

# Selective Vetting: Committee Foundations of Confirmation Delay for U.S. Executive Branch Appointments\*

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# **Selective Vetting: Committee Foundations of Confirmation Delay for U.S. Executive Branch Appointments\***

## **Abstract**

A theory of selective vetting is proposed to understand how Senate committees balance executive deference versus legislative constraint underlying the confirmation of U.S. federal executive nominees. The theory predicts that ideologically divergent committees, in relation to both the president and Senate chamber, constitute a primary source of confirmation delay at the committee stage. Strong empirical support for selective vetting theory is obtained from nearly 8,000 U.S. federal executive appointments between 1987-2012. This support is driven by confirmation committee processes that take longer than a month, as opposed to undisputed executive nominees that are both swiftly and successfully reported out of committee. This study offers a novel explanation for the primary source of confirmation delay that is motivated by the role of ideologically divergent committees selectively exercising the Senate's 'advise and consent' powers on behalf of the chamber, and is not restricted to inter branch chamber conflict with the president.

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A crucial problem of modern American governance has been the difficulty in swiftly staffing presidential appointees to positions within U.S. federal agencies (e.g., Mendelson 2015; O’Connell 2009, 2015). The importance attached to a rapid Senate confirmation process is to ensure both effective continuity and change in U.S. federal agencies. It is well known that “*Long, drawn-out confirmation battles can deprive agencies of much-needed talent in leadership positions in the early stages of an administration when aggressive action is most feasible.*” (McGarrity 2012: 1715). Confirmation delay is a manifestation of conflict that arises as part of the appointment process (Shipan, Allen, and Barga 2014: 5). Political science research has made important strides in understanding both the incentives and capacity of the Senate to both obstruct and delay the confirmation process (e.g., Ba, Schneider, and Sullivan **nd**; Chiou and Rothenberg 2014; Hollibaugh and Rothenberg 2018; Krause and Byers **nd**; McCarty and Razaghan 1999; Ostrander 2016). These prior studies focus on inter branch policy conflict between the Senate chamber and president.

Although existing studies offer insightful analyses of the sources of confirmation delay, research to date has yet to hone in on understanding the primary source of obstruction and delay that has the greatest responsibility, effort, and expertise for determining the fate of executive nominees – Senate (standing) committees.<sup>1</sup> Almost 78% of the time that is required to confirm U.S. executive appointments within the Senate transpires within committees.<sup>2</sup> This is an especially salient concern for executive nominees chosen to serve in policymaking positions within U.S. federal agencies requiring Senate

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<sup>1</sup> Both Ba, Schneider, and Sullivan (**nd**) and Krause and Byers (**nd**) analyze confirmation delay at the committee stage, yet neither study analyzes committee-level sources of confirmation delay.

<sup>2</sup> The correlation between committee delay and total confirmation delay is 0.836.

confirmation. Utilizing a sample of 5,876 confirmed U.S. executive appointments during the 1987-2012 period covering 221 federal organizations (see Ostrander 2016), the average/median total confirmation delay is 94.01 days / 71 days, while the largest time component rests with Senate committees (73.17 days / 57 days), and not the Senate floor (20.84 days / 3 days). That is, Senate committees comprise 3.51 times as much confirmation delay compared to the Senate floor – 429,930 cumulative days (or 1,117.79 cumulative years) of confirmation delay versus 122,467 cumulative days (or 335.53 cumulative years) of confirmation delay. Moreover, roughly 93% of unconfirmed nominees in this sample are thwarted at the committee stage, compared to only 7.37% being thwarted at the floor stage.

Senate committees selectively engage in stalling presidential nominees to U.S. executive branch appointed policymaking positions. They do so since vetting executive nominees is a costly activity that not only prevents legislators from engaging in other policymaking and constituent activities, but also adversely impacts effective leadership, continuity, and accountability for executive branch governance. *“The Senate must steer a difficult course between deference to the executive and exercise of independent judgment.”* (Ross 1998: 1143). Selective vetting theory posits that Senate committees have the strongest incentive to engage in confirmation delay in response to policy conflict with the president when it ideologically diverges from the president, while the Senate chamber is aligned in partisan terms with the president. This behavior is motivated by the fact that Senate committees incur heavy policy costs *ex post* to confirmation under such a scenario since the Senate chamber is not aligned with its policy interests. Senate committees therefore act as robust gatekeepers when they have reason to believe that the chamber will either assent or acquiesce to presidential nominees – a point further reinforced by the

stylized facts that the Senate floor stage of the confirmation process is neither well suited to slowing down nor ending the process without full Senate confirmation.

Compelling support for selective vetting theory is obtained from an analysis of data from a sample of approximately 8,000 confirmed U.S. civilian executive nominations for policy positions between 1987-2012 obtained from Ostrander (2016). A granular analysis of these data reveal that selective vetting behavior is a prominent source of confirmation delay by Senate committees for the large subset of executive nominees whom are not reported to the chamber floor in an expeditious manner that concludes within one month (73.2% of successfully confirmed executive nominees), but the same cannot be stated for ‘consensual’ nominee counterparts swiftly reported out of committee within one month (26.8% of successfully confirmed executive nominees). These findings are especially compelling since they cover a historical period that predates the formal weakening of Senate chamber rules regarding the executive appointment process (Carey 2012; Heithausen 2013). This study offers a novel account of the precise conditions whereby Senate committees can heterogeneously impact the pace of U.S. federal executive nominee confirmations. Next, the committee foundations of confirmation delay are discussed.

## **THE COMMITTEE FOUNDATIONS OF THE CONFIRMATION PROCESS**

Legislative committees serve multiple vital roles within legislatures. First, legislative committees are primarily responsible for both oversight and monitoring of federal agencies. Legislative committees can directly check executive authority through both their attention and resources expended on oversight of agency activities (e.g., Balla and Deering 2013; MacDonald and McGrath 2016). Legislative committees can also counter presidential power indirectly by reducing popular support for the president through the

holding of highly visible oversight hearings (Kriner and Schickler 2017). Additionally, committees serve as ‘policy incubators’ that enable policies to be converted from proposals into adoption (Shepsle and Weingast 1987: 85). Legislative committees serve as effective ‘choke points’ for bills and policies that they do not wish to become enacted (Adler, Jenkins, and Shipan, 2019: 175). Much of this power is rooted in the functional specialization of policy expertise in their jurisdictions, members cultivate ‘specialized knowledge’ (Curry 2019: 203) empowering them to shape policy formulation (Adler and Wilkerson 2013; Woon and Anderson 2012), policy implementation (Shipan 2004), and the allocation of federal funds (Clemens, Crespin, and Finocchiaro 2015).

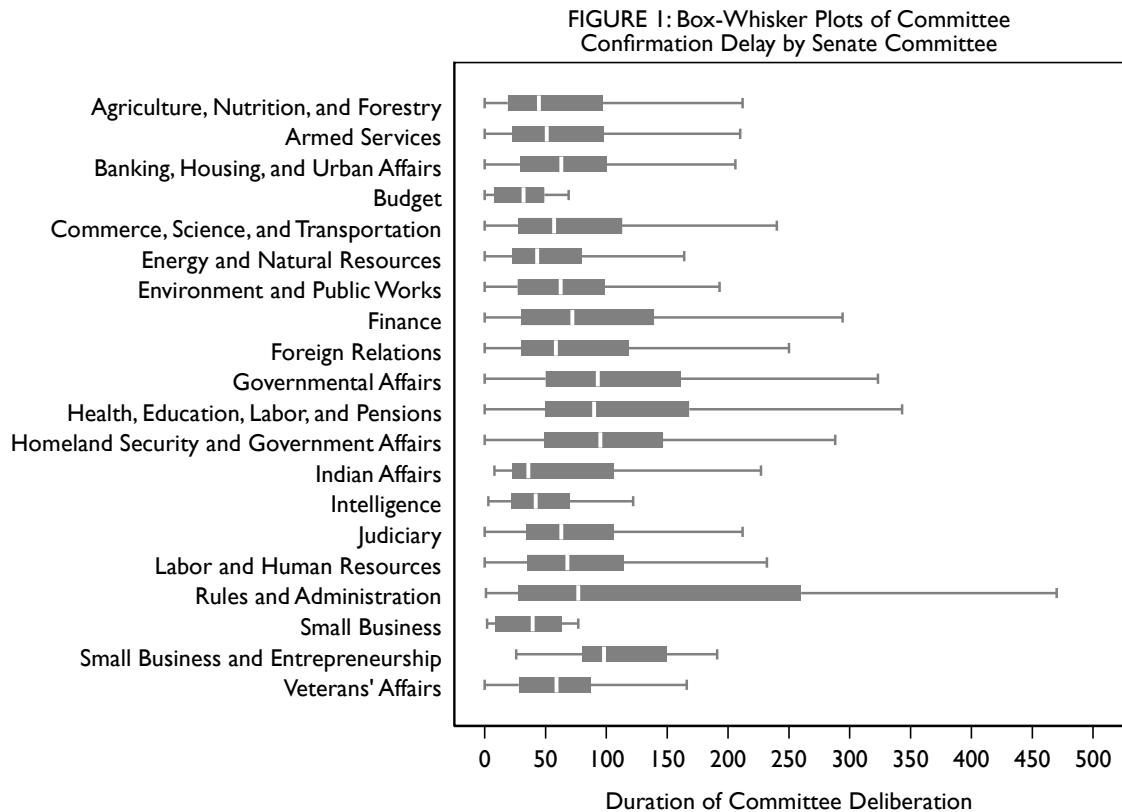
Surprisingly, little is known about Senate committees’ gatekeeping role regarding the executive confirmation process – even though Senate committees are largely responsible for the vetting of presidential nominees to executive branch positions.<sup>3</sup> The committee stage of the Senate confirmation process is overwhelmingly responsible for thwarting executive appointments on behalf of the full Senate chamber. Considerable variation occurs in the number of executive nominations vetted through the 20 standing Senate committees from 1987-2012 (Ostrander 2016). For instance, 1,021 nominees [12.97 % of total sample] were designated to the committee on Health, Education, Labor, and Pensions. Conversely, the committee on Budget received only 6 nominees in the form of OMB Director and Deputy Director positions [0.08% of total sample] throughout the time period. The median number of nominees received by a committee was 290 [with an average

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<sup>3</sup> Bonica, Chen, and Johnson (2015: 25-27) offer evidence that the propensity for observing a thwarted nominee is related to its greater ideological distance to the Senate committee chair.

of 394], with a standard deviation of 365 nominees. Considerable variation in the number of nominees that are referred to the committees are observed in these sample data.

**Figure 1** provides insight into the distribution of confirmation delay attributable to each Senate standing committee. Much variation exists based on the number of days that a nominee remains under consideration for a particular committee. Nominations referred to the committee on Small Business and Entrepreneurship experience the longest median duration with nominees undergoing 98 days [with an interquartile range of 69 days] of committee deliberation. Nominees subject to the committee on Budget, however, experience a median duration of 32 days [with an interquartile range of 41 days] within the committee. Committees exhibit ample variation in the time that it takes for a nomination to transition from being reported to a committee to subsequently exiting the committee process.



In all but rare instances, the time it takes for the Senate to confirm a nominee entails the actual work of vetting and deliberation. For instance, Howard and Roberts (2020) document that only a miniscule fraction of 1.08% (50) out of 4,661 nominees were subject to Senate holds being issued that ‘froze’ the confirmation process. Not only do Senate committees independently investigate and inquire various aspects of a nominee’s financial, career, and personal background, they must also investigate the nominee’s ability to work effectively in the position for which they are being appointed by the president (Carey 2012: 5, 8; Rybicki 2017: 4-5). The recommendations produced by these standing committees are “... *of paramount importance to other senators.*” (Mathias 1987: 206; see also, Rybicki 2017: 6). Committees are uniquely positioned to vet executive nominees given both the delegated authority and policy-specific expertise afforded to their jurisdiction (Cox and McCubbins 1993; Fenno 1973; Krehbiel 1991). Next, a theory of selective vetting is proposed to understand how Senate committees exercise ‘advise and consent’ powers on when shepherding executive nominees through the confirmation process.

### **A THEORY OF SELECTIVE COMMITTEE VETTING**

Based on the stylized facts documented earlier, Senate committees serve as the primary source of delay and obstruction in the confirmation process. The Senate floor is neither effective at inducing delay nor thwarting executive nominations. Senate committees thus effectively serve as the primary legislative check against executive authority over the appointment process. Senate committees, and not the Senate floor, thus represent the primary obstacle in the appointment process that undermines presidents’ efforts at ensuring both responsiveness and continuity in matters of executive administration (Mendelson 2015: 1576-1577; O’Connell 2009, 2015).



