dec. 19, 1963. A "nay" was a vote supporting the position of both President Kennedy and President Johnson.	

16	221. HR 9499. Ellender (D La.) amendment to cut \$30 million from supporting assistance, from \$380 million to \$350 million. Rejected 34-53: R 14-13; D 20-40 (ND 7-34; SD 13-6), Dec. 19, 1963. A "nay" was a vote supporting the position of both President Kennedy and President Johnson.	
17	222. HR 9499. Ellender (D La.) amendment to cut \$200 million from the \$800 million provided for development loans. rejected 30-54: R 12-14; D 18-40 (ND 6-33; SD 12-7), Dec. 19, 1963. A "nay" was a vote supporting the position of both President Kennedy and President Johnson.	
18	223. HR 9499. Morse (D Ore.) amendment to provide \$3 billion, instead of \$3.3 billion, for foreign aid and give the President 30 days to allocate the cuts. Rejected 31-55: R 10-16; D 21-39 (ND 9-32; SD 12-7), Dec. 19, 1963. A "nay" was a vote supporting the position of both President Kennedy and President Johnson.	
19	2. S 2214. Authorize \$312 million as the U.S. contribution to an increase in the financial resources of the International Development Association. Morse (D Ore.) motion to recommit the bill for further study. Rejected 30-37: R 17-7; D 13-30 (ND 4-25; SD 94, Jan. 20, 1964. A "nay" was a vote supporting the President's position. (See story p. 316)	
20	55. HR 6196. Tower (R Texas) amendment to prohibit the Export Import Bank or any other U.S. agency from extending or guaranteeing credit to any Communist nation for the purchase of U.S. agricultural commodities; and to require that at least 50 percent of any U.S. agricultural commodity sold to a Communist nation be carried in U.S. flagships. Rejected 36-53: R 22-7; D 14-46 (ND7-32; SD7-14), March 6, 1964. A "nay" was a vote supporting the President's position.	
21	233. HR 1839. Passage of the bill, imposing quarterly quotas on imports of beef, veal, mutton and lamb based on the average annual imports for the five-year period ending Dec. 31. 1963. Passed 72-15: R 22-6; D 50-9 (ND 30-8; SD 20-1), July 28, 1964. A "nay" was a vote supporting the President's position.	
22	254. HR 11380. The Foreign Assistance Act of 1964, authorizing appropriations of \$3,466,700,000 for foreign aid in fiscal 1965. Carlson (R Kan.) amendment to delete the authority for the Agency for International Development to "select out" personnel who did not meet prescribed standards of performance and to summarily fire 100 employees in each of the next two years. Rejected 27-44; R 19-9; D 8-35 (ND 7-23; SD 1-12), Aug. 7, 1964. A "nay" was a vote supporting the President's position.	
23	262. HR 11380. Morse (D Ore.) amendment to require that no more than 50 countries be aided after June 30, 1966, and that new tight requirements be written into aid laws. Rejected 29-53: R 14-14; D 15-39 (ND 7-29; SD 8-10), Aug. 10, 1964. A "nay" was a vote supporting the President's position.	
24	263. HR 11380. Morse (D Ore.) amendment to prohibit aid to any country whose government has come to power through a forcible overthrow of a government which had been chosen in democratic elections, unless the President insists that the granting of aid is in the national interest, and the two houses of Congress adopt a resolution approving the aid. Rejected 12-59: R 4-22; D 8-37 (ND 5-25; SD 3-12), Aug. 10, 1964. A "nay" was a vote supporting the President's position.	
25	264. HR 11380. The Foreign Assistance Act of 1964, authorizing appropriations for foreign aid in fiscal 1965. Gruening (D Alaska) amendment requiring that an interest rate one-fourth of 1 percent higher than those charged on Treasury borrowing be charged against all foreign aid loans. (It was estimated that this rate would be 3 and five-eighths percent.) Rejected 44-48: R 17-14; D 27-34 (ND 11-29; SD 16-5), Aug. 11, 1964. A "nay" was a vote supporting the President's position.	
26	266. HR 11380. Morse (D Ore.) amendment to limit the authorization for fiscal 1965 to \$3,250,000,000 rather than the \$3,466,700,000 approved by the Foreign Relations Committee. Accepted 50-35: R 19-9; D 31-26 (ND 14-24; SD 17-2), Aug. 11, 1964. A "nay" was a vote supporting the President's position.	
27	267. HR 11380. Mundt (R S.D.) amendment to provide that loans for commercial enterprises be repaid at a rate three-fourths of 1 percent higher than the rate for Treasury borrowing (thus, about 3 and five-eighths percent) and that other foreign aid loans be repaid at a rate of 2 and one-half percent, and that both types of loans be repaid within 25 years. Accepted A "nay" was a vote supporting the President's position.	
28	11. H J Res 234. Make fiscal 1965 supplemental appropriations of \$1.6 billion to the Department of Agriculture to reimburse the Commodity Credit Corp. for farm price support and other activities. Miller (R Iowa) amendment to Appropriations Committee amendment to require Congressional approval before funds made available under H J Res 234 could be used during fiscal 1965 to finance export of surplus U.S. agricultural commodities to the United Arab Republic (Egypt) under Title I of PL 480 to carry out a 1962 agreement with the UAR. (The committee amendment prohibited use of the funds for the PL 480 exports to Egypt in fiscal 1965 unless the President decided such exports were in the national interest.) Rejected 7-75: R 6-21; D 1-54 (ND 1-37; SD 0-17), Feb. 3, 1965. A "nay" was a vote in support of the President's position	
29	23. HR 45. Lausche (D Ohio) amendment to direct the U.S. Governor of the Bank to present and vote for a proposal increasing the Fund for Special Operations by \$480 million (rather than the \$900 million increase planned) and authorizing appropriations of \$200 million annually in fiscal 1965-66 (rather than a total of \$750 million from fiscal 1965-67) as the U.S. share of the increase. Rejected 37-44: R 18-7; D 19-37 (ND 11-27; SD 8-10), Feb. 25, 1965. A "nay" was a vote supporting the President's position.	
30	86. S 1837. The Foreign Assistance Act of 1965. Morse (D Ore.) amendment transferring from funds authorized for military assistance \$9 million for technical co-operation and development grants and \$80 million for supporting assistance, all for use in Southeast Asia. Rejected 22-45: R 9-16; D 13-29 (ND 8-19; SD 5-10), June 7, 1965. A "nay" was a vote supporting the President's position.	
31	93. S 1837. Foreign Assistance Act of 1965. Morse (Ore.) amendment "to reduce the fiscal 1966 and 1967 authorizations for military aid by \$170 million, to \$1 billion. Rejected 22-63: R 3-26; D 19-37 (ND 15-23; SD 4-14), June 10, 1965. A "nay" was a vote supporting the President's position.	
32	97. S 1837. Church (D Idaho) amendment to reduce the fiscal 1966 and 1967 authorizations for military aid by \$115 million, to \$1,055,000,000. Rejected 38-43: R 10-18; D 28-25 (ND 21-17; SD 7-8), June 11, 1965. A "nay" was a vote supporting the President's position.	

33	99. S 1837. The Foreign Assistance Act of 1965. Morse (D Ore.) amendment to limit the total authorization under the Act for each of fiscal years 1966-67 to \$3,243,000,000, a reduction of \$185 million below the amount contained in the bill for fiscal 1966. Accepted 40-35: R 16-10; D 24-25 (ND 15-20; SD 9-5), June 11, 1965. A "nay" was a vote supporting the President's position.	
34	102. S 1837. Morse (D Ore.) amendment to limit fiscal 1966 military and economic aid to India and Pakistan to 75 percent of the amounts specified for each in the presentation material submitted by the Administration to Congress for fiscal 1966 foreign aid legislation. Rejected 25-63: R 8-21; D 17-42 (ND 9-32; SD 8-10), June 14, 1965. A "nay" was a vote supporting the President's position.	
35	103. S 1837. Morse (D Ore.) amendment to limit fiscal 1966 military and economic aid to India and Pakistan to 90 percent of the amounts specified for each in the presentation material submitted by the Administration to Congress for fiscal 1966 foreign aid legislation. Rejected 26-58: R 9-19; D 17-39 (ND 10-31; SD 7-8). June 14, 1965. A "nay" was a vote supporting the President's position.	
36	104. S 1837. Morse (D Ore.) amendment to limit fiscal 1966 military and economic aid to Greece and Turkey to 75 percent of the amounts specified for each in the presentation material submitted by the Administration to Congress for fiscal 1966 foreign aid legislation. Rejected 2-80: R 0-28; D 2-52 (ND 1-39; SD 1-13), June 14, 1965. A "nay" was a vote supporting the President's position.	
37	105. S 1837. Foreign Assistance Act of 1965. Morse (D Ore.) amendment to limit fiscal 1966 military and economic aid to Greece and Turkey to 90 percent of the amounts specified for each in the presentation material submitted by the Administration to Congress for fiscal 1966 foreign aid legislation. Rejected 6-79: R 0-27; D 6-52 (ND 3-38; SD 3-14), June 14, 1965. A "nay" was a vote supporting the President's position.	
38	106. S 1837. Morse (D Ore.) amendment to reduce by \$100 million, to \$500 million, the annual fiscal 1966-67 authorizations for the Alliance for Progress. Rejected 8-78: R 4-24; D 4-54 (ND 2-40; SD 2-14), June 14, 1965. A "nay" was a vote supporting the President's position.	
39	107. S 1837. Morse (D Ore.) amendment to reduce the existing limitation on military aid to Latin American nations in fiscal 1966 from \$55 million to \$40million. Rejected 20-67: R 4-24; D 16-43 (ND 14-29; SD2-14), June 14, 1965. A "nay" was a vote supporting the President's position.	
40	108. S 1837. Morse (D Ore.) amendment to limit fiscal 1966 military and economic aid to Iran, Ethiopia and Jordan to 90 percent of the amounts specified for each in the presentation material submitted by the Administration to Congress for fiscal 1966 foreign aid legislation. Rejected 15-74: R 5-23; D 10-51 (ND 4-39; SD6-12), June 14, 1965. A "nay" was a vote supporting the President's position.	
41	233. HR 10871. Fiscal 1966 foreign aid appropriations. Saltonstall (R Mass.) amendment to reduce funds for technical cooperation and development grants by \$20 million, for supporting assistance by \$20 million and for international organizations by \$10 million. Accepted 45-35: R 24-2; D 21-33 (ND 10-27; SD 11-6), Sept. 23, 1965. A "nay" was a vote supporting the President's position.	
42	234. HR 10871. Morse (D Ore.) amendment to reduce funds for military assistance to Latin America by \$25 million. Rejected 41-43: R 13-13; D 28-30 (ND 18-20; SD 10-10). Sept. 23, 1965. A "nay" was a vote supporting the President's position.	
43	235. HR 10871. Morse (D Ore.) amendment to reduce military assistance funds by \$170 million, to \$1 billion, and to limit military aid to India, Pakistan, Greece and Turkey to 50 percent of C06t of equipment and training which those countries received during fiscal 1965. Rejected 32-54: R 8-18; D 24-36 (ND 17-23; SD 7-13), Sept. 23, 1965. A "nay" was a vote supporting the President's position.	
44	236. HR 10871. Morse (D Ore.) amendment to reduce military aid funds by \$292 million, to \$878 million. Rejected 30-56: R 6- 19; D 24-37 (ND15-26;SD9-11),Sept. 23,1965. A "nay" was a vote supporting the President's position.	
45	237. HR 10871. Ellender (D La.) amendment to reduce military assistance funds by \$100 million, to \$1.07 billion. Rejected 35-47: R 10-14; D 25-33 (ND 15-24; SD 10-9). Sept. 23, 1965. A "nay" was a vote supporting the President's position.	
46	243, HR 9042. Hartke (D Ind.) amendment to direct the Tariff Commission to study and report to Congress on the US.-Canadian automotive agreement by Jan. 15, 1966, and provide for the agreement to take effect 90days later (unless Congress voted to reject it). Rejected 34-40: R 3-17; D 31-23 (ND 22-12; SD 9-11), Sept. 30, 1965. A "nay" was a vote supporting the President's position.	
47	249. HR 11135. Sugar Act Amendments of 1965. Douglas (D Ill.) amendment to impose an import fee upon sugar from all non- Western Hemisphere nations (except the Philippines) and upon sugar from the British and French West Indies. Rejected 23-62: R 6-22; D 17-40 (ND 16-23; SD 1-17), Oct. 20, 1965. A "nay" was a vote supporting the President's position.	
48	149. S 1155. Export-Import Bank. Dirksen (R Ill) amendment to bar the Bank from financing purchases of goods b, Communist nations or by third countries that would pass the goods on to a Communist nation. Rejected 35-51: R 17-14; D 18-37 (ND 8-29; SD 10-81). Aug. 10, 1967. A "nay" was a vote supporting the President's position.	
49	150. S 1155. Byrd (D Va.) amendment to prohibit the Bank from financing purchases by nations engaged in armed conflict with the United States (whether or not war had been declared) or by third party countries that traded with such belligerent nations. Accepted 56-26: R 21-8; D 35-18 (ND 19-15: SD 1F-1). '4Aug. 10, 1967. A "nay" was a vote supporting the President's position.	
50	159. S 1872. Dominick (R Colo.) amendment raising interest rates during the first 10 years to be paid b! foreign countries on Agency for International Development loans from 1 percent to 2 percent. Adopted 54-30: R 24-4; D 30-26 (ND 17-22; SD 13-4), Aug. 16, 1967. A "nay" was a vote supporting the President's position.	
51	167. S 1872. Miller (R Iowa) amendment directing the Agency for International Development to take into account the status of a country regarding its payment of dues and obligations to the United Nations before providing foreign aid to that country; also require the Agency to furnish Congress assurances by delinquent	

	nations that the arrears would be paid and payments placed on a current basis or to otherwise furnish reports of any unusual circumstances which rendered the country "economically incapable" of making such payments. Accepted 62-24: R 21-10; D 41-14 (ND 26-12; SD 15-2), Aug. 17, 1967. A "nay" was a vote supporting the President's position.	
52	174. HR 9547. Inter-American Development Bank. Lausche (D Ohio) amendment to authorize a \$10 million increase in the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank, instead of a \$900 million increase for fiscal 1968-70. Rejected 38-41: R 18-12; D 20-29 (ND 9-23; SD 11-61), Aug. 24, 1967. A "nay" was a vote supporting the President's position.	
53	39. HR 14743. Dominick (R Colo.) amendment to prevent any country, with the exception of Great Britain, that was in arrears in its debts to the United States from exchanging dollars for gold. Rejected 37-39 R 21-11; D 16-28 (ND 11-20; SD 5-8), March 14, 1968. A "nay" was a vote supporting the President's position.	
54	65. HR 15414. Dominick (R Colo.) amendment to provide that no country that was in arrears in payments of its debts to the United States could exchange dollars for gold. Accepted 18-25: R 21-6; D 27-19 (ND 16-14; SD 11-5), March 28, 1968. A "nay" was a vote in support of the President's position.	
55	66. HR 15414. Excise Tax Extension. Clark (D Pa.) amendment to the pending Javits (R N.Y.) amendment (see below) to require that so far as practicable spending cuts be made from funds for foreign military assistance, the space program and the Defense Department. Rejected 17-62: R 1-30; D 16-32 (ND 16-18; SD 0-14), March 29, 1968. A "nay" was a vote supporting the President's position.	
56	157. HR 16703. Clark (D Pa.) amendment to delete \$17.4 million for Army construction in Germany. Rejected 18-62 R 4-28; D 14-34 (ND 13-21; SD 1-13), June 25, 1968. A "nay" was a vote supporting the President's position.	
57	163. HR 17734. Second Supplemental Appropriations. Proxmire (D Wis.) amendment to delete from appropriations for the Department of Defense \$268 million intended to increase the capability of B-52 bombing operations in Vietnam. Rejected 10-79 R 2-34; D 8-45 (ND 8-27; SD 0-18), June 26, 1968. A "nay" was a vote supporting the President's position.	
58	217. HR 16263. Foreign Aid Authorization. Dominick (R Colo.) amendment to prevent all countries 90 days in arrears on their debts to the United States from redeeming dollars for U.S. gold, and to credit the dollars instead against the amount of their debts in arrears. Accepted 42-33: R 20-4; D 22-29 (ND 11-22; SD 11-7), July 31, 1968. A "nay" was a vote supporting the President's position.	
59	218. HR 15263. Fannin (R Ark-Murphy (R Calif.) amendment to prohibit the expenditure of an estimated \$122 million in carryover funds for foreign aid unless the Administration released \$90,965,000 in funds appropriated in a fiscal 1968 supplemental appropriations bill for aid to impacted school districts. (The impacted school funds were to lapse at the end of July 31, 1968.) Accepted 37-36 R 16-8 D 21-28 (ND 7-24; SD 14-4), July 31, 1968. A "nay" was a vote supporting the President's position.	
60	204. HR 14580. Foreign Aid Authorization, fiscal 1970. Church (D Idaho) amendment reducing total authorization to fiscal 1969 appropriations level of \$1,760,700,000. Rejected 41-43: R 10-26; D 31-17 (ND 19-14; SD 12-3), Dec. 12, 1969. A "nay" was a vote supporting the President's position.	
61	268. HR 17123. Military Procurement Authorization. McGovern (D S.D.)-Hatfield (R Ore.) amendment limiting to 280,000 the maximum number of US. troops in Vietnam after April 30, 1971, and providing for complete withdrawal of troops by Dec. 31, 1971. but authorizing the President to delay the withdrawal for a period up to 60 days if he found the withdrawal would subject US. troops to clear and present danger. Rejected: 39-55: R 7-34: D 32-21 (ND 29-6 SD 3-1,5), Sept. 1, 1970. A "nay" was a vote supporting the President's position.	
62	48. HR 6531. Military Draft. Nelson (D Wis.) amendment to Mansfield (D Mont.) amendment (which cited U.S. balance of payments deficit and current monetary crisis as reason for statutory reduction of funds for US. troops in Europe, and provided for the stationing of no more than 150,000 troops effective Dec. 31, 1971) calling for early negotiations between NATO and Warsaw Pact countries for mutual reduction of forces and armaments in Europe and a staged reduction of US. troops-250,000 by July 1, 1972, 200,000 by July 1, 1973, 150,000 by July 1, 1974 -unless negotiations began by Dec. 30, 1971. Rejected 26-63: R 2-39; D 24-24 (ND 19-12; SD 5-12), May 19, 1971. A "nay" was a vote supporting the President's position.	
63	50. HR 6531. Military Draft. Mathias (R Md.) amendment as a substitute for Mansfield (D Mont.) amendment calling for negotiations to achieve mutual force reductions in Europe between NATO and Warsaw Pact forces and negotiations within NATO to reduce US. force levels and financial arrangements consistent with the balance-of-payments situation of the United States. Rejected 24-73 R 11-32; D 13-41 (ND 9-27; SD 4-14), May 19, 1971. A "nay" was a vote supporting the President's position.	
64	51. HR 6531. Military Draft. Fulbright (D Ark.) amendment to Mansfield (D Mont.) amendment to provide that "unless hereinafter authorized" by the Congress, no funds may be used after Dec. 31, 1971, to support U.S. military personnel in Europe in excess of 150,000 troops, and to allow the President to maintain larger numbers of troops if he could justify the need. Rejected 29-68: R 4-40; D 25-28 (ND 19-17; SD 6-11), May 19, 1971. A "nay" was a vote supporting the President's position.	
65	53. HR 6531. Military Draft. Mansfield (D Mont.) amendment barring funds for use after Dec. 31, 1971, for support of US. forces stationed in Europe in excess of 150,000 men. Rejected 36-61: R 5-39; D 31-22 (ND 23-12; SD 8-10), May 19, 1971. A vote of "nay" supports the President's position.	
66	61. HR 6531. Military Draft. Tunney (D Calif.) amendment to Nelson (D Wis.) amendment (below) barring assignment of draftees to duty in any combat area outside the United States after Dec. 31, 1971, unless Congress authorized such assignments. Rejected 7-61: R 1-33; D 6-28 (ND 6-16; SD 0-12), May 25, 1971. A "nay" was a vote supporting the President's position.	

N67	62. HR6531. Military Draft. Nelson (D Wis.) amendment barring assignment of draftees to combat in Southeast Asia after Dec. 31, 1971, unless the draftee volunteered for such duty. Rejected 21-52: R 5-31; D 16-21 (ND 15-7; SD 1-14), May 25, 1971. A "nay" was a vote supporting the President's position.	
68	82. HR 6531. Military Draft. Chiles (D Fla.) amendment to McGovern-Hatfield amendment (below) cutting off funds for support of U.S. military activities in Indochina as of June 1, 1972, if all American POWs had been released by 60 days before the cut-off date. Rejected 44-52 R 10-33; D 34-19 (ND 31-6 SD 3-13), June 16, 1971. A "nay" was a vote supporting the President's position.	
69	83. HR 6531. Military Draft. Hatfield (R Ore.)-McGovern (D S.D.) amendment cutting off funds for U.S. military activities in Indochina as of Dec. 31, 1971, with a 60-day extension of that deadline if American POWs had not been released by that date. Rejected 42-55: R 8-36; D 34-19 (ND 31-6; SD 3-13), June 16, 1971. A "nay" was a vote supporting the President's position.	
70	100. HR 6631. Military Draft. Mansfield (D Mont.) Substitute amendment for modified Cook (R Ky.) amendment (setting a 9-month withdrawal deadline if-within 60 days of enactment American POWs had been released by North Vietnam) declaring it US. policy to terminate at earliest practicable date all U.S. military activities in Indochina and providing for the phased withdrawal of all troops and the accompanying phased release of American POWs not later than 9 months after enactment, subject to the release of all POWs. Adopted 57-42 R 12-32; D 45-10 (ND 35-2; SD 10-81), June 22, 1971. A "nay" was a vote supporting the President's position.	
71	101. HR 6631. Military Draft. Cook (R Ky.) amendment (modified by Stennis and Mansfield amendments, votes 96, 100, Weekly Report p. 1407) declaring it US. policy to terminate at earliest practicable date all U.S. military activities in Indochina and providing for the phased withdrawal of all troops and the accompanying phased release of American POWs not later than 9 months after enactment, subject to release of all POWs. Adopted 61-38: R 16-28 D 45-10; (ND 35-2; SD 10-8), June 22, 1971. A "nay" was a vote supporting the President's position.	
72	216. HR 8687. Defense Procurement Authorization. Mansfield (D Mont.) amendment declaring it the policy of the United States that a withdrawal of U.S. troops from Indochina would be completed within six months after enactment of the bill; the withdrawal to be dependent only on the release of US. prisoners of war by North Vietnam and North Vietnamese allies. Adopted 57-38 R 15-27; D 42-11 (ND 33-2; SD 9-9), Sept. 30, 1971. A "nay" was a vote supporting the President's positions.	
73	224. HR 8687. Defense Procurement Authorization. Modified Symington (D Mo.) amendment limiting to \$350-million the amount which could be expended in fiscal 1972 on all programs being carried out in Laos, except air operations in and over Laos. Adopted 67-11: R 28-9; D 39-2 (ND 26-1; SD 13-1), Oct. 4, 1971. A "nay" was a vote supporting the President's position.	
74	225. HR 8687. Defense Procurement Authorization. Gravel (D Alaska) amendment providing for the cessation of bombing and other air attacks over Indochina except where the President determined that such activity was directly related to the safe withdrawal of U.S. troops from Indochina. Rejected 19-64: R 4-33; D 15-31 (ND 14-18; SD 1-13), Oct. 5, 1971. A "nay" was a vote supporting the President's position.	
75	361. HR 11731. Defense Appropriations, Fiscal 1972. Committee amendment to the bill adding a new section prohibiting the use of funds after June 15, 1972, for the support of US. military personnel in Europe in excess of 250,000 men (current troop strength was 300,000 men). Rejected 39-54 R 5-37; D 34-17 (ND 26-7; SD 8-10), Nov. 23, 1971. A "nay" was a vote supporting the President's position.	
76	154. HR 7447. Second Supplemental Appropriations, Fiscal 1973. Eagleton (D Mo.) amendment to prohibit any funds in the bill and any funds previously appropriated by Congress from being used to support combat activities in or over Cambodia and Laos. Adopted 63-19: R 20-16; D 43-3 (ND 34-1; SD 9-2), May 31, 1973. A "nay" was a vote supporting the President's position.	
77	191. HR 7645. State Department Authorization Fiscal 1974. Passage of the House-numbered bill, after the substitution of Senate provisions (S 1248) as amended (above), to authorize \$609-million in fiscal 1974 appropriations for the Department of State, to bar expenditures for all US. military operations in Indochina without specific congressional approval and to require Senate approval of overseas base agreements. Passed 67-15: R 21-15; D 46-0 (ND 35-0; SD 11-0), June 14, 1973. A "nay" was a vote supporting the President's position.	
78	218. HR 7447. Second Supplemental Appropriations, Fiscal 1973. Adoption of the conference report to appropriate \$3,362,845,279 in supplemental fiscal 1973 funds for several departments and agencies and to prohibit funds in the bill or in any previously enacted appropriations bill from being used to support US. combat activities in or over Cambodia and Laos. Adopted 81-11 R 30-11; D 51-0 (ND 37-0 SD 14-0), June 26, 1973. A "nay" was a vote supporting the President's position.	
79	415. HR 9286. Defense Procurement. Fulbright (D Ark.) amendment to delete the provision of the bill authorizing funds for military assistance to South Vietnam and Laos. Rejected 43-51: R 9-31; D 34-20 (ND 32-7; SD 2-13), Sept. 27, 1973. A "nay" was a vote supporting the President's position.	
80	416. HR 9286. Defense Procurement. Hughes (D Iowa) amendment to reduce to \$500-million, from \$952-million, the authorization for military aid to South Vietnam and Laos. Rejected 43-49 6-32; D 37-17 (ND 33-7; SD 4-10), Sept. 27, 1973. A "nay" was a vote supporting the President's position.	
81	417. HR 9286. Defense Procurement. McGovern (D S.D.) amendment to establish fiscal 1974 appropriations ceilings for Pentagon weapons procurement, research and development at \$17.5-billion (\$3.5-billion less than recommended by the Senate Armed Services Committee) and to delete funds authorized in the bill for military assistance for Indochina. Rejected 12-81: R 1-37; D 11-44 (ND 10-30; SD 1-14), Sept. 27, 1973. A "nay" was a vote supporting the President's position.	