The logic of selective vetting is straightforward. Senate committees' willingness to delay the confirmation process will be most acute when it faces the greatest potential policy loss from confirming a president's nominee – when its policy preferences diverge from the president, while the Senate chamber and president's policy interests are aligned with one another. In such instances, the committee not only experiences divergent policy preferences vis-à-vis the president, but also lacks policy support from the Senate majority party. Senate committees will therefore engage in vigorous vetting by slowing down the confirmation process. Senate committees have a strong incentive to engage in selective vetting of executive nominees when it anticipates higher agency costs *ex post* to confirmation. After all, PAS executive appointees receive both greater oversight and monitoring scrutiny compared to counterparts not requiring Senate confirmation (Feinstein 2017).

The 'gatekeeping' function of Senate committees during the confirmation process becomes most critical to its own policy interests since the Senate chamber does not constitute an effective check on presidential appointments. Rather, Senate committees must take matters into its own hands and invest scarce political, time, and labor resources to vetting executive nominees since they, and not the chamber, will bear substantial *ex post* costs in their policy jurisdiction from a hasty confirmation process. For example, President Clinton's 1999 nomination of Jay Johnson to serve as the Director of the Mint [Department of the Treasury] lasted for 182 days [86.07 percentile of committee delay] in the Senate Banking, Housing, and Urban Affairs committee. At the time, the absolute ideological distance between the median of this committee in relation to the president was considerably higher in relative terms [76.58 percentile] compared to the absolute ideological distance between the Senate filibuster pivot and the president [36.34 percentile].

Conversely, as Senate chamber policy conflict with the president rises, committees are apt to display successively greater executive deference in the confirmation process since the committee and chamber's collective action problems will be mitigated in overseeing the executive branch. Senate committees' incentive for vetting executive nominees declines when the Senate chamber affords some measure of both insulation and support to committees' *ex post* to confirmation by providing a requisite check on presidents when the chamber and president ideologically diverge from one another. In 1988, President Reagan's nomination of Jerry Langdon to serve as a member of the Federal Energy Regulation Commission [Department of Energy] was swiftly reported out of the Senate Energy and Natural Resources committee in 10 days [7.75 percentile of committee delay].<sup>4</sup> The absolute ideological difference between this committee and the president for this nominee was similarly high compared to the absolute ideological difference between the Senate filibuster pivot and the president at that time [85.76 percentile versus 92.95 percentile].

It is important to note that even though committees are agents representing the interests of party leadership (e.g., Krehbiel 1991; Maltzman 1998), they nonetheless do exhibit some degree of ideological unrepresentativeness relative to the Senate floor given that the mean value of these absolute ideological distances do not equal zero, nor have zero variability based on Poole-Rosenthal DW-NOMINATE 1<sup>st</sup> dimension estimates (Lewis, et al. 2020; Poole and Rosenthal 1997) (i.e.,  $| \textit{Committee Median} - \textit{Senate Floor Median} |$ , Mean = 0.089 [95% CI: 0.087, 0.091], SD = 0.075;  $| \textit{Committee Chair} - \textit{Senate Floor Median} |$ , Mean = 0.224 [95% CI: 0.221, 0.227], SD = 0.128). Further, although the sample median of

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<sup>4</sup> Langdon's swift committee passage was also facilitated by FERC risking failure to attain a quorum (<https://www.nytimes.com/1988/08/09/us/washington-talk-briefing-intrigue-on-energy.html>).

absolute ideological distance between the Senate committee and floor for the sample of executive nominees under investigation in this study is noticeably lower under unified partisan control of the presidency and Senate (0.306) compared to periods of divided partisan control (0.714), the former subset of observations exhibit much greater variability (coefficient of variation = 59.036, interquartile range = 0.386) than compared to the latter ones (coefficient of variation = 21.128; interquartile range = 0.266).<sup>5</sup> These data reveal that distinguishing ideological dynamics between Senate committees and chamber is feasible.

Vigorous legislative vetting of executive nominees by Senate committees is a costly activity. The Senate has several incentives to show executive deference by choosing not to delay the confirmation process for executive nominees. Presidents, for example, can impose greater costs on Senate committees by installing ‘acting’ officials (Kinane 2021; O’Connell 2020). The Senate often blunts presidents’ proposal power over nomination choices by playing an informal advisory role informing presidents of nominees that will have difficulty in getting confirmed. In addition, Senate committees are often averse to employing negative agenda power by thwarting executive nominees through inaction via the imposition of Rule 31: Clause 6 (Greene 2021), presidential withdrawn cases, and committee votes.<sup>6</sup> Such inter branch showdowns tend to favor presidents in the eyes of the public (e.g., Canes-Wrone 2006; Kernell 1997) since presidents can effectively justify public responsibility for

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<sup>5</sup> The coefficient of variation is the percentage ratio of the standard deviation to the mean.

<sup>6</sup> A total of 1,389 [1,389/7,873 = 17.6%] nominees were thwarted by Rule 31: Clause 6, while a total of 336 [336/7,873 = 4.2%] nominees withdrawn by the president before the nominations was reported out of the committee. Senate committees displayed executive deference for the remaining 78.2% of executive nominees by successfully reporting them out of committee to the Senate floor.

executive branch governance (Lewis 2008). The Senate engages in executive deference in order to seek greater presidential accountability for executive branch performance (Ross 1998: 1147). Senate committees incur both time and resource constraints, and hence, many presidential nominees are swiftly confirmed with neither intensive vetting nor deliberation (Carey 2012: 4; Rybicki 2017: 1-2). This logic yields the following theoretical proposition:

**Selective Vetting Proposition:** *Senate committees' propensity to delay the confirmation process is **increasing** in the extent that its policy preferences diverge from both the president and Senate chamber.*

The selective vetting proposition predicts that Senate committees engage in the most robust vetting of executive nominees in the presence of rising policy conflict with presidents, while the Senate chamber is aligned with presidents. As the Senate chamber's policy conflict with presidents rises, however, committees' vetting efforts are *decreasing* in response to policy conflict with presidents. The testable implication of the *Selective Vetting Proposition* is straightforward. Committee-based confirmation delay should be at its apex in response to the committee's ideological conflict with the president when the Senate chamber is aligned with the president. This proposition is empirically evaluated in by analyzing inter branch partisan policy conflict between the Senate chamber and the president.

***Partisan Selective Vetting Hypothesis [PSVH]:*** *Senate committee ideological divergence from the president is associated with **reducing** committee-based confirmation delay under divided partisan control of the presidency and Senate compared to unified partisan control of both political branches.*

PSVH counterintuitively predicts that greater inter branch conflict between the president and Senate chamber will yield swifter confirmation processes at the committee level. Selective vetting behavior is premised on the logic that Senate committees out of step with *both* the president and the Senate chamber are most inclined to exercise legislative constraint on executive nominees by slowing down the confirmation process. Selective vetting captures the inherent tension between executive deference and legislative constraint implicit in the Appointments Clause by predicting that Senate committees will be tilted in favor of providing a robust check on executive branch authority as a Senate committee's ideological preferences diverge from the president while the Senate chamber is aligned with the president. Next, the empirical design and methodology are discussed.

## **DATA AND EMPIRICAL STRATEGY**

These hypotheses are analyzed using a sample of executive nominations covering the 100<sup>th</sup> through the 112<sup>th</sup> Congresses spanning from 1987 through 2012 from Ostrander (2016). This sample consists of approximately 7,873 total observations with 5,876 uncensored cases, plus 1,997 right-censored nominations that were not confirmed within the same Congress that it was introduced in the Senate.<sup>7</sup> These data permit examination of the nomination process by inspecting individual nominees and the corresponding committees that were involved in the vetting process. This time frame is chosen for comparability purposes since *The Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112-166)* effectively altered the executive nominations process by

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<sup>7</sup> Descriptive statistics and data source information for all variables appear in **Appendix A**, as well as a complete listing of the federal agency organizations contained in the sample.

changing requirements for their role in “advice and consent” for certain positions (Carey 2012: 12-13), as well as the 2013 adoption of the ‘nuclear option’ in the Senate that eliminated the filibuster for executive nominations (Heitshusen 2013: 5).

The dependent variable, *Committee Delay*, is measured simply as the number of days from the time the confirmation is formally referred to a Senate committee to time the committee stage of the nomination process concludes either successfully by being reported out of committee or unsuccessfully within committee (e.g., Rule 31: Clause 6, withdrawn by president).<sup>8</sup> This measure involved the authors collecting the data on individual nominees’ information from the committee stage of the confirmation process via electronic searches of Congress.gov (<https://www.congress.gov/>). This variable is positively skewed (skewness coefficient = 2.62) – a common feature routinely observed in survival data. The primary covariates of interest relate to the multiplicative relationship involving Senate committee–president inter branch policy conflict, conditional on the degree of policy divergence between the Senate chamber and president. Policy disagreement between the Senate committee and president is captured by two distinctive measures for the former concept – the Poole-Rosenthal DW-NOMINATE 1<sup>st</sup> dimension estimates (Lewis, et al. 2020; Poole and Rosenthal 1997) for the respective ideological preferences of the Senate committee median [ $|Senate\ Committee\ Median - President|$ ] and chair [ $|Senate\ Committee$

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<sup>8</sup> In supplementary analyses (*Appendix E*), the sensitivity of the reported model estimates is analyzed by switching those executive nominees that are reported out of committee but fail to obtain a Senate floor vote (N = 147) from being treated as censored observations since they are not subsequently confirmed within the same Congress to treating them as uncensored observations. These statistical results are substantively identical to those reported later in the manuscript.

*Chair – President* |].<sup>9</sup> Similarly, policy disagreement between the Senate chamber and president is captured by divided partisan control of the Senate and presidency (Ostrander 2016).<sup>10</sup> The testable implications of PSVH predicts that increasing policy divergence between either the Senate committee median or chair and the president will produce greater executive deference, and hence, swifter confirmation processes at the committee stage when different parties control the presidency and Senate compared to when they are unified ( $|Senate\ Committee\ Median\ [Chair]_{j,t} - President_t| \times Divided\ Partisan\ Control > 0$ ). Evaluation of the *Selective Vetting Hypothesis* is evaluated in by specifying a binary indicator that equals 1 for times of divided partisan control of the Senate and presidency, and equals 0 for periods of unified partisan control.

In addition, four additional control covariates of relevance at the committee level are included in the model specifications. These covariates account for potential confounding effects that may be falsely attributed to the ideological distance of the committee in relation to the president. *Senate Committee Confirmation Workload* is an event count measure of the number of executive nominations processed by each Senate committee  $j$  in year  $t$ . This

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<sup>9</sup> These general ideological distance measures are commonly employed in research on this topic (e.g., Hollibaugh and Rothenberg 2018) since Senate committee-specific ideological measures do not exist. Multiple issue domain ideal points created by Moser, Rodriguez, and Lofland (2021) for the U.S. House covering Policy Agendas issue domains that are broader, and hence, not comparably aligned with Senate committee jurisdictions.

<sup>10</sup> Supplementary analysis (**Appendix B**) evaluates an alternative ideological measure of Senate chamber and president based on the absolute distance between the *Senate Filibuster Pivot* and *President* (see Hollibaugh and Rothenberg 2018). The findings are substantively similar to the results premised on partisan control distinctions presented in the manuscript.

covariate accounts for the confirmation workload confronting each committee, and thus is posited to be positively associated with the time it takes for the nominee to be reported out of committee. *Senate Committee Median [Chair] Experience* is the median [actual] years of Senate committee [chair] service on each respective committee in each year/legislative session. Senate committees comprised of more experienced members provide greater cumulative policy expertise, organizational memory, and political clout than those committees comprised of less seasoned members (Frantzich 1979; Miquel and Snyder 2006). This greater committee-level experience could either expedite the Senate confirmation process at this stage based on such experience, but also could contribute to delay through the exercise of power via seniority. Finally, *Senate Committee Staff Size* is simply the number of Senate committee staff for each respective committee in each year/legislative session. Because committees with larger staffs should be have greater capacity to delve into vetting executive nominees, this covariate is hypothesized as having a negative association with committee-based confirmation delay.