82	421. HR 9286. Defense Procurement. Humphrey (D Minn.) amendment, as amended, to reduce by 110,000 the number of military forces stationed in foreign countries to be completed not later than Dec. 31, 1975, with not less than 40,000 of the total reduction to be completed later than June 30, 1974. Adopted 48-36 R 5-29; D 43-7 (ND 37-2; SD 6-5), Sept. 27, 1973. A "nay" was a vote supporting the President's position.	
83	462. H J Res 542. War Powers. Passage of the bill, over the President's Oct. 24 veto, to establish a 60-day limit on the President's power to commit U.S. troops abroad, unless Congress declared war or specifically authorized the action or was unable to meet because of an armed attack on the United States, and to permit Congress to end such a commitment at any time by passage of a concurrent resolution, which would have statutory authority without a presidential signature. Passed (President's veto overridden, thus enacted into law) 75-18: R 25-15; D 50-3 (ND 36-2; SD 14-1), Nov. 7, 1973. A two-thirds majority vote (62 in this case) is required to override a presidential veto. A "nay" was a vote supporting the President's position.	
84	139. S 25 22. Fiscal 200 I Foreign Operations Appropriations / Counter-narcotics Funding Reduction. Gorton, R-Wash., amendment that would reduce the \$934 million for South American and Caribbean counter-narcotics activities to approximately \$200 million. Rejected 19-79: R 13-41; D 6-38 (ND 6-30, SD 0-8). June 21, 2000.	
85	67. S Con Res 23. Fiscal 2004 Budget Resolution/War Reserve Fund. Feingold, D-Wis., amendment that would create a \$100 billion reserve fund to cover the costs of disarming Iraq, offset by a reduction in the tax cut. Adopted 52-47: R 4-47; D47-0 (ND 39-0, SD 8-0); I 1-0. A "nay" was a vote in support of the president's position. March 21, 2003.	
86	177. HR 1298. Global AIDS Relief/Global AIDS Fund. Durbin, D-Ill., amendment that would authorize up to \$1 billion for the Global AIDS Fund. The first \$500 million would be allocated with no conditions. The second \$500 million would be allocated only if foreign contributions are at least \$1 billion. Rejected 48-52: R 0-51; D 47-1 (ND 39-0, SD 8-1); I 1-0. A "nay" was a vote in support of the president's position. May 15, 2003.	
87	389. S 1689. Fiscal 2004 Supplemental for Iraq and Afghanistan/ Reconstruction Loans. Bayh, D-Ind., amendment that would provide a total of \$10.3 billion as a grant to rebuild Iraq and would structure the remaining \$10 billion as a loan that would be converted to a grant if 90 percent of all bilateral debt incurred by the former Iraqi regime of Saddam Hussein has been forgiven by other countries. It also would express the sense of Congress that each country that is owed bilateral debt by Iraq should forgive such debt and provide reconstruction aid beginning at the Madrid Donor Conference on Oct. 23. Adopted 51-47: R8-43; D42-4 (ND34-3, SD8-1); I1-0. A "nay" was a vote in support of the president's position. Oct. 16, 2003.	
88	19. S J Res 4. Agriculture Department Rule Disapproval/Passage. Passage of the joint resolution that would block a proposed Agriculture Department regulation that would ease restrictions on Canadian beef. Passed 52-46: R 13-42; D 38-4 (ND 37-1, SD 1-3); I 1-0. A "nay" was a vote in support of the president's position. March 3, 2005.	
89	83. S 600. Fiscal 2006 State Department Authorization/"Mexico City" Policy. Boxer, D-Calif., amendment that would repeal the "Mexico City" policy, which bars U.S. aid to international family planning organizations that perform or promote abortions, even if they use their own funds to do so. Under the amendment, organizations could receive U.S. aid if they used their own funds to provide health or medical services that do not violate federal law or the laws of the country in which they are being provided. Adopted 52-46: R 8-46; D 43-0 (ND 39-0, SD 4-0); I 1-0. A "nay" was a vote in support of the president's position. April 5, 2005.	
90	84. S 600. Fiscal 2006 State Department Authorization/U.N. Peacekeepers. Biden, D-Del., amendment to the Lugar, R-Ind., amendment. The Biden amendment would cap U.S. contributions for U.N. peacekeeping at 27.1 percent for calendar year 2005 through 2007. The Lugar amendment would delete a permanent 27.1 percent cap provided in the bill. Rejected 40-57: R 0-54; D 39-3 (ND 35-3, SD 4-0); I 1-0. (Subsequently, the Lugar amendment was adopted by voice vote.) A "nay" was a vote in support of the president's position. April 6, 2005.	
91	112. HR 4939. Fiscal 2006 Supplemental Appropriations/Passage. Passage of the bill that would appropriate roughly \$109 billion in emergency supplemental funding for fiscal 2006. It would provide \$70.9 billion in fiscal 2006 funds for the wars in Iraq and Afghanistan and foreign aid. It would provide more than \$28 billion for hurricane relief, approximately \$2.6 billion for pandemic flu preparations and \$1.9 billion for border security efforts. Passed 77-21: R 33-21; D 43-0 (ND 39-0, SD 4-0); I 1-0. A "nay" was a vote in support of the president's position. May 4, 2006.	
92	121. S 2611. Immigration Overhaul/Secure Borders Certification. Isakson, R-Ga., amendment that would require the secretary of Homeland Security to certify in writing that the borders are secure and new detention facilities are operational before implementing other provisions in the bill, including a guest worker program and legalization provisions. Rejected 40-55: R 33-18; D 7-36 (ND 6-33, SD 1-3).	
93	127. S 2611. Immigration Overhaul/Earned Citizenship. Vitter, R-La., amendment that would strike provisions in the bill that would provide a process to obtain legal residence and citizenship for illegal immigrants who have worked in the United States for at least two years. It also would strike the bill's agriculture worker program provisions. Rejected 33-66: R 31-24; D 2-41 (ND 2-37, SD 0-4); I 0-1. A "nay" was a vote in support of the president's position. May 17, 2006.	
94	181. S 2766. Fiscal 2007 Defense Authorization/Iraq Troop Withdrawal. Kerry, D-Mass., amendment that would require the president to begin redeploying U.S. troops from Iraq this year and to complete the withdrawal by July 1, 2007, according to a schedule coordinated with the Iraqi government. It would stipulate that only the minimum number of forces needed to train Iraqi security forces, launch targeted counterterrorism attacks and protect the forces could remain in Iraq. Rejected 13-86: R 0-55; D 12-31 (ND 12-27, SD 0-4); I 1-0. A "nay" was a vote in support of the president's position. June 22, 2006.	

95	265. S 3709. U.S.-India Nuclear Cooperation/Fissile Material. Bingaman, D-N.M., amendment that would require the president to determine that India and the United States have taken specific steps to conclude a fissile material cut-off treaty and that India has halted production of fissile material for nuclear weapons, before any nuclear equipment is exported to India. Rejected 26-73: R 0-54; D 25-19 (ND 23-17, SD 2-2); I 1-0. A "nay" was a vote in support of the president's position. Nov. 16, 2006.	
96	266. S 3709. U.S.-India Nuclear Cooperation/Nuclear Non-Proliferation Agreement Compliance. Dorgan, D-N.D., amendment that would make it U.S. policy to support the implementation of a U.N. Security Council resolution that mandates India's compliance with all nonproliferation, arms control and disarmament agreements. Rejected 27-71: R 0-53; D 26-18 (ND 24-16, SD 2-2); I 1-0. A "nay" was a vote in support of the president's position. Nov. 16, 2006.	
97	75. S J Res 9. Iraq Mission/Passage. Passage of the joint resolution that would establish a more limited mission for U.S. forces in Iraq and set a binding goal of withdrawing most combat troops by March 31, 2008. Within 120 days of enactment, the measure would require the president to limit the U.S. mission to counterterrorism efforts, training Iraqi forces and protecting U.S. assets. Rejected 48-50: R 1-47; D 46-2 (ND 42-1, SD 4-1); I 1-1. (By unanimous consent, the Senate agreed to raise the majority requirement for passage of the joint resolution to 60 votes.) A "nay" was a vote in support of the president's position. March 15, 2007.	
98	180. S 1348. Immigration Overhaul/Citizenship for Illegal Immigrants. Vitter, R-La., amendment to the Kennedy, D-Mass., substitute amendment. The Vitter amendment would strike the title of the bill that would create a "Z" visa, which would allow illegal immigrants now in the country to be put on a path to citizenship. Rejected 29-66: R 20-26; D 9-38 (ND 7-35, SD 2-3); I 0-2. A "nay" was a vote in support of the president's position. May 24, 2007.	
99	215. HR 6. Energy Policy/Foreign Oil Antitrust Provision. Kohl, D-Wis., amendment to the Reid, D-Nev., substitute. The Kohl amendment would prohibit foreign nations or organizations from limiting the production of oil, natural gas or petroleum, or from setting or maintaining prices. Adopted 70-23: R 24-21; D 44-2 (ND 40-1, SD 4-1); I 2-0. A "nay" was a vote in support of the president's position. June 19, 2007.	
100	319. HR 2764. Fiscal 2008 State-Foreign Operations Appropriations/Mexico City Policy. Boxer, D-Calif., amendment that would repeal the Mexico City policy, which bars U.S. aid to international family planning organizations that perform or promote abortions, even if they use their own funds to do so. Adopted 53-41: R 7-40; D 44-1 (ND 40-1, SD 4-0); I 2-0. A "nay" was a vote in support of the president's position. Sept. 6, 2007.	

CHAPTER 3
CORRELATES OF PRESIDENT’S VICTORIES ON VOTES WHERE HE TAKES AN
“OPPOSED” POSITION

3.1. Introduction

The Iran Missile Proliferation Sanctions Act (H.R. 2709) came up for a roll call vote in the Senate in 1998. This legislation requires “economic sanctions against overseas companies and research institutes that have aided Iranian efforts to develop ballistic missiles that could reach Israel, US. forces in the Persian Gulf or Europe. The measure also contains provisions needed to implement a treaty banning chemical weapons that was approved by the Senate in 1997.”

President Bill Clinton took an “opposed position” on this foreign policy legislation. In many cases, when president takes a position on policy legislation, his success rate increases or Congress follows the president’s position (Marshall and Prins 2007; Canes-Wrone, Brady and Cogan 2002; Meernik 1993). There is evidence that the president’s position impacts his success usually when he is favor of something (Marshall and Prins 2007; Canes-Wrone, Brady and Cogan 2002; Meernik 1993). However, in this case, although president Bill Clinton opposed the legislation, the Senate passed this foreign policy legislation with 90 yeas – 4 nays. Why did the Senate not support the president’s “opposed position”? In order to explain the determinants that impact the Senators’ support of a bill the president opposed, I posit that the Senators’ deference to the president’s position depends on the president’s political capital level.

In the case of the Iran Missile Proliferation Sanctions Act (H.R. 2709), President Clinton's political capital was low. His foreign policy approval rating was 54% and general approval rating was 64%, but he was in the midst of the Lewinsky scandal, which was being reported in the *New York Times*. In 1998, 20 stories about political scandals were reported on the front page of the *New York Times*, meaning that the level of scandal was high. Furthermore, the number of Senate seats held by members of the president's party was 45, and the government was not unified. However, the federal deficit level was rather low (0.76% of GDP). Overall, the president's political capital was low, so the Senators' deference level was low and Clinton could not win his position on H.R. 2709.

The confrontational relationship between the president and Congress has been well studied. For domestic policy, the president and Congress usually conflict with each other. This is a natural phenomenon in the U.S. political system of checks and balances. The conflict may come from competing interests like political party needs and re-election. When we think of foreign policy, we may at first think that the president and Congress both act in the national interest. However, even in the foreign policy area, there are conflicts and deadlock. Unlike domestic policy, foreign policy will influence the U.S.'s international leadership and prestige. When Senators cooperate with the president on foreign policy, the U.S. can exert strong leadership, but when there is severe conflict or deadlock between the Senate and the president, the U.S.'s international leadership will be damaged. Even though presidents are assumed to dominate foreign policy, the Constitution intended for Congress to play a major role. So, it is important to know when the Senate is likely to assert itself or defy the president.

The relationship between the president and Congress has been well researched over the past decades. Many scholars agree that several factors (party control of Congress, unified

government, president's approval ratings, and honeymoon period) influence the president's success in congress (Bond and Fleisher 1990; Rivers and Rose 1985; Dominguez 2005). One factor that has been less studied is the president's position taking that influences his success on the policy. There is evidence that the president's position impacts his success (Marshall and Prins 2007; Canes-Wrone, Brady and Cogan 2002; Meernik 1993). As previous literature notes that the president's position taking has positive impact on the vote's passage. Previous literature indicates that vote is more difficult for the president to win when he takes the "opposed position" (Covington, Wrighton, and Kinney 1995).

Few studies focus on presidential success in opposing Congressional initiatives. I examine two dependent variables: whether the president win the foreign policy votes on which he takes an "opposed position" (0=president lose, 1= president win), and the number of Senate votes supporting the president's position. In this study, I focus on the situation when the president takes an "opposed position" on foreign policy legislation and examine how often the president "wins" when he is in this less advantageous position. Studying the relationship between the president and the Senate is important for scholars, Senators, their advisers, and even foreign leaders to predict future patterns of U.S. foreign policy legislation. What determinants will make the Senate vote for or against the president's "opposed position"? To answer this question, I examine factors that might influence congressional deference toward the president on foreign policy bills. Deference can be influenced by the president's political capital like the level of scandal and/or foreign policy approval.

My main goal in this research is to develop a comprehensive model that shows the effect of scandal, foreign policy approval, and other factors on presidential victory on foreign policy

votes he has taken a “opposed position” on. It is important to know why Senators take the risk of seeming to be disloyal to the president.

3.2. Review of Literature

Although scholars commonly agree that some factors like party control of the Congress (Bond and Fleisher 1990), divided government (Edward et al. 1997), approval ratings (Rivers and Rose 1985), and whether the president is in the honeymoon (Dominguez 2005) or lame duck period are main factors influencing the presidential success in the Congress, the specific impact of these factors on the president success when he is opposing Congressional action has not been researched yet. This literature review section consists of three parts. Part 1 looks into the president’s special status and role in foreign policy and Congress’ deference to the president’s position. Part 2 examines the president’s influence on foreign policy votes. Part 3 predicts the determinants of the president’s success in Congress on foreign policy he opposes.

3.2.1. Part 1: Understanding of the president on the foreign policy realm

The president’s Advantage in the foreign policy

In terms of the foreign policy area, the president exercises his unique constitutional roles through negotiating treaties, sending troops into other nations, and setting a foreign policy agenda. The president has formal and informal powers that give him advantage over the Congress in foreign policy (Wildavsky 1996). Wildavsky (1966) proposed that presidential success in Congress is more likely to occur on foreign and defense policies than on more divisive domestic issues. He

observed that the president prevails about 70% of the time in defense and foreign policy compared with 40% in domestic issues in 1948-1964. In addition, foreign policy proposals backed by the president have a better chance to be passed in the Congress than domestic proposals (Rudalevige 2002). Even if the Congress has attempted to influence foreign policymaking, it is hard to compete with the executive branch because that branch has expertise and advantage in terms of access to information (Ripley and Lindsay 1993; Cameron and Park 2008).

Deference to the President

According to the two-presidencies theory (Wildavsky 1966), the executive's greater influence over foreign policy can be explained by strategic necessity due to a fluid and dangerous international environment and institutional and informational advantages. The most important thing is institutional deference and cooperation from Congress (Prins and Marshall 2001). Public opinion is usually an important factor that influences the members of congress to vote on domestic issues. However, many argue that pressure from the public has little effect on Congress' voting behavior on international issues (Fleisher 1985). Scholars have different arguments for why this is so. Page and Shapiro (1992) indicate that the American public does not pay much attention to foreign affairs. However, other scholars argue that public opinion is vital to determining Congress' votes on foreign affairs (Bartels 1991; Overby 1991). When voters identify international problems as the most pressing issues facing the country at a given point in time, Congress is likely to defer to the president's position (Mack et al. 2013). Weissman (1995) mentions that both Democrats and Republicans have largely lost the will to co-determine foreign policy with the president. Others claim that Congress does not want to undercut a president's

negotiating position or the country's diplomatic relations with another nation (Lindsay and Ripley 1993). The public sees the president as the leader in foreign and defense policy (Ripley and Lindsay 1993) and the president has special standing with the public in the foreign affairs realm (Sinclair 1993). Congress also views the president as the prevailing actor who leads foreign policy and tends to defer to the president's position (Lindsay and Ripley 1993; Cameron and Park 2008) for a number of reasons (Canes-Wrone et al. 2008).

One reason is electoral self-preservation. Members of Congress are concerned about re-election, and their primary interest is being re-elected (Lindsay 1994). Therefore, they might defer to the president's position in order to avoid positions that would open them up to criticism (Lindsay and Ripley 1993). In addition, fighting the president on foreign policy issues can be politically damaging and even viewed as unpatriotic for both opposition party leaders and rank-and-file members (Sinclair 1993).

Another reason for deference is the set of internal norms, attitudes, customs, and institutions that create a veritable culture of deference (Weissman 1995). In other words, Congress' acquiescence in foreign affairs is not the result of a series of individual decisions but is due to cultural factors. The culture of deference is a major underlying force in congressional decision making. Because the culture is so powerful it has become part of the unseen architecture of policy making (Weissman 1995). Congressional deference to the president does not change along with the foreign policy. Members of Congress agree that the president is primarily responsible for diplomatic matters, and successful diplomacy depends on the president's strong leadership (Lindsay 1993). According to Weissman (1995), there are two key postulates about the culture of congressional deference: (1) Congress gives the president leeway to unilaterally undertake new and urgent initiatives. (2) Congress has a weak commitment to making and

upholding clear and binding law. Although the Congress usually defers to the president on foreign policy, a shift from deference to defiance will happen when lawmakers believe the US has little worry about events abroad or if the president's proposed course of action threatens to imperil American security. However, when threats are clear and presidential decisions have produced success rather than failure, Congress defers to the president's position (Lindsay 2003). Lindsay (2003) argues that times of peace and presidential missteps make Congress defy the president's position, but times of war and presidential success make Congress defer to the president's position. He mentioned that September 11 explains Congress's shift from defiance of Clinton to deference to Bush. In terms of the congress' deference to the president's position, several scholars examined the "rally effect" which associated with uses of force can result in increased legislative support in Congress (Stoll 1987) and external threat (September 11) which causes Congress's deference to the president (Lindsay 2003).

Previous researchers focus on external effects like threats influencing Congress' deference to the president's position. But fewer studies focus on the influences of presidential scandal, a president's foreign policy approval rating, or the number of US troops deployed overseas.

The congress usually defers to the president's position on the foreign policy bills but when the scandal level gets high, their deference may turn to defiance. Also, American people have little knowledge of foreign affairs thus congressmen usually do not need to concern themselves with foreign affairs. But the level of the American public's concern about foreign affairs varies depending on war and external threats. Table 3.1 says that the Senate defers the president's "opposed position" 68.66 % of the time.

Table 3.1. Foreign Policy Roll Call Votes the President Takes A “Opposed Position” and the Senate’s Votes (1953-2017) (except treaty ratification)

Congress’s votes (pass or reject)	Percentage
Foreign policy roll call votes the president took a “opposed position” and the Senate rejected. (president win)	68.66% (263)
Foreign policy roll call votes the president took a “opposed position” and the Senate passed. (president lost)	31.33% (120)
Overall	100% (383)

Number of votes in parentheses.

Compared with the president’s wins on foreign policy votes he took a “opposed position” on, the president’s win on the foreign policy votes he takes a “yes” position on shows that Congress passed the votes he takes a “yes” with 88.62% (See Table 3.2).

Table 3.2. Foreign Policy Roll Call Votes the President Takes a “Yes” Position and the Senate’s Votes (1953-2017) (except treaty ratification)

Congress’s votes (pass or reject)	Percentage
Foreign policy roll call votes the president took a “yes” position’ and the Senate passed. (president win)	88.62% (304)
Foreign policy roll call votes the president took a “yes” position’ and the Senate rejected. (president lost)	11.37% (39)
Overall	100% (343)

Number of votes in parentheses.

3.2.2. Part 2: The President's source of influences on the foreign policy votes

Sources of the president's influence on the foreign policy votes

The president has a huge influence in the foreign policy realm. The president's power of agenda-setting is a substantial source of influence over the foreign policy process (Baumgartner and Jones 1993; Cobb and Elder 1983; Kingdon 1995; Schattsneider 1960). Edwards (1989: 146) argues that the president may be successful given a strategically packaged agenda. The president can lead the debate (Covington, Wrighton, and Kinney 1995) and has power to shape the initiatives and consequently receive more of what he wants on bills that he initiates (Barrett and Eshbaugh-Soha 2007). Another way the president can influence the success of a policy is persuasion. Richard Neustadt first argued in 1960 that presidential power is the power to persuade and the power to persuade is the power to bargain (Barrett and Eshbaugh-Soha 2007). Similarly, presidents attempt to put public pressure on legislators to move to the president's policy direction by "going public" (Kernell 1997). Previous studies have shown that presidents have substantial influence over the agenda-setting stage of the policy process, but in terms of the passage process in the Senate, presidents have little to influence on the Senator's roll call votes except to share their position on the legislation.

President's political capital

In order to achieve a goal, a president needs an important resource: political capital. Without it, presidents are limited in the ability to achieve their legislative agenda (Light 1999, 26). The Senate usually defers to the president's position on foreign policy legislation due to several reasons including information and expertise. But when the president's political capital is

damaged, the Senate is less likely to defer to the president's position on foreign policy legislation. Political capital can be damaged when the scandal level is high, and/or approval ratings are low. In this case, the Senate is less likely to defer to the president's position on foreign policy legislation. When the president has high political capital with high approval rating, the political cost to members of Congress of voting against the president is greater (Prins and Marshall 2001, 667). Thus, the Senate is more likely to defer to the president's position when he/she has high political capital. The factors that may influence the president's capital are scandal, foreign approval rating, general approval rating, federal deficit, and president's party's control of the Senate.

3.2.3. Part 3: Determinants of the Senator's deference level on the president's "opposed position"

Changing the deference level

The Senator usually defers to the president's position on foreign policy legislation. However, this deference level can vary with the president's political capital, which may change depending on scandal, foreign policy approval rating, general approval rating, and the federal deficit.

Scandal

Scandal is conceptualized as the public exposure of corrupt, illegal, or unethical behavior by public officials and is largely (implicitly) treated as an exogenous event (Nyhan 2017). The major obstacle to researching scandal is the difficulty of defining and measuring it. The most

common approach is to examine official misconduct by the White House. However, even if researchers can examine this misconduct, they cannot observe the behavior of unobserved misconduct (Nyhan 2017). If researchers have an exact definition of scandal and count episodes of scandal, they can derive scandal variables. However, scandal is subjective, so the definition of the scandal and scandal data might not be comparable among studies. Thus, many scholars used the media scandal as the working definition of scandal (Nyhan 2014). Waisbord (2004) defines media scandal as the widespread perception of misconduct by a political figure that is recognized in the press.

A White House scandal has a negative effect on presidential support in Congress (Meinke and Anderson 2001; Peterson 1990; Edwards 1989). Meinke and Anderson (2001) analyze individual House members' votes on key legislation during the Watergate, Iran-Contra, and Monica Lewinsky scandals, employing as an independent variable a measure of scandal presence and intensity. Meinke and Anderson (2001) argue that scandal degrades the president's professional reputation, depleting his capital and encouraging weak supporters to defect from his position. Peterson (1990) mentioned that "the advent of Watergate ... fundamentally degraded the Nixon presidency and destroyed whatever political base Nixon had previously been able to maintain." Another analysis of the Nixon administration suggests that congressional support for the president dropped concurrent with Watergate (Edwards 1989, 115). Fewer studies have examined the effect of the scandal level on the president's success on foreign policy votes he opposed. Because the president represents the United States in foreign policy, citizens have a higher expectation of the president's morality in that realm. When a president is experiencing a scandal (usually related to bad behavior but sometimes related to 'mistake' or 'inability'), citizens evaluate the president badly and members of Congress also use scandal as an indicator

of personal political strength. With this logic, the influence of the president's position on the likelihood of passing foreign policy legislation depends on the president's capital and prestige which are affected by scandal. Congress members regard presidential scandal as the president's moral standing or prestige with the public. Thus, when presidents have less scandal, Senators are more likely to defer to the president's position on foreign policy bills. The president's moral stature such as scandal level is important "political capital (Peake 2017)" and scandal undermines presidents' political capital thus, (Thompson 2000; Bowler and Karp 2004) it will influence the Senator's deference to the president's position on the foreign policy votes.

General Approval

The effect of the president's approval rating on his success in Congress has been debated over the past decades. Some scholars argue that the president's approval rating influences Congress' support of the president (Rivers and Rose 1985; Brace and Hinckley 1992; Rudalevige 2002; Neustadt 1990). Rivers and Rose (1985) argue that congressmen look upon president's approval rating as an indicator of the public's preference on the president's agenda and other scholars argue that when the president has higher approval ratings Congress usually acquiesces to president's position (Canes-Wrone and de Marchi 2002), although this study found that approval mattered only in certain types of issues (high complexity). Barrett and Eshbaugh-Soha (2007) argue that public support will improve the president's bargaining position because the members of Congress do not want to risk alienating their constituents by opposing a popular president's policy preferences. Thus, when the president has a higher level of approval, the final statute will reflect the president's policy preference. However, other scholars argue that the president's

approval has little or no effect on his success in Congress (Edwards 1989; Bond and Fleisher 1990; Covington et al. 1995; Collier and Sullivan 1995). Collier and Sullivan (1995) show that a president's approval rating has no impact on his ability to sway members' positions on legislative votes. Cohen et al. (2000) demonstrate that the likelihood of a Senator voting with the president's position is uncorrelated with presidential approval ratings. Covington and Kinney (1999) find that the president's approval rating does not increase his success over roll-call votes. Edwards (1980) shows that presidential popularity is positively correlated with support from Senators but not House members, and Edwards (1989) suggests that approval does not affect the votes of core presidential supporters or opponents. Bond and Fleisher (1990) demonstrate that approval increases presidential support from fellow partisans but reduces support from other members.

Foreign Policy Approval

Previous studies use general presidential approval ratings to examine the effect of the president's approval rating on his success in the Congress. The approval rating data come from a question on the Gallup poll: "Do you approve or disapprove of the way the president is handling his job as president?" This question asks for the public's evaluation of the general performance of the president but it does not ask specifically about foreign policy. Fewer studies have tried to use "foreign policy approval rating" as a variable to examine its relationship with success in Congress. Thus, I used president's foreign policy approval rating as explanatory variable on the president's winning on foreign policy.

Type of Foreign Policy

Since Lowi (1972) recognized that “policy affects politics”, several scholars have found that policy type is an important factor influencing presidential success in Congress (Canes-Wrone and de Marchi 2002; Light 1999; Shull 1983; Spitzer 1983). However, researchers have not agreed on a central typology of policy (Eshbaugh-Soha 2010). Classification of policy may rely on numerous judgment calls that are not easily replicable. As a result, the standards to classify policy are unclear, and many scholars classify policy with their own standards (Gormley 1986 on complexity; Peterson 1990, 323 on size and novelty). Some scholars mention that issue salience is a significant determinant of legislative behavior (Hutchings 1998; Kollman 1998; Schattschneider 1960). Moreover, high complexity and low salience affect Congress’ decision making (Matthews and Stimson 1970; Ringquist 1995). Canes-Wrone and de Marchi (2002) classified regulatory issues into business, financial, environmental, energy, and trade policy and social issues into abortion, crime, drug control, gun control, school prayer, and civil rights. LeLoup and Shull (1979) show that in certain foreign policy areas like foreign aid, trade, general defense decisions, neither presidents nor Congress dominate. However, presidents dominate high-level diplomatic, specific military, and national security decisions. McCormick and Wittkopf (1992) also found that presidents are more likely to get bipartisan support on foreign relations (76%) (not national security) but less support on foreign aid (39%) in the Senate. Prins and Marshall (2001) give evidence that the likelihood of congressional bipartisan support is lower on trade and foreign aid as compared to other types of policies. Eshbaugh-Soha (2005) classified domestic policies in a way that is clearly operationalized and replicable. This typology is classified by policy scope or duration and importance. Eshbaugh-Soha (2010) also examined whether and to what extent the president’s legislative success is affected by the scope of

domestic policies. He examined 814 presidential agenda items from 1949 to 2006 that ranged across four policy categories (major, minor, incremental, and meteoric) and two primary dimensions of policy scope (duration and importance). He concluded that the scope of the policies on the president's agenda is essential to explaining the likelihood of presidential success in Congress. Peake (2017) found that economic treaties are processed significantly more quickly than treaties dealing with sovereignty, laws, and norms-related subjects.

Although previous studies focused on the effect of treaty classification on the likelihood of treaty ratification (Spilker and Koubi 2016; Hathaway 2007; Goodliffe and Hawkins 2006; Cole 2005, 2009; Bernauer et al. 2013a), this logic can be adapted to the influence of the type of foreign policy on the likelihood of passing foreign policy bills. Peake (2017) found a relationship between treaty type and the time it takes to transmit and ratify. He argues that economic, security, and sovereignty treaties are transmitted and ratified more quickly due to their diplomatic significance and importance to significant constituencies including commercial interests. Legal treaties may take longer to transmit and ratify because they have a less direct influence on constituents' interests.

In this article, I focus on "foreign policy excepting treaty". I also exclude confirmations of State Department officials or ambassadors and procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy. The likelihood of the president's winning on foreign policy legislation he opposes may vary with the type of foreign policy. I classified each item of legislation by the policy action itself: "Trade", "Diplomacy", "Military", "Aid", "Immigration", "Sanction", and "Others" (see appendix). I expect that the president is more likely to win the "Military" policy he opposes compared to other types of foreign policy due to his Constitutional powers as

Commander-in-Chief.

Below, I present the president's success rate per each foreign policy. When the president takes an "opposed" position on foreign policy legislation and senate rejects the legislation, it means that the president wins. Among foreign policy legislation the president takes a "opposed position", "Immigration" policy has 80.64% of success rate, "Aid" policy has 75.56% of success rate, and overall success rate is 68.66% (See Table 3.3).

Table 3.3. Foreign Policy Roll Call Votes the President Takes "Opposed Position" and the Senate Rejected (i.e. the Presidents' wins) by the Type of Policy (1953-2017) (except treaty ratification)
(success rate per each policy)

Type of Policy	Success Rate
Trade Policy	70% (21/30)
Diplomacy Policy	53.84% (7/13)
Military Policy	73.68% (56/76)
Aid	75.56% (133/176)
Immigration	80.64% (25/31)
Sanction	25% (4/16)
Others	41.46% (17/41)
Overall	68.66% (263/383)

Number of votes in parentheses.

Federal Deficit

There is a small body of literature on the effect of a federal deficit on the presidential success in Congress. Kingdon (1995) found that available governmental resources may affect presidential success on some policies. A key factor that may help explain the likelihood of presidential success in Congress on policy is the surplus or deficit of the federal budget, with a larger budget

deficit decreasing the likelihood of presidential success on policy (Eshbaugh-Soha 2010). With this logic, when the government has a large federal deficit, the likelihood of the president's success will decrease.

The number of US Troops Deployed Overseas

Crane-Wrone and de Marchi (2002) established the necessary conditions for the relationship between the public approval of the president and his success in Congress. Congress may see the public's concern about the foreign policy as the criteria for allowing public opinion to influence their votes. Members of Congress usually defer to the presidential position on foreign affairs because they lack information and do not care about foreign policy and because there is a culture of deference to the president in the foreign policy realm. The primary interest of members of the Congress is being re-elected (Lindsay 1994), so public opinion can influence their votes if they believe the public has a preference that may affect their re-election. However, the public usually has lack of information and does not consider foreign policy in the decision about whom they will vote for. Usually, voters think that domestic policy is more important than foreign policy in terms of their election decision (Almond 1950). Thus, members of Congress usually do not care about their constituents' preference on foreign policy, so they feel that they can vote in favor of the foreign policy bills the president opposes because the public does not care. Thus members of Congress usually defer to the presidential position on foreign affairs but it depends on whether public has concern on the foreign policy or not. Previous research suggests that these factors jointly affect congressional decision making, with members relatively inattentive to constituency opinion and unlikely to control executive behavior on issues of high complexity and low salience (Matthews and Stimson 1970; Ringquist 1995). When the public has concerns or considers that

foreign affairs are important, members of Senate are likely to defer to the president's position because they want to not to be looked at as unpatriotic or supportive.

The public's concern about foreign policy increases when the US deploys many troops to conflict areas. Deployment of troops means an international crisis may happen. The more people who are deployed overseas, the more Americans (especially friends and relatives of those deployed) will be concerned about foreign policy. Thus, the public focuses on foreign affairs and look at the Senate's and president's performance on foreign policy. Due to the concern of the public, members of Senate usually follow the president's position because of wanting to avoid to the appearance of opposition.

Honeymoon

Many scholars have assumed that each new president enters office with a reservoir of goodwill known as a "honeymoon" (Light 1991). There is also some evidence that Congress defers to presidents in their initial months in office (Lockerbie, Borrelli, and Hedger 1998; Canes-Wrone and de Marchi 2002; Beckmann and Godfrey 2007; Edwards and Wayne 2010; Dominquez 2005) and that presidential capital is usually at its highest after inauguration (Light 1999). Thus, presidents should be successful on policies that they prioritize during their honeymoon period (Frendreis, Tatalovich, and Schaff 2001). However, other scholars disagree that the honeymoon period affects presidential success in Congress (Bond and Fleisher 1990). Light (1999) proposed a "cycle of increasing effectiveness" in which newly elected and thus largely inexperienced presidents and their staff will be less skilled in bargaining with congressional leaders than they will be later in their tenure. Thus, presidents may be less successful in terms of legislation early in their tenure (Barrett and Eshbaugh-Soha 2007).

Lame Duck

A lame duck president who is in the last two years of his second term in office and no longer able to run for re-election may be less willing and less able to champion his legislative agenda (Light 1991; Grossman, Kumar, and Rourke 1998). As the president enters the lame duck period, the president will struggle to shape the substance of legislation, and the president's power slowly diminishes (Grossman, Kumar, and Rourke 1998). The press and members of Congress increasingly ignore second-term presidents (Barrett and Eshbaugh-Soha 2007) and so the president has less sway with legislators due to the "cycle of decreasing influence" (Light 1999).

Reelection year

The literature notes that a president's re-election has an impact on his success in Congress. Once the president commits to running for re-election, it is likely that he will set aside many legislative priorities other than those that might directly benefit his re-election chances and focus on persuading voters, not legislators. It is likely that presidential success in Congress will decline during the year of the president's re-election campaign, although the research remains virtually silent on this question (Spitzer 1983). Eshbaugh-Soha (2010) found a negative correlation between re-election year and likelihood of presidential success. Even if many scholars argue that there is a negative relationship between re-election year and presidential success, none has examined the effect of a re-election year on the president's success in the foreign policy votes he opposes.

The Number of Senate Seats controlled by the President's Party

Party control of the chamber is an important factor influencing presidential success in Congress (Edwards et al. 1997). Members of the same political party tend to share similar policy goals and feel a common responsibility for policy failure (Eshbaugh-Soha 2010). In addition to studies of majority status, there is at least one study examining how the presidential party's exact seat percentage in the House impacts president's legislative success (Howell et al. 2000). With this logic, the more seats the President's party controls in the Senate, the likelihood that the president will win on foreign policy legislation will increase.

Unified government

A unified government is the single best predictor of presidential success in Congress (Bond and Fleisher 1990) because politicians in the same political party as the president share similar views about policy. Members of Congress are more willing to let the President get more credit for bill passing in the unified government than divided one (Edward, Barrett, and Peake 1997). That is, when the president's party takes the majority in the Congress, the legislators' views are similar to the president's, so the president's proposals would be more easily passed. Because the president and legislators in the same party have a similar predisposition on policies, the president is more likely to succeed in getting legislation passed if the majority of seats in Congress are held by members of the same party (Eshbaugh-soha 2010).

3.3. Method

3.3.1. Dataset

In this research, the data come from foreign policy roll call votes in the Senate from 1953 to 2017 (see appendix). The sample is the non-treaty foreign policy roll call votes on which the president takes a “opposed position”. The data I employ are superior to other measures of the president’s foreign policy success because I collected very recent data (2017) that have not been used before. These data are collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac*. I exclude confirmations of State Department officials or ambassadors and procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy.

3.3.2. Dependent Variables

DV1. The president’s winning on the foreign policy votes he opposes.

This dependent variable is a dummy variable of whether the president wins the foreign policy votes he opposes. It is coded “1” when the president wins on the foreign votes he opposes and “0” otherwise. These data are collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac*.

DV2. The number of Senators supporting the president’s “opposed position” on the votes.

This dependent variable is measured as the number of Senators supporting (“nay” votes) on a bill the president opposes. These data are collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac*.

3.3.3. Independent Variables

To test what determinants influence the president's success in the Senate on foreign policy he opposes, I posit some independent variables as indicators of political capital: scandal, President's general approval rating and foreign policy approval rating, federal deficit, the president party control of the Senate, honeymoon period, lame duck status, reelection year, and unified government variables. However, the type of foreign policy and the number of the U.S. troops deployed overseas variable (representing public concern) are not the same as the political capital.

IV. Scandal

Operationalizing a presidential scandal is a tough challenge due to the varying concepts and definitions of scandal. This means that recognizing a scandal is a subjective task. I followed Nyhan (2014)'s concept of scandal as a "media scandal" in which there is widespread recognition of a controversy as a scandal in mainstream press coverage. Media scandal reflects a widespread elite perception of official wrongdoing, corruption, or misbehavior. To measure the media scandal, I used data from *New York Times*. By examining the front page of *New York Times*, I counted the number of stories about scandals reported each year and calculate the total number of scandals stories as the independent variable. Specifically, I looked at the total number of articles related to political stories about scandals of the president, executive branch, and politicians who are in the president's party mentioned on the front page. Of course, each scandal has a different intensity, but this is subjective and not easy to measure. Extensive coverage means that the media is focused on a scandal, and when a scandal is highlighted by the media, coverage of it will increase. Therefore, counting the number of front-page articles is enough to

measure its intensity. In this article, I used the *ProQuest Historical Newspapers: The New York Times* Internet database. I used keywords like “scandal”, “bribery”, “corruption”, and “president” to search the data from 1953 to 2017, counted the number of front-page articles including these words, and checked if they are related to the president, executive branch, or politicians who are in the president’s party (When politicians who are in the president’s party are involved in scandal, they impact negatively the president’s reputation). In my research, this method treats individual stories about different scandals the same as the same number of stories about a single major scandal.

IV. General Approval

The president’s (general) approval rate data comes from the Gallup poll. The study period is 1953 to 2017. In the poll, the respondents were asked a question like “Do you approve or disapprove of the way [president name] is handling his job as president?” It was researched on each month so I used the most recent (general) approval rate before the foreign policy legislation vote takes place.

IV. Foreign policy approval rate

The presidential foreign policy approval rate data for this study come from iPOLL data taken over the period of the presidencies from Dwight D. Eisenhower (1953) to Donald Trump (2017). iPOLL offers data from almost every month from Gallup, Roper Commercial Survey, Harris Survey, NORC Public Opinion Index, Harris Survey, and CBS News/New York Times Poll. Although some month’s data were not available through the iPOLL engine and the poll questions

are slightly different from Gallup’s poll question (i.e., “Do you approve or disapprove of the way [the president] is handling [foreign affairs]?”), the data are suitable for measuring foreign policy approval rating for the purposes of this study. In terms of response categories in each poll, Roper Commercial Survey has “Approve, Disapprove, and Don’t know”, ORC Public Opinion Index has “a very good job, a fairly good job, not so good a job, or a poor job”, Harris Survey has “Agree, Disagree, Don’t know/No answer”, and CBS News/New York Times Poll has “Approve, Disapprove, Don’t know/No answer”. Response categories are almost similar. I combined the different categories such as “a very good job”, “a fairly good job”, and “Agree” into an “approval” level for the president’s foreign policy. I used the most recent foreign policy approval rating before the vote takes place.

IV. Type of foreign policy

I classified foreign policy legislation into seven types: “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”. “Military policy” acts as the reference group (see appendix).

IV. Federal deficit

The US Senate Budget Committee defines the federal deficit as “the amount by which the government’s total budget outlays exceeds its total receipts for a fiscal year”. It is measured as federal deficit as a percent of GDP (Gross Domestic Product). These data come from *Fred Economy Data (Federal Reserve Bank of St. Louis)*.

IV. The number of US troops that deployed overseas

I measure the number of US troops overseas. The data for this indicator come from the *Defense Manpower Data Center* and show the total number of U.S. troops overseas from 1953 to 2017.

IV. Honeymoon

I code the honeymoon variable as “1” if a foreign policy vote is taken in the first year of a new president’s term in office and “0” otherwise (Conley 2002; Grossback, Peterson, and Stimson 2006; Larocca 2006).

IV. Lame duck

The lame duck variable in this analysis is coded as “1” if a foreign policy vote is taken in the last year of a two-term presidency, or if the vote is taken after a first-term president lost or gave up his reelection bid.

IV. Reelection year

Reelection year variable is coded as “1” if the foreign policy vote is taken in the same calendar year of the election and the president is running for re-election and “0” otherwise (Mack et al. 2013).

IV. President's Party Control of the Senate

The president's party control of the Senate is measured as the number of Senate seats controlled by the president's party.

IV. Unified government

Unified government is coded as 1 if the government is unified among the Senate and House of Representatives and "0" otherwise. Even if I am only looking at roll call votes in the Senate, I included the House of Representative for the unified government variable because the legislative actions of both bodies are connected (Senate and House).

3.4. Research Hypotheses

From the discussion about the several determinants influencing whether the president wins on foreign policy votes he has opposed, and the number of Senators supporting the president's "opposed position" on the votes, I derive several hypotheses.

<Set 1: hypotheses for the presidents' winning on foreign policy votes he has opposed>

Hypothesis 1a: Presidents are more likely to win the foreign policy votes they oppose when the scandal level is low.

Hypothesis 2a: Presidents are more likely to win the foreign policy votes they oppose when their foreign policy approval rating is high.

Hypothesis 3a: Presidents are more likely to win the foreign policy votes they oppose when their general approval rating is high.

Hypothesis 4a: Presidents are more likely to win the foreign policy votes they oppose if the foreign policy is related to military policy as compared to other types of foreign policy.

Hypothesis 5a: Presidents are more likely to win the foreign policy votes they oppose when the federal deficit is low.

Hypothesis 6a: Presidents are more likely to win the foreign policy votes they oppose when the number of US troops deployed overseas increases.

Hypothesis 7a: Presidents are more likely to win the foreign policy votes they oppose when they are in the honeymoon period.

Hypothesis 8a: Presidents are less likely to win the foreign policy votes they oppose when they are in the lame-duck period.

Hypothesis 9a: Presidents are less likely to win the foreign policy votes they oppose when they are running for reelection.

Hypothesis 10a: Presidents are more likely to win the foreign policy votes they oppose when the number of seats in the Senate held by members of the President's party increases.

Hypothesis 11a: Presidents are more likely to win the foreign policy votes they oppose when the president's party controls Congress (unified government).

<Set 2: hypotheses for the number of Senators supporting the president's "opposed position" on the votes>

Hypothesis 1b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the scandal level is low.

Hypothesis 2b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president's foreign policy approval rating is high.

Hypothesis 3b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president's general approval rating is high.

Hypothesis 4b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase if the foreign policy is related to military policy as compared to other types of foreign policy.

Hypothesis 5b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the federal deficit is low.

Hypothesis 6b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the number of US troops deployed overseas increases.

Hypothesis 7b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president is in the honeymoon period.

Hypothesis 8b: The number of Senators supporting the president's "opposed position" on foreign policy votes will decrease when the president is in the lame-duck period.

Hypothesis 9b: The number of Senators supporting the president's "opposed position" on foreign policy votes will decrease when the president is running for reelection.

Hypothesis 10b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the number of seats in the Senate held by members of the President's party increases.

Hypothesis 11b: The number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president's party controls Congress (unified government).

3.5. Results

3.5.1. President's winning on foreign policy legislation he opposed

Tables 3.4 and 3.5 report the empirical results of the president's victories on the foreign policy legislation to which he took an "opposed position". Table 3.4 shows that odds ratio of the president's winning on foreign policy legislation he took an "opposed position" and Table 3.5 reports the analysis of the number of Senators' supporting votes on the president's opposed position by using OLS regression.

As shown in Table 3.4, the scandal variable confirms our expectation in Hypothesis 1a and supports that Presidents are more likely to win the foreign policy votes they oppose when the scandal level is low. When the political scandal level is low, the president's political capital is good, so the president is more likely to win.

Both foreign policy approval and general approval rating of the president do not impact whether the president wins on the foreign policy legislation he opposes. Interestingly, even though the two variables are not statistically significant, foreign policy approval rating variable has a negative direction but general approval rating has a positive direction.

The results for the foreign policy type variables confirm our expectation in Hypothesis 4a. Using “Military” policy as the reference variable, presidents are more likely to win the foreign policy votes they oppose if the foreign policy is related to “Military” policy compared to “Sanction” and “Others” policies.

The number of US troops deployed overseas had a significant effect in the predicted direction in Hypothesis 6a. That is, presidents are more likely to win the foreign policy votes they oppose when the number of US troops deployed overseas increases.

The honeymoon, lame-duck, and reelection year variables do not confirm our expectation in Hypotheses 7a, 8a, and 9a. Nevertheless, although these variables are not statistically significant, their directions are the same as our expectations.

Senate seats held by members of the president’s party does not have a significant impact on the president’s winning on foreign policy legislation he opposes (Hypothesis 10a, Model 2). However, when excluding scandal variable, Senate seats held by members of the president’s party has a significant impact on the president’s winning on foreign policy legislation he opposes (Hypothesis 10a, Model 1). There is a correlation between scandal and party control of the Senate (-0.2477). This suggests that scandals receive more publicity when the president’s party does not Control congress. This result is interesting because many scholars argue that party control of Congress is an important factor in a president’s success (Bond and Fleisher 1990). Unified government does not have a significant impact on the president’s winning on foreign policy legislation he opposes (Hypothesis 11a).

Table 3.4. Logistic regression analysis; independent variables on president's winning on the foreign policy votes he opposes, 1953 to 2017

	Model 1 (without scandal)				Model 2 (general model)			
	Odds Ratio	S.E.	Z	Significance	Odds Ratio	S.E.	Z	Significance
Scandal	-	-	-	-	.9637	.0149	-2.38	0.017*
Foreign policy approval of president	.986	.0130	-1.06	0.290	.9808	.0133	-1.42	0.155
General approval of president	1.011	.0134	0.85	0.393	1.013	.0136	1.02	0.308
Military policy is reference variable								
Aid	.7676	.2720	-0.75	0.456	.7043	.2548	-0.97	0.333
Immigration	1.114	.6291	0.19	0.848	.8522	.4975	-0.27	0.784
Trade	.6286	.3245	-0.90	0.369	.4890	.2600	-1.35	0.179
Sanction	.1148	.0761	-3.26	0.001**	.1179	.0786	-3.21	0.001**
Diplomacy	.3091	.2026	-1.79	0.073	.2896	.1901	-1.89	0.059
Others	.2174	.0957	-3.47	0.001**	.1634	.0757	-3.91	0.000***
Deficit	1.134	.0987	1.46	0.146	1.114	.0983	1.23	0.218
The number of US troops that deployed overseas	1.000001	5.89e-07	2.20	0.028*	1.000	5.95e-07	2.06	0.04*
Honeymoon	1.274	.8414	0.37	0.713	1.517	1.032	0.61	0.54
Lame-duck	.4032	.2033	-1.80	0.072	.4506	.2282	-1.57	0.116
Reelection year	.8875	.4848	-0.22	0.827	.7776	.4407	-0.44	0.657
The Number of Senate Seats controlled by the President's Party	1.049	.0244	2.08	0.037*	1.037	.0249	1.54	0.125
Unified Government	.6721	.3108	-0.86	0.390	.7228	.3392	-0.69	0.489
Constant	.1338	.1576	-1.71	0.088	.6248	.8406	-0.35	0.727
Pseudo R ²		0.1273				0.1393		
N		383				383		

* $p < .05$. ** $p < .01$. *** $p < .001$.

3.5.2. Senator's supporting president's opposed position on foreign policy legislation

Table 3.5 shows the OLS regression analysis of the number of Senate supporting votes on the foreign policy legislation the president opposes. The scandal variable does not confirm our expectation in Hypothesis 1b. The president's foreign policy approval rating variable has a significantly negative impact on the number of Senators supporting legislation the president opposes. Its direction is different from our expectation in Hypothesis 2b. That is, in this empirical result, it appears that the number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president's foreign policy approval rating is *low*. This finding does not make sense and I need to discuss this unexpected result.

The general approval rating of the president variable confirms our expectation in Hypothesis 3b: the number of Senators supporting the president's "opposed position" on foreign policy votes will increase when the president's approval rating is high. A president's high general approval rating means he/she has high political capital. Thus, the Senate will tend to defer to president's position.

Foreign policy types have a significant impact on whether Senators support legislation the president opposes (Hypothesis 4b). "Military" policy is used as the reference variable. The number of Senators supporting the president's "opposed position" on foreign policy votes will increase if the foreign policy is related to "Military" policy as compared to "Aid", "Trade", "Sanction", "Diplomacy", and "Others" policies.

The federal deficit variable is statistically significant but does not show the predicted direction (Hypothesis 5b). In the empirical result, the number of Senators supporting the president's "opposed position" on foreign policy votes increases when the federal deficit is high. It is an unexpected result thus I need to discuss the reason to explain it.

The number of US troops deployed overseas does not have a significant effect on the number of Senators supporting legislation the president opposes (Hypothesis 6b). Table 3 also shows that the honeymoon, lame-duck, and reelection year variables do not confirm our expectation in Hypotheses 7b, 8b, and 9b. Senate seats held by members of the president's political party and unified government are also not statistically significant, although the directions are the same as our expectation in Hypotheses 10b and 11b.

Table 3.5 Regression analysis; independent variables on Senators supporting the president's "opposed position" on the foreign policy votes, 1953 to 2017

Senator's rejecting voting	Model 1 (without scandal)				Model 2 (general model)			
	Coef.	S.E.	T	Significance	Coef.	S.E.	T	Significance
Scandal	-	-	-	-	-.1952	.1077	-1.81	0.071
Foreign policy approval of president	-.1961	.0925	-2.12	0.035*	-.2260	.0937	-2.41	0.016*
General approval of president	.1990	.0924	2.15	0.032*	.2120	.0924	2.29	0.022*
Military policy is a reference variable.								
Aid	-8.167	2.440	-3.35	0.001**	-8.514	2.44	-3.49	0.001**
Immigration	.7378	3.668	0.20	0.841	-.7141	3.743	-0.19	0.849
Trade	-11.07	3.681	-3.01	0.003**	-12.21	3.723	-3.28	0.001**
Sanction	-22.49	4.533	-4.96	0.000***	-22.10	4.524	-4.89	0.000***
Diplomacy	-22.53	4.96	-4.54	0.000***	-22.69	4.946	-4.59	0.000***
Others	-16.65	3.172	-5.25	0.000***	-17.97	3.246	-5.54	0.000***
Deficit	1.317	.6082	2.17	0.031*	1.21	.6092	1.99	0.048*
The number of US troops that deployed overseas	3.29e-06	4.06e-06	0.81	0.419	2.65e-06	4.07e-06	0.65	0.515
Honeymoon	-4.221	4.612	-0.92	0.361	-3.488	4.615	-0.76	0.45
Lame-duck	-6.244	3.661	-1.71	0.089	-5.503	3.673	-1.50	0.135
Reelection year	-1.068	3.692	-0.29	0.773	-1.926	3.711	-0.52	0.604
The Number of Senate Seats controlled by the President's Party	.2241	.1612	1.39	0.165	.1597	.1646	0.97	0.333
Unified Government	-.0444	3.269	-0.01	0.989	.4549	3.271	0.14	0.889
Constant	40.20	8.261	4.87	0.000***	48.55	9.439	5.14	0.000***
Adj. R ²			0.1731				0.1782	
N			383				383	

* $p < .05$. ** $p < .01$. *** $p < .001$.

3.6. Discussion

In this research, I conducted two statistical regressions. The first was to examine which determinants influence whether the president wins on the foreign policy votes he opposes. The second was to test which determinants impact the number of Senators who cast supporting votes on the president's opposed positions.

I found some determinants that influence the president's winning and the Senators' support on foreign policy. Scandal, general approval rating, and the number of US troops deployed overseas have impacts on the president's victories. These findings can be explained by the president's political capital level. In the foreign policy realm, Senators usually defer to the president's positions because they do not want to be viewed as unpatriotic (Sinclair 1993) and there is a cultural deference to the president (Weissman 1995). In addition, members of Congress agree that the president is primarily responsible for diplomatic matters, and successful diplomacy depends on the president's strong leadership (Lindsay 1993). Those reasons make the Senators defer to the president's position. However, the Senators' deference varies along with the president's political capital (scandal, general approval rating) and the number of US troops deployed overseas. When the president has good political capital (i.e., low level of scandal, high level of general approval rating) he generally wins on the foreign policy he opposes. He is also more likely to win when there is a larger deployment of US troops abroad. Foreign policy types also have an impact on the president's winning and the Senators' supporting. Military policy enjoys more winning and supporting than other foreign policy types. This may be because the president is commander-in-chief of the military and important national security matters depend on the president, so the Senate defers to the president's position on military policy more than other areas.

However, some findings do not confirm my expectations. Foreign policy approval rating has a negative impact on the Senators' supporting foreign policy legislation the president opposes. Foreign policy rating is recognized as the president's political capital. According to my expectation, when the foreign policy rating is high, the president's political capital is high, so the number of Senators' supporting votes will increase. Nevertheless, the result is the reverse. It cannot be explained by the president's political capital. Thus, it should be studied in further research. In addition, the federal deficit is statistically significant but does not show the predicted direction. In the empirical results, the number of Senators supporting the president's "opposed position" on foreign policy votes increases when the federal deficit is high. It cannot be explained by the president political capital. This also calls for further research in the future.

This research has some limitations. First, it is unclear whether Senators actually know the president's foreign policy approval rating or not when they vote. Foreign policy approval rating is a response by the public, thus we do not know if the Senators actually know the president's foreign policy approval rating, and if they vote by referencing this rating or just vote based on their own thinking. Unlike general approval rating, foreign policy approval rating does not attract the attention of the public and Senators. This limitation should be researched further.

Second, I supposed that the Senators know the president's position on any given foreign policy legislation and used *The Congressional Roll Call Votes* and *CQ Almanac* to refer to the president's positions, but these sources cannot track the president's changed position or the timing of the president's announced position. It is unclear whether Senators actually know the president's position on the foreign policy legislation in question, or when they know it.

3.7. Conclusion

The relationship between the president and Congress has been well researched, but few scholars have focused on the situation of the president taking an “opposed position.” In my research, among total foreign policy votes the president took an opposed position on, the Senators supported the president’s position on 68.66% of roll call votes. What determinants make the Senate vote for the president’s opposed position? To answer this question, I posit that the Senators’ deference to the president’s position depends on the president’s political capital level. Congress views the president as the prevailing actor who leads foreign policy and tends to defer to the president’s position (Lindsay and Ripley 1993; Cameron and Park 2008) to avoid positions that would open them up to criticism (Lindsay and Ripley 1993), to not be viewed as unpatriotic (Sinclair 1993), and as a result of a culture of deference (Weissman 1995). However, Senators’ deference may change depending on the president’s political capital level. In my research, scandal, general approval rating and the number of US troops deployed overseas impact the president’s winning on the foreign policy legislation he opposes.

Previous researchers argue that several factors (party control of Congress, unified government, president’s approval ratings, and honeymoon period) influence the president’s success in Congress (Bond and Fleisher 1990; Rivers and Rose 1985; Dominguez 2005). My contributions to the existing literature are that I (1) introduce new explanatory variables such as scandal and foreign policy approval ratings to explain the president’s winning on the foreign policy legislation he opposes, (2) provide more recent data about the president’s winning (1953-2017), and (3) new focus on the situation of the president’s taking an opposed position.

This research offers insights to scholars, Senators, their advisors, and presidents and their

advisers and foreign leaders to predict the president's winning on the foreign policy legislation in the future.

Another aspect can be considered for future research. The location of the U.S. troop deployments may have a big impact on the presidents' winning on a foreign policy vote they oppose. For example, if foreign policy legislation provides economic aid to Iraq while the U.S. is deploying troops to the Middle East to protect US oil vessels, the Senators' deference to the president's position can be influenced by the fact that the U.S. troops are deployed in the Middle East. The specific location of the U.S. troops deployment should be researched in a future study.