The statistical models incorporate several additional covariates that may also influence the length of time a nomination may take, net of Senate committee effects. The first subset of variables involves the president at the time of the nomination. *Presidential Approval* measures Gallup presidential job approval rating during the month of the nomination. This covariate accounts for the possibility that presidential popularity may be positively associated with shortening the length of the confirmation process (Ostrander 2016: 1069). Several of these presidential-relate covariates are measured as binary indicators capturing differences in confirmation delay between two subsets of nominees. *Honeymoon* is a binary indicating whether the nomination took place during the first 90 days of a president's first term in office, or instead takes place outside of this period. This



covariate accounts for whether a given administration's initial set of nominations received a swifter confirmation process than subsequent executive nominees (Ostrander 2016: 1078). *Presidential Election Year* is also a binary indicator that equals 1 if the nomination takes place during a presidential election year, equals zero if it takes place in non-presidential election years. It is expected that nominations during presidential election years will take longer than other years since Senators may have an incentive to delay when confronted with the possibility of a change in the occupant of the presidency (Ostrander 2016: 1068). *Second Term Nomination* is a binary indicator accounting for potential greater confirmation delay of second term nominees versus first term counterparts (Ostrander 2016: 1070).

In addition, Ostrander (2016) accounts for several congressional-related factors that may impact confirmation delay. These factors impinge upon Senate committees' ability to process nominees through this stage of the confirmation process. *Senate Legislative Workload* is measured as the total number of roll call votes that occurred within the month of the nomination date. This variable is presumed to be positively associated with confirmation delay [Ostrander 2016: 1070]. *Senate Party Polarization* captures the internal collective action problems that arise in the Senate for the Congress in which the nomination takes place. This measure is operationalized as the difference between the Senate party means of the Poole-Rosenthal DW-NOMINATE 1<sup>st</sup> dimension measure (Lewis, et al. 2020; Poole and Rosenthal 1997). Higher values of Senate party polarization are expected to be positively associated with confirmation delay as the Senate has greater difficulty in agreeing upon nominees (Ostrander 2016: 1070). *Executive Civilian Nominations Workload* account for the total number of civilian executive nominations introduced during the two-year session. Higher numbers of nominations requiring confirmation processing can contribute to greater confirmation delay for any single nominee.

Further, additional covariates relating to nominee characteristics and type of nomination are included in the statistical model specifications. *Female* is a binary indicator that equals 1 for women nominees, and 0 for men nominees (Ostrander 2016: 1073). Also, *Prior Senate Confirmation* is another binary indicator that captures distinction in confirmation delay based on whether the nominee had been successfully confirmed in the prior two Congresses. Nominees with prior successful confirmations are hypothesized as being vetted by the Senate more quickly than those that did not (Ostrander 2016: 1073). *Appointment Level* refers to the hierarchical position within an agency that the nominee is being appointed for by the president. These categories are measured as binary indicators as follows: (0) for “lowest level”, (1) for “cabinet level”, (2) for “high level”, (3) for “major board” and (4) for “low level” [captured in baseline intercept]. Higher level nominees are posited to be confirmed more swiftly than lower level nominees (Chiou and Rothenberg 2014; Ostrander 2016; Hollibaugh and Rothenberg 2018). Finally, a series of binary policy area indicators taken from Ostrander (2016: 1069) indicating whether the nomination was for a position in the policy areas of *Defense*, *Infrastructure*, or *Social Programs*.

Other factors affecting committee delay not widely considered in existing studies on this topic are also considered. First, we include a binary indicator, *FVRA*, that captures the subset of executive positions affected by the Federal Vacancy Reform Act of 1998 since its enactment (= 1), and those unaffected (= 0). Executive nominees in FVRA positions should result in swifter confirmations compared to counterparts nominated in non-FVRA positions. In addition, we control for the confirmation lag attributable to the *August Recess* (covering July and August nominations, 13.91% of confirmed executive nominees) and *December Recess* (covering November and December nominations, 9.51% confirmed executive nominees) recess periods with binary indicators for each recess. Executive nominations

made during these windows within the Senate session calendar should take longer to report out of committee than those made in the other eight months of each legislative session. In addition, the Senate should more swiftly process nominations to policy agencies (e.g., Department of Commerce) over those which cover non-policy agencies which are either ceremonial (e.g., Barry Goldwater Scholarship and Excellence in Education Fund), or have minimal policy functions (e.g., Federal Insurance Trust Fund). This is accounted by a binary indicator, *Policy Agency*, that equals 1 for policy agencies, and 0 otherwise. Committee-level unit effects are modeled as a series of binary indicators to account for any remaining unobserved heterogeneity across committees.

Weibull parametric survival models are employed since they are appropriate for modeling time to event data that contains censored outcome observations, including the empirical study of confirmation delay in U.S. executive appointments (e.g., Ba, Schneider, and Sullivan **nd**; McCarty and Razaghian 1999; Ostrander 2016), with robust standard errors clustered at the committee level to account for heterogeneous error clustering of executive nominees within committees. Next, the empirical findings are presented.

## EMPIRICAL FINDINGS

Selective vetting may impose greater consequences for confirmation delay of those executive nominees whose background requires greater vetting due to past controversies, little known about them, and the like. This claim can be evaluated by disaggregating the sample into two groups: *Expeditious* committee confirmation processes of consensual nominees that are resolved within 30 days at the committee stage ( $T \leq 30$ ) versus *Protracted* committee confirmation processes of consensual nominees which last longer than 30 days at the committee stage ( $T > 30$ ). The former and latter subset of executive nominees

comprise nearly one-quarter and three-quarters of all sample cases, respectively. The one month 'cut point' is based on the empirical pattern of these data indicative that the frequency of executive nominees is declining immediately beyond the 30 day mark (see *Appendix A, Figure A1*), while it is rising prior to the 30 days at the committee stage. In turn, this suggests a differential delay processes both before and after this event timing.

The Weibull model survival regression estimates evaluating the selective vetting hypothesis appear in **Table 1**. For purposes of brevity, attention is limited to the selective vetting hypothesis across six models representing three different samples [Full, Expeditious [ $T \leq 30$  Days], and Protracted [ $T > 30$  Days]) and for committee level measures using both the committee median and committee chair, respectively. The key covariate of interest is the interaction terms, *|Senate Committee Median – President | x Divided Partisan Control of Senate and Presidency* and *|Senate Committee Chair – President | x Divided Partisan Control of Senate and Presidency*, each are hypothesized to exhibit a positive and statistically discernible coefficient denoting evidence consistent with the *Selective Vetting Hypothesis*. Empirical evidence compatible with this logic is obtained for the full sample estimates (**Models 1 & 2**), as well as those from the protracted subsample of nominees that take longer than 30 days to get reported out of committee (**Models 5 & 6**).

**TABLE 1: Empirical Evaluation of Selective Vetting Hypothesis**  
*(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)*

Variable	Model 1 (Full)	Model 2 (Full)	Model 3 (T ≤ 30)	Model 4 (T ≤ 30)	Model 5 (T > 30)	Model 6 (T > 30)
Senate Committee Median – President	0.444*** (0.105)	————	0.809 (0.158)	————	0.303*** (0.070)	————
Senate Chair Median – President	————	0.280*** (0.091)	————	0.988 (0.508)	————	0.205*** (0.077)
Divided Partisan Control of Senate and Presidency	0.410* (0.166)	0.380** (0.123)	1.015 (0.233)	1.486 (0.496)	0.396* (0.151)	0.429* (0.150)
Senate Committee Median – President  x Divided Partisan Control of Senate and Presidency	3.292* (1.696)	————	0.893 (0.315)	————	4.331*** (1.801)	————
Senate Committee Chair – President  x Divided Partisan Control of Senate and Presidency	————	5.281*** (2.231)	————	0.550 (0.363)	————	6.163*** (2.503)
Senate Committee Confirmation Workload	1.000** (0.00005)	1.000 (0.00003)	1.000 (0.00007)	1.000 (0.00006)	1.000* (0.00006)	1.000*** (0.00004)
Senate Committee Staff Size	0.993 (0.005)	0.994 (0.005)	0.996 (0.003)	0.996 (0.003)	0.997 (0.006)	0.998 (0.005)
Senate Committee Median Experience	1.025 (0.019)	————	1.006 (0.014)	————	1.031 (0.025)	————
Senate Committee Chair Experience	————	1.002 (0.004)	————	1.007 (0.004)	————	1.002 (0.006)
Senate Party Polarization	0.057*** (0.030)	0.034*** (0.018)	0.087** (0.067)	0.070*** (0.050)	0.117** (0.093)	0.072*** (0.051)
Presidential Approval	1.005 (0.003)	1.004 (0.002)	1.006 (0.004)	1.006 (0.004)	1.007 (0.004)	1.005 (0.003)
First 90 Days	2.441*** (0.275)	2.407*** (0.246)	1.672*** (0.166)	1.672*** (0.179)	2.188*** (0.276)	2.221*** (0.246)
Presidential Election Year	0.820*** (0.039)	0.822*** (0.045)	0.869 (0.111)	0.862 (0.110)	0.847** (0.045)	0.846** (0.051)
Second Term Nomination	0.822* (0.071)	0.862 (0.085)	1.033 (0.119)	1.032 (0.120)	0.846 (0.092)	0.875 (0.108)
Number of Senate Roll Call Votes	1.003 (0.001)	1.002 (0.002)	0.998 (0.002)	0.998 (0.002)	1.044** (0.001)	1.004* (0.002)

Female Nominee	1.016 (0.052)	1.017 (0.050)	1.006 (0.048)	1.008 (0.046)	1.035 (0.066)	1.037 (0.064)
Prior Senate Confirmation	0.937 (0.056)	0.950 (0.055)	1.088 (0.067)	1.072 (0.066)	0.873 (0.068)	0.879 (0.070)
Cabinet Level	0.966 (0.063)	0.960 (0.060)	0.816*** (0.045)	0.816*** (0.047)	1.072 (0.117)	1.057 (0.118)
High Level	0.682 (0.182)	0.674 (0.177)	1.236* (0.132)	1.245* (0.133)	0.557 (0.175)	0.546 (0.172)
Major Board	0.724* (0.111)	0.728* (0.109)	0.933 (0.077)	0.940 (0.082)	0.747 (0.133)	0.748 (0.131)
Defense	0.796** (0.066)	0.832* (0.068)	1.378 (0.228)	1.386* (0.224)	0.732** (0.072)	0.775* (0.078)
Infrastructure	0.927 (0.067)	0.940 (0.063)	1.043 (0.050)	1.053 (0.042)	0.990 (0.066)	1.009 (0.066)
Social Programs	0.866 (0.095)	0.889 (0.094)	0.834* (0.072)	0.841* (0.068)	0.894 (0.114)	0.923 (0.121)
Federal Vacancies Reform Act	1.274*** (0.084)	1.258*** (0.074)	1.051 (0.109)	1.050 (0.099)	1.213* (0.105)	1.203* (0.089)
Nomination During First Recess	1.112 (0.069)	1.114 (0.066)	1.492*** (0.138)	1.505*** (0.144)	1.214** (0.090)	1.219** (0.088)
Nomination During Second Recess	0.845 (0.096)	0.838 (0.094)	1.093 (0.195)	1.112 (0.198)	0.870 (0.106)	0.866 (0.103)
Policy Agency	1.203 (0.160)	1.202 (0.160)	1.002 (0.117)	0.996 (0.114)	1.164 (0.157)	1.160 (0.159)
<i>ln(p)</i>	1.040* (0.018)	1.043* (0.017)	2.364*** (0.071)	2.366*** (0.071)	1.263*** (0.020)	1.263*** (0.019)
Log Pseudo-Likelihood	-10685.556	-10670.540	-1447.484	-1445.775	-7095.991	-7094.412
Total Number of Observations	7,873	7,873	1,978	1,978	5,895	5,895
Number of Uncensored Observations	5,876	5,876	1,576	1,576	4,300	4,300

**Notes:** Entries are hazard ratio estimates ( $H_0: \exp(\beta) = 1.0$ ). Robust standard errors clustered on committee appear inside parentheses. The remaining covariates are not reported here for purposes of brevity but can be obtained from the authors.

\*  $p \leq 0.10$

\*\*  $p \leq 0.05$

\*\*\*  $p \leq 0.01$ .