In addition, when the President makes his decision to oppose Senate legislation, the Senate also decides to consider legislation that the President may not like. Both the President and Senate have certain attitudes about foreign policy, but these two processes happen separately.

In the U.S. political system, the balance of power between the President and Congress is well established. The Constitution empowers both Congress and the president to participate in the process of making foreign policy (Wallner 2019). Because the president cannot vote on all roll calls, we can know the president's attitude on the foreign policy by observing whether the president expressed a yea or nay position. CQ has published their Presidential Support study annually since 1953, using all messages, press conferences, and public statements to determine whether the president expressed a clear position prior to the vote (Bond 2019). A case study of the decision-making processes undertaken by both the President and Senate is presented below.

From 1991, President George H. W. Bush strongly supported renewing China's MFN (most-favored-nation) status without enacting additional conditions (Friedman 1993). He announced his decision to extend MFN status at Yale University, saying "We cannot transform a world if we hide from its unpleasant realities. We can advance our cherished ideals only by

extending our hand, showing our best side, sticking patiently to our values, even if we risk rejection” (Dumbaugh 1998, p. 9). In addition, Secretary of State James Baker supported unconditional extension of MFN, saying that “to deny MFN to China will destroy our dialogue with the Chinese on these issues and dismantle our leverage. Conditioned renewal would be tantamount to withdrawal, holding our interests hostage to unpredictable actions by the Chinese government” (Dumbaugh 1998, p. 9).

Meanwhile, Congress had a different attitude toward China’s MFN status. Senator Jesse Helms disagreed with President Bush’s position, and Senator Joe Biden refused to extend China’s MFN status as well. Members of Congress expressed concerns over reports of Chinese prison labor exports, textile quota evasions, and weapons and nuclear technology sales to the Middle East and Pakistan. These concerns crossed party and ideological boundaries (Dumbaugh 1998). On May 2, 1991, Representative Nancy Pelosi and 150 cosponsors introduced H.R. 2212 (Conditional MFN for China in 1992) in the House to prohibit “the president from granting most-favored-nation status to China for the 12-month period beginning July 3, 1992, unless he reports that China has accounted for and released all political prisoners, made progress in human rights, among other conditions.” President Bush took an opposed position on this foreign policy legislation, but passed the Senate 55-44 on July 23, 1991. Pelosi then modified the bill to apply new conditions making China follow requirements of nuclear non-proliferation and missile sales and relating to allegations of coercive abortions and forced sterilizations. The bill also required China to make significant progress in human rights goals by 1992, including those involving Tibet, Hong Kong’s reversion to China, freedom of the press and prevention of torture and inhumane prison conditions. This legislation urged the President to take firm action on China’s trade violations and unfair trading practices. President Bush took an opposed position on this

legislation, but the Senate passed it on February 25, 1992, by a vote of 59-39. President Bush vetoed the bill on March 2, 1992, and the Senate voted 60-38 to override his veto (Dumbaugh 1998).

The case of China MFN illustrates one of the clearest examples of the President stating a position, the Senate responding by challenging the president's policy, and the President responding to the Senate's challenge. It also shows how either the President or the Senate can initiate this game. In this case, the President moved first. In other cases, the Senate moves first. Thus, the China MFN case shows the confrontational relationship between the President and the Senate in the foreign policy realm.

3.8. References

- Almond, A. Gabriel. 1950. *The American people and foreign policy*. New York: Harcourt, Brace.
- Barrett, Andrew W., and Matthew Eshbaugh-Soha. 2007. "Presidential Success on the Substance of Legislation." *Political Research Quarterly* 60(1): 100-112.
- Bartels, Larry M. 1991. "Constituency Opinion and Congressional Policy Making: The Reagan Defense Buildup." *American Political Science Review* 85: 457-474.
- Baumgartner, Frank, and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Beckmann, Matthew N., and Joseph Godfrey. 2007. "The Policy Opportunities in Presidential Honeymoons." *Political Research Quarterly* 60 (2): 250-262.
- Bernauer, T., B. Bohmelt, and V. Koubi. 2013a. "Is there a democracy-civil society paradox in global environmental governance?" *Global Environmental Politics* 13(1): 88-107.
- Bond, Jon, and Richard Fleisher. 1990. *The President in the Legislative Arena*. Chicago: University of Chicago Press.

- Bowler, Shaun and Jeffrey A. Karp. 2004. "Politicians, Scandals, and Trust in Government." *Political Behavior* 26 (3): 271-287.
- Brace, Paul, and Barbara Hinckley. 1992. *Follow the Leader*. New York: Basic Books.
- Cameron, Charles, and Jee-Kwang Park. 2008. "A Primer on the President's Legislative Program." In *Presidential Leadership: The Vortex of Power*, edited by Bert Rockman, and Richard Waterman. New York: Oxford University Press, 45-80.
- Canes-Wrone, Brandice, David W. Brady and John F. Cogan. 2002. "Out of Step, out of Office: Electoral Accountability and House Members' Voting." *The American Political Science Review* 96(1): 127-140.
- Canes-Wrone, Brandice, and Scott de Marchi. 2002. "Presidential Approval and Legislative Success." *Journal of Politics* 64 (May): 491-509.
- Canes-Wrone, Brandice, William G. Howell, and David E. Lewis. 2008. "Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis." *The Journal of Politics* 70(1): 1-16.
- Cobb, Roger W., and Charles D. Elder. 1983. *Participation in American Politics: the Dynamics of Agenda-Building*. Baltimore, MD: Johns Hopkins University Press.
- Cohen, Jeffrey E., Jon Bond, Richard Fleisher, and John Hamman. 2000. "State Level Presidential Approval and Senatorial Support." *Legislative Studies Quarterly* 15(4): 577-590.
- Cole, W. M. 2005. "Sovereignty relinquished? Explaining commitment to the international human rights covenants, 1969–1999." *American Sociological Review* 70(3): 472-495.
- Cole, W. M. 2009. "Hard and soft commitments to human rights treaties, 1966–2000." *Sociological Forum* 24(3): 563-588.
- Collier, Kenneth, and Terry Sullivan. 1995. "New Evidence Undercutting the Linkage of Approval with Presidential Support and Influence." *Journal of Politics* 57 (February): 197-209.
- Conley, Richard. 2002. *The Presidency, Congress, and Divided Government: A Post-War Assessment*. College Station: Texas A&M University Press.

- Covington, Cary R., J. Mark Wrighton, and Rhonda Kinney. 1995. "A 'Presidency-Augmented' Model of Presidential Success on House Roll Call Votes." *American Journal of Political Science* 39: 1001-24.
- Covington, Cary R., and Rhonda Kinney. 1999. "Enacting the President's Agenda in the House of Representatives: The Determinants and Impact of Presidential Agenda Setting Success." Presented at the meetings of the Midwest Political Science Association, Chicago.
- Dominguez, Casey Byrne Knudsen. 2005. "Is it a Honeymoon? An Empirical Investigation of the President's First Hundred Days." *Congress and the Presidency* 32 (March): 63-78.
- Dumbaugh, Kerry. 1998. "China's Most-Favored-Nation (MFN) Status: Congressional Consideration, 1989-1998." *CRS Report for Congress*: 1-39.
- Edwards, George C., III. 1980. *Presidential Influence in Congress*. San Francisco: Freeman.
- Edwards, George C., III. 1989. *At the Margins: Presidential Leadership of Congress*. New Haven: Yale University Press.
- Edwards III, George C., Andrew Barrett and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41(2): 545-563.
- Edwards, George C., III, and Stephen J. Wayne. 2010. *Presidential Leadership: Politics and Policy Making*, 8th ed. Boston: Cengage Wadsworth.
- Eshbaugh-Soha, Matthew. 2005. "The Politics of Presidential Agendas." *Political Research Quarterly* 58 (June): 257-268.
- Eshbaugh-Soha, Matthew. 2010. "The Importance of Policy Scope to Presidential Success in Congress." *Presidential Studies Quarterly* 40 (4): 708-724.
- Fleisher, Richard. 1985. "Economic Benefit, Ideology, and Senate Voting on the B-1 Bomber." *American Politics Quarterly* 13: 200-211.
- Frendreis, John, Raymond Tatalovich, and Jon Schaff. 2001. "Predicting Legislative Output in the First One-Hundred Days, 1897-1995." *Political Research Quarterly* 54 (December): 853-870.

- Friedman, Lawrence M. 1993. "The United States-China Act of 1991 and Customary International Law." *Boston College Third World Law Journal* 13 (2): 257-285.
- Goodliffe, J., and D. Hawkins. 2006. "Explaining commitment: States and the convention against torture." *Journal of Politics* 68(2): 358-371.
- Grossback, Lawrence J., David A. M. Peterson, and James A. Stimson. 2006. *Mandate Politics*. New York: Cambridge University Press.
- Gormley, William T. 1986. "Regulatory Issue Networks in a Federal System." *Polity* 18 (Summer): 595-620.
- Grossman, Michael B., Martha Joynt Kumar, and Francis E. Rourke. 1998. "Second-term presidencies: The aging of administrations. In *The presidency & the political system*, 5th ed., Michael Nelson. Washington, DC: Congressional Quarterly Press.
- Hathaway, O. A. 2007. "Why do countries commit to human rights treaties?" *Journal of Conflict Resolution* 51(4): 588-621.
- Howell, William, Scott Adler, Charles Cameron, and Charles Riemann. 2000. "Divided Government and the Legislative Productivity of Congress, 1945–94." *Legislative Studies Quarterly* 25(2): 285-312.
- Hutchings, Vincent. 1998. "Issue Salience and Support for Civil Rights Legislation Among Southern Democrats." *Legislative Studies Quarterly* 23: 521-544.
- Kernell, Samuel. 1997. *Going Public: New Strategies of Presidential Leadership*. 3rd ed. Washington, DC: CQ Press.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. Boston, MA: Little, Brown.
- Kollman, Ken. 1998. *Outside Lobbying: Public Opinion and Interest Group Strategies*. Princeton, NJ: Princeton University Press.
- Larocca, Roger T. 2006. *The President's Agenda: Sources of Executive Influence in Congress*. Columbus: Ohio State University Press.

- LeLoup, Lance T., and Steven A. Shull. 1979. "Congress Versus the Executive: The "Two Presidencies" Reconsidered." *Social Science Quarterly* 59(4): 704-719.
- Light, Paul C. 1991. *The President's Agenda: Domestic Policy Choice from Kennedy to Reagan*. (rev. ed.). Baltimore: Johns Hopkins University Press.
- Light, Paul C. 1999. *The President's Agenda: Domestic Policy Choice from Kennedy to Clinton*. Baltimore: Johns Hopkins University Press.
- Lindsay, James, and Randall Ripley. 1993. "How Congress Influences Foreign and Defense Policy." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall Ripley, and James Lindsay. Ann Arbor: University of Michigan Press.
- Lindsay, James M. 1993. "Congress and Diplomacy." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall Ripley, and James Lindsay. Ann Arbor: University of Michigan Press.
- Lindsay, James M. 1994. *Congress and The Politics of U.S. Foreign Policy*. The Johns Hopkins University Press.
- Lindsay, James M. 2003. "Deference and Defiance: The Shifting Rhythms of Executive-Legislative Relations in Foreign Policy." *Presidential Studies Quarterly* 33(3): 530-546.
- Lockerbie, Brad, Stephen Borrelli, and Scott Hedger. 1998. "An Integrative Approach to Modeling Presidential Success in Congress." *Political Research Quarterly* 51(1): 155-172.
- Lowi, Theodore J. 1972. "Four Systems of Policy, Politics and Choice." *Public Administration Review* 32 (July-August): 298-310.
- Mack, W.R., Karl DeRouen Jr., and David Lanoue. 2013. "Foreign Policy Votes and Presidential Support in Congress." *Foreign Policy Analysis* (9): 79-102.
- Marshall, Bryan W., and Brandon C. Prins. 2007. "Strategic Position Taking and Presidential Influence in Congress." *Legislative Studies Quarterly*, XXXII (2): 257-284.
- Matthews, Donald R., and James A. Stimson. 1970. *Yeas and Nays: Normal Decision-Making in the U.S. House of Representatives*. New York: Wiley.

- McCormick, James M., and Eugene R. Wittkopf. 1992. "At the Water's Edge: The Effects of Party, Ideology, and Issues on Congressional Foreign Policy Voting, 1947 to 1988." *American Politics Quarterly*, 20 (1): 26-53.
- Meernik, James. 1993. "Presidential Support in Congress: Conflict and Consensus on Foreign and Defense Policy." *The Journal of Politics* 55(3): 569-587.
- Meinke, Scott R., and William D. Anderson. 2001. "Influencing from Impaired Administrations: Presidents, White House Scandals, and Legislative Leadership." *Legislative Studies Quarterly* 26 (February): 639-659.
- Neustadt, Richard. 1990. *Presidential Power and the Modern Presidents*. New York: Free Press.
- Nyhan, Brendan. 2014. "Scandal Potential: How Political Context and News Congestion Affect the President's Vulnerability to Media Scandal." *British Journal of Political Science* 45(2): 435-466.
- Nyhan, Brendan. 2017. "Media Scandals Are Political Events: How Contextual Factors Affect Public Controversies over Alleged Misconduct by U.S. Governors." *Political Research Quarterly* 70(1): 223-236.
- Overby, L. Marvin. 1991. "Assessing Constituency Influence: Congressional Voting on the Nuclear Freeze, 1982-83." *Legislative Studies Quarterly* 16: 297-312.
- Page, Benjamin I., and Robert Shapiro. 1992. *The Rational Public: Fifty Years of Trends in American's Policy Preference*. Chicago: University of Chicago Press.
- Peake, Jeffrey S. 2017. "The Domestic Politics of US Treaty Ratification: Bilateral Treaties from 1949 to 2012." *Foreign Policy Analysis* 13: 832-853.
- Peterson, Mark. 1990. *Legislating together: The White House and Capitol Hill from Eisenhower to Reagan*. Cambridge, MA: Harvard University Press.
- Prins, Bandon C., Bryan W. Marshall. 2001. "Congressional Support of the President: A Comparison of Foreign, Defense, and Domestic Policy Decision Making during and after the Cold War." *Presidential Studies Quarterly* 31(4): 660-678.
- Ringquist, Evan J. 1995. "Political Control and Policy Impact in EPA's Office of Water Quality." *American Journal of Political Science* 39(2): 336-363.

- Ripley, Randall B., and James M. Lindsay. 1993. "Foreign and Defense Policy in Congress: An Overview and Preview." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, 3-35. Ann Arbor: The University of Michigan Press.
- Rivers, Douglas, and Nancy L. Rose. 1985. "Passing the President's Program: Public Opinion and Presidential Influence in Congress." *American Journal of Political Science* 29 (May): 183-96.
- Rudalevige, Andrew. 2002. *Managing the President's Program: Presidential Leadership and Legislative Policy Formulation*. Princeton, NJ: Princeton University Press.
- Schattschneider, E. E. 1960. *The Semisovereign People: A Realist's View of Democracy in America*. Hinsdale, IL: Dryden Press.
- Shull, Steven A. 1983. *Domestic Policy Formation: Presidential-Congressional Partnership?* Westport, CT: Greenwood Press.
- Sinclair, Barbara. 1993. "Congressional Party Leader in the Foreign and Defense Policy Arena." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay. Ann Arbor: The University of Michigan Press.
- Spilker, Gabriele, and Vally Koubi. 2016. "The effects of treaty legality and domestic institutional hurdles on environmental treaty ratification." *Int Environ Agreements* 16: 223-238.
- Spitzer, Robert J. 1983. *The Presidency and Public Policy: The Four Arenas of Power*. Tuscaloosa: University of Alabama Press.
- Stoll, Richard. 1987. "The Sound of the Guns: Is There a Congressional Rally Effect After U.S. Military Action?" *American Politics Quarterly* 15: 223-237.
- Thompson, John. 2000. *Political Scandal: Power and Visibility in the Media Age*. Polity.
- Waisbord, Silvio R. 2004. "Scandals, Media, and Citizenship in Contemporary Argentina." *American Behavioral Scientist* 47(8): 1072-1098.
- Wallner, James. 2019. "A Dynamic Relationship: How Congress and the President Shape Foreign Policy." *R Street Policy Study* no.186: 1-9.

Weissman, Stephen R. 1995. *A Culture of Deference: Congress's Failure of Leadership in Foreign Policy*. Basic Books.

Wildavsky, Aaron. 1966. "The Two Presidencies." *Trans-Action* 4(2): 7-14.

Appendix: Classification criteria for policies I include in our study

I classify Senate roll calls into two types: “domestic policy” and “foreign policy”. Roll calls related to foreign nations/people, whether in the US or abroad or international issues are classified as “foreign” policy. Otherwise, they are “domestic” policy. I also divide “foreign policy” into two parts: “foreign policy excepting treaty ratification”, and “treaty ratification”. Roll calls related to the U.S.’s actions toward foreign nations or people or international organizations without signing any agreement/treaties are “foreign policy excepting treaty”, while those related to a treaty or agreement with foreign nations or international organizations are “treaty ratification”. So a vote to implement provisions of a treaty is a treaty vote.

In this study, I focus on “foreign policy excepting treaty” and classify the legislation into seven types of legislation according to the nature of the US’ actions themselves. I classified them by the U.S.’s actions rather than the purpose of such action. Classification by the actions is more reliable and leads to more consistent coding. For example, when the U.S. government trades with other nations, it is a trade action. And when the U.S. funds aid to other nations, it is an aid action. And when the U.S. sanction on other nations, it is a sanction action. Based on our criteria, the seven types of policies are: “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”. “Trade” policy is related to the U.S.’s trade with other nations. “Diplomacy” policy is related to U.S. intervention in other countries without military action or to diplomatic communications, such as condemning another nation’s action, and diplomatic relations with other nations. “Military” policy includes the U.S.’s military action, nuclear/weapons agreements, and weapons sales policies but does not include votes on military weapons or programs that the US plans to use for itself. “Aid” policy includes the U.S.’s aid to other nations except for military-related aid. “Immigration” policy includes the U.S.’s

immigration or refugee policies. “Sanction” policy includes the U.S’s sanctions on other nations except for military options. “Others” includes foreign policies that do not belong to the above types, including taxes, contributions, and appropriations legislation including more than two programs. Using data in *The Congressional Roll Call Votes* and *CQ Almanac*, I collected 1919 roll calls of “foreign policy excepting treaty” and classified them as: “Trade”, “Diplomacy”, “Military”, “Aid”, “Immigration”, “Sanction”, and “Others”.

CHAPTER 4
SENATORS' VOTING AGAINST TREATY RATIFICATION AND PROPOSING
AMENDMENTS TO TREATIES

4.1. Introduction

The U.S and Panama signed the Panama treaty in 1903, and it was revised in 1936 and 1955. Maintaining the Panama Treaty caused riots protesting “U.S. colonialism” in Panama and burdened the U.S. In 1974, Secretary of State Henry Kissinger in Nixon administration signed an agreement with Panama establishing the principles for new negotiations (LeLoup and Shull 1999). In 1977, President Jimmy Carter announced that he would negotiate new treaties with Panama, one establishing the neutrality of the canal zone, and the second turning over control of the canal to Panama on December 31, 1999. The U.S. and Panama signed the two treaties on September 7, 1977 (LeLoup and Shull 1999). On March 16, 1978, the Senate voted on the first treaty, the Neutrality treaty, which guaranteed that the Panama Canal will be permanently neutral and remain secure and open to vessels of all nations. On April 18, 1978, the Senate also voted on the second treaty, the Panama Canal Treaties, which provided for the transfer of the Panama Canal to Panama on December 31, 1999 (CQ Almanac, 1978). A two-thirds majority vote (in this case 67 votes) is required to adopt a resolution to ratify a treaty. The two treaties had the same number of yes and no votes. The two treaties passed in the Senate with only one vote to spare; 68 Senators voted yes but 32 Senators voted no. It was a narrow victory for President

Carter to ratify these treaties. If they had not been ratified, the U.S.'s international reputation would have been severely damaged, like President Woodrow Wilson's when the Treaty of Versailles he had negotiated at the end of World War I was not ratified. Why did many Senators vote against the Panama Canal treaties?

The first treaty, the Neutrality treaty, had 31 amendments proposed, and 29 amendments were passed. Three of these amendments were opposed by the president and none of them passed. The second treaty, the Panama Canal treaty, had 41 amendments and all 41 were passed. Three were opposed by the president, but all of them passed.

I first examine the president's political capital at that time of the first treaty's ratification (March 16, 1978), President Jimmy Carter's general approval rating was 49%, foreign approval rating was 47%, the number of scandals reported in the *New York Times* was 20, the president's party held 61 seats in the Senate, the government was unified, the federal deficit was 2.5% of GDP, and the number of overseas troops was 416,862. On average for the time period 1953-2017, general approval rating is 52.57%, foreign policy approval rating is 46.84%, the number of the stories about scandals reported is 18.86, number of Senate seats controlled by the president's party is 51.64, federal deficit is 2.2% of GDP, and the number of troops deployed overseas is 611,689 in 1953-2017. Compared to average patterns, Jimmy Carter's administration has a low level of general approval rating, high level of scandal and high level of federal deficit; also the deployment of US troops was low, making foreign policy less salient.

At the time of the second treaty's ratification (April 18, 1978), President Jimmy Carter's general approval rating had fallen to 40% and his foreign approval rating had decreased to 39%. The other factors remained the same as when the first treaty was ratified.

Therefore, President Carter's general approval and foreign policy approval ratings were

low and there were high scandal levels, and the federal deficit was high. Thus, the president's overall political capital was low, influencing the Senators to vote against the treaty ratification and Senators proposing amendment to treaties.

The U.S. president has a symbolic position that represents the U.S. on behalf of the entire nation. The U.S. has signed many treaties with other nations. In order to make international treaties into domestic law, the Senate's ratification is needed. However, Senators will sometimes vote against ratifying a treaty and are also likely to propose amendments to treaties. Under what conditions do Senators vote against treaty ratification and propose amendments to treaties? These two topics have been relatively unstudied. This chapter will answer these questions.

When the U.S. signs a treaty with other nations/organizations, the Senate's ratification is needed. A treaty is a promise between the U.S. and another nation/organization. For the U.S. president, treaty ratification is important because if the treaty is not ratified, it means that the promise with the other party is broken. Although it is related to the U.S.'s international trust, some Senators vote against treaty ratification even though, broadly, this may harm the U.S.' national interests. Then when and why do the Senators vote against ratifying a treaty? Studying this topic will help scholars, senators, their advisors, and presidents and their advisors, and even foreign leaders to know when Senators are willing to risk damaging the U.S. national interest as perceived by the President. And it will offer them reasonable expectations about future treaty ratification votes.

I examined why Senators voted against the treaty ratification even though almost treaties will be ratified; in other words, why do Senators oppose the treaty even their roll call votes might be useless in terms of the final outcome? Why do they publicly take a stance against the perceived national interest? Previous studies did not examine this question. To answer this

question, I posit a theoretical framework based on the president's political capital as the primary explanatory factor that influences the Senators' voting against the treaty ratification. A president's political capital can be affected by political scandal, foreign policy approval rating, general approval rating, and federal deficit level.

The relationship between the president and Congress has been studied well. However, most researchers emphasized domestic policy bills. A few studies focused on foreign policy bills, but there are even fewer studies on treaties. Previous studies found that divided government, lame duck status, and president's approval rates are major determinants of presidential success (Eshbaugh-Soha 2010; Bond and Fleisher 1990; Light 1999). Although previous studies argue that the president's party's control of Congress, the condition of a divided government, and the president's being in the honeymoon period are important factors in the likelihood of presidential success in passing legislation, my study takes a somewhat different focus and attempts to explain how political scandal and foreign policy approval rating influence Senators' voting against treaty ratification.

Another topic, treaty amendment, has been even less studied. There have been 200 proposed treaty amendments from 1955 to 2015. Proposing an amendment to a treaty means that Senators are challenging a treaty the president signed with a foreign nation. Proposing many amendments can be a way to embarrass a president because he/she must renegotiate the amendments with the partner nation. Proposing treaty amendments challenges the president and influences the U.S.'s leadership with other nations because treaty partner nations will mistrust the U.S.'s negotiations with them if there are many changes to the first draft of a treaty. Thus, it is worthwhile to study why and when the Senate will amend a treaty. How many amendments are voted on and passed in the Senate for each treaty? How many amendments opposed by the

president are voted on? Analyzing the treaty amendments will offer an expanded perspective on Senate challenges to a president's foreign policy leadership. I posit that a president's political capital can influence whether the Senate will amend a treaty. When the president has good political capital, Senators feel that it is a risk to challenge (amend) the treaty the president signed. Several factors influence the president's political capital such as political scandal, foreign policy approval rating, general approval rating, and federal deficit level.

4.2. Review of Literature

There are some studies related to treaty ratification but few studies try to find the determinants of the Senate's vote against treaty ratification and Senators' proposing amendments to treaties. Most previous researchers considered factors that influence the domestic politics of treaty ratification, not the above questions. Many scholars have focused on case studies of a single important treaty (Moffett 1985; Caldwell 1991) or on a specific type of treaty like arms control treaties (Krepon and Caldwell 1991; DeLaet and Scott 2006). Peake (2017) suggests the factors that make it difficult to ratify a treaty. The first factor is domestic politics, particularly, political contexts including the executive's political capital and the power and institutional position of groups. The second is the international context, or the existing relationship between the treaty partners and the value of the treaty. Recently many scholars have shown that presidential support on foreign policy issues has been declining (Meernik 1993). However, few previous studies have attempted to develop a comprehensive model to examine factors influencing the Senator's voting against the treaty ratification and Senators' proposing amendments to treaties. In order to see the missing factors, this literature review section consists of two parts. Part 1 looks at the Senate's tendency on treaty ratification and proposing amendments to treaties. Part 2 identifies the

determinants of the Senate's opposition to treaty ratification and Senators' proposing amendments to treaties as well.

4.2.1. Part 1: Senate's tendency on treaty ratification and treaty amendments

The Senators voting against treaty ratification

Some scholars argue that the U.S. Constitution bestows the president exceptional authority over foreign affairs (Yoo 2005; Cane-Wrone et al. 2008). As commander in-chief, the president can negotiate treaties and enjoy additional influence in foreign affairs due to advantages in terms of collecting information (Cane-Wrone et al. 2008). The president plays an important role in persuading and attracting Senators to vote (Bang 2011). Legislators have a tendency to change their position on foreign policy along with the president's position (Kesselman 1965). In terms of the president's success in the foreign policy area, there are three reasons typically offered. First, the president wins because the executive branch takes the initiative in foreign affairs. Second, the president wins because Congress usually complies with or acquiesces to the president's position due to myopia, ineffective legislative tools or lack of political will. However, other scholars argue that the structure of the U.S. Congress makes legislating difficult due to fragmented power and multiple decision points. Senators have significant parliamentary rights that allow them to delay action on legislation. Also the Congress often ignores the president's bills (Peterson 1990).

Even if the treaty ratification process is usually successful in the Senate, some Senators vote against treaty ratification. Few studies examine the main factors influencing the Senators' votes against treaty ratification. Some treaties recognized as significant face conservative opposition in Congress (DeLaet and Scott 2006). The U.S.-Soviet consular convention of 1967,

the first bilateral convention with the Soviet Union completed during the Cold War, faced substantial opposition from senators but it was passed by just three votes. The Panama Canal treaty in 1978 also faced conservative opposition in the Senate and was ratified by a single vote (Krutz and Peake 2009). Krutz and Peake (2009) argue that legislators realize that if the president's program fails, the public will think the failure is due to Congress. Senators who vote against a treaty the president signed will be criticized from the public. So if there are disadvantages about opposing the treaty, and usually the treaty is ratified anyway, why do Senators actually vote against the treaty ratification? Among ratified treaties (not including amendment votes), 86.99% received 0-10 opposing votes, but 13.01% received more than 10 opposing votes. See Table 4.1.