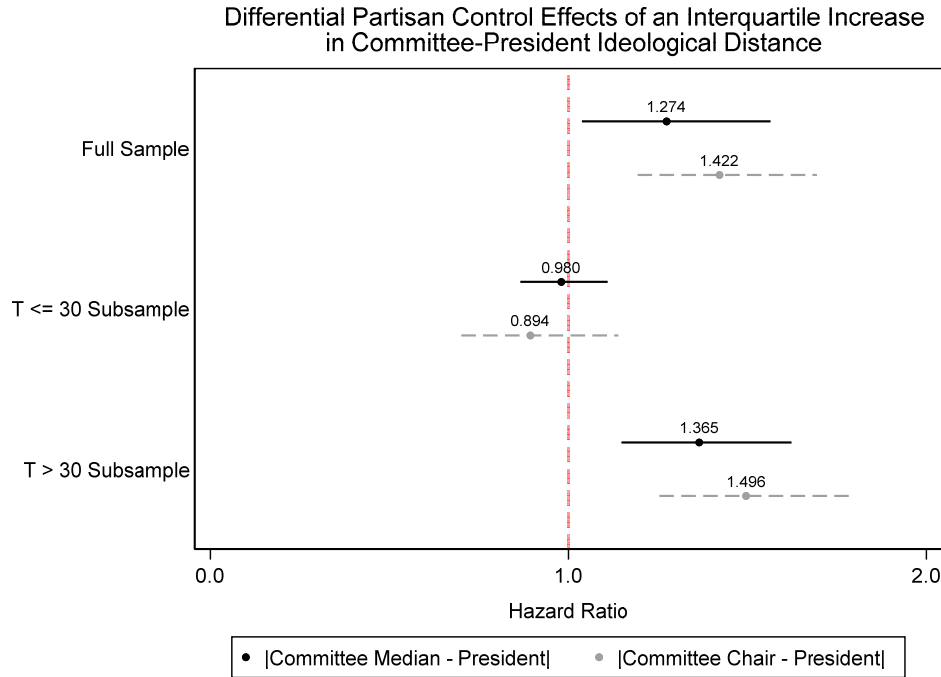
**Figure 2** provides a more substantive interpretation of these estimates by evaluating the differential marginal impact of an interquartile within-committee increase in  $|Senate\ Committee\ Median - President|$  and  $|Senate\ Committee\ Chair - President|$  between divided and unified partisan control of the Senate chamber and presidency.<sup>11</sup> The full sample estimates reveal that for a given comparable level of committee-president policy selective vetting does not transpire. The substantive differential marginal effects between divergence that increases the odds of being reported out of committee by 27.4% when the Senate chamber and President are controlled by opposing parties compared to when each branch is held by the same party. This substantive effect is more pronounced when one analyzes the partisan control regime differential with respect to the absolute ideological distance between the committee chair and president [42.2%]. For expeditious confirmation processes, partisan control regimes yield incorrect hypothesized signs, while each offer a substantively and statistically proximate to a null effect [-2%:  $(0.980 - 1.00) * 100$ ; -10.6%:  $(0.894 - 1.00) * 100$ ]. The protracted confirmations, which reside in Senate committees for more than thirty days comprising roughly three-quarters of the entire sample of observations, reveal strong evidence consistent with selective vetting. Specifically, an interquartile increase involving ideological policy disagreement between the committee median/committee chair and president is associated with a 36.5%/49.6% higher incidence of the nominee being reported out of committee when the Senate majority and president are controlled by opposing parties compared to when they are unified.

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<sup>11</sup> The use of within-committee variation in these covariates is appropriate for model specifications that generate within-committee estimates (Mummolo and Peterson 2018). These interquartile range increases for each covariate are distinct for each partisan control regime subsample.

**FIGURE 2**

**Evaluating Selective Vetting of Executive Nominees by Senate Committees  
(Full Sample,  $T \leq 30$  Days *Expeditious* &  $T > 30$  Days *Protracted* Subsamples)**

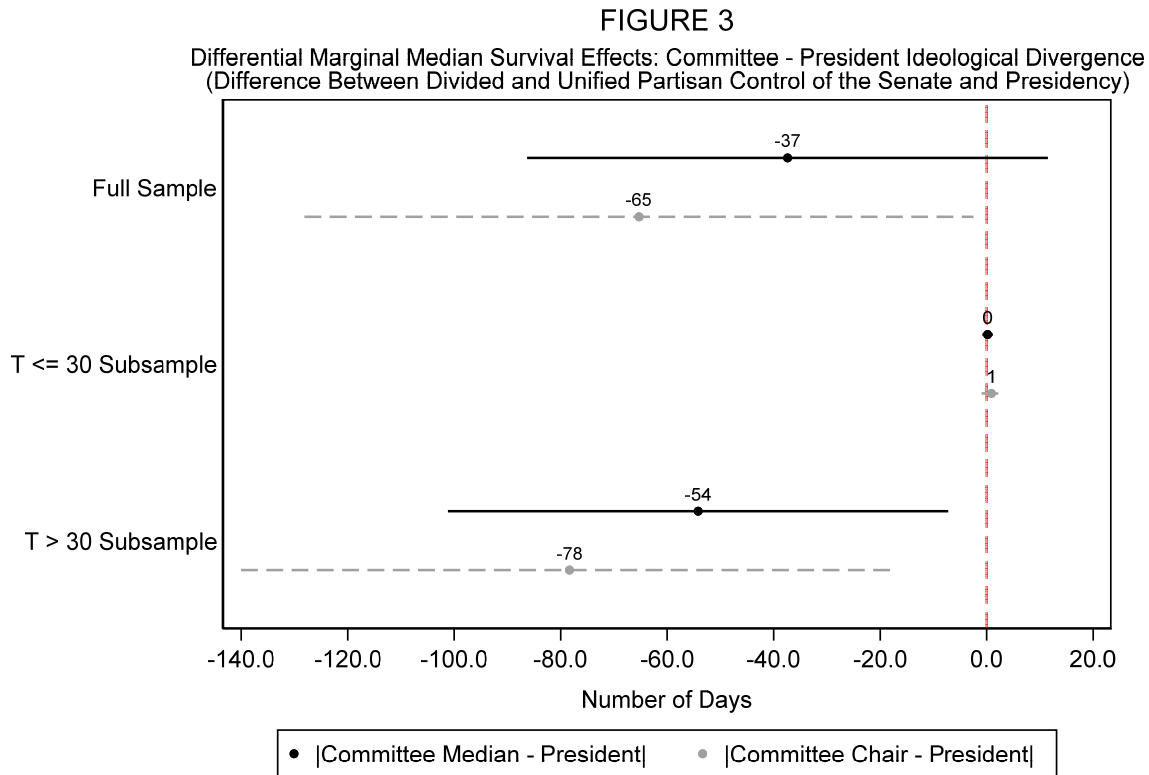


**Notes:** Point estimates represent differential marginal hazard ratio estimates with 95% confidence bands. These estimates represent the differential marginal effect of a respective interquartile increase in Committee-President Absolute Ideological Distance between divided and unified partisan control of the Senate and Presidency.

**Figure 3** displays the effect of these differential marginal hazard ratio estimates for committee stage confirmation delay in terms of predicted median survival times with corresponding 95% confidence intervals. These estimates are naturally more imprecise than those reported above in **Figure 2** since they contain not merely uncertainty regarding the point estimates of interest, but also overall prediction error uncertainty generated from the entire model specification. An interquartile increase in committee – president ideological divergence yields 37 and 65 fewer days of confirmation delay for the full sample of observations under divided partisan control of the Senate and presidency compared to when



these political branches are unified when the committee median and committee chair's ideal point are respectively analyzed. These effects constitute 58.42% and 105.5% of the respective interquartile range of committee delay ( $IQR_{Full\ Sample} = 64\ days$ ) based on the uncensored or confirmed cases. In the former case of  $|Senate\ Committee\ Median - President|$ , these **Model 1** estimates are marginally significant at the 10% level ( $p = 0.067$ )



based on a lower one-tailed test. The estimates from committee stage confirmation processes lasting a month or less ( $T \leq 30$ ) uncovers null effects which are numerically equivalent to zero (0) and one (1) median survival days for **Models 3 & 4**. Selective vetting behavior is most prominent for those committee-stage confirmation processes that last over a month ( $T > 30$ ), ranging between 54 and 78 fewer days in response to an interquartile increase in ideological divergence between Senate committees and the president. These respective differential marginal effects constitute 90.33% and 130.60% of the interquartile

range of committee delay ( $IQR_{T>30} = 60$  days). Selective vetting clearly has tangible consequences for Senate committee's efforts at vetting executive nominees, and this pattern is driven by those nominees failing to sail swiftly through this stage of the process.

Robust evidence reveals that the Senate seeks to delay confirmation in a consistent with this institution's aversion to higher potential *ex ante* agency costs of having to deal with a president unified with the chamber against the committee's policy interests. Selective vetting by preference divergent committees when the chamber policy preferences are aligned with the president is perhaps the biggest obstacle ensuring that presidential appointment choices are promptly confirmed within a reasonable time frame. The evidence reveals that committee-based ideological conflict with the president more adversely impacts Senate committee chairs than the whole committee, and that such selective vetting is driven mainly by nominees who are not swiftly reported out of committee within a month.

Supplementary analyses covered in the *Appendix* document (**Appendix B**) indicates that the selective vetting calculus of Senate committees also holds when analyzing ideological conflict between the political branches instead of the distinction between unified and divided partisan control of these respective branches. In addition, the core findings presented in the manuscript are highly robust when omitting non-policy agencies from the sample of observations (**Appendix C**), taking into account an alternative censoring decision rule (**Appendix E**), and alternative estimation strategies involving Weibull models with Gamma distributed frailty and Cox semiparametric models (**Appendix F**).<sup>12</sup> Additional

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<sup>12</sup> The *PSVH* estimates are either similar or more pronounced (i.e., less conservative) in 11 out of 12 possible instances. The lone exception being the sizable, albeit less precise estimates [ $p = 0.116$ ] from **Model 1** using Weibull distribution with Gamma frailty.

analyses demarcating different president-agency ideological configurations in **Appendix D** reveals that committee delay predicted by selective vetting theory is more pronounced when strong prospects favor executive branch coordination (i.e., *President–Ideologically Aligned Agency*) compared to when the prospects are weak (i.e., *President–Ideologically Opposed Agency*), and that such differences are more pronounced for models employing the Senate committee chair’s ideal point than for those using the committee median ideal point. This pattern suggests that presidential-aligned agencies, *ex post* raise Senate committee’s moral hazard risks associated with confirming executive nominees whom they are responsible for conducting legislative oversight relative to presidential-opposed agencies. **Appendix G** provides statistical evidence that selective vetting theory has tangible implications for predicting total confirmation delay (i.e., time from nomination to successful confirmation) for executive nominees. Finally, **Appendix H** offers little evidence that those executive nominees previously confirmed during the prior two Congresses are associated with a swifter relative conditional partisan differential rate of confirmation than those not subject to prior Senate confirmation for both the full and protracted confirmation samples. This particular lack of discernible differences in committee-based confirmation delay is likely the result of the low statistical power attributable to the prior confirmation subsample comprising only 14.19% of the total observed failures, while the no prior confirmation subsample constitutes the remaining 85.81% of confirmed cases.

## DISCUSSION

Both the separate and shared powers reflected in the federal appointment process creates an inherent dilemma for both the legislative and executive branches. Should the Senate offer executive deference to presidents, or instead engage in an obstruct and delay

strategy? The Appointments Clause in Article II of the U.S. Constitution is sufficiently ambiguous when it comes to discerning Alexander Hamilton's view of the Senate's primary role to prevent the appointment of 'unfit characters' due to political favoritism, familial connections, or for sake of public approval (*Federalist 76*). Because executive nominees are clearly part of the executive branch, it is natural for the Senate to exhibit a good measure of executive deference (Ross 1988: 1132). Although there is a vigorous role for the Senate to play in the appointment process, it is also tempered by the need to exercise restraint by respecting the president's constitutionally granted powers to select their preferred administrators and advisers. This tension between executive deference and legislative constraint is critical for understanding how Senate committees exercise their gatekeeping role in confirmation politics. Senate committees navigate these normative tensions by investing in vetting activities that delay the confirmation of executive nominees when they are ideologically divergent from both the president and Senate chamber. Senate committees' willingness to vet under these circumstances are confined to a large subset of executive nominations that experience neither 'pass-through' nor swift confirmation.

An emphasis on the role of Senate committees, as opposed to the Senate chamber, constitutes a notable departure for the study of confirmation politics. This begs the question – Why do Senate party leaders and chamber floor allow committees, and most notably, preference outlying committees, to delay the executive confirmation process? Senate committees, and not the Senate chamber, bears the primary *ex post* costs of confirming executive nominees since they are directly responsible for oversight and monitoring federal agencies, as well as developing legislation. Senate committees provide a 'fail-safe' check on executive power when the Senate chamber is neither willing nor able to serve in this role. Senate committees not only constitute the largest apportionment of confirmation delay for

executive nominees, but are also responsible for the overwhelming volume of failed confirmations. Senate committees therefore exercise decentralized ‘advise and consent’ authority on behalf of the entire chamber. Senate committees’ willingness to exercise a robust check on executive authority via the confirmation process varies to the extent that they ideologically diverge from both presidents and the full Senate chamber, and such ideological divergence most acutely delays confirmation for those executive nominees whom are not reported to the Senate chamber in a timely manner.

On a prescriptive level, this study suggests that presidents’ appointment strategy should take into account committees out of ideologically step with both the president and Senate chamber, instead of being predicated on facing an ideologically or partisan majority opposition from the Senate. This prescription is critical for executive nominees who are likely not to be swiftly confirmed by the Senate. Senate committee’s contribution to confirmation delay is extremely compelling when one considers that the executive nominees under investigation occurred in an era where it widely viewed that committee power has waned at the expense of party leaders representing the chamber (Curry and Lee 2020; Lewallen 2020). Recent institutional developments that have weakened legislative constraints on the Senate floor confirmation process for executive nominee (Carey 2012; Heitshusen 2013) suggests that committees have become more critical for exercising a robust legislative check on executive authority than uncovered by the current investigation of the executive nomination process during the filibuster era predating 2013.

Although this project offers a novel inquiry into the role that Senate committees play in contributing to confirmation delay of executive nominations, many questions related to this topic are ripe for future inquiry that are well beyond the scope of the present investigation. For instance, how do presidents alter their nomination strategy to account for

the heterogeneous nature of Senate committees responsible for using ‘deliberate speed’ to vet executive nominations? Do presidents choose to strategically mitigate conflict with committees by nominating ‘broadly’ acceptable individuals as means of avoiding instability within the executive branch that is induced by vacancies or the use of interim appointees (O’Connell 2009, 2015, 2020)? Or instead, are presidents willing to incur greater confirmation delay if it translates into greater executive policy control? Future research should seek to understand how presidents balance this tradeoff between executive instability versus executive policy control that is inherent to the confirmation process, and exacerbated by the constraints imposed by formidable legislative committees. Perhaps considering it as a menu of options that presidents face when making presidential appointment choices, including executive nomination, interim appointed service, and vacancy offers a highly promising avenue for addressing the executive deference-legislative constraint tension (Kinane 2021). Thinking about presidential appointment choices within this framework could facilitate our understanding of how the president’s willingness to incur costly confirmation delay across heterogeneous Senate committees is based on the capacity (or power of policy influence) by the particular administrative position, and also the president’s desire to either expand or contract policy within a given agency (Kinane 2021). Although the present study has documented the vital, independent role that Senate committees play in the confirmation process, it has only scratched the surface for understanding its institutional importance to the study of appointment politics.

## REFERENCES

- Adler, E. Scott, Jeffrey A. Jenkins, and Charles R. Shipan. 2019. *The United States Congress*. First Edition. New York: W.W. Norton & Company.
- Adler, E. Scott and John D. Wilkerson. 2013. *Congress and the Politics of Problem Solving*. New York: Cambridge University Press.
- Ba, Heather-Leigh Kathryn, Brandon Schneider, Terry L. Sullivan. **nd**. "The Longer You Wait, The Longer It Takes: Presidential Transition Planning and Appointment Politics." *Congress & The Presidency* <https://doi.org/10.1080/07343469.2021.1880499>.
- Balla, Steven and Christopher Deering. 2013. "Police Patrols and Fire Alarms: An Experimental Examination of the Legislative Preference for Oversight." *Congress and the Presidency* 40 (February): 27-40.
- Black, Ryan C., Anthony J. Madonna, Ryan J. Owens, and Michael S. Lynch. 2011. "Assessing Congressional Responses to Growing Presidential Powers: The Case of Recess Appointments." *Presidential Studies Quarterly* 41(September): 569–88.
- Canes-Wrone, Brandice. 2006. *Who Leads Whom? Presidents, Policy, and the Public*. Chicago, IL: University of Chicago Press.
- Carey, Maeve P. 2012. "Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112<sup>th</sup> Congress." *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service.  
<https://fas.org/sgp/crs/misc/R41872.pdf>. Retrieval date: September 04, 2020.
- Chiou, Fang-Yi., and Lawrence S. Rothenberg. 2014. "Executive Appointments: Duration, Ideology, and Hierarchy." *Journal of Theoretical Politics* 26(July): 496-517.
- Clemens, Austin, Michael Crespin, and Charles J. Finocchiaro. 2015. "Earmarks and

- Subcommittee Government in the US Congress.” *American Politics Research* 43 (November): 1074-1106.
- Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley, CA: University of California Press.
- Curry, James M. 2019. “Knowledge, Expertise, and Committee Power in the Contemporary Congress.” *Legislative Studies Quarterly* 44(May): 203-237.
- Curry, James M., and Frances E. Lee. 2020. “What is Regular Order Worth? Partisan Lawmaking and Congressional Processes.” *The Journal of Politics* 82(May): 627-641.
- Feinstein, Brian. D. 2017. “Designing Executive Agencies for Congressional Control.” *Administrative Law Review* 69(Spring): 259-289.
- Fenno, Richard F. 1973. *Congressmen in Committees*. Boston, MA: Little, Brown.
- Greene, Michael. 2021. “Return of Nominations to the President under Senate Rule XXXI.” *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R46664/2>. Retrieval date: December 4, 2021.
- Hamilton, Alexander. 1788. *Federalist 76*. [http://avalon.law.yale.edu/18th\\_century/fed76.asp](http://avalon.law.yale.edu/18th_century/fed76.asp). Retrieved 24 January 2021.
- Heitshusen, Valerie. 2013. “Majority Cloture for Nominations: Implications and the ‘Nuclear’ Proceedings.” *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service. <https://fas.org/sgp/crs/misc/R43331.pdf>. Retrieval date: September 04, 2020.
- Hershey, Robert D. Jr., and Clyde H. Farnsworth. 1988. “Washington Talk: Briefing; Intrigue on Energy.” *New York Times* (August 9, Section A, Page 16).



<https://www.nytimes.com/1988/08/09/us/washington-talk-briefing-intrigue-on-energy.html>. Retrieval date: February 19, 2021.

- Hollibaugh Jr., Gary E., and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology." *American Journal of Political Science* 62(April): 296-311.
- Howard, Nicholas O., and Jason M. Roberts. 2020. "Obstruction and the Politics of Civilian Nominations." *American Politics Research* 48(May): 414-421.
- Kernell, Samuel. 1997. *Going Public: New Strategies of Presidential Leadership*. Third Edition. Washington, D.C: CQ Press.
- Kinane, Christina, M. 2021. "Control without Confirmation: The Politics of Vacancies of Presidential Appointments." *American Political Science Review* 115(May): 599-614.
- Krause, George A., and Jason S. Byers. nd. "Confirmation Dynamics: Differential Vetting in the Appointment of U.S. Federal Agency Leaders." *Journal of Politics* (Forthcoming). <https://doi.org/10.1086/716948>.
- Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor, MI: University of Michigan Press.
- Kriner, Douglas L., and Eric Schickler. 2017. *Investigating the President: Congressional Checks on Presidential Power*. Princeton, NJ: Princeton University Press.
- Lewallen, Jonathan. 2020. *Committees and the Decline of Lawmaking in Congress*. Ann Arbor, MI: University of Michigan Press.
- Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet. 2020. *Voteview: Congressional Roll-Call Votes Database*. <https://voteview.com/>. Retrieved on May 04, 2020.

- Lewis, David E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton, New Jersey: Princeton University Press.
- MacDonald, Jason A., and Robert J. McGrath. 2016. "Retrospective Congressional Oversight and the Dynamics of Legislative Influence Over the Bureaucracy." *Legislative Studies Quarterly* 41(November): 899-934.
- Maltzman, Forrest. 1998. *Competing Principals: Committees, Parties, and the Organization of Congress*. Ann Arbor, MI: University of Michigan Press.
- Mathias, Charles McC., Jr. 1987. "Advice and Consent: The Role of the United States Senate in Judicial Selection." *The University of Chicago Law Review* 54(Winter): 200-207.
- McCarty, Nolan, and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996." *American Journal of Political Science* 43(October): 1122-1143.
- McGarrity, Thomas O. 2012. "Administrative Law as Blood Sport: Policy Erosion in a Highly Partisan Age." *Duke Law Journal* 61(May): 1671-1762.
- Mendelson, Nina A. 2015. "The Uncertain Effects of Senate Confirmation Delays in the Agencies." *Duke Law Review Journal* 64(May): 1571-1606.
- Moser, Scott, Abel Rodriguez, and Chelsea L. Lofland. 2021. "Multiple Ideal Points: Revealed Preferences in Different Domains." *Political Analysis* 29(2): 139-166.
- Mummolo, Jonathan, and Erik Peterson. 2018. "Improving the Interpretation of Fixed Effects Regression Results." *Political Science Research and Methods* 6(October): 829-835.
- O'Connell, Anne Joseph. 2009. "Vacant Offices: Delays in Staffing Top Agency Positions." *University of Southern California Law Review* 82(July): 913-1000.

- O'Connell, Anne Joseph. 2015. "Shortening Agency and Judicial Vacancies through Filibuster Reform – An Examination of Confirmation Rates and Delays from 1981 to 2014." *Duke Law Journal* 64(May): 1645-1716.
- O'Connell, Anne Joseph. 2020. "Actings." *Columbia Law Review* 120(April): 613-728.
- Ostrander, Ian. 2016. "The Logic of Collective Inaction: Senatorial Delay in Executive Nominations." *American Journal of Political Science* 60(October): 1063-1076.
- Poole, Keith T., and Howard Rosenthal. 1997. *Ideology and Congress: A Political History of Roll Call Voting*. Transaction Publishers.
- Ross, William G. 1998. "The Senate's Constitutional Role in Confirming Cabinet Nominees and Other Executive Officers." *Syracuse University Law Review* 48(3): 1123-1222.
- Rybicki, Elizabeth. 2017. "Senate Consideration of Presidential Nominations: Committee and Floor Procedures." *Congressional Research Service Report RL 31980*. Washington, D.C.: Congressional Research Service.
- Shepsle, Kenneth A., and Barry R. Weingast. 1987. "The Institutional Foundations of Committee Power." *American Political Science Review* 81(March): 85-104.
- Shipan, Charles R. 2004. "Regulatory Regimes, Agency Actions, and the Conditional Nature of Congressional Influence." *American Political Science Review* 98(August): 467-480.
- Shipan, Charles R., Brooke Thomas Allen, and Andrew Bargen. 2014. "Choosing When to Choose: Explaining the Duration of Presidential Supreme Court Nomination Decisions." *Congress & The Presidency* 41(1): 1-24.
- Woon, Jonathan, and Sarah Anderson. 2012. "Political Bargaining and the Timing of Congressional Appropriations." *Legislative Studies Quarterly* 37(November): 409-436.