Table 4.1. The level of opposing votes on treaty ratifications (1953-2017)

Number of opposing votes	Level of opposing votes against treaty ratifications (not including amendments votes)
0-10	86.99% (428)
11-20	5.7% (28)
21-30	2.03% (10)
31-40	2.64% (13)
More than 41	2.64% (13)
Overall	100% (492)

Number of opposing votes in parentheses.

If a president wants the treaty ratified, Senators' opposing votes is a challenge. The president's political capital influences Senators' opposing votes for treaty ratification. When the president has a low level of political capital, Senators will challenge the president, that is, the number of Senate votes against ratifying a treaty will increase. Meanwhile, when the president has high political capital, the number of Senate votes against ratifying a treaty will decrease.

Treaty amendments

When a treaty is submitted to the Senate for ratification, the Senate has several options. Specifically, the Senate can approve, reject, or amend the treaty. When Senators ask to revise the treaty contents through amendment votes, the president and the other treaty partner nations have to decide whether they will accept them or not (<https://www.senate.gov/>).

Proposing amending a treaty means that a Senator challenges a treaty the president signed with a foreign nation. If there are many amendments, it is embarrassing to the president because a first treaty draft is more likely to be changed and the president often needs to renegotiate the amendments with the foreign nation. This article considers 200 treaty amendments proposed from 1955 to 2015. The number of treaties that have amendments passed is 11, the number of treaties with amendments that the president opposed is 10, the number of treaties that have passed amendments opposed by the President is 2, and total number of treaties is 492, number of treaties that have amendments is 23, and number of treaties that have no amendments is 469 (see Table 4.2). Because treaty amendments represent the Senate's challenge to the president's treaty and there is a confrontational relationship between the president and Senate when the president has low political capital, Senators' challenges to the president will increase, but when the president has a high level of political capital, Senators' challenges to the president decrease. And for the presidents, his political capital influence the amendments' likelihood of passage and his likelihood of opposing them. Therefore, I hypothesize that Senators will be more likely to propose more treaty amendments when the president has a low level of political capital as in conditions of high scandal, low foreign/general approval ratings, and a high deficit. In addition, proposing amendments is also a challenge to the president. Thus, when the president has low political capital, Senators are more likely to propose amendments and the amendments are more

likely to be passed, the president is less likely to take an opposed position on the amendments, and amendments opposed by the president are more likely to pass.

Table 4.2. Treaties and amendments (1955-2015)

Treaties	EA.
The no. of treaties that have amendments passed	11 EA
The no. of treaties amended with amendments that the president opposes	10 EA
The no. of treaties that have amendments opposed by the President passed	2 EA
The no. of treaties that had amendments / had no amendments	23 EA / 469 EA
The total no. of treaties	492 EA

Presidents have agreed with proposed amendments to a treaty 33.33% of the time, opposed amendments (“opposed position”) 17.91% of the time and taken no position (i.e., remained neutral) 48.5% of the time (see Table 4.3). Woodrow Wilson famously lost the vote on the Versailles Treaty because he refused to make changes or accept amendments or reservations.

Table 4.3. Treaty Ratification Amendment Votes the President has taken a position in the Senate (1955-2015)

Presidents’ Position on the Treaty Ratification Amendments	Percentage
Opposed position	17.91% (36)
Does not take position (neutral)	48.5% (97)
Yes position	33.33% (67)
Overall	100% (200)

Number of votes in parentheses.

4.2.2. Part 2: Determinants of the Senate's opposition to treaty ratification and Senators' proposing amendments to treaties.

Scandal

Many scholars suggested that scandal has a harmful effect on the effectiveness of the political system and that a White House scandal in particular has a negative effect on presidential support in Congress (Peterson 1990; Meinke and Anderson 2001). Meinke and Anderson (2001) analyze individual House members' votes on key legislation during the Watergate, Iran-Contra, and Monica Lewinsky scandals by measuring scandal presence and intensity. Peterson (1990) and Edwards (1989) mentioned that the Watergate scandal had a negative effect on Nixon's legislative success and that congressional support for the president dropped. The studies related to the effect of a White House scandal on presidential success in Congress focus on key legislation votes and do not distinguish between the domestic policy and foreign policy votes. Foreign policy, especially treaty ratification, is totally different from domestic legislation due to the US national interests involved. In addition, previous studies did not focus on Senators' voting against treaty ratification nor on Senators' proposing amendments to treaties. The goal of this study is to make a comprehensive model that includes the effect of scandal on both topics.

General Approval

An important determinant of presidential success in Congress is the president's approval rating. The ability of a president to bargain effectively depends on his public prestige. As the president's approval rating among the public increases, members of Congress feel increased pressure either directly or indirectly from their constituents to support the president (Marshall and Prins 2007).

Studies of the relationship between public opinion and presidential influence in Congress have been debated over the past decades. Some scholars argue that the president's approval rating is positively correlated with his legislative success in Congress (Edward 1989; Rivers and Rose 1985; Neustadt 1990; Ostrom and Simon 1985; Brace and Hinckley 1992). Rivers and Rose (1985) found that a 1% increase in public support for the president increases a bill's approval rate by 1%. In addition, Canes-Wrone and de Marchi (2002) argue that presidential approval ratings influence on salient and complex policies' passing that president proposed. Neustadt (1955) also identified public prestige as a source of presidential influence in Congress. However, other scholars disagree and argue that presidential approval ratings are not related with presidential success (Cohen et al. 2000; Collier and Sullivan 1995; Covington and Kinney 1999). Bond and Fleisher (1990) assert that the effects of the president's public approval on success in Congress are limited. Peterson (1990) found that there is no difference in the impact of presidential approval rating on bill passage rate by varying size and novelty of policies. Previous studies assessed the presidential approval rating with a question in a Gallup Poll: "Do you approve or disapprove of the way [the current president] is handling his job as president?" This general measure does not give citizens' specific evaluation of the president's foreign policy ability.

Foreign Policy Approval

In order to obtain a more exact measure of presidential approval ratings related to his success on treaty ratification, another variable is needed. Foreign policy approval rating can be a useful variable to examine with regard to treaty ratification. Even if there are many previous studies testing the effect of overall presidential approval on the presidential success in the Congress,

fewer studies reveal its effect on the foreign policy passage and even fewer using the foreign policy approval rating. The general presidential approval rating does not always reflect president's performance on foreign policy. Although the Gallup organization asked people like "Do you approve or disapprove of the way [the current president] is handling his job as president?", it does not exactly reflect the president's foreign policy performance. Thus, for my research to examine the effect of the approval rating on the Senator's voting against the treaty ratification, I also used foreign policy approval ratings.

Type of Treaty

In terms of the effect of type of treaty on Senators' voting against the treaty, fewer studies focus on this topic. But some have studied similar phenomena. Spilker and Koubi (2016) studied the effect of treaty design and domestic institutional hurdles on the ratification behavior of states regarding multilateral environmental agreements (MEAs). They classified MEAs as strong legality and found being characterized as "hard" indeed deterred ratification. This implies that countries seem to shy away from those treaties that are perceived to be challenging to their sovereignty. Similarly, several studies provide empirical evidence that agreements that include strong enforcement mechanisms and/or require substantive commitments are less likely to be ratified by a large number of countries (Hathaway 2007; Goodliffe and Hawkins 2006; Cole 2005, 2009; Bernauer et al. 2013a). For example, countries are less likely to ratify a human rights or environmental treaty if they have to change their human rights behavior as a consequence of the rules postulated by the treaty and/or if the treaty sets up monitoring and enforcement mechanisms (Bernauer et al. 2013a; Hathaway 2007; Goodliffe and Hawking 2006).

Peake (2014) classified treaties as new (indicator variable for whether or not the treaty is

a new treaty), security, sovereignty, legal, and norms treaties following Krutz and Peake (2009)'s treaty classification and found that treaty characteristics correlate with duration of transmittal and Senate consent. Peake (2017) argues that economic, security, and sovereignty treaties are transmitted and ratified more quickly due to their diplomatic significance and importance to significant constituencies including commercial interests. Legal treaties may take longer to transmit and ratify because they have a less direct influence on constituencies' interests. Even if there are some studies that have classified treaties and found that treaty characteristics correlate with duration of transmittal and Senate consent, fewer studies focus on the effect of treaty characteristics on the amount of opposition to the treaty.

For the purpose of this study, I classify treaties into six types: "Others", "Military", "Diplomacy", "Economy", "Tax", and "Judicial" (see appendix). I expect that Senators will be less likely to vote against ratifying treaties related to the military, and the treaties will have fewer amendments because the president is commander-in-chief of the military and important national security matters depend on the president. This impacts Senators' behavior in voting against and proposing amendments on the treaties related to military more than other areas. I use "Military" matters as the reference variable.

Federal Deficit

Fewer researchers have examined the effect of the federal deficit on the Senator's voting against the treaty ratification. However, Kingdon (1995) found that available governmental resources may affect presidential success on some policies. A key factor in the likelihood of presidential success in the Senate on policy is the surplus or deficit of the federal budget, with a larger budget deficit decreasing the likelihood of presidential success on policy (Eshbaugh-Soha 2010). With

this logic, when the federal deficit is high, Senators are more likely to vote against the treaty ratification and propose amendments.

The number of US troops that deployed overseas

Senators see public concern about foreign policy as their criterion for voting on treaty ratification. The primary interest of members of the Congress is being re-elected (Lindsay 1994), so public concern influences Senators' voting behavior. When the public's concern about foreign policy increases, Senators may be more likely to vote for treaty ratification because they consider public concern and do not want to be seen as spoiling the treaty ratification and challenging the president's treaty. Public concern about foreign policy increases when the public considers foreign policy to be important, specifically when the U.S. deploys many troops overseas. When the U.S. deploys troops overseas, the public may think that foreign affairs are more important. Deployment of troops means an international crisis may happen. The more people who are deployed overseas, the more Americans (especially friends and relatives of those deployed) will be concerned about foreign policy. Thus, the public is more likely to focus on foreign affairs and looks at the Senate's and president's performance on foreign policy. Due to concern of the public, members of the Senate usually cast more votes for treaty ratification and pose fewer challenges (i.e., propose fewer amendments) to the treaties which make troops are deployed overseas.

Honeymoon period

Whether the president is in a honeymoon period may also affect presidential success in Congress (Dominguez 2005). Previous research shows that in the weeks following a president's inauguration, the president gets favorable treatment from the public (Brody 1991) and the mass media (Grossman and Kumar 1981). Members of Congress usually also give a newly elected president favorable treatment (Dominguez, 2005). Also, McCarty (1997) and Canes-Wrone and de Marchi (2002) argue that newly elected presidents enjoy a honeymoon period for legislative success. Frenreis et al. (2001) note that presidents are usually successful on the policies when the bills are proposed in the honeymoon period. The honeymoon effect also depends on the individual president's personal skills and the number of his party's seats in Congress (Dominguez 2005). However, some argue that the honeymoon period has less effect. Frenreis, Tatalovich, and Schaff (2001) examined the honeymoon effect on law enactment during 1897-1995 and post-1952. They found that during 1897-1995, poor economic conditions and the presidential party's control of Congress influenced the number of laws enacted, but post-1952, the honeymoon period does not affect presidential success. Rivers and Rose (1985) note that at the beginning of the term, a president typically enjoys a short honeymoon with Congress during which the opposition party yields some of its prerogatives. However, relations between the president and his opponents in Congress are soon restored to the usual pattern of bargaining. Although there are many previous studies of the effect of honeymoon period, I could not find no studies that the relationship between the honeymoon period and treaty ratification. In particular, few studies have examined whether the honeymoon period may influence the Senate's vote against treaty ratification or the number of amendments offered.

Lame Duck

Many previous studies examined the effect of the lame duck period on the president's success in Congress. Krutz et al. (1998) define the lame duck as being "in a weakened position even with senators from the same party, who know they will not have to run with this candidate at the top of the ticket." Haynes (2012) defines a lame duck as "a democratic chief executive who is constitutionally prohibited from contesting the next election for his or her current office." Barret and Eshbaugh-Soha (2007) argue that presidential power appears much weaker during a president's lame duck period, which reduces the president's negotiating ability with Congress. Scholars also argue that the president's power diminishes as time goes by (Grossman et al. 1998), and the press and legislators increasingly ignore lame duck presidents (Eshbaugh-Soha 2005; Light 1999). Similarly, previous studies of judicial appointments suggest that timing influences confirmations. Ruckman (1993) and Scigliano (1971) found that Supreme Court nominations are more likely to fail late in the president's term. Richardson and Vines (1971) and Bond (1980) found that Congress is more likely to pass bills increasing the number of federal judges early in a presidential term." (Krutz et al. 1998). Although there are many previous studies of the effect of lame-duck presidency, some areas are not researched, including whether lame duck status can influence the Senate's vote against treaty ratification, or the number of amendments offered.

Re-election

Previous researchers note that an incumbent president's re-election year may influence presidential success in the Congress negatively. Spitzer (1983) argues that when an incumbent

president decides to run for re-election, he is focused on his next election win, so he prioritizes voters who can determine his re-election fate and focuses relatively less on persuading legislators to pass bills in Congress. Therefore, presidential success during re-election year would decline. Eshbaugh-soha (2010) found there is a high negative correlation between reelection year and likelihood of presidential success. Even if many scholars argue that there is negative relationship between the reelection and presidential success, fewer studies examine its effect on the Senators' voting against treaty ratification or on treaty amendments.

Number of Senate Seats controlled by the President's Party

The degree of the President's Party Control of the Senate is an important factor that influence the number of Senators voting against the treaty ratification. Most previous studies have focused on relationship between the president's party control and his success. Bond et al. (2003) show the empirical evidence that when the president's party is in the majority, president is more likely to be successful due to his party's control on committees, the floor agenda, and larger coalitions. Similarly, as partisan polarization increases, treaty gridlock is likely to increase (Peak et al. 2012). Also, when the president party's seats in the senate increase, the Senators' political views are similar to the president. Thus, they are less likely to vote against the treaty ratification. With this logic, when the number of seats controlled by the President's party increases, the number of Senators voting against the treaty ratification will decrease, as well the number of amendments offered.

Unified government

The U.S. political system is well organized with “checks and balances”. In particular, the relationship between the president and Congress has an impact on policy making. A unified government is the single best predictor of presidential success in Congress (Bond and Fleisher 1990) because politicians in the same political party as the president share similar views about the policy. Because of president and legislators’ similar predisposition on policies in the same party, presidential party’s majority of seats in the Congress means the higher possibilities of president’s success (Eshbaugh-soha 2010). Also, legislators of same political party usually have similar policy goals and hold common responsibility for policy failure (Edwards 1989). In terms of the Senators’ voting against treaty ratification, divided government may have a big impact on the degree of opposition. Lantis (2009) notes that many treaties falter at the ratification stage due to domestic political opposition. Ratification may present a difficult political problem. But treaties unlikely to be ratified seldom come to a vote. Glennon (1990) explained that negotiators may miscalculate the degree of domestic opposition to international agreements because the actual negotiator (presidents) and congressmen who ratify the treaty are totally different. Baumgartner et al. (2014) find that periods of unified government show higher levels of production of important laws in the USA.

Even if only the Senate has the authority to decide whether or not the treaty ratification will be passed, in this research, I include a unified government variable including President’s party control of the House and Senate. The reason for this is that the legislative actions of both bodies are connected (Senate and House), and controlling two chambers can influence the Senate’s voting behavior because the House of Representatives has general budgetary powers to initiate the raising of revenue and the appropriation of funds (Ohaegbulam 1999).

Number of Treaty Partners/Members

There are fewer studies on the effect of the number of treaty partners/members on Senators' voting against the treaty ratification. However, Peake (2017) argues that bilateral treaties are inherently different than multilateral treaties in that bilateral treaties tend to be less controversial. For example, United Nations conventions often spark the opposition of conservatives in the United States. Unlike Peake (2017)'s argument, Spilker and Koubi (2016) argue that the more countries have ratified a particular treaty, the greater increase the likelihood of treaty ratification by the United States. If many countries signed the treaty, the U.S. Senate may consider that it is difficult to vote against the treaty because having many countries in the treaty means it is an important treaty and it will place pressure on the Senators to support it. By this logic, I expect that when the number of treaty partners increases, the number of Senate votes against ratifying the treaty will decrease, and the number of amendments will decrease.

4.3. Method

4.3.1. Dataset

My analysis relies on all treaty ratification roll call votes in the Senate from 1953 to 2017. These roll call data are collected from Congressional Quarterly (CQ). The data I employ contribute to the literature because I collected very recent data (to 2017) that have not been used before. I classified them into 6 types of treaties: "Others", "Military", "Diplomacy", "Economy", "Tax", and "Judicial" (see appendix). In order to check the reliability of my classification among treaties, I asked a graduate student to classify a random sample of 100 roll call votes and compare his classification with mine. I gave the sample of roll call votes in the Senate to a

student and asked him to classify them as six treaty types. In the results, there were 83% of agreements and 17% of disagreements. In this research, intercoder reliability is assessed by having two or more coders categorize units and calculating the extent of agreement between coders. In this method, percent agreements are between the values of .00 (no agreement) to 1.00 (perfect agreement) (Lombard et al. 2002). I used Neuendorf's (2002) criteria for reliability. He reviews several methodologists and concludes that "coefficients of .90 or greater would be acceptable to all, .80 or greater would be acceptable in most situations, and below that, there exists great disagreement" (p. 145). By this standard, 83% agreement is good reliability. In addition, I looked at the correlation between my type indicator and the other student's. The correlation coefficient is 0.8098, which is above the acceptable level (0.8). Thus, the reliability of the categories of treaty type is good. I exclude procedural votes like cloture votes or motions to table an amendment from the study because those are not always directly related to the substance of policy.

4.3.2. Dependent Variables

DVI. The number of Senators voting against a treaty.

The first dependent variable is the Senate's voting against a treaty, measured as the number of Senators' votes against a treaty ratification. These data are collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* from 1953 to 2017.

DV2. Treaty Amendments that are voted

The second dependent variable is whether or not any treaty amendments are voted on. It is coded “1” when one or more treaty amendments are voted on, and “0” otherwise. This data is collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* (from 1953 to 2017).

DV3. Treaty Amendments that are passed

The third dependent variable is whether or not the treaty amendments are passed. It is coded “1” when any treaty amendments are passed, and “0” otherwise. This data is collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* (from 1953 to 2017).

DV4. The number of treaty amendments opposed by the president that are voted on.

The fourth dependent variable is whether or not the treaty amendments opposed by the president are voted on. It is coded “1” when a treaty amendment opposed by the president are voted, and “0” otherwise. This data is collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* (from 1953 to 2017).

DV5. The Number of treaty amendments opposed by the president that are passed

The fifth dependent variable is whether or not the treaty amendments opposed by the president are passed. It is coded “1” when the treaty amendments opposed by the president are passed, and

“0” otherwise. This data is collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* (from 1953 to 2017).

4.3.3. Independent Variables

To test what determinants influence the Senate’s opposition to treaty ratification and Senators’ proposing amendments to treaties, I posit some independent variables as indicators of political capital: scandal, general approval rating/foreign policy approval rating of the Presidents, federal deficit, the number of Senate seat controlled by the president party, honeymoon, lame duck, reelection year, and unified government. But type of treaty and the number of treaty partner variables are not the same as political capital. In addition, the number of the U.S. troops that deployed overseas variable represents public concern but not same as the president’s political capital.

IV. Scandal

Operationalizing a presidential scandal is a tough challenge. There are many definitions of scandal, so that recognizing a scandal is a subjective task. I followed Nyhan (2014)’s concept of scandal. He defined scandal as a “media scandal” in which there was widespread recognition of a controversy as a scandal in mainstream press coverage. Media scandal reflects a widespread elite perception of official wrongdoing, corruption, or misbehavior. To measure media scandal, I used data from the *New York Times*. I counted the number of stories about scandals reported each year on the front page of the *New York Times* and calculate the total number of scandal stories as the independent variable. Of course, each scandal has a different intensity, but this is subjective and

not easy to measure. In this article, I used the Internet database called *ProQuest Historical Newspapers: The New York Times*. With this search data, I put some words like “scandal”, “bribery”, “corruption”, and “president” on the data from 1953 to 2017 and counted the number of articles including searching words on the front page and check if those are related to the president, executive branch, and politicians who belongs to president’s political party (when politicians who belong to president’s political party are involved in scandal, they may negatively impact the president’s reputation). This method treats individual stories about different scandals the same as the same number of stories about a single major scandal.

IV. General Approval

The president’s (general) approval rate data comes from Gallup poll from 1953 to 2017. In the poll, the respondents were asked a question like “Do you approve or disapprove of the way [president name] is handling his job as president?” Gallup data are available for each month so I used the most recent (general) approval rate before the foreign policy legislation vote takes place.

IV. Foreign policy approval rate

The presidential foreign policy approval rate data for this study come from iPOLL data taken over the period of the presidencies from Dwight D. Eisenhower (1953) to Donald Trump (2017). iPOLL offers data from almost every month from Gallup, Roper Commercial Survey, Harris Survey, ORC Public Opinion Index, Harris Survey, and CBS News/New York Times Poll. Although some month’s data were not available through the iPOLL engine and the poll questions

are slightly different from Gallup’s poll question (i.e., “Do you approve or disapprove of the way [the president] is handling [foreign affairs]?”), the data are suitable for measuring foreign policy approval rating for the purposes of this study. In terms of response categories in each poll, Roper Commercial Survey has “Approve, Disapprove, and Don’t know”, ORC Public Opinion Index has “a very good job, a fairly good job, not so good a job, or a poor job”, Harris Survey has “Agree, Disagree, Don’t know/No answer”, and CBS News/New York Times Poll has “Approve, Disapprove, Don’t know/No answer”. Response categories are almost similar. I combined the different positive categories such as “a very good job”, “a fairly good job”, and “Agree” into an “approval” level for the president’s foreign policy. I used the most recent foreign policy approval rating before the vote takes place.

IV. Type of treaty

Type of treaty is coded along with 6 treaty classifications. This is a categorical variable and Military treaty is a reference group and I classified treaties into six types: “Others”, “Military”, “Diplomacy”, “Economy”, “Tax”, and, “Judicial”. (see appendix).

IV. Federal deficit

The US Senate Budget Committee defines the federal deficit as “the amount by which the government’s total budget outlays exceeds its total receipts for a fiscal year”. It is measured as federal deficit as a percent of GDP (Gross Domestic Product). These data come from *Fred Economy Data (Federal Reserve Bank of St. Louis)*.

IV. The number of US troops that deployed overseas

I measure the number of US troops overseas. The data for this indicator comes from *Defense Manpower Data Center* that show the total number of U.S. troops overseas from 1953 to 2017.

IV. Honeymoon

Even though there are different definitions of the honeymoon period, for the purpose of this study, I code the honeymoon variable as “1” if a treaty ratification vote is taken in the first year of a new president’s term in office and “0” otherwise (Conley 2002; Grossback et al. 2006; Larocca 2006).

IV. Lame duck

The lame duck variable in this analysis is coded as “1” if a treaty ratification vote is taken in the last year of a two-term presidency, or if the vote is taken after a first-term president lost or gave up his reelection bid.

IV. Reelection year

Reelection year variable is coded as “1” if the treaty ratification vote is taken in the same calendar year of the election and “0” otherwise (Mack et al. 2013).

IV. Number of Senate Seats controlled by the President's Party

This is measured as the number of Senate seats controlled by the president's party.

IV. Unified government

Unified government is coded as 1 if the government is unified among the Senate and House of Representatives and "0" otherwise.

IV. The number of treaty partners

The number of treaty partners is coded as 1 if the number of treaty partners (not including the U.S.) is two or more (multilateral treaty) and "0" for a bilateral treaty. These data are collected from yearly editions of *The Congressional Roll Call Votes* and *CQ Almanac* (from 1953 to 2017).

4.4. Research Hypotheses

In my research I have two sets of dependent variables. The first refers to the determinants that influence how many Senators vote against a treaty. The second is related to the determinants that influence whether or not treaty amendments are voted on, passed, opposed by the president, and passed despite the president's objections. I tested the two sets of dependent variables with the same independent variables.

<Set 1: Senators' voting against the treaty ratification>

Hypothesis 1: The number of Senate votes against ratifying a treaty will increase when the level of the president's scandal is high.

Hypothesis 2: The number of Senate votes against ratifying a treaty will increase when the president's foreign policy approval rating is low.

Hypothesis 3: The number of Senate votes against ratifying a treaty will increase when the president's general approval rating is low.

Hypothesis 4: The number of Senate votes against ratifying a treaty will decrease when a treaty is related to Military matters compared to other types of treaties.

Hypothesis 5: The number of Senate votes against ratifying a treaty will increase when the level of federal deficit is high.

Hypothesis 6: The number of Senate votes against ratifying a treaty will increase when the number of US troops deployed overseas decreases.

Hypothesis 7: The number of Senate votes against ratifying a treaty will decrease when the president is in the honeymoon period.

Hypothesis 8: The number of Senate votes against ratifying a treaty will increase when the president is in the lame-duck period.

Hypothesis 9: The number of Senate votes against ratifying a treaty will increase when the president is running for reelection.

Hypothesis 10: The number of Senate votes against ratifying a treaty will increase when the number of seats in the Senate held by members of the President's party decreases.

Hypothesis 11: The number of Senate votes against ratifying a treaty will increase when the president's party does not control Congress (divided government).

Hypothesis 12: The number of Senate votes against ratifying a treaty will decrease when the treaty has three or more partners including the U.S.

<Set 2: Treaty amendments analyses>

Treaty amendments voted

Hypothesis 1: The likelihood of treaty amendments that are voted on will increase when the scandal level is high.

Hypothesis 2: The likelihood of treaty amendments that are voted on will increase when the president's foreign policy approval rating is low.

Hypothesis 3: The likelihood of treaty amendments that are voted on will increase when the president's general approval rating is low.

Hypothesis 4: The likelihood of treaty amendments that are voted on will increase when the number of seats in the Senate held by members of the president's party decreases.

Hypothesis 5: The likelihood of treaty amendments that are voted on will increase when the government is not unified.

Hypothesis 6: The likelihood of treaty amendments that are voted on will increase when the federal deficit is high.

Hypothesis 7: The likelihood of treaty amendments that are voted on will increase when the number of US troops deployed overseas decreases.

Hypothesis 8: The likelihood of treaty amendments that are voted on will decrease when the amendments are related to a Military treaty compared to other types of treaties.

Hypothesis 9: The likelihood of treaty amendments that are voted on will increase when the president is in the lame-duck period.

Hypothesis 10: The likelihood of treaty amendments that are voted on will decrease when the president is in the honeymoon period.

Hypothesis 11: The likelihood of treaty amendments that are voted on will increase when the president is running for reelection.

Hypothesis 12: The likelihood of treaty amendments that are voted on will decrease when the number of treaty partners increases.

Treaty amendments passed

Hypothesis 1: The likelihood that treaty amendments will pass will increase when the scandal level is high.

Hypothesis 2: The likelihood that treaty amendments will pass will increase when the president's foreign policy approval rating is low.

Hypothesis 3: The likelihood that treaty amendments will pass will increase when the president's general approval rating is low.

Hypothesis 4: The likelihood that treaty amendments will pass will increase when the number of seats in Senate held by members of the president's party decreases.

Hypothesis 5: The likelihood that treaty amendments will pass will increase when government is not unified.

Hypothesis 6: The likelihood that treaty amendments will pass will increase when the federal deficit is high.

Hypothesis 7: The likelihood that treaty amendments will pass will increase when the number of US troops deployed overseas decreases.

Hypothesis 8: The likelihood that treaty amendments will pass will decrease when the amendments are related to a Military treaty compared to other types of treaties.

Hypothesis 9: The likelihood that treaty amendments will pass will increase when the president is in the lame-duck period.

Hypothesis 10: The likelihood that treaty amendments will pass will increase when the president is running for reelection.