**Appendix Table A1: Variable, Descriptive Statistics, and Data Sources**

<b>Variable</b>	<b>Mean</b>	<b>SD</b>	<b>Min</b>	<b>Max</b>	<b>Source</b>
<i>Committee Delay</i> <b>(legvetdur2)</b>	99.72 (16.141) [127.757]	113.634 (9.247) [118.689]	0 (0) [31]	729 (30) [729]	Calculated by authors from information obtained from congress.gov <sup>i</sup>
<b>PRIMARY &amp; COMMITTEE COVARIATES</b>					
<i>Senate Committee Median – President</i>   <b>(committee_pres1_zadj)</b>	0.493 (0.475) [0.499]	0.262 (0.262) [0.261]	1.61E-09 (1.61E-09) [1.61E-09]	0.944 (0.944) [0.944]	DW-NOMINATE <sup>ii</sup> & Congressional Directory <sup>iii</sup>
<i>Senate Committee Chair – President</i>   <b>(Chair_pres1_zadj)</b>	0.590 (0.556) [0.601]	0.397 (0.400) [0.395]	9.50E-11 (9.50E-11) [9.50E-11]	1.288 (1.288) [1.288]	DW-NOMINATE & Congressional Directory <sup>iv</sup>
<i>Senate Filibuster Pivot – President</i>   <b>(pressenfilipivotabsdist)</b>	0.781 (0.764) [0.787]	0.136 (0.149) [0.131]	0.553 (0.553) [0.553]	0.929 (0.929) [0.929]	Calculated by authors from information obtained from voteview.com
<i>Divided Partisan Control of Senate and Presidency</i> <b>(sendivide)</b>	0.559 (0.510) [0.575]	0.497 (0.500) [0.494]	0 (0) [0]	1 (1) [1]	Ostrander (2016) <sup>v</sup>
<i>Senate Committee Median Experience</i> <b>(experience_median)</b>	7.103 (7.166) [7.082]	2.726 (2.778) [2.708]	2 (2) [2]	16 (16) [16]	Congressional Directory
<i>Senate Committee Chair Experience</i> <b>(chair_experience_1)</b>	21.908 (21.669) [21.988]	8.614 (7.571) [8.936]	3 (3) [3]	46 (46) [46]	Congressional Directory <sup>vi</sup> , Congress.gov <sup>vii</sup> , BioGuide <sup>viii</sup> & Senate.gov <sup>ix</sup>
<i>Senate Committee Confirmation Workload: Including Non-Policy Positions</i> <b>(kv_workload)</b>	3289.584 (3192.099) [3322.294]	659.410 (566.751) [684.650]	1992 (1992) [1992]	5374 (5374) [5374]	DW-NOMINATE
<i>Senate Committee Staff Size</i> <b>(committeestaffsize)</b>	69.279 (64.247) [70.967]	26.621 (25.686) [26.718]	14 (16) [14]	168 (143) [168]	Senate.gov <sup>x</sup> , Congressional Directory & DW-NOMINATE <a href="https://fas.org/sgp/crs/misc/R43946.pdf">https://fas.org/sgp/crs/misc/R43946.pdf</a>
<b>UNREPORTED CONTROL COVARIATES</b>					
<i>Senate Party Polarization</i> <b>(polarization)</b>	0.741 (0.729) [0.744]	0.075 (0.070) [0.077]	0.611 (0.611) [0.611]	0.88 (0.88) [0.88]	Ostrander (2016)
<i>Average Presidential Approval</i>	53.825 (54.792)	12.175 (11.429)	26.5 (28)	86.45 (86.45)	Ostrander (2016)

<b>(pres_app_m)</b>	<b>[53.501]</b>	<b>[12.400]</b>	<b>[26.5]</b>	<b>[86.45]</b>	
<i>Honeymoon (first90)</i>	0.051 (0.114) [0.030]	0.220 (0.318) [0.171]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Presidential Election Year (preselection)</i>	0.182 (0.159) [0.189]	0.385 (0.366) [0.392]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Second Term Nomination (lameduck)</i>	0.362 (0.262) [0.396]	0.481 (0.440) [0.489]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Senate Legislative Workload (workload)</i>	31.571 (31.481) [31.601]	18.754 (18.674) [18.724]	0 (0) [0]	97 (97) [97]	Ostrander (2016)
<i>Female Nominee (female)</i>	0.271 (0.248) [0.278]	0.454 (0.472) [0.448]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Prior Senate Confirmation (priorconfirm)</i>	0.131 (0.132) [0.131]	0.338 (0.339) [0.337]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Cabinet Level (_itier_2)</i>	0.233 (0.267) [0.221]	0.422 (0.443) [0.415]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>High Level (_itier_3)</i>	0.059 (0.074) [0.054]	0.236 (0.262) [0.227]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Major Board (_itier_4)</i>	0.533 (0.454) [0.560]	0.499 (0.498) [0.496]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Defense (defense)</i>	0.086 (0.109) [0.078]	0.280 (0.311) [0.268]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Infrastructure (infrastructure)</i>	0.046 (0.056) [0.043]	0.211 (0.229) [0.204]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>Social Program (social)</i>	0.065 (0.062) [0.066]	0.247 (0.242) [0.249]	0 (0) [0]	1 (1) [1]	Ostrander (2016)
<i>FVRA/Federal Vacancy Reform Act, 1998</i>	0.263 (0.292)	0.440 (0.455)	0 (0)	1 (1)	Congressional Record <a href="https://www.govinfo.gov/content/pkg/USCODE-2006-">https://www.govinfo.gov/content/pkg/USCODE-2006-</a>

<b>(fvra)</b>	[0.253]	[0.435]	[0]	[1]	<a href="https://www.uscode.gov/title5/pdf/USCODE-2006-title5-partIII-subpartB-chap33-subchapIII-sec3345.pdf">title5/pdf/USCODE-2006-title5-partIII-subpartB-chap33-subchapIII-sec3345.pdf</a>
<i>August Recess</i> <b>(firstrecess)</b>	0.139 (0.134) [0.141]	0.346 (0.341) [0.348]	0 (0) [0]	1 (1) [1]	Generated from other Variables
<i>December Recess</i> <b>(secondrecess)</b>	0.105 (0.146) [0.091]	0.306 (0.353) [0.287]	0 (0) [0]	1 (1) [1]	Generated from other Variables
<i>Policy Agency</i> <b>(policy_majagency)</b>	0.741 (0.817) [0.716]	0.438 (0.387) [0.451]	0 (0) [0]	1 (1) [1]	Generated by Authors Based on Agency Identifier Variable

<sup>i</sup> The authors obtained the dates pertaining to Senate action, for each nominee, from congress.gov.

<sup>ii</sup> DW-NOMINATE scores were downloaded from VoteView on May 4, 2020—source: Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet. 2020. *Voteview: Congressional Roll-Call Votes Database*. <https://voteview.com/>. Retrieved on May 04, 2020. We used NOMINATE scores for Senators and Presidents between 1987-2012. We then generated a variable that took the absolute distance between the Senate Committee members and the President from these values.

<sup>iii</sup> The Congressional Directory includes Senate Committee Information for each Congress which we used to create a list of all committee members on relevant committees and their experience between 1987-2012. Additionally, we had to find any previous experience for committee members listed in the 1987 Directory. We accessed the Directory through HeinOnline between June 5, 2020 and August 3, 2020.

<sup>iv</sup> The Congressional Directory includes Senate Committee Information for each Congress which we used to create a list of all committee members on relevant committees and their experience between 1987-2012. Additionally, we had to find any previous experience for committee members listed in the 1987 Directory.

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<sup>v</sup> All sources showing as Ostrander (2016) come from Ostrander, Ian. 2016. “The Logic of Collective Inaction: Senatorial Delay in Executive Nominations.” *American Journal of Political Science* 60(4): 1063-1076. AJPS Data Archive on Dataverse (<http://dvn.iq.harvard.edu/dvn/dv/ajps>) at doi:10.7910/DVN/29932. Data was Accessed on February 20, 2020.

<sup>vi</sup> The Congressional Directory includes Senate Committee Information for each Congress which we used to create a list of all committee members on relevant committees and their experience between 1987-2012.

<sup>vii</sup> In order to check what years members had served in the Senate for purposes of ensuring we calculated their full experience in the Senate we used: Congress.gov. “Members.” <https://www.congress.gov>. (For Senate Member Bio Information).

<sup>viii</sup> To assess Senate Member Bio Information on those leaving Congress early or joining a Congress in the middle of a session and understand who was on committees we used “Biographical Directory of the United States Congress”. <https://bioguideretro.congress.gov>.

<sup>ix</sup> Additionally, we used information from Senate.gov to see which Senators were appointed during the middle of terms and who they replaced Senate.gov “Appointed Senators (1913-Present)”. <https://www.senate.gov/senators/AppointedSenators.htm>. Retrieved on August 04, 2020; and members who changed parties during their tenures: Senate.gov “Senators Who Changed Parties During Senate Service (Since 1890).” [https://www.senate.gov/artandhistory/history/common/briefing/senators\\_changed\\_parties.htm](https://www.senate.gov/artandhistory/history/common/briefing/senators_changed_parties.htm). Retrieved on August 04, 2020. We were also able to check changes within a Congress in the Congressional Directory in the “Notes” section.

<sup>x</sup> To double check who the Chairs of each committee were and to ensure we covered any chair changes within a Congress we used: Senate.gov. “Chairmen of Senate Standing Committees 1789-present” <https://www.senate.gov/artandhistory/history/resources/pdf/CommitteeChairs.pdf>. Retrieved on May 29, 2020.

# APPENDIX

## **Selective Vetting: Committee Foundations of Confirmation Delay for U.S. Executive Branch Appointments**

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1. ***APPENDIX A: Listing of U.S. Federal Agency Organizations Covered in the Sample (with Total Nominee Count) & Spike Histogram Plot Committee-Based Confirmation Delay***
2. ***APPENDIX B: Alternative Tests of Selective Vetting Theory: Replacing the Unified/Divided Partisan Control Distinctions with Absolute Distance Between President and Senate Filibuster Pivot***
3. ***APPENDIX C: Sensitivity to Omitting Non-Policy Agency Nomination Observations***
4. ***APPENDIX D: Exploring Variation in Selective Vetting Theory Across Different Configurations of Executive Branch Coordination***
5. ***APPENDIX E: An Alternative Censoring Decision Rule for Executive Nominees Successfully Reported Out of Committee but Unconfirmed at the Senate Floor Stage***
6. ***APPENDIX F: Alternative Estimation of Survival Models: Weibull with Gamma Frailty & Cox Semiparametric Regression***
7. ***APPENDIX G: Alternative Tests of Selective Vetting Theory: Total Confirmation Delay***
8. ***APPENDIX H: Evaluating Differences in PSVH Estimates Between Non-Prior Confirmation versus Prior Confirmation Distinctions***



**APPENDIX A:**

***Listing of U.S. Federal Agency Organizations Covered in the Sample (with Total Nominee Count) & Spike Histogram Plot Committee-Based Confirmation Delay***

**Appendix Table A1**

**Listing of U.S. Federal Agencies Covered by the Sample  
(Total Agencies: 221; Average Nominee Observations Per Agency: 35.62: 7,873 / 221)**

Agency	Count
ACTION Agency	6
Administrative Conference of the United States	3
Administrator of Drug Enforcement	1
Advisory Commission on Public Diplomacy	1
African Development Bank	5
African Development Foundation	45
Agency for International Development	1
Alaska Land Use Council	1
Alaska Natural Gas Transportation System	1
Amtrak Board of Directors	6
Appalachian Regional Commission	7
Architect of the Capitol	1
Asian Development Bank	4
Assassination Records Review Board	5
Barry Goldwater Scholarship & Excellence in Education Foundation	47
Board for International Broadcasting	22
Board of Veterans' Appeals	1
Broadcasting Board of Governors	58
Bureau of Alcohol, Tobacco, Firearms, and Explosives	1
Bureau of Consumer Financial Protection	1
Bureau of Justice Assistance	1
Centers for Medicare and Medicaid Services	2
Central Intelligence Agency	28
Chemical Safety and Hazardous Investigation Board	26
Civil Liberties Public Education Fund	45
Coast Guard	4
Commission on National and Community Service	9
Commodity Credit Corporation	3
Commodity Futures Trading Commission	47
Communications Satellite Corporation	15
Community Development Financial Institutions Fund	1
Community Relations Service	1
Conference of the United States	1
Congress of the United States	1
Consumer Product Safety Commission	26
Copyright Royalty Tribunal	7
Corporation for National and Community Service	108

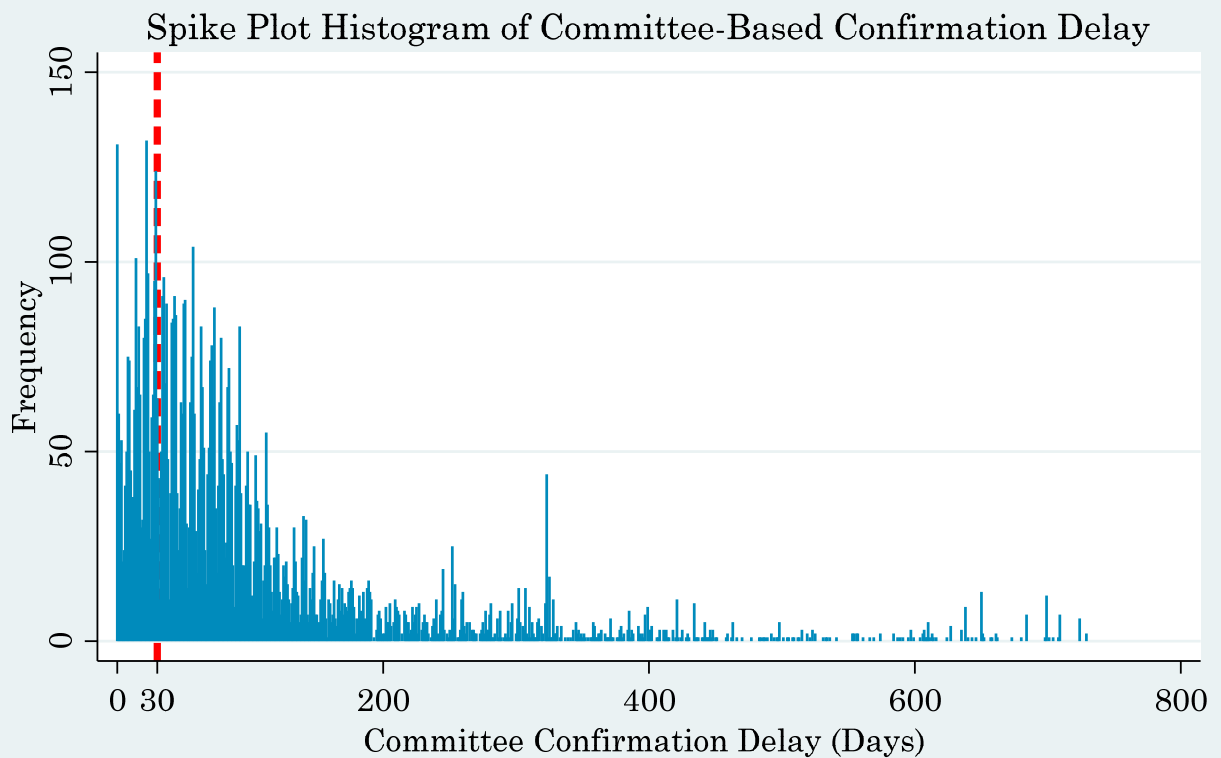
Corporation for Public Broadcasting	55
Council of Economic Advisers	3
Court Services and Offender Supervision Agency	1
Defense Base Closure and Realignment Commission	47
Defense Nuclear Facilities Safety Board	28
Delta Regional Authority	3
Department of Agriculture	161
Department of Commerce	240
Department of Defense	430
Department of Education	157
Department of Energy	163
Department of Health and Human Services	137
Department of Homeland Security	77
Department of Housing and Urban Development	127
Department of Justice	774
Department of Labor	157
Department of State	305
Department of the Interior	123
Department of the Treasury	255
Department of Transportation	202
Department of Treasury	4
Department of Veterans Affairs	97
Director of National Intelligence	1
District of Columbia Offender Supervision, Defender, and Courts Services Agency	2
Election Assistance Commission	21
Environmental Protection Agency	113
Equal Employment Opportunity Commission	50
European Bank for Reconstruction and Development	8
Executive Board of the World Health Organization	1
Executive Office of the President	227
Export-Import Bank of the United States	46
Farm Credit Administration	35
Farm Credit System Assistance Board	1
Federal Agricultural Mortgage Corporation	11
Federal Aviation Administration	2
Federal Aviation Management Advisory Council	2
Federal Bureau of Investigation	1
Federal Communications Commission	42
Federal Deposit Insurance Corporation	33
Federal Election Commission	33
Federal Emergency Management Agency	27
Federal Energy Regulatory Commission	40
Federal Home Loan Bank Board	3
Federal Hospital Insurance Trust Fund	5
Federal Housing Finance Board	33
Federal Insurance Trust Funds	28
Federal Labor Relations Authority	39
Federal Maritime Commission	37
Federal Mediation and Conciliation Service	7

Federal Mine Safety and Health Review Commission	37
Federal Motor Carrier Safety Administration	1
Federal Procurement Policy	1
Federal Reserve System	52
Federal Retirement Thrift Investment Board	36
Federal Supplementary Medical Insurance Trust Fund	4
Federal Trade Commission	32
Fish and Wildlife	1
Foreign Claims Settlement Commission	3
General Accounting Office	1
General Services Administration	12
Government Accountability Office	1
Government Printing Office	5
Harry S Truman Scholarship Foundation	48
Institute of American Indian and Alaska Native Culture and Arts Development	44
Institute of Museum and Library Services	21
Intelligence Community	1
Inter-American Development Bank	15
Inter-American Foundation	76
Internal Revenue Service Oversight Board	1
International Atomic Energy Agency	1
International Bank for Reconstruction and Development	16
International Banks	10
International Joint Commission, United States and Canada	17
International Monetary Fund	19
International Trade Commission	1
Interstate Commerce Commission	9
James Madison Memorial Fellowship Foundation	37
Legal Services Corporation	90
Library of Congress	1
Marine Mammal Commission	12
Merit Systems Protection Board	28
Metropolitan Washington Airports Authority	18
Millennium Challenge Corporation	12
Mississippi River Commission	39
Morris K. Udall and Stewart L. Udall Foundation	2
Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation	37
National Advisory Council on Educational Research & Improvement	34
National Advisory Council on Women's Educational Programs	6
National Aeronautics and Space Administration	17
National Archives and Records Administration	5
National Board for Education Sciences	33
National Commission on Libraries and Information Science	69
National Consumer Cooperative Bank	16
National Corporation for Housing Partnerships	11
National Council on Disability	127
National Council on Educational Research and Improvement	1
National Council on the Arts	13

National Council on the Handicapped	19
National Council on the Humanities	13
National Counterterrorism Center	1
National Credit Union Administration	18
National Drug Control Policy	1
National Foundation on the Arts and the Humanities	320
National Indian Gaming Commission	4
National Institute for Literacy Advisory Board	59
National Institute of Building Sciences	36
National Institute on Disability and Rehabilitation Research	1
National Intelligence	1
National Labor Relations Board	83
National Mediation Board	39
National Museum and Library Services Board	46
National Nuclear Security Administration	1
National Oceanic and Atmospheric Administration	7
National Railroad Passenger Corporation (Amtrak)	19
National Railroad Passenger Corporation (Amtrak) Reform Board	18
National Science Foundation	157
National Security Education Board	27
National Transportation Safety Board	50
Nations Agencies for Food and Agriculture	1
Northern Border Regional Commission	1
Nuclear Regulatory Commission	44
Occupational Safety and Health Review Commission	28
Office of Government Ethics	2
Office of Management and Budget	1
Office of Minority Economic Impact	1
Office of Navajo and Hopi Indian Relocation	3
Office of Personnel Management	24
Office of Science and Technology Policy	2
Office of Special Counsel	5
Office of Special Trustee for American Indians	1
Office of Surface Mining Reclamation and Enforcement	1
Office of the Director of National Intelligence	8
Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects	2
Office of the Nuclear Waste Negotiator	2
Overseas Private Investment Corporation	49
Panama Canal Commission	11
Peace Corps	12
Peace Corps National Advisory Council	33
Pension Benefit Guaranty Corporation	3
Postal Rate Commission	24
Postal Regulatory Commission	5
Privacy and Civil Liberties Oversight Board	12
Public Health Service	1
Public Printer	1
Railroad Retirement Board	22
Reconstruction and Stabilization	1

Resolution Trust Corporation	7
Saint Lawrence Seaway Development Corporation	14
Securities and Exchange Commission	37
Securities Investor Protection Corporation	40
Selective Service System	7
Small Business Administration	34
Social Security Administration	37
Social Security Advisory Board	3
Special Panel on Appeals	6
State Justice Institute	64
Supply Reduction, Office of National Drug Control Policy	1
Surface Transportation Board	2
Survivors and Disability Insurance Trust Funds	2
Tennessee Valley Authority	38
Terrorism and Financial Crimes	1
Troubled Asset Relief Program	1
U.S. Institute of Peace	4
U.S. Parole Commission	1
U.S. Postal Service	3
U.S. Sentencing Commission	1
U.S. Trade and Development Agency	1
Uniformed Services University of the Health Sciences	1
United States Advisory Commission on Public Diplomacy	50
United States Advisory Commission on Public Policy	4
United States Agency for International Development	48
United States Arms Control and Disarmament Agency	33
United States Attorney	15
United States Enrichment Corporation	10
United States Information Agency	31
United States Institute of Peace	68
United States International Development Cooperation Agency	80
United States International Trade Commission	29
United States Parole Commission	7
United States Postal Service	44
United States Sentencing Commission	44
United States Trade and Development Agency	2
Veterans Administration	2
Veterans Affairs (Public and Intergovernmental Affairs)	1
Veterans Affairs for Memorial Affairs	1

FIGURE A1



NOTE: The Frequency/Density Begins Declining/"Tapering Off" Beyond 30 Days

**APPENDIX B:**

***Alternative Tests of Selective Vetting Theory: Replacing the Unified/Divided Partisan Control Distinctions with Absolute Distance Between President and Senate Filibuster Pivot***

Selective vetting theory treats the source of inter chamber conflict between the president and Senate chamber as the presence of divided partisan control of each political branch. Yet, rather than making 'knife-edge' distinctions based on partisan majorities in the Senate, we consider a more fluid measure based on the absolute ideological distance between the president and Senate filibuster pivot opposite of the president's ideal point:

$|Senate\ Filibuster\ Pivot_t - President_t|$ . What is of interest here is the interaction between

the  $|Senate\ Committee\ Median\ [Chair]_{j,t} - President_t| \times |Senate\ Filibuster\ Pivot_t - President_t| > 0$ . That is, increasing policy divergence between either the Senate committee median or chair and the president will produce slower committee confirmation processes when the Senate chamber and president are most aligned with one another (i.e.,  $|Senate\ Committee\ Median\ [Chair]_{j,t} - President_t| < 0$ ); and that this conditional effect will result in greater executive deference, and hence, swifter confirmation processes at the committee stage as policy divergence between the Senate chamber and president grows. This claim is evaluated for **Models 1-6** reported in the manuscript by replacing the *Divided Partisan Control* binary indicator with the  $|Senate\ Filibuster\ Pivot_t - President_t|$  in both additive and multiplicative terms. **Appendix Table B1** displays the main results (control covariates are omitted for purposes of brevity). The statistically significant and positive interaction coefficients (denoted by grey-shading) provide corroborative support for the PSVH based on the ideological measures involving the Senate chamber and president. The evidence evaluating ideological selective vetting is consistent with the partisan variant evaluated in the manuscript.