Hypothesis 11: The likelihood that treaty amendments will pass will decrease when the number of treaty partners increases.

Treaty amendments opposed by the president

Hypothesis 1: The likelihood that treaty amendments will be opposed by the president will increase when the scandal level is low.

Hypothesis 2: The likelihood that treaty amendments will be opposed by the president will increase when the president's foreign policy approval rating is high.

Hypothesis 3: The likelihood that treaty amendments will be opposed by the president will increase when the president's general approval rating is high.

Hypothesis 4: The likelihood that treaty amendments will be opposed by the president will increase when the number of seats in the Senate held by members of the president's party increases.

Hypothesis 5: The likelihood that treaty amendments will be opposed by the president will increase when the government is unified.

Hypothesis 6: The likelihood that treaty amendments will be opposed by the president will increase when the federal deficit is low.

Hypothesis 7: The likelihood that treaty amendments will be opposed by the president will increase when the number of US troops that deployed overseas increases.

Hypothesis 8: The likelihood that treaty amendments will be opposed by the president will increase when the amendments are related to a Military treaty compared to other types of treaties.

Hypothesis 9: The likelihood that treaty amendments will be opposed by the president will increase when the president is not in the lame-duck period.

Hypothesis 10: The likelihood that treaty amendments will be opposed by the president will increase when the president is in the honeymoon period.

Hypothesis 11: The likelihood that treaty amendments will be opposed by the president will increase when the number of the treaty partner increases.

Treaty amendments opposed by the president and passed.

Hypothesis 1: The likelihood that treaty amendments that are opposed by the president will pass will increase when the scandal level is high.

Hypothesis 2: The likelihood that treaty amendments that are opposed by the president will pass will increase when the president's foreign policy approval rating is low.

Hypothesis 3: The likelihood that treaty amendments that are opposed by the president will pass will increase when the president's general approval rating is low.

Hypothesis 4: The likelihood that treaty amendments that are opposed by the president will pass will increase when the number of seats in the Senate held by members of the president's party decreases.

Hypothesis 5: The likelihood that treaty amendments that are opposed by the president will pass will increase when the government is not unified.

Hypothesis 6: The likelihood that treaty amendments that are opposed by the president will pass will increase when the federal deficit is high.

Hypothesis 7: The likelihood that treaty amendments that are opposed by the president will pass will increase when the number of US troops deployed overseas decreases.

Hypothesis 8: The likelihood that treaty amendments that are opposed by the president will pass will increase when the number of treaty partners decreases.

4.5. Results

4.5.1. The Senator's voting against the treaty ratification

Table 4.4 shows the Senators' votes against treaty ratification as analyzed with OLS regression analysis. The scandal variable does not confirm our expectation in Hypothesis 1. That is, scandal does not matter in terms of the senators' voting against treaty ratification. Both foreign policy

and general approval ratings of the president have no significant impact on Senators' votes against treaty ratification in Hypotheses 2 and 3. Although the foreign policy approval variable has the predicted direction (negative) in Hypothesis 2, the general approval ratings variable has an unexpected direction (positive) in contradiction to Hypothesis 3.

Treaty types are significant but has unexpected direction compared to Hypothesis 4. Hypothesis 4 is that "The number of Senate votes against ratifying a treaty will *decrease* when a treaty is related to Military matters compared to other types of treaties." But in the empirical result, the number of Senate votes against ratifying a treaty will *increase* when the treaty is related to "Military" matters compared to "Diplomacy", "Economy", "Tax", "Judicial", and "Others" treaties. This unexpected direction can be explained by the fact that while the president is commander-in-chief of the military and important national security matters depend on the president, because military treaties are related to the constituents' interests, Senators insist on their own arguments (and do not defer to the president on military treaties). The federal deficit has no significant effect and a negative direction compared to what I expected in Hypothesis 5. The number of US troops deployed overseas has a significant impact on Senators' voting against treaty ratification (Hypothesis 6). That is, the number of Senate votes against ratifying a treaty will increase when the number of US troops deployed overseas decreases.

The honeymoon variable does not confirm our expectation in Hypothesis 7. The lame-duck and reelection year variables do not have a statistically significant effect (Hypothesis 8 and 9). The number of Senate seats held by members of the president's party does not have significant impact on the number of Senators voting against treaty ratification (Hypothesis 10).

The presence of a unified government variable has a significant impact on Senator's voting against the treaty ratification but the direction is positive, which is different from my

expectation in Hypothesis 11. It means that the number of Senate votes against ratifying a treaty will increase when the president's party *controls* Congress (unified government). This finding does not make sense, so I need to discuss the possible reasons later.

The number of treaty partners does not confirm our expectation in Hypothesis 12. I expected that the number of Senate votes against ratifying the treaty would decrease when the treaty has three or more partners including the U.S. However, the empirical result shows that the number of treaty partners has no impact on Senators' voting behavior on treaty ratification.

Table 4.4. OLS regression analysis; independent variables on the Senate's vote against the treaty ratification, 1953 to 2017

	Model 1 (without scandal)				Model 2 (general scandal)			
	Coef.	S.E.	T	Significance	Coef.	S.E.	T	Significance
Scandal	-	-	-	-	-.0489158	.0539241	-0.91	0.365
Foreign policy approval of president	-.0453303	.0472135	-0.96	0.337	-.0434869	.047266	-0.92	0.358
General approval of president	.047487	.0453373	1.05	0.295	.043232	.0455877	0.95	0.343
Military policy is a reference variable								
Diplomacy	-7.200005	2.077524	-3.47	0.001**	-7.351753	2.084634	-3.53	0.000***
Economy	-	2.098704	-2.48	0.013*	-5.361784	2.105591	-2.55	0.011*
Tax	5.211859							
Judicial	-12.34494	2.181207	-5.66	0.000***	-12.52721	2.190846	-5.72	0.000***
Others	-14.09862	2.275321	-6.20	0.000***	-14.15657	2.276641	-6.22	0.000***
Deficit	-11.62018	1.872024	-6.21	0.000***	-11.59203	1.87263	-6.19	0.000***
The number of US troops that deployed overseas	-0.0499778	.3667537	-0.14	0.892	-.071111	.367561	-0.19	0.847
Honeymoon	-8.33e-06	2.21e-06	-3.76	0.000***	-8.57e-06	2.23e-06	-3.85	0.000***
Lame-duck	-6.689941	2.879274	-0.23	0.816	-.524157	2.884233	-0.18	0.856
Reelection year	1.045993	1.622396	0.64	0.519	.9304996	1.627685	0.57	0.568
The Number of Senate Seats controlled by the President's Party	-1.232994	1.646221	-0.75	0.454	-1.082832	1.654828	-0.65	0.513
Unified Government	.0185727	.0923232	0.20	0.841	-.0007947	.0947765	-0.01	0.993
Multi-nations	3.880956	1.989605	1.95	0.052	4.097403	2.004229	2.04	0.041*
Constant	-1.015615	1.290675	-0.79	0.432	-.9507087	1.292897	-0.74	0.463
Adj. R ²	17.10194	4.835505	3.54	0.000***	19.2759	5.397612	3.57	0.000***
N		0.1582				0.1578		
		492				492		

* $p < .05$. ** $p < .01$. *** $p < .001$.

4.5.2. Analysis of treaty amendments that are voted

Table 4.5 shows the empirical results related to Senators' proposing treaty amendments. Almost every variable, excepting Type of Treaty variable, "Others", do not confirm my expectations in Hypotheses 1 through 12. According to my expectations, when the president has high levels of political capital, the Senator are less likely to propose amendments to treaties.

The number of US troops deployed overseas variable is close to significance ($p < .10$). This confirms my expectation in Hypothesis 7: when the number of US troops deployed overseas decreases, the likelihood of treaty amendments that are voted on will increase.

Type of treaty variable confirms my expectations in Hypothesis 8. It means that the likelihood of treaty amendments that are voted on will decrease when the amendments are related to a Military treaty compared to other types of treaties.

Table 4.5. Logistic Regression analysis; independent variables on the likelihood of treaty amendments that are voted, 1953 to 2017

Treaty Amendments voted	Odds Ratio.	S.E.	Z	Significance
Scandal	1.028232	.0250639	1.14	0.253
Foreign policy approval of president	1.006434	.0243809	0.26	0.791
General approval of president	1.009846	.0228155	0.43	0.665
The Number of Senate Seats controlled by the President's Party	1.000267	.0433404	0.01	0.995
Unified Government	.9738023	.8404446	-0.03	0.975
Deficit	1.032636	.1589357	0.21	0.835
The number of US troops that deployed overseas	.9999981	1.14e-06	-1.63	0.102
Military Policy is a reference variable				
Diplomacy	.9826342	.5975905	-0.03	0.977
Economy	.6587513	.4605417	-0.60	0.550
Judicial	.1896159	.2077238	-1.52	0.129
Others	.1326449	.1175977	-2.28	0.023*

Lame duck	.3526959	.3975778	-0.92	0.355
Honeymoon	1.920885	2.188551	0.57	0.567
Reelection Year	.3109299	.3317675	-1.09	0.274
Multi_Nations	.8475158	.4826833	-0.29	0.771
Constant	.078189	.1775628	-1.12	0.262
Pseudo. R ²			0.1154	
N			492	

* $p < .05$. ** $p < .01$. *** $p < .001$.

4.5.3. Analysis of treaty amendments that are passed

Table 4.6 shows the empirical results for the likelihood that a treaty amendment will pass. The scandal variable confirms my expectation in Hypothesis 1: The likelihood that treaty amendments will pass will increase when the scandal level is high. The foreign policy approval rating and general approval rating variables do not impact on the Likelihood that a treaty amendment will pass (Hypothesis 3 and 4).

The number of US troops that deployed overseas confirms our expectation in Hypothesis 7: the likelihood that a treaty amendment will pass increases when the number of US troops that deployed overseas decreases. Treaty type has no significant impact on the likelihood that a treaty amendment will pass (Hypothesis 8). Similarly, the number of seats in the Senate held by members of the president's party has no significant impact on the likelihood that a treaty amendment will pass. Having a unified government, the federal deficit, lame-duck, reelection year, and the number of partner nations variables do not affect the likelihood that a treaty amendment will pass.

Table 4.6. Logistic regression analysis; independent variables on the likelihood of treaty amendments that passed, 1953 to 2017

Treaty Amendments passed	Odds Ratio.	S.E.	Z	Significance
Scandal	1.076035	.0380904	2.07	0.038*
Foreign policy approval of president	1.016875	.0373838	0.46	0.649
General approval of president	1.008472	.0316882	0.27	0.788
The Number of Senate Seats controlled by the President's Party	1.068914	.0869882	0.82	0.413
Unified Government	.4546155	.5949262	-0.60	0.547
Deficit	.846958	.1731279	-0.81	0.416
The number of US troops that deployed overseas	.9999923	2.63e-06	-2.91	0.004**
Military Policy is a reference variable				
Diplomacy	2.895157	2.849513	1.08	0.280
Economy	1.583055	1.525433	0.48	0.634
Judicial	.736644	.9379115	-0.24	0.810
Others	.3795326	.4828486	-0.76	0.446
Lame duck	.8209482	1.131952	-0.14	0.886
Reelection Year	.7642068	.8734532	-0.24	0.814
Multi_Nations	.3658626	.3256281	-1.13	0.259
Constant	.0069663	.0259551	-1.33	0.183
Pseudo. R ²			0.2467	
N			492	

* $p < .05$. ** $p < .01$. *** $p < .001$.

4.5.4. Analysis of treaty amendments that are opposed by the presidents

Table 4.7 reports the analysis of treaty amendment that the presidents opposed. Scandal, Foreign policy approval rating, general approval rating variables do not affect the likelihood of the treaty amendments that are opposed by the president. The number of seats in the Senate held by members of the president's party and unified government do not confirm our expectations in

Hypotheses 4 and 5.

Federal deficit, and the number of US troops that deployed overseas do not affect the likelihood of the treaty amendments that are opposed by the president.

Treaty type has a significant impact on the likelihood of the treaty amendments that are opposed by the president (Hypothesis 9). Specifically, the likelihood increases when the treaty is related to “Diplomacy” matters compared to “Military” treaties.

The lame-duck, Honeymoon, and the number of treaty partners variable do not confirm my expectation in Hypothesis 10,11, and 12.

Table 4.7. Logistic regression analysis; independent variables on the likelihood that treaty amendments opposed by the president, 1953-2017.

Treaty Amendments opposed	Odds Ratio.	S.E.	Z	Significance
Scandal	.9526271	.0415478	-1.11	0.266
Foreign policy approval of president	1.005315	.0336705	0.16	0.874
General approval of president	.9728964	.0273962	-0.98	0.329
The Number of Senate Seats controlled by the President’s Party	.9809517	.0676565	-0.28	0.780
Unified Government	1.622709	2.167169	0.36	0.717
Deficit	.7958188	.2311581	-0.79	0.432
The number of US troops that deployed overseas	.9999993	1.39e-06	-0.48	0.634
Military Policy is a reference variable				
Diplomacy	7.070983	5.720466	2.42	0.016*
Economy	3.000437	2.95899	1.11	0.265
Lame duck	.4648691	.6276234	-0.57	0.570
Honeymoon	3.875985	4.651084	1.13	0.259
Multi_Nations	.8639287	.6602083	-0.19	0.848
Constant	.3805409	1.379118	-0.27	0.790
Pseudo. R ²			0.1298	
N			492	

* $p < .05$. ** $p < .01$. *** $p < .001$.

4.5.5. Analysis of treaty amendments that are opposed by the president and passed

Table 4.8 shows the empirical results for the likelihood that a treaty amendment opposed by the president will pass. In conclusion, no variable has a statistically significant impact on the likelihood that a treaty amendment opposed by the president will pass. Scandal does not confirm our expectation in Hypothesis 1. Foreign policy approval rating and General approval rating variable does not confirm my expectation in Hypothesis 2 and 3. The number of seats in the Senate held by the president's party and a unified government do not have a significant impact on the likelihood that a treaty amendment opposed by the president will pass (Hypotheses 4 and 5). Federal deficit variable does not confirm my expectation in Hypothesis 6. The number of US troops that deployed overseas, and the number of treaty partners do not confirm my expectations in Hypotheses 7, and 8.

Table 4.8. Logistic regression analysis; independent variables on the likelihood that treaty amendments that are opposed by the president are passed, 1953-2017.

Treaty Amendments opposed and passed	Odds Ratio.	S.E.	Z	Significance
Scandal	.7991495	.1581116	-1.13	0.257
Foreign policy approval of president	1.023229	.0832037	0.28	0.778
General approval of president	.9961692	.0728236	-0.05	0.958
The Number of Senate Seats controlled by the President's Party	.9087021	.1380665	-0.63	0.529
Unified Government	9.10759	23.71819	0.85	0.396
Deficit	1.085793	.6771316	0.13	0.895
The number of US troops that deployed overseas	.999998	3.90e-06	-0.51	0.607
Multi_Nations	1.210364	1.806412	0.13	0.898
Constant	3.398115	28.38048	0.15	0.884
Pseudo. R ²			0.1614	

$*p < .05$. $**p < .01$. $***p < .001$.

Why is there a complete lack of significant results? The primary reason is that very few treaties have passed amendments that were opposed by the President. In my research, there are only two treaties that have passed amendments that were opposed by the President. This number is extremely low and requires some context for each of the two treaties.

The first is *Taiwan Relations*, regarding whether to continue U.S. relations with Taiwan on an unofficial basis, provide security assurances to the people of Taiwan and continue in force nearly 60 treaties and agreements on trade and other matters. This treaty has one amendment that allows Taiwan to keep its embassy in Washington. This amendment was proposed by Democrat Senator Robert B. Morgan (N.C.), but President Jimmy Carter took an opposed position on this amendment. Nevertheless, it was passed. That is, President Carter's opposition to the treaty amendment was not accepted. This can be explained by his low political capital was. At that time in 1979, President Carter's general approval rating was 39%, foreign approval rating was 30%, scandal was highlighted in 11 stories, federal deficit was 1.55%, the number of Senate seats controlled by the president's party (D) was 58, the government was unified, the president was not in a honeymoon period or a lame duck, not a reelection year, this treaty is categorized as diplomacy (relationship with Taiwan), and the number of US troops deployed was 458,424. By comparison, during the period 1953-2017, on average, general approval rating is 52.57%, foreign policy approval rating is 46.84%, the number of the stories about scandals reported is 18.86, the number of Senate seats controlled by the president's party is 51.64, federal deficit is 2.2% of GDP, and the number of troops deployed overseas is 611,689. Compared to average patterns,

President Carter's political capital was low. Thus, his opposition position to the treaty amendment was not accepted.

However, in the final stage of this treaty, it was passed with 90 yea – 6 nay. President Carter took a “yes” position on this final passage of treaty.

The second treaty is *Miscellaneous Tariffs*, regarding expanding the Caribbean Basin Initiative, assuring the constitutionality of the procedure for congressional approval of trade agreements with communist nations, authorizing appropriations for U.S. trade agencies and making miscellaneous and technical changes to various trade laws. This treaty had one amendment that reduced by 50 percent the duty on rubber-soled and fabric upper footwear imported from Caribbean Basin countries.

This amendment was proposed by Republican Senator William Cohen (Maine). President George H.W. Bush took an opposed position on this amendment, but it passed. That is, his opposition to the amendment was not accepted. At that time in 1990, President George H.W. Bush's general approval rating was 71%, foreign approval rating was 70%, scandal was 7 stories, federal deficit was 3.7 %, Senate seats controlled by the president party (R) was 45, this treaty is categorized as economy (trade agreement), and the number of US troops deployed was 609,422. Compared to average patterns at that time, President Bush's foreign/general approval rating was high, but the number of his party's senate seats was only 45. It is hard to say whether the President Bush had high political capital or not, but regardless, his opposition position on the treaty amendment on this treaty was not accepted.

However, in the final step of passing this treaty, *Miscellaneous Tariffs and Trade* was passed with 92 yea – 0 nay. President Bush took a “yes” position on the final passage of this

treaty. These two treaties were extreme cases; most amendments opposed by presidents are not passed. This means that Senators defer to the president's position on the amendments.

Not only do most treaties that get voted on get ratified, they do not get amended in a way that the president dislikes. But it is still possible that presidents may strategically "support" or "take no position" on amendments that they actually oppose in order to avoid confrontation with the Senate.

4.6. Discussion

After the U.S. signs a treaty with other nations/organizations and waits for treaty ratification in the Senate, there are several opportunities for confrontation between the president and the Senate. 1) Senators are asked to vote for treaty ratification, 2) Senators propose amendments to the treaty, 3) the president takes a position on the amendments, and 4) the Senators vote on amendments that the president opposes.

Some scholars suggest that factors such as the executive's political capital and the power and institutional position of groups and the existing relationship between the treaty partners and value of the treaty can make it difficult to ratify a treaty (Peake 2017). However, few previous studies have attempted to develop a comprehensive model to examine the factors influencing the Senators' voting against the treaty ratification and proposing amendments to treaties.

My findings do not support the hypothesis about president's political capital. Only the scandal variable has a significant impact on the treaty amendment process. The number of troops deployed overseas has an impact on the president's and Senators' behaviors on treaty ratification. That is, when the level of political scandal is high, Senators tend to vote in favor of the treaty amendments. When the number of US troops overseas is low, Senators tend to vote against the

treaty ratification. In addition, the likelihood that treaty amendments that are voted increases, as does the likelihood that treaty amendments are passed.

In my research, only two treaties that had amendments that were opposed by the president were passed. In other words, most amendments opposed by presidents are not passed. This means that Senators defer to the president's position on the amendments. Not only do most treaties that get voted on get ratified, they do not get amended in a way that the president dislikes. But it is possible that a president may strategically "support" or "take no position" on amendments that he actually opposes in order to avoid confrontation with the Senate. These theories have been supported by the empirical results in my research. A reason for the influence of treaty type on Senators' voting against the treaty is that the president's position as commander-in-chief of the military and the fact that important national security matters depend on the president impact Senators' behavior in terms of voting against treaties related to military more than other areas. Whether the government is unified has a significant impact, but the direction is different from my expectation: the number of Senators voting against ratifying a treaty increases when the president's party controls Congress (unified government). This empirical result needs further research to explain why.

Future researchers could study other factors that influence treaty ratification. In my research, I only focus primarily on internal political factors, but partner nations' characteristics such as level of democracy, economic conditions, and ally status can influence treaty ratification and/or amendments.

4.7. Conclusion

The U.S. has signed many treaties with other nations. In order to make international treaties into domestic law, the Senate's ratification is needed. For the U.S. president, treaty ratification is important because if the treaty is not ratified, the president's promise to the other nation is broken. However, some Senators vote against treaty ratification. Even though almost treaties will be ratified, this may harm U.S. national interests. Under what conditions do Senators vote against treaty ratification?

Previous studies have not fully examined this question. To answer this question, I posited a theoretical framework based on the president's political capital as the primary explanatory factor that influences the Senators' voting against the treaty ratification. However, the political capital hypothesis is not supported by the results, and I did not see a clear pattern about the presidents' and Senators' behavior in the treaty ratification and amendment process. Only a few variables had significant effects. When the number of US troops overseas is low, Senators tend to vote against treaty ratification. That is, when the public concern about foreign policy is increased, Senators are more likely to defer (vote in favor) to the treaty ratification. Another topic is treaty amendment. There have been 200 proposed treaty amendments from 1955 to 2015. Proposing an amendment to a treaty means that Senators are challenging the treaty the president signed with a foreign policy. Proposing many amendments can be a way to embarrass a president because he/she must then renegotiate the amendments with the partner nation. Proposing treaty amendments challenges the president and influences the U.S.'s leadership with other nations because treaty partner nations will mistrust the U.S.'s negotiations with them if there are many changes to the first draft of a treaty.

The possible reasons why the results are so different from my expectations are as follows.

First, some treaties are not submitted to the Senate. According to Article Two of the Constitution, the executive negotiates and signs the treaty and the president must submit the treaty to the Senate for advice and consent (Peake 2017), but the number of treaties not submitted to the Senate has risen sharply (Congressional Research Service Library of Congress 2001).

Second, some treaties are withdrawn. During the U.S. first 200 years, at least 85 treaties were eventually withdrawn because the Senate never took final action on them. These treaties remain in the Senate Foreign Committee because they are not required to be resubmitted to the Senate again. Thus, some treaties remain in the committee for many years without any action. (the U.S. Senate website, <https://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm#2>).

Third, in many cases, the President chooses to pursue an executive agreement that does not need ratification. An executive agreement is concluded by the executive branch and not submitted to the Senate. After World War II, the number of executive agreements increased due to the difficulty of obtaining a two-thirds vote on treaties. For example, in 1952, the United States signed 14 treaties and 291 executive agreements.

In addition, the sheer volume of business conducted between the U.S. and other nations creates a heavy workload for the Senate. Many international agreements are relatively minor in importance and overburden the Senate for advice and consent. In addition, the executive branch usually concludes international agreements in certain fields, such as foreign aid, agriculture, and trade (the U.S. Senate website, <https://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm#2>).

As the United States has become more involved in the world, the number of international agreements has increased. For the executive branch, it is easier to conclude an executive agreement because it does not have to be submitted to the Senate, so there is no waiting for transmission of treaties from FRS to the Senate. The Senate also recognizes executive agreements as an alternative way to make international agreements because it reduces their workload for advice and consent (Congressional Research Service Library of Congress 2001).

Fourth, in terms of treaty, international viewpoint and partner nations can impact on the different results. Because of the international audience, the Senate is more cautious about challenging or embarrassing the President. If the treaty remains unratified, it makes the president look ineffective and it might diminish the perception of the United States as a foreign policy leader (Peake 2017).

In addition, a treaty partner's characteristics like its political system, historical relationship with the U.S., economic/military ability, and alliance with the U.S. may have a bigger impact on how Senators react than is the case in regular foreign policy legislation. For example, if the U.S. signed the economic treaties with South Korea and Cuba, partner nations' characters like democratic system, alliance can influence the Senators' voting behavior on treaties. That is, there would be a difference in how the Senators approach a treaty with South Korea vs. Cuba because of their democratic or non-democratic characteristics and alliance.

Thus, it is worthwhile to study why and when the Senate will amend a treaty. Analyzing treaty amendments offers an expanded perspective on Senate challenges to a president's foreign policy leadership. However, I found only a few significant effects of the independent variables. Scandal and the number of US troops deployed overseas have significant effects on Senators' voting behavior related to a treaty ratification and proposing amendments. Even if some of the

explanatory variables do not have significant effects on Senators' voting on treaty ratification and amendment, we should pay more attention to individual countries or case of treaty. For example, the *Taiwan Relations* treaty, which addresses whether the U.S. will continue relations with Taiwan on an unofficial basis, provides security assurances to the people of Taiwan and continues in force nearly 60 treaties and agreements on trade and other matters. This treaty has one amendment that allows Taiwan to keep its embassy in Washington. This amendment was proposed by Democrat Senator Robert B. Morgan (N.C.), but President Jimmy Carter took an opposed position on this amendment. Nevertheless, it was passed. That is, President Carter's opposition to the treaty amendment was not accepted. This can be explained by the fact that many Senators were very loyal to Taiwan because it was anti-Communist, and they felt that withdrawing aid and diplomatic relations with Taiwan was a betrayal of that country.

The contribution of this study is that the findings will help scholars, Senators, their advisors, and foreign leaders to know the Senators' voting and proposing amendment behaviors and predict the treaty ratification process in the future. But given the relative lack of clear results, there is apparently a great deal more to learn about the Senate's behavior on treaties.

4.8. References

- Bang, Guri. 2011. "Signed but Not Ratified: Limits to U.S. Participation in International Environmental Agreements." *Review of Policy Research* 28(1): 65-81.
- Barrett, Andrew W., and Matthew Eshbaugh-Soha. 2007. "Presidential Success on the Substance of Legislation." *Political Research Quarterly* 60(1): 100-112.
- Baumgartner, Frank R., Sylvain Brouard, Emiliano Grossman, Sebastien G. Lizardeux, and Jonathan Moody. 2014. "Divided Government, Legislative Productivity, and Policy Change in the USA and France" *Governance: An International Journal of Policy, Administration,*

and Institutions 27(3): 423-447.

- Bernauer, T., B. Bohmelt, and V. Koubi. 2013a. "Is there a democracy–civil society paradox in global environmental governance?" *Global Environmental Politics* 13(1): 88-107.
- Bond, Jon R. 1980. "The Politics of Court Structure: The Addition of New Federal Judges, 1949-1978." *Law and Policy Quarterly* 2(April): 181-188.
- Bond, Jon R., and Richard Fleisher. 1990. *The President in the Legislative Arena*. Chicago: University of Chicago Press.
- Bond, Jon. R., Richard Fleisher, and B. Dan Wood. 2003. "The Marginal and Time-Varying Effect of Public Approval on Presidential Success in Congress" *The Journal of Politics* 65(1): 92-110.
- Brace, Paul, and Barbara Hinckley. 1992. *Follow the Leader: Opinion Polls and the Modern Presidents*. New York: Basic Books.
- Brody, Richard A. 1991. *Assessing the President: The Media, Elite Opinion and Public Support*. Stanford, CA: Stanford University Press.
- Caldwell, Dan. 1991. *The Dynamics of Domestic Politics and Arms Control: The SALT II Treaty Ratification Debate*. Columbia: University of South Carolina Press.
- Canes-Wrone, Brandice, and Scott de Marchi. 2002. "Presidential Approval and Legislative Success." *Journal of Politics* 64 (May): 491-509.
- Canes-Wrone, Brandice, William G. Howell, and David E. Lewis. 2008. "Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis." *The Journal of Politics* 70(1): 1-16.
- Cohen, Jeffrey E., Jon Bond, Richard Fleisher, and John Hamman. 2000. "State Level Presidential Approval and Senatorial Support." *Legislative Studies Quarterly* 15(4): 577-590.
- Cole, W. M. 2005. "Sovereignty relinquished? Explaining commitment to the international human rights covenants, 1969–1999." *American Sociological Review* 70(3): 472-495.

- Cole, W. M. 2009. "Hard and soft commitments to human rights treaties, 1966–2000." *Sociological Forum* 24(3): 563-588.
- Collier, Kenneth, and Terry Sullivan. 1995. "New Evidence Undercutting the Linkage of Approval with Presidential Support and Influence." *Journal of Politics* 57(1): 197-209.
- Conley, Richard. 2002. *The Presidency, Congress, and Divided Government: A Post-War Assessment*. College Station: Texas A&M University Press.
- Covington, Cary R., and Rhonda Kinney. 1999. "Enacting the President's Agenda in the House of Representatives: The Determinants and Impact of Presidential Agenda Setting Success." Presented at the meetings of the Midwest Political Science Association, Chicago.
- DeLaet, C. James, and James M. Scott. 2006. "Treaty-Making and Partisan Politics: Arms Control and the U.S. Senate, 1960-2001." *Foreign Policy Analysis* 2: 177-200.
- Dominguez, Casey Byrne Knudsen. 2005. "Is it a Honeymoon? An Empirical Investigation of the President's First Hundred Days." *Congress and the Presidency* 32 (March): 63-78.
- Edwards, George C., III. 1989. *At the margins: Presidential leadership of Congress*. New Haven, CT: Yale University.
- Edwards, George C. III., Andrew Barrett and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41(2): 545-563.
- Eshbaugh-Soha, Matthew. 2005. "The Politics of Presidential Agendas." *Political Research Quarterly* 58 (June): 257-268.
- Eshbaugh-Soha, Matthew. 2010. "The Importance of Policy Scope to Presidential Success in Congress." *Presidential Studies Quarterly* 40 (4): 708-724.
- Frendreis, John, Raymond Tatalovich, and Jon Schaff. 2001. "Predicting Legislative Output in the First One-Hundred Days, 1897-1995." *Political Research Quarterly* 54 (December): 853-870.
- Glennon, Michael J. 1990. *Constitutional Diplomacy*. Princeton: Princeton University Press.

- Goodliffe, J., and D. Hawkins. 2006. "Explaining commitment: States and the convention against torture." *Journal of Politics* 68(2): 358-371.
- Grossback, Lawrence J., David A. M. Peterson, and James A. Stimson. 2006. *Mandate Politics*. New York: Cambridge University Press.
- Grossman, Michael B., and Martha Joynt Kumar. 1981. *Portraying the President: The White House and the News Media*. Baltimore: Johns Hopkins University Press.
- Grossman, Michael B., Martha Joynt Kumar, and Francis E. Rourke. 1998. "Second-term presidencies: The aging of administrations. In *The presidency & the political system*, 5th ed., Michael Nelson. Washington, DC: Congressional Quarterly Press.
- Hathaway, O. A. 2007. "Why do countries commit to human rights treaties?" *Journal of Conflict Resolution* 51(4): 588-621.
- Haynes, Kyle. 2012. "Lame Ducks and Coercive Diplomacy: Do Executive Term Limits Reduce the Effectiveness of Democratic Threats?" *Journal of Conflict Resolution* 56(5): 771-798.
- Kesselman, Mark. 1965. "Presidential Leadership in Congress on Foreign Policy: A Replication of a Hypothesis." *Midwest Journal of Political Science* 9(4): 401-406.
- Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown.
- Krepon, Michael, and Dan Caldwell (eds.). 1991. *The Politics of Arms Control Treaty Ratification*. New York: St. Martin's.
- Krutz, Glen S., and Jeffrey S. Peake. 2009. *Treaty Politics and the Rise of Executive Agreements: International Commitments in a System of Shared Powers*. Ann Arbor: University of Michigan Press.
- Krutz, Glen S., Richard Fleisher, and Jon R. Bond. 1998. "From Abe Fortas to Zoë Baird: Why Some Presidential Nominations Fail in the Senate." *The American Political Science Review* 92(4): 871-881.
- Lantis, Jeffrey S. 2009. *The Life and Death of International Treaties*. New York: Oxford University Press.

- Larocca, Roger T. 2006. *The President's Agenda: Sources of Executive Influence in Congress*. Columbus: Ohio State University Press.
- LeLoup, T. Lance, and Steven A. Shull. 1999. *President and Congress, The: Collaboration and Combat in National Policymaking*. Boston : Allyn and Bacon.
- Light, Paul C. 1999. *The President's Agenda: Domestic Policy Choice from Kennedy to Clinton*. Baltimore: Johns Hopkins University Press.
- Lindsay, James M. 1992. "Congress and Foreign Policy: Why the Hill Matters." *Political Science Quarterly* 107 (4): 607-628.
- Lindsay, James M. 1994. *Congress and The Politics of U.S. Foreign Policy*. The Johns Hopkins University Press.
- Lombard, Matthew, Jennifer Snyder-Duch, and Cheryl Campanella Bracken. 2002. "Content Analysis in Mass Communication Assessment and Reporting of Intercoder Reliability." *Human Communication Research* 28 (4): 587-604.
- Mack, W.R., Karl DeRouen Jr., and David Lanoue. 2013. "Foreign Policy Votes and Presidential Support in Congress." *Foreign Policy Analysis* (9): 79-102.
- Marshall, Bryan W., and Brandon C. Prins. 2007. "Strategic Position Taking and Presidential Influence in Congress." *Legislative Studies Quarterly*, XXXII (2): 257-284.
- McCarty, Nolan M. 1997. "Reputation and the Veto." *Economics and Politics* 9(1): 1-26.
- Meernik, James. 1993. "Presidential Support in Congress: Conflict and Consensus on Foreign and Defense Policy." *The Journal of Politics* 55(3): 569-587.
- Meinke, Scott R., and William D. Anderson. 2001. "Influencing from Impaired Administrations: Presidents, White House Scandals, and Legislative Leadership." *Legislative Studies Quarterly* 26 (February): 639-659.
- Moffett, George D. III. 1985 *The Limits of Victory: The Ratification of the Panama Canal Treaties*. Ithaca: Cornell University Press.
- Neuendorf, K. A. 2002. *The content analysis guidebook*. Thousand Oaks, CA: Sage.

- Neustadt, Richard E. 1955. "Presidency and legislation: Planning the president's program." *American Political Science Review* 49 (December): 980-1021.
- Neustadt, Richard. 1990. *Presidential Power and the Modern Presidents*. New York: Free Press.
- Nyhan, Brendan. 2014. "Scandal Potential: How Political Context and News Congestion Affect the President's Vulnerability to Media Scandal." *British Journal of Political Science* 45(2): 435-466.
- Ohaegbulam, F. Ugboaja. 1999. *A concise introduction to American foreign policy*. New York : Peter Lang.
- Ostrom, C.W., and D.M. Simon. 1985. "Promise and Performance: A Dynamic Model of Presidential Popularity." *American Political Science Review* 79: 334-358.
- Peake, S. Jeffrey, Glen S. Krutz, and Tyler Hughes. 2012. "President Obama, the Senate, and the Polarized Politics of Treaty Making." *Social Science Quarterly* 93(5): 1295-1315.
- Peake, Jeffrey S. 2014 "The Obama Administration's Use of Executive Agreements: Business as Usual or Presidential Unilateralism?" Presented at the annual meeting of the Midwest Political Science Association, Chicago, April.
- Peake, Jeffrey S. 2017. "The Domestic Politics of US Treaty Ratification: Bilateral Treaties from 1949 to 2012." *Foreign Policy Analysis* 13: 832-853.
- Peterson, Mark. 1990. *Legislating together: The White House and Capitol Hill from Eisenhower to Reagan*. Cambridge, MA: Harvard University Press.
- Richardson, Richard, and Kenneth N. Vines. 1971. *The Politics of Federal Courts*. Boston: Little, Brown.
- Rivers, Douglas, and Nancy L. Rose. 1985. "Passing the President's Program: Public Opinion and Presidential Influence in Congress." *American Journal of Political Science* 29 (May): 183-96.
- Ruckman, P. S. 1993. "The Supreme Court, Critical Nominations, and the Senate Confirmation Process." *Journal of Politics* 55(August): 793-805.

Scigliano, Robert G. 1971. *The Supreme Court and the Presidency*. New York: Free Press.

Spilker, Gabriele, and Vally Koubi. 2016. "The effects of treaty legality and domestic institutional hurdles on environmental treaty ratification." *Int Environ Agreements* 16: 223-238.

Spitzer, Robert J. 1983. *The Presidency and Public Policy: The Four Arenas of Power*. Tuscaloosa: University of Alabama Press.

Yoo, John. 2005. *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*. Chicago: University of Chicago Press.

Internet source: *Congressional Research Service Library of Congress 2001*

The U.S. Senate website, <http://www.senate.gov/>)

The U.S. Senate website,
<https://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm#2>).

Appendix: Classification criteria for treaties I include in our study

I divided “foreign policy” into two parts like “foreign policy excepting treaty ratification”, and “treaty ratification”. If roll calls are related to the U.S.’s actions toward foreign nations or foreign people or international organizations without signing any agreement/treaties, they are “foreign policy excepting treaty”. If roll calls are related to treaty or agreement with foreign nations or international organization, they are “treaty ratification” Unlike “Foreign policy excepting treaty ratification”, “Treaty ratification” is classified by the purpose of treaty. When treaties are signed with other nations, their purpose is clear. For example, when the U.S. signs a disarmament agreement, it has a clear military purpose and it is classified as a “Military” treaty. When the U.S. signs a friendship treaty, it has a clear diplomatic purpose and it is classified as a “Diplomacy” treaty.

With this criteria, I classified treaties into six types: “Others”, “Military”, “Diplomacy”, “Economy”, “Tax”, and “Judicial”. “Military” treaty is related to a military organization like NATO (North Atlantic Treaty Organization), security purposes, denuclearization/disarmament, or war. “Diplomacy” treaties include general friendship treaties, territory treaties, dispute settling, international organization membership treaties, and consular conventions. “Economic” treaties include international or bilateral convention treaties related to trade, markets, commerce, and currency. “Tax” treaties include international or bilateral convention treaties related to taxes on partner nations. “Judicial” treaties include international or bilateral agreements related to criminal extradition. “Others” includes treaties that are not mentioned in these examples. I collected 692 roll calls on “treaty ratification” from *The Congressional Roll Call Votes* and *CQ Almanac* and classified them into the six types listed above.

Appendix: Details about distinguishing different treaty types.

In order to check the reliability of my classification among treaties, I asked a graduate student to classify a random sample of 100 roll call votes and compared his classification with mine. Here are the classification direction and criteria.

[Direction: Read the list below of roll call votes related to treaty ratification in the Senate and classify them into 6 types of treaties such as “Others”, “Military”, “Diplomacy”, “Economy”, “Tax”, and, “Judicial”].

Classification: “Military” treaties are related to military organizations like NATO (North Atlantic Treaty Organization), security purposes, denuclearization/disarmament, or war.

“Diplomacy” treaties include general friendship treaties, territory treaties, dispute settling, international organization membership treaties, and consular conventions. “Economic” treaties include international or bilateral convention treaties related to trade, markets, commerce, and currency. “Tax” treaties include international or bilateral convention treaties related to taxes on partner nations. “Judicial” treaties include international or bilateral agreements related to criminal extradition. “Others” includes treaties that are not mentioned in these examples.

Table 4.9. Senate roll call votes (treaties) and classification form.

Number	Roll Call votes (Treaties)	Treaties Classification:
1	64. Exec A, 91st Congress, 1st Session. Convention establishing world intellectual property organization and revising Paris convention for protection of industrial property. Ratified 70-0: R 31-9 D 39-0 (ND 23-0; SD 16-0), Feb. 28, 1970. A “yea” was a vote supporting the President’s position.	
2	98. Exec I, 91st Congress, 1st Session. Protocol to the 1949 Northwest Atlantic Fisheries Convention to investigate and conserve Northwest Atlantic Ocean fisheries. Purpose of protocol was to increase membership on subarea panels and to remove existing restriction on the kinds of regulatory-conservation measures which the International Commission for the Northwest Atlantic Fisheries could recommend. Ratified 78-0: R 36-0; D 43-0 (ND 29-0; SD 14-0), March 19, 1970. A “yea” was a vote supporting the President’s position.	
3	99. Exec J, 91st Congress, 1st Session. Convention on Privileges and Immunities of the United Nations. Enlarged existing practice with regard to privileges and immunities to cover nonresident representatives and experts on UN missions. Ratified 78-0: R 35-0, D 43-0 (ND 29-0; SD 14-0), March 19, 1970. A “yea” was a vote supporting the President’s position.	

4	118. S Res 211. US.-Soviet Arms Freeze. Resolution requesting the President to propose an immediate US.-Soviet suspension of testing and deployment of all offensive and defensive strategic nuclear weapons. Adopted 72-6: R 32-4; D 40-2 (ND 28-0; SD 12-21, April 9, 1970. The President did not take a position on the resolution.	
5	295. Exec. F. 91st Cong., 2nd Sess. Extradition Treaty with France. Ratification of Supplementary Convention signed Feb. 12, 1970. to Extradition Treaty of 1909 between the United States and France adding to the list of offenses for which extradition shall be granted, hijacking, traffic in narcotic and hallucinogenic drugs, use of the mails to defraud the public and offenses against the laws relating to bankruptcy. Ratified 66-0: R 31-0; D 35-0 (ND 20-0; SD 15-01, Sept. 21, 1970. A "yea" was a vote supporting the President's position.	
6	1. Exec. K, 91st Cong., 2nd Sess. Resolution of ratification of treaty of cooperation between the United States and Mexico providing for the recovery and return of stolen archeological, historical and cultural properties. Approved 72-0 R 34-0; 38-0 (ND 25-0; SD 13-O), Feb. 10, 1971.	
7	2. Exec. L, 91st Cong., 2nd Sess. Resolution of ratification of Convention between the United States and Nicaragua terminating the Bryan-Chamorro Treaty of 1914 respecting Nicaraguan canal route. Approved 66-5: R 30-4; D 36-1 (ND 23-0; SD 13-1), Feb. 17, 1971.	
8	3. Exec. N, 91st Cong., 2nd Sess. Resolution of ratification of Extradition Treaty between the United States and Spain. Approved 72-0 R 35-0; D 37-0 (ND 23-0; SD 14-O), Feb. 17, 1971.	
9	33. Exec H, 91st Cong. Latin American Nuclear Weapons Treaty. Adoption of the resolution of ratification of an additional protocol to the Treaty for the Prohibition of Nuclear Weapons in Latin America prohibiting the testing, use, manufacture, production or acquisition of all nuclear explosive devices, either for weapons or peaceful purposes. Adopted 70-0 R 33-0; D 37-0 (ND 23-0; SD 14-0), April 19, 1971.	
10	192. Exec. A, 92nd Congress First Session. Approval of an international convention providing for the extradition or punishment of aircraft hijackers. Ratified 53-0 R 23-0; D 30-0 (ND 21-0; SD 9-0), Sept. 8, 1971.	
11	202. Exec. G, 91st Congress, Second Session. Adoption of resolution of ratification of an International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties establishing the right of a coastal nation to deal with the threat of oil pollution due to a maritime accident. Ratified 75-0 R 32-0; D 43-0 (ND 26-0; SD 17-O), Sept. 20, 1971. A two-thirds majority vote is required to ratify a treaty. A "yea" was a vote supporting the President's position.	
12	203. Exec. G, 91st Congress, Second Session. Adoption of amendments to the International Convention for the Prevention of Pollution of the Sea by Oil revising rules limiting the discharge of oil at sea. (The convention-above-and the amendments were considered together.) Ratified 75-0 R 32-0; D 43-0 (ND 26-0; SD 17-O), Sept. 20, 1971. A two-thirds majority vote is required to ratify a treaty. A "yea" was a vote supporting the President's position.	
13	270. Exec. J, 92nd Congress, First Session. Okinawa Reversion Treaty. Ratification of Agreement Between the United States and Japan Concerning the Ryukyu Islands and the Daito Islands returning control of Okinawa and neighboring islands in the Pacific to Japan. Adopted 84-6 R 36-3; D 48-3 (ND 34-1; SD 14-2), Nov. 10, 1971. A two-thirds majority vote (60 in this case) is required for ratification of a treaty. A "yea" was a vote supporting the President's position.	
14	369. Exec B, 92nd Congress, First Session. Ratification of a treaty to resolve pending boundary differences and maintain the Rio Grande and Colorado River as the international boundary between the United States and Mexico. Ratified 79-0 R 38-0; D 41-0 (ND 27-0; SD 14-O), Nov. 29, 1971. A two-thirds majority of those present and voting (53 in this case) is required to ratify a treaty.	
15	370. Exec E, 92nd Congress, First Session. Ratification of the US.-Japanese convention to avoid double taxation and prevent income tax evasion. Ratified 79-0 R 38-0; D 41-0 (ND 27-0; SD 14-O), Nov. 29, 1971. A two-thirds majority of those present and voting (53 in this case) is required for ratification of a treaty.	
16	371. Exec O, 92nd Congress, First Session. Ratification of a protocol to the 1967 US.-French convention on income and property taxes. Ratified 79-0 R 38-0; D 41-0 (ND 27-0; SD 14-O), Nov. 29, 1971. A two-thirds majority of those present and voting (53 in this case) is required to ratify a treaty.	
17	419. Exec M, 91st Congress, Second Session. Ratification of the Nice Agreement concerning the international classification of goods and services to which trademarks are applied. Ratified 75-0 R 30-0; D 45-0 (ND 30-0; SD 15-O), Dec. 11, 1971. A two-thirds majority vote (50 in this case) is required for ratification of a treaty.	
18	420. Exec I, 92nd Congress, First Session. Ratification of the Locarno Agreement establishing international classifications for industrial designs. Ratified 75-0: R 30-0; D 45-0 (ND 30-0; SD 15-0), Dec. 11, 1971. A two-thirds majority vote (50 in this case) is required for ratification of a treaty.	
19	421. Exec K, 92nd Congress, First Session. Ratification of a protocol enlarging to 30 from 27 the membership of the Council of the International Civil Aviation Organization. Ratified 75-0 R 30-0; D 45-0 (ND 30-0; SD 15-0). Dec. 11, 1971. A two-thirds majority vote (50 in this case) is required for ratification of a treaty.	
20	37. Exec H, 92nd Congress, First Session. Seabed Weapons Treaty. Passage of the resolution ratifying a treaty prohibiting the installation of nuclear weapons or other weapons of mass destruction on the seabed outside the 12-mile territorial water limit recognized by most nations. Ratified 83-0 R 40-0 D 43-0 (ND 28-0; SD SO), Feb. 15, 1972. A two-thirds majority (56 in this case) is required for ratification of a treaty. A "yea" was a vote supporting the President's position.	
21	99. EXW C, 92nd congress, Second Session. International Atomic Energy Agency Board. Adoption of the resolution ratifying convention increasing to 34 or 35 from 25 the membership of the International Atomic Energy Agency board of governors. Adopted 66-0: R 30-0; D 36-0 (ND 26-0; SD 10-0). March 17, 1972.	
22	182. Exec D, 84th Congress, Second Session. International Plant Protection Convention. Adoption of the resolution approving US. ratification of the treaty to control the spread of pests and plant disease. Adopted 74-0: R 31-0; D 43-0 (ND 29-0; SD 14-O), June 12, 1972. A two-thirds majority of members present and voting (49 in this case) is required to approve ratification of a treaty.	

23	183. Exec D, 92nd Congress, First Session. Treaty on Crimes Against Diplomats. Resolution approving ratification of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance (excluding kidnapping and other violence against foreign officials because of political offenses rather than common crimes). Adopted 74-0: R 31-0; D 43-0 (ND 28-0; SD 15-0), June 12, 1972. A two-thirds majority of members present and voting (49 in this case) is required to approve ratification of a treaty.	
24	184. Exec H, 92nd Congress, Second Session. Swan Islands Treaty. Resolution approving ratification of the Treaty With Honduras on the Swan Islands (recognizing Honduran sovereignty over the Caribbean islands but maintaining U.S. rights to operate a meteorological observation and telecommunications facility). Adopted 74-0: R 31-0; D 43-0 (ND 28-0; SD 15-0). June 12, 1972. A two-thirds majority of members present and voting (49 in this case) is required to approve ratification of a treaty.	
25	186. Exec A, 92nd Congress, Second Session. Evidence Treaty. Resolution approving ratification of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (simplifying the process of obtaining evidence by lawyers and courts from countries with varying legal systems). Adopted 84-0: R 39-0 D 45-0 (ND 29-0; SD 16-0), June 13, 1972. A two-thirds majority of members present and voting (56 in this case) is required to approve ratification of a treaty.	
26	187. Exec F, 92nd Congress, Second Session. Argentine Extradition Treaty. Resolution approving ratification of the Treaty on Extradition Between the United States and the Republic of Argentina (replacing an 1896 treaty and listing 30 extraditable offenses, including narcotics violations and aircraft hijacking). Adopted 84-0: R 39-0; D 45-0 (ND 29-0; SD 16-0), June 13, 1972. A two-thirds majority of members present and voting (56 in this case) is required to approve ratification of a treaty.	
27	188. Exec E, 92nd Congress, Second Session. Space Telecommunications Regulations. Resolution approving ratification of the Partial Revision of the 1959 Radio Regulations Relating to Space Telecommunications (updating existing regulations to accommodate new technology and uses). Adopted 84-0: R 39-0; D 45-0 (ND 29-0; SD 16-0), June 13, 1972. A two-thirds majority of members present and voting (56 in this case) is required to approve ratification of a treaty.	
28	319. Exec L, 92nd Congress, second session. ABM Treaty. Resolution approving ratification of the treaty, signed May 26, 1972, by the United States and the Soviet Union, limiting each nation to two antiballistic missile (ABM) installations, one protecting the national capital and one protecting an offensive missile site. Ratified 88-2: R 40-1; D 48-1 (ND 34-0; SD 14-1), Aug. 3, 1972. A "yea" was a vote in support of the President's position.	
29	349. Exec B, 92nd Congress, second session. Cultural Property Treaty. Resolution approving ratification of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Aug. 11, 1972. A two-thirds majority of members present and voting (52 in this case) was required to approve ratification of a treaty.	
30	350. Exec I, 92nd Congress, second session. Metrology Treaty. Resolution approving ratification of Convention establishing an International Organization of Legal Metrology (science of measures and weights). Adopted 79-0 R 36-0; D 43-0 (ND 31-0; SD 12-0), Aug. 11, 1972. A two-thirds majority of members present and voting (52 in this case) was required to approve ratification of a treaty.	
31	351. Exec D, 92nd Congress, Second Session. Norway Taxation Treaty. Resolution approving ratification of Convention for the Avoidance of Double Taxation with Norway. Adopted 79-0. R 36-0; D 43-0 (ND 31-0; SD 12-0), Aug. 11, 1972. A two-thirds majority vote of members present and voting (52 in this case) is required to approve ratification of a treaty.	
32	352. Exec G, 92nd Congress, Second Session. Copyright Convention. Resolution approving ratification of the Universal Copyright Convention, as revised with protocols. A two-thirds majority vote of members present and voting (44 in this case) is required to approve ratification of a treaty.	
33	410. Exec J, 92nd Congress, Second Session. Drug Control Treaty. Adoption of resolution approving ratification of a 1951 Protocol Amending the Single Convention on Narcotics Drugs of 1961 to give the International Narcotics Control Board regulatory powers to combat illegal international drug traffic and to extend the legal basis for extraditing drug offenders to all nations that were parties to the 1961 convention. Resolution adopted 69-0: R 32-0; D 37-0 (ND 23-0; SD 14-0), Sept. 18, 1952. A two-thirds majority of members present and voting (46 in this case) is required to approve ratification of a treaty.	
34	464. Exec C, 92nd Congress, second session. Atlantic Fisheries Protocol. Resolution approving ratification of the 1970 protocol to the 1949 Convention for the Northwest Atlantic Fisheries allowing amendment of the convention 120 days after approval by three-fourths of the contracting governments (with a reservation directing the secretary of state to object to any proposed amendment that went into effect without approval of its ratification by the Senate). Adopted 89-0: R 39-0; D 50-0 (ND 32-0; SD 18-0), Oct. 3, 1972. A two-thirds majority (59 in this case) of members present and voting was required for approval of ratification of a treaty.	
35	465. Exec O, 92nd Congress, second session. Nautical Safety. Resolution approving ratification of eleven amendments to the 1960 Convention for the Safety of Life at Sea setting new standards for navigational equipment, use of automatic pilots, charts and publications and safety equipment. Adopted 89-0: majority of members present and voting (59 in this case) is required for ratification of a treaty.	
36	466. Exec P, 92nd Congress, second session. Brazilian Shrimp Agreement. Resolution approving ratification of the 1972 agreement between the United States and Brazil regulating shrimp fishing by U.S. boats in waters claimed by Brazil. Adopted 89-0: R 39-0; D 50-0 (ND 32-0 SD 18-0), Oct. 3, 1972. A two-thirds majority of members present and voting (59 in this case) is required to approve ratification of a treaty.	
37	467. Exec T, 92nd Congress, second session. Aircraft Violence. Resolution approving ratification of the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, providing for punishment of violent acts on or against civilian aircraft. Adopted 89-0 R 39-0; D 50-0 (ND 32-0; SD	

	18-O), Oct. 3, 1972. A two-thirds majority of members present and voting (59 in this case) is required for ratification of a treaty.	
38	501. Exec M, 92nd Congress, second session. Resolution approving ratification of the 1972 Convention on International Liability for Damage Caused by Space Objects providing means for redress of damages caused by satellites or launchers falling to earth. Adopted 67-0; R 32-0; D 35-0 (ND 24-0; SD 11-0), Oct. 6, 1972.	
39	56. Ex U, 92-2. Treaties. Passage of the resolution to grant Senate consent to the ratification of the Consular Convention with Poland. Adopted 90-0 R 39-0; D 51-0 (ND 38-0; SD 13-0), March 27, 1973. A "yea" was a vote supporting the President's position.	
40	57. Ex V, 92-2. Treaties. Passage of the resolution to grant Senate consent to the ratification of the Consular Convention with Romania. Adopted 92-0 R 40-0; D 52-0 (ND 38-0; SD 14-0), March 27, 1973. A "yea" was a vote supporting the President's position.	
41	58. Ex W, 92-2. Treaties. Passage of the resolution to grant Senate consent to the ratification of the Consular Convention with Hungary. Adopted 92-0 R 40-0; D 52-0 (ND 38-0; SD 14-0), March 27, 1973. A "yea" was a vote supporting the President's position.	
42	59. Ex B, 93-1. Treaties. Passage of the resolution to grant Senate consent to the termination of the notes accompanying the Treaty of Amity and Economic Relations between the United States and Ethiopia. Adopted 92-0 R 40-0; D 52-0 (ND 38-0; SD 14-0), March 27, 1973. A "yea" was a vote supporting the President's position.	
43	60. Ex R, 92-2. Treaties. Passage of the resolution to grant consent to the Convention between the United States and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment. Adopted 92-0 R 40-0; D 52-0 (ND 38-0; SD 14-0), March 27, 1973. A "yea" was a vote supporting the President's position.	
44	359. Exec C, 93rd Congress, First Session. Marine Pollution Treaty. Adoption of the resolution to approve ratification of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, designed to establish in each participating country a national system for regulating ocean waste disposal. Adopted 86-0; R 38-0; D 48-0 (ND 35-0; SD 13-0), Aug. 3, 1973. A two-thirds majority vote (58 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
45	360. Exec H, 93rd Congress, First Session. Endangered Species Treaty. Adoption of the resolution to approve ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, designed to establish a system by which countries may control international trade of species which are in danger of becoming extinct because of that trade. Adopted 86-0 R 38-0; D 48-0 (ND 35-0; SD 13-0), Aug. 3, 1973. A two-thirds majority vote (58 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
46	361. Exec D, 93rd Congress, First Session. Load Lines Treaty. Adoption of the resolution to approve ratification of the amendments to the 1966 International Convention on Load Lines, designed to correct technical errors and ambiguities in the treaty establishing uniform rules for the load limits for ships on international voyages. Adopted 86-0 R 38-0; D 48-0 (ND 35-0; SD 13-0), Aug. 3, 1973. A two-thirds majority vote (58 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
47	362. Exec. I, 93rd Congress, First Session. Sea Safety Treaty. Adoption of the resolution to approve ratification of six amendments to the 1960 Convention for the Safety of Life at Sea, to make certain changes to improve the safety of maritime navigation including requiring certain new communication procedures. Adopted 86-0 R 38-0; D 48-0 (ND 35-0; SD 13-0), Aug. 3, 1973. A two-thirds majority vote (58 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
48	366. Exec L, 93rd Congress, First Session. U.N. Charter Amendment Treaty. Resolution to approve ratification of a 1971 General Assembly amendment to Article 61 of the United Nations Charter increasing the membership of the Economic and Social Council from 27 to 54. Adopted 80-7; R 31-6; D 49-1 (ND 37-1; SD 12-0), Sept. 5, 1973. A "yea" was a vote supporting the President's position.	
49	427. Ex. O, 93rd Congress, First Session. International Coffee Agreement of 1968. Resolution to approve ratification of the International Coffee Agreement of 1968. Adopted 95-0 R 41-0; D 54-0 (ND 40-0; SD 14-0), Oct. 1, 1973. A two-thirds majority vote (63 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
50	428. Ex. J, 93rd Congress, First Session. Great Lakes Safety. Resolution to approve ratification of an agreement for promotion of Safety on the Great Lakes between the United States and Canada. Adopted 95-0 R 41-0; D 54-0 (ND 40-0; SD 14-0), Oct. 1, 1973. A two-thirds majority vote (63 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
51	429. Ex. G, 93rd Congress, First Session. Sound Recordings. Resolution to approve a convention between the United States and several signatories for the protection of producers of sound recordings against unauthorized duplication of sound recordings. Adopted 95-0 R 41-0; D 54-0 (ND 40-0 SD 14-0), Oct. 1, 1973. A two-thirds majority vote (63 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
52	431. Ex. S, 93rd Congress, First Session. Extradition. Resolution to approve a treaty on extradition between the United States and Republic of Paraguay. Adopted 95-0; R 41-0; D 54-0 (ND 40-0; SD 14-0), Oct. 1, 1973. A two-thirds majority vote (63 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
53	455. Exec. S, 92nd Congress, Second Session. Patent Cooperation. Resolution to approve ratification of the Patent Cooperation Treaty and Annexed Resolutions. Adopted 95-0 R 41-0; D 54-0 (ND 38-0; SD 16-0), Oct. 30, 1973. A two-thirds majority vote (64 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	

54	456. Exec. E, 93rd Congress, First Session. International Patent Classification. Resolution to approve ratification of the Strasbourg Agreement Concerning the International Patent Classification. Adopted 95-0 R 41-0; D 54-0 (ND 38-0; SD 16-O), Oct. 30, 1973. A two-thirds majority vote (64 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
55	457. Exec. R, 93rd Congress, First Session. World Tourism. Resolution to approve ratification of the statutes of the World Tourism Organization. Adopted 95-0 R 41-0; D 54-0 (ND 38-0; SD 16-O), Oct. 30, 1973. A two-thirds majority vote (64 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
56	458. Exec. F, 93rd Congress, First Session. World Culture. Resolution to approve ratification of the Convention Concerning the Protection of the World Cultural and Natural Heritage. Adopted 95-0 R 41-0; D 54-0 (ND 38-0; SD 16-O), Oct. 30, 1973. A two-thirds majority vote (64 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
57	495. Exec. N, 93rd Congress, First Session. International Expositions. Resolution to approve ratification of a protocol revising and modernizing the 1928 Convention Concerning International Expositions. Adopted 76-0 R 33-0; D 43-0 (ND 32-0; SD 11-O), Nov. 26, 1973. A two-thirds majority vote (51 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
58	496. Exec. Q, 93rd Congress, First Session. Civil Aviation. Resolution to approve ratification of a protocol to the Convention on International Civil Aviation expanding from 12 to 15 the membership of the Air Navigation Commission. Adopted 76-0 R 33-0; D 43-0 (ND 32-0; SD 11-O), Nov. 26, 1973. A two-thirds majority vote (51 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
59	2. Exec P, 93rd Congress, First Session. Customs Treaty. Resolution to approve ratification of the Customs Convention on the International Transit of Goods. Adopted 82-0 R 33-0; D 49-0 (ND 35-0; SD 14-0), Jan. 21, 1974. A two-thirds majority vote (55 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
60	92. Exec U, 93rd Congress, First Session. Extradition Treaty. Resolution to approve ratification of the treaty on extradition between the United States and Denmark. Adopted 63-0 R 26-0; D 37-0 (ND 30-0; SD 7-O), March 29, 1974. A two-thirds majority vote (42 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
61	260. Ex. C, 93rd Congress, Second Session. Wheat Trade and Food Aid Conventions. Resolution to approve ratification of protocols for the one-year extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement of 1971. Adopted 75-0: R 25-0; D 50-0 (ND 39-0; SD 11-O), June 21, 1974. A two-thirds majority vote (50 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
62	361. Exec V, 93rd Congress, First Session. International Exploration of the Sea. Resolution approving ratification of a protocol to amend the Convention for the Exploration of the Sea to require a two-thirds majority vote, instead of a simple majority, of the members of the International Council for the Exploration of the Sea to approve the council's annual budget. Adopted 65-0: R 25-0; D 40-0 (KD 28-0; SD 12-0), Sept. 4, 1974. A two-thirds majority vote (44 in this case) is required for approval of the ratification. The President did not take a position on the resolution.	
63	406. Ex. A, 93rd Congress, Second Session. Consular Convention with Czechoslovakia. Resolution to approve ratification of the Consular Convention between the United States and the Czechoslovak Socialist Republic. Adopted 78-0: R 32-0; D 46-0 (ND 34-0; SD 1249, Sept. 30, 1974. A two-thirds majority vote (52 in this case) is required for approval of a ratification resolution. A "yea" vote was a vote supporting the President's position.	
64	522. Exec. J, 91st Congress, Second Session. Gas Warfare Prohibition. Resolution to approve the ratification of the Protocol on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases. Adopted 90-0: R 39-0; D 51-0 (ND 36-0; SD 15-0), Dec. 16, 1974. A two-thirds majority vote (60 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
65	523. Exec. Q, 92nd Congress, Second Session. Bacteriological Weapons. Resolution to approve the ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxic weapons, and on Their Destruction. Adopted 90-0: R 39-0; D 51-0 (ND 36-0; SD 15-0), Dec. 16, 1974. A two-thirds majority vote (60 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
66	524. Exec. D, 93rd Congress, Second Session. International Maritime Traffic. Resolution to approve the ratification of the Convention on Facilitation of International Maritime Traffic of 1965. Adopted 90-0: R 39-0; D 51-0 (ND 36-0; SD 15-0), Dec. 16, 1974. A two-thirds majority vote (60 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
67	525. Exec. H, 93rd Congress, Second Session. Bulgaria Consulate. Resolution to approve the ratification of the Consular Convention between the United States and the People's Republic of Bulgaria. Adopted 90-0: R 39-0; D 51-0 (ND 36-0; SD 15-0), Dec. 16, 1974. A two-thirds majority vote (60 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
68	162. Exec M, 93rd Congress, Second Session. Epizootics Agreement. Resolution to approve ratification of the International Agreement for the Creation at Paris of an International Office of Epizootics. Adopted 82-0: R 31-0; D 51-0 (ND 37-0; SD 14-0). May 5, 1975. A two-thirds majority vote (55 in this case) is required for approval of ratification. A "yea" was a vote supporting the President's position.	
69	330. S Con Res 35. U.S.-Romania Trade Agreement. Adoption of the concurrent resolution to express congressional approval of a bilateral commercial agreement between the United States and Romania, giving	

	that country most-favored-nation trade status. Adopted 88-2: R 34-1; D 54-1 (ND 38-0; SD 16-1), July 25, 1975. A "yea" was a vote supporting the President's position.	
70	581. Exec T, 93rd Congress, First Session. Taxation Treaty With Soviet Union. Resolution to approve ratification of the Convention with the U.S.S.R. on Matters of Taxation, designed to neutralize taxation capital flowing between the two countries. Adopted 82-4: R 33-2; D 49-2 (ND 35-1; SD 14-1), Dec. 15, 1975. A two-thirds majority vote (58 in this case) is required for approval of the ratification of a treaty. A "yea" was a vote supporting the President's position.	
71	300. Exec J & H, 94th Congress, First Session. Treaties. Adoption of the resolutions of ratification of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), a regional security agreement, and the Treaty with Canada on the Execution of Penal Sentences. Adopted 95-0: R 34-0; D 61-0 (ND 42-0; SD 19-0), July 19, 1977. A two-thirds majority vote (63 in this case) is required for approval of the resolution of ratification. A "yea" was a vote supporting the President's position.	
72	315. Exec D, 95th Congress, First Session. Mexican Prisoner Exchange Treaty. Adoption of the resolution of ratification of the Treaty with Mexico on the Execution of Penal Sentences providing for the exchange of Mexican nationals convicted of crimes in the United States and US. nationals convicted of crimes in Mexico. Adopted 90-0: R 35-0; D 55-0 (ND 42-0; SD 13-0), July 21, 1977. A two-thirds majority vote (60 in this case) is required for approval of a resolution of ratification. A "yea" was a vote supporting the President's position.	
73	323. Exec F, 95th Congress, 1st Session. US.-Canadian Pipeline Transit Agreement. Adoption of the resolution of ratification of the agreement between the United States and Canada providing for reciprocal assurances that pipelines carrying hydrocarbons such as oil, natural gas, petroleum products, coal slurries, or petrochemical feedstocks owned by one country across the territory of the other nation would be free from transit interruptions and from discriminatory taxation. Adopted 92-1: R 34-1; D 58-0 (ND 40-0; SD 18-0), Aug. 4, 1971. A two-thirds majority vote (62 in this case) is required for approval of a resolution of ratification. A "yea" was a vote supporting the President's position.	
74	406. Exec A, 95th Congress, 1st Session. International Civil Aviation Organization (TCAO). Adoption of the resolution of ratification of the protocol to the Convention on International Civil Aviation signed in Montreal, Canada, on Oct. 16, 1974, to increase to 33 members, from 30, on the ICAO. Adopted 90-0: R 35-0; D 55-0 (ND 37-0; SD 18-0), Sept. 26, 1977. A "yea" was a vote supporting the President's position.	
75	66. Exec N, 95th Congress, First Session, Panama Canal Treaties. Adoption of the resolution of ratification to the neutrality treaty guaranteeing that the Panama Canal will be permanently neutral and remain secure and open to vessels of all nations. Adopted 68-32: R 16-22; D 52-10 (ND 39-4; SD 13-6), March 16, 1978. A two-thirds majority vote (67 in this case) is required for adoption of resolutions of ratification of treaties. A "yea" was a vote supporting the president's position.	
76	119. Exec N, 95th Congress, First Session, Panama Canal Treaties. Adoption of the resolution of ratification to the treaty providing for the transfer of the Panama Canal to Panama on Dec. 31, 1999. Adopted 68-32: R 16-22; D 52-10 (ND 39-4; SD 13-6), April 18, 1978. A two-thirds majority vote (67 in this case) is required for adoption of resolutions of ratification of treaties. A "yea" was a vote supporting the president's position.	
77	170. Exec K, 94th Cong. 2nd Sess. U.S.4J.K. Tax Convention. Adoption of the resolution of ratification of the U.S.-U.K. Tax Convention and protocols (Exec Q, 94th Cong, 2nd Sess, and Exec J, 95th Cong, 1st Sess) to revise the relationship between the United States and the United Kingdom with respect to income taxes. Rejected 49-32: R 21-10; D 28-22 (ND 17-20; SD 11-2), June 23, 1978. A two-thirds majority vote (54 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	
78	476. Exec J, 95th Cong, 2nd Sess. U.S.-Japan Fisheries Convention. Adoption of the resolution of ratification of the protocol, signed on April 25, 1978, to the International Convention for the High Seas Fisheries of the North Pacific to limit Japanese salmon fishing in the North Pacific and to organize joint Japanese-U.S.-Canadian research on Pacific salmon and mammals. Adopted 86-0: R 29-0; D 57-0 (ND 40-0; SD 17-0), Oct. 11, 1978. A "yea" was a vote supporting the president's position.	
79	263. Treaty Doc 101-20. Treaty on the Final Settlement with Respect to Germany/Adoption. Adoption of the resolution of ratification of the treaty to end the division of Germany into two states, make permanent the borders of the united Germany and bring to an end the special rights exercised in Germany and Berlin by the Four Allied Powers. Adopted 98-0: R 43-0; D 55-0 (ND 38-0, SD 17-0), Oct. 10, 1990. A two-thirds majority of those present and voting (66 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	
80	57. Treaty Doc 101-7. Convention for the Prevention of Pollution from Ships. Adoption of the resolution of ratification of the treaty to control pollution from ships by establishing regulations for the transport and packaging of harmful substances. Adopted 97-0 42-0; D 55-0 (ND 39-0, SD 16-0), May 14, 1991. A two-thirds majority of those present and voting (65 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	
81	58. Treaty Doc 102-2. Safety of Life at Sea and Load Line Conventions. Adoption of the resolution of ratification of the treaty to eliminate the duplication of inspections that were previously required under the Convention for Safety of Life at Sea, which contains standards and procedures relating to vessel safety, and the Convention on Load Lines, which establishes uniform principles governing the loading of ships. The treaty would provide that a ship can be inspected by the same inspector for compliance with both conventions during one visit. Adopted 97-0 42-0; D 55-0 (ND 39-0, SD 16-0), May 14, 1991. A two-thirds majority of those present and voting (65 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	

82	59. Treaty Doc EX. K, 88-1. Convention Concerning the Abolition of Forced Labor. Adoption of the resolution of ratification of the treaty to promote the elimination of forced and compulsory labor. Adopted 97-0: 42-0; D 55-0 (ND 39-0, SD 16-01, May 14, 1991. A two-thirds majority of those present and voting (65 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	
83	192. Treaty Doc 101-22. Maritime Boundary With the Soviet Union. Adoption of the resolution of ratification of the treaty to define the maritime boundary between the United States and the Soviet Union. Adopted 86-6 R 33-6; D 53-0 (ND 36-0, SD 17-0), Sept. 16, 1991. A two-thirds majority of those present and voting (62 in this case) is required for adoption of resolutions of ratification.	
84	273. Treaty Doc 102-8. Conventional Forces in Europe/Adoption. Adoption of the resolution of ratification of the treaty to establish a conventional balance in Europe between NATO and members of the former Warsaw Pact by eliminating disparities in armaments and the capability for initiating large-scale offensive action. Adopted 90-4: R 38-4; D 52-0 (ND 36-0, SD 16-O), Nov. 25, 1991. A two-thirds majority of those present and voting (63 in this case) was required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position.	
85	43. Treaty Doc 107-8. Moscow Treaty/Adoption. Adoption of the resolution of ratification of the Moscow Treaty (Treaty Doc. 107-8), which would require the United States and Russia to reduce their number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200, each, by 2012. Adopted 95-0: R 48-0; D 46-0 (ND 39-0, SD 7-0); I 1-0. A two-thirds majority of those present and voting (64 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote in support of the president's position. March 6, 2003.	
86	142. Treaty Doc 108.4. NATO Expansion Treaty/Adoption. Adoption of the resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 (Treaty Doc 108-4), which would allow the admission of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia into the North Atlantic Treaty Organization. Adopted 96-0: R 50-0; D 45-0 (ND 36-0, SD 9-0); I 1-0. A two-thirds majority of those present and voting (64 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote in support of the president's position. May 8, 2003.	
87	318. HR 2739. U.S.-Singapore Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Singapore. The agreement would eliminate tariffs on goods and duties on textiles, open markets for services, and establish intellectual property, environmental and labor standards. Passed (thus cleared for the president) 66-32: R 44-7; D 22-24 (ND 16-21, SD 6-3); I 0-1. A "yea" was a vote in support of the president's position. July 31, 2003.	
88	319. HR 2738. U.S.-Chile Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Chile. The agreement would reduce duties and tariffs on agricultural and textile products and open markets for services. It also would establish intellectual property safeguards and require enforcement of environmental and labor standards. Passed (thus cleared for the president) 65-32: R 43-7; D 22-24 (ND 15-22, SD 7-2); I 0-1. A "yea" was a vote in support of the president's position. July 3 1, 2003.	
89	156. HR 4759. U.S.-Australia Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Australia. It would give all U.S. agricultural exports to Australia immediate duty-free access, phase out U.S. duties on Australian beef and lamb exports, and slightly increase the current U.S. quota for Australian dairy exports. Passed (thus cleared for the president) 80-16: R 48-2; D 31-14 (ND 23-14, SD 8-0); I 1-0. A "yea" was a vote in support of the president's position. July 15, 2004.	
90	159. S 2677. US.-Morocco Trade/Passage. Passage of the bill that would implement a trade agreement that would reduce tariffs and trade barriers between the United States and Morocco. It would make more than 95 percent of bilateral trade in consumer and industrial products duty-free immediately, with all remaining tariffs eliminated within nine years. It also would reduce some agricultural tariffs. Passed 85-13: R 46-5; D 38-8 (ND 31-7, SD 7-1); I 1-0. A "yea" was a vote in support of the president's position. July 21, 2004.	
91	170. S 1307. Central American Free Trade Agreement/Passage. Passage of the bill that would implement a free trade agreement between the United States and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and a separate pact with the Dominican Republic. It also would eliminate customs duties on all originating goods traded among the participating nations within 10 days. Passed 54-45: R 43-12; D 10-33 (ND 7-32, SD 3-1); I 1-0. A "yea" was a vote in support of the president's position. June 30, 2005.	
92	209. HR 3045. Central American Free Trade Agreement/Passage. Passage of the bill that would implement a free trade agreement between the United States and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and a separate pact with the Dominican Republic. Passed (thus cleared for the president) 55-45: R 43-12; D 11-33 (ND 8-32, SD 3-1); I 1-0. July 28, 2005.	
93	244. Treaty Doc 108-6. Customs Simplification Treaty/Adoption. Adoption of the resolution of ratification of the Protocol of Amendment to the International Convention on Simplification and Harmonization of Customs Procedures that would require participants to implement standardized customs procedures, continuously modernize customs procedures and provide transparency in administrative and judicial reviews of customs decisions. Adopted (thus consenting to ratification) 87-0: R 48-0; D 38-0 (ND 36-0, SD 2-0); I 1-0. A two-thirds majority of those present and voting (58 in this case) is required for adoption of resolutions of ratification. Sept. 26, 2005.	
94	190. S 3569. United States-Oman Free Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and Oman. It would provide immediate duty-free access for all U.S. consumer and industrial goods and 87 percent of U.S. agricultural products entering Oman. It also would provide immediate duty-free access to all of Oman's current agricultural exports to the United States, and both	

	countries would phase out tariffs on remaining products within 10 years. Passed 60-34: R 48-5; D 11-29 (ND 8-28, SD 3-1); I 1-0. June 29, 2006.	
95	250. HR 5684. United States-Oman Free Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and Oman. It would reduce most tariffs and duties currently affecting trade between the two countries, reduce barriers for services and increase protections for intellectual property. The pact also would require each nation to comply with International Labor Organization standards. Passed (thus cleared for the president) 62-32: R 49-5; D 12-27 (ND 9-26, SD 3-1); I 1-0. A "yea" was a vote in support of the president's position. Sept. 19, 2006.	
96	270. HR 5682. U.S.-India Nuclear Cooperation/Passage. Passage of the bill that would allow the president to exempt from certain provisions of the Atomic Energy Act of 1954 a nuclear cooperation agreement that involves exports of nuclear materials, equipment and technology to India. The president would first have to make certain determinations about India's nuclear policy and practices. A joint resolution of approval by Congress would be required for a nuclear cooperation agreement with India to take effect. The bill also would authorize implementation of a protocol that would allow IAEA inspection of U.S. nuclear facilities. Passed 85-12: R 53-0; D 32-12 (ND 28-12, SD 4-0); I 0-0. (Before passage, the Senate struck all after the enacting clause and inserted the text of S 3709, as amended.) A "yea" was a vote in support of the president's position. Nov. 16, 2006.	
97	413. HR 3688. U.S.-Peru Free-Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and Peru. The agreement would reduce most tariffs and duties currently affecting trade between the two countries, increase protections for intellectual property and require Peru to take steps to strengthen its labor and environmental enforcement standards. Passed (thus cleared for the president) 77-18: R 47-1; D 29-16 (ND 24-16, SD 5-0); I 1-1. A	
98	161. HR 3080. South Korea Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and South Korea. The agreement would reduce most tariffs and duties on goods traded between the two countries, reduce barriers to trade in services, increase protections for intellectual property, and reduce tariffs on U.S. autos exported to South Korea. Passed (thus cleared for the president) 83-15: D 37-14; R 45-1; I 1-0. A "yea" was a vote in support of the president's position. Oct. 12, 2011.	
99	162. HR 3079. Panama Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and Panama. The agreement would reduce most tariffs and duties on goods traded between the two countries, reduce barriers to trade in services, increase protections for intellectual property, and require Panama to take steps to strengthen its labor and environmental - enforcement standards. Passed (thus cleared for the president) 77-22: D 30-21; R 46-0; I 1-1. A "yea" was a vote in support of the president's position. Oct. 12, 2011.	
100	163. HR 3078. Colombia Trade Agreement/Passage. Passage of the bill that would implement a trade agreement between the United States and Colombia. The agreement would reduce most tariffs and duties on goods traded between the two countries, reduce barriers to trade in services, increase protections for intellectual property, and require Colombia to take steps to strengthen its labor and environmental-enforcement standards. Passed (thus cleared for the president) 66-33: D 21-30; R 44-2; I 1-1. A "yea" was a vote in support of the president's position. Oct. 12, 2011.	

CHAPTER 5

CONCLUSION

In the foreign policy realm, the president has a significant role, but in the process of lawmaking in the Senate, he/she can only take a position on foreign policy legislation. During the voting process in the Senate, a confrontational relationship between the president and Senate may influence the foreign policy process. This article found some determinants that influence whether the president and Senators will have confrontations about foreign policy. The first article shows that the president's political capital influences his position-taking behavior. The second article shows the impact of the president's political capital on the president's victories on foreign policy. The third article shows that there were few significant effects of the explanatory variables on Senators' proposing amendments to treaties and their voting behavior on treaty amendments. Even if these explanatory variables do not have significant effects on the Senators' voting on treaty ratification and amendment process, we should pay more attention to individual countries in the case of treaties.

The implication of these findings is that in terms of foreign policy, we may think the president and Senators usually cooperate to make a foreign policy law or ratify a treaty in light of the entire national interests. In practice and reality, however, presidents and Senators confront and cooperate with each other based on the president's political capital. The findings of this dissertation will help scholars, Senators, and other foreign policy experts to understand and

predict U.S. foreign policy decision-making in the future. These researches have several contributions but there are also limitations and further future research suggestions. As I mentioned, there are some limitations of my findings.

First, during the legislative process the president's position can change and it is hard to notice that. There are really two related problems: a.) we don't know if the president announces his position before the Senators vote, so it can influence their vote, b.) we don't know if presidents change their announced position as bills go thru the legislative process. For the future research, scholars should find methods to measure president's taking position's timing and possibility of change. It will offer us more precise and valid results. Investigating in more depth the sequence of moves by the President and the Senate, as I did in the conclusion of Chapter Three, would be beneficial in understanding the process of Presidential and Senatorial actions and reactions.

The second limitation is that my findings do not include foreign nations' characteristics. In terms of foreign policy legislation and treaty ratification, characteristics of foreign nations that are related to policy or treaty may influence on president's taking position and Senators' voting behaviors. Characteristics such as political system, economic or military capability, and historical aspect such as former colonial states may influence the U.S. presidents and Senators' behaviors. This limitation may offer future research issues and steps. It may be the case that the identity of international partners, and the role of presidents' political capital, is quite different for treaties compared to other foreign policy legislation.

Future researchers could focus on the role of scandal. Scandal has an impact separate from its impact on public opinion. When a scandal happens, it is reasonable to assume that the president's approval rating will diminish. However, in the empirical results of this study, scandal

sometimes has little impact on the president's public approval. Even during the Lewinsky scandal, President Bill Clinton's general approval rating remained high at 56 percent, virtually unchanged from 58 percent in a Times/CBS News Poll the previous December. Americans were satisfied with their lives and pleased with the economy, so Clinton's ratings on the economy and foreign policy were the highest of his Presidency (*New York Times*. Jan. 27. 1998 pg. A1).

However, scandal matters more in the foreign policy realm because as a symbol of the national interest of the U.S., the president's scandal influences foreign leaders' perception of the U.S. in terms of his reputation for being moral and trustworthy. For a president who is having a scandal in domestic politics, implementing foreign policy or signing treaties with other nations on behalf of the U.S. may be more difficult due to loss of presidential authority and/or perceived trustworthiness abroad. In addition, the Senate may consider the President's weakened reputation as they decide how to vote on foreign policy legislation. Therefore, although the President's approval ratings can be evaluated by the public through perceived performance like the economy, foreign policy, welfare, military, and so forth, scandal is another aspect that can cause severe political damage to the presidency. My study demonstrates that scandal has an impact separate from its domestic public opinion, that is, the scandal and public opinion variables have separate impacts on foreign policy.

Different types of scandal may also prove to have different effects. For example, many foreign nations did not care about the Watergate scandal and it did not impact U.S. foreign policy. However, during the Lewinsky scandal in the Clinton presidency, "diplomats and politicians in most of the world's major nations are worried sick by the spectacle of a distracted President in Washington at a moment when, in their view at least bold American leadership is all but indispensable" (*New York Times* Sep. 25 1998 pg. A1.). A final problem is that media

sources have their own ideological bias and its spectrum is wide. I collected data about scandals from *The New York Times*. Due to their different biases and readerships, different media sources report on scandal with different weights or never report on scandals that are reported in another media source. In addition, due to the development of social media and alternative channels of information, a *New York Times*-based measure may not be as accurate in 2017 as it would have been in 1953. Thus, in order to get more unbiased reports and data, future researchers should gather data from different media sources.

REFERENCES

- Mack, W.R., Karl DeRouen Jr., and David Lanoue. 2013. "Foreign Policy Votes and Presidential Support in Congress." *Foreign Policy Analysis* (9): 79-102.
- Marshall, Bryan W., and Brandon C. Prins. 2007. "Strategic Position Taking and Presidential Influence in Congress." *Legislative Studies Quarterly*, XXXII (2): 257-284.
- McCormick, James M., and Eugene R. Wittkopf. 1992. "At the Water's Edge: The Effects of Party, Ideology, and Issues on Congressional Foreign Policy Voting, 1947 to 1988." *American Politics Quarterly*, 20 (1): 26-53.
- Newman, Brian, and Lammert Kevin. 2011. "Polls and Elections: Divided Government and Foreign Relations Approval." *Presidential Studies Quarterly*, 41 (2): 375-392.
- Ohaegbulam, F. Ugboaja. 1999. *A Concise Introduction to American Foreign Policy*. Peter Lang Publishing Inc.
- Shull, Steven, and Thomas Shaw. 2004. "Determinants of Presidential Position Taking in Congress, 1949–1995." *The Social Science Journal* 41: 587–604.
- Viotti, R. Paul. 2010. *American Foreign Policy*. Polity Press.
- New York Times. Jan. 27. 1998 pg. A1
- New York Times Sep. 25 1998 pg. A1