**APPENDIX TABLE B1**

**Evaluating *Ideological* Selective Vetting of Executive Nominees by Senate Committees  
(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay –  
*Alternative Ideological-Based Selective Vetting Tests: H1alt*)**

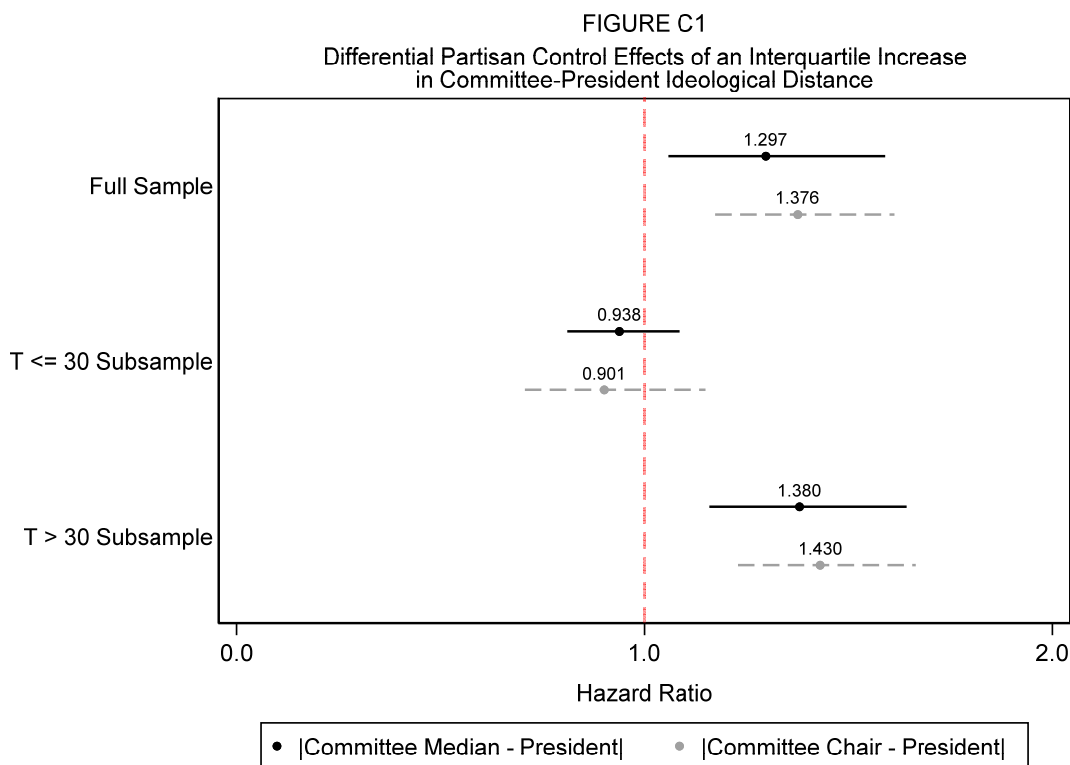
<b>Variable</b>	<b>Model 1</b>	<b>Model 2</b>	<b>Model 3</b>	<b>Model 4</b>	<b>Model 5</b>	<b>Model 6</b>
Senate Committee Median – President	0.012*** (0.012)	————	1.457 (1.156)	————	0.006*** (0.005)	————
Senate Chair Median – President	————	0.038*** (0.036)	————	2.324 (1.622)	————	0.023*** (0.020)
President – Senate Filibuster Pivot	0.280* (0.166)	0.296** (0.108)	0.873 (0.663)	0.997 (0.440)	0.118* (0.100)	0.166*** (0.073)
Senate Committee Median – President  x  President – Senate Filibuster Pivot	110.848*** (1.696)	————	0.525 (0.499)	————	250.367*** (225.103)	————
Senate Chair Median – President  x  President – Senate Filibuster Pivot	————	34.437*** (35.638)	————	0.289 (0.230)	————	71.716*** (68.003)
ln (p)	1.045* (0.017)	1.047* (0.018)	2.364*** (0.070)	2.365*** (0.071)	1.271*** (0.017)	1.272*** (0.019)
Log Pseudo-Likelihood	-10672.179	-10668.248	-1447.068	-1445.089	-7078.353	-7081.3631
Total Number of Observations	7,873	7,873	1,978	1,978	5,895	5,895
Total Number of Uncensored Observations	5,876	5,876	1,576	1,576	4,300	4,300



## APPENDIX C:

### *Sensitivity to Omitting Non-Policy Agency Nomination Observations*

Additional sensitivity checks involved omitting non-policy agency nominees from the sample given that they may potentially bias the findings since these nominees may be slower to confirm given their lower priority to those nominees serving in policymaking agencies. In the manuscript, these differences are accounted for through specification of a binary control covariate (*Policy Agency*). In the present analyses, **Models 1-6** are re-analyzed on the subsample of nominee cases where *Policy Agency* equals 1 (where total observations = 5,837 [74.1% of full sample estimates reported in manuscript]). The differential marginal hazard ratio effects appear in **Figure C1** below. One notices that these estimates are remarkably similar on substantive terms compared to those presented in **Figure 2** of the manuscript.



## APPENDIX D:

### *Exploring Variation in Selective Vetting Theory Across Different Configurations of Executive Branch Coordination*

A more granular analyses of these data is undertaken by variations of executive branch coordination between the president and agency based on the ideological alignment of each entity (Clinton and Lewis 2008). Expectations suggest that executive nominees will be subject to more intense selective vetting that translates into greater confirmation delay when the prospects for executive branch coordination are high (*President–Ideologically Aligned Agency*) since it will make legislative oversight more challenging compared to when the prospects for executive branch coordination are low (*President–Ideologically Opposed Agency*). The evidence from disaggregating the sample into three groupings (those noted above, plus *President– Ideologically Neutral Agency*) largely supports this conjecture.

Under the most intense selective vetting scenario (i.e., a rise in policy conflict between Senate committee and president, coupled with unified partisan control of both the Senate and presidency), the differential marginal hazard ratio estimates are higher for the subsample of presidential-aligned agencies (**Figure D1**) than compared to presidential-opposed agencies (**Figure D2**), with the most salient differences occurring for committee chairs (grey dots/dashed lines), as opposed to committee median (black dots/solid lines) for the full sample, as well as protracted committee vetting processes ( $T > 30$ ). The sample estimates for ideologically neutral or moderate agencies most closely mirror those produced in the manuscript (**Figure 2**) when these agency ideological distinctions are not made. Because the estimates reported in **Figures D1-D3** range from 20% to 40% of the full sample, considerable caution is warranted when interpreting these less precise estimates.

FIGURE D1

Differential Partisan Control Effects of an Interquartile Increase in Committee-President Ideological Distance (Presidential Ideologically-Aligned Agencies)

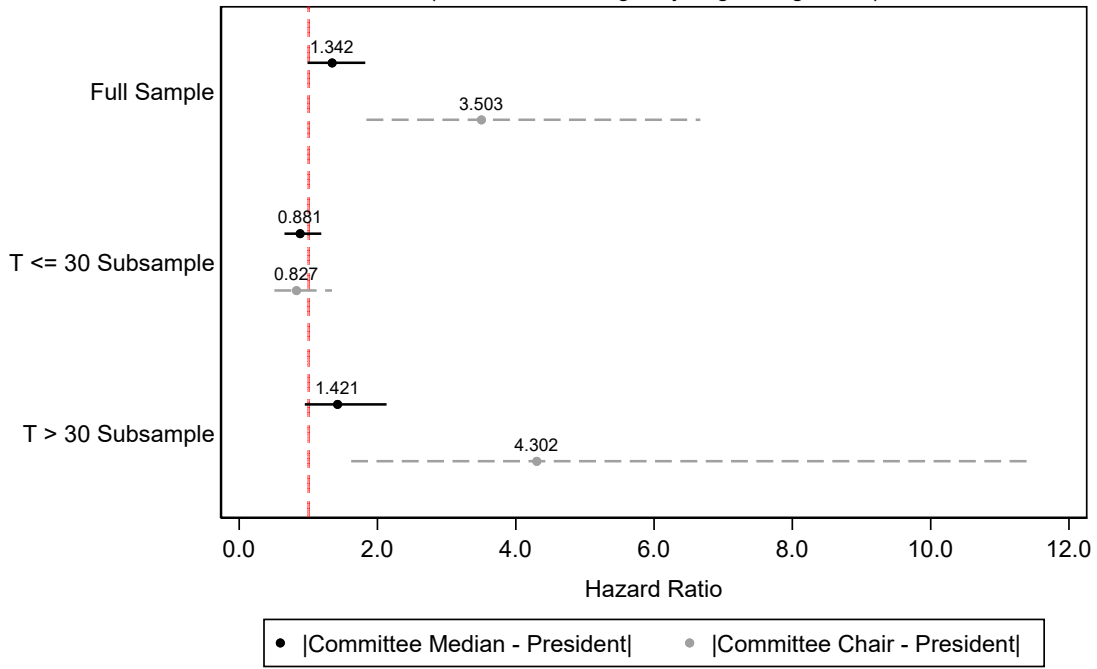
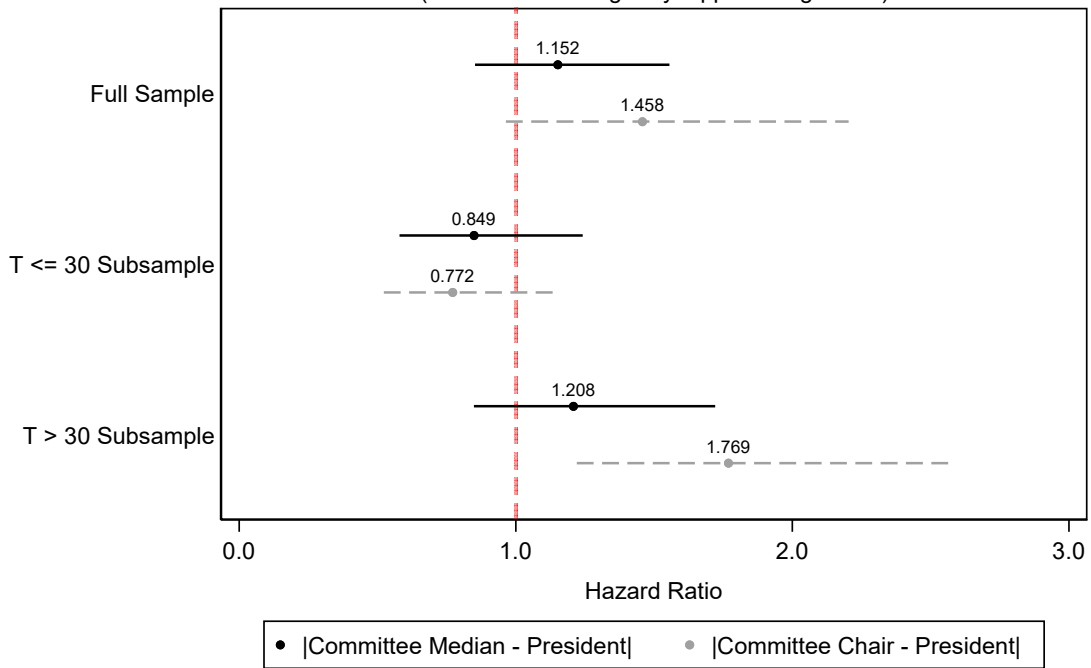
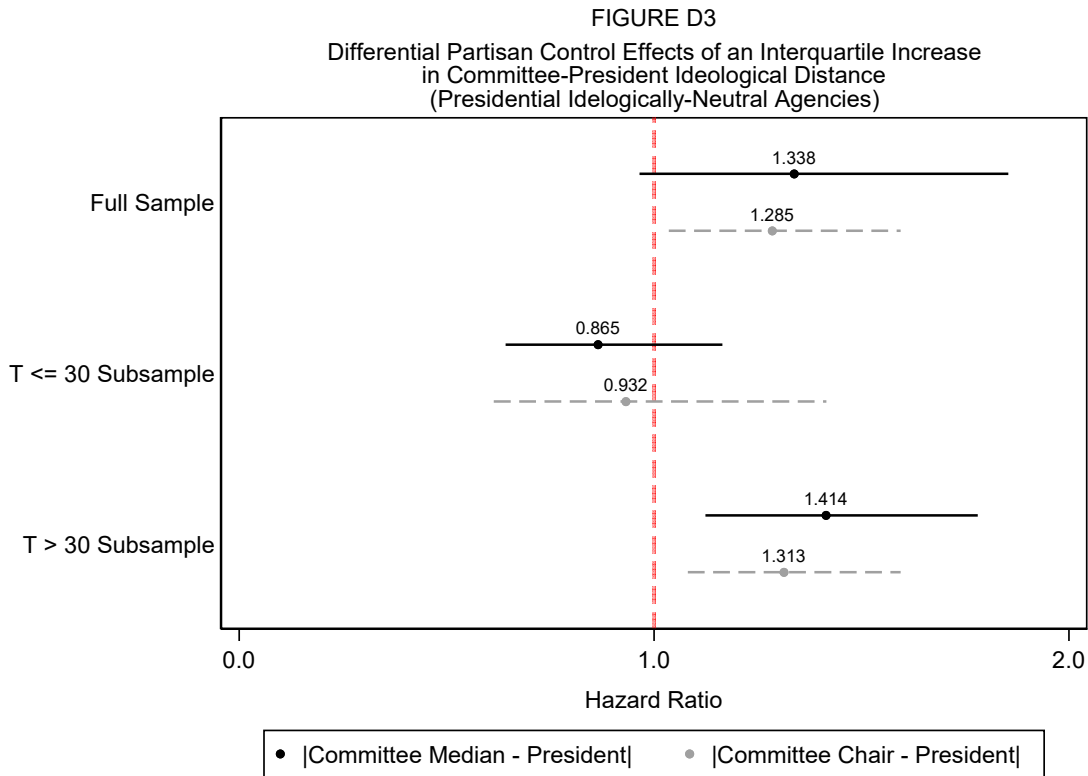


FIGURE D2

Differential Partisan Control Effects of an Interquartile Increase in Committee-President Ideological Distance (Presidential Ideologically-Opposed Agencies)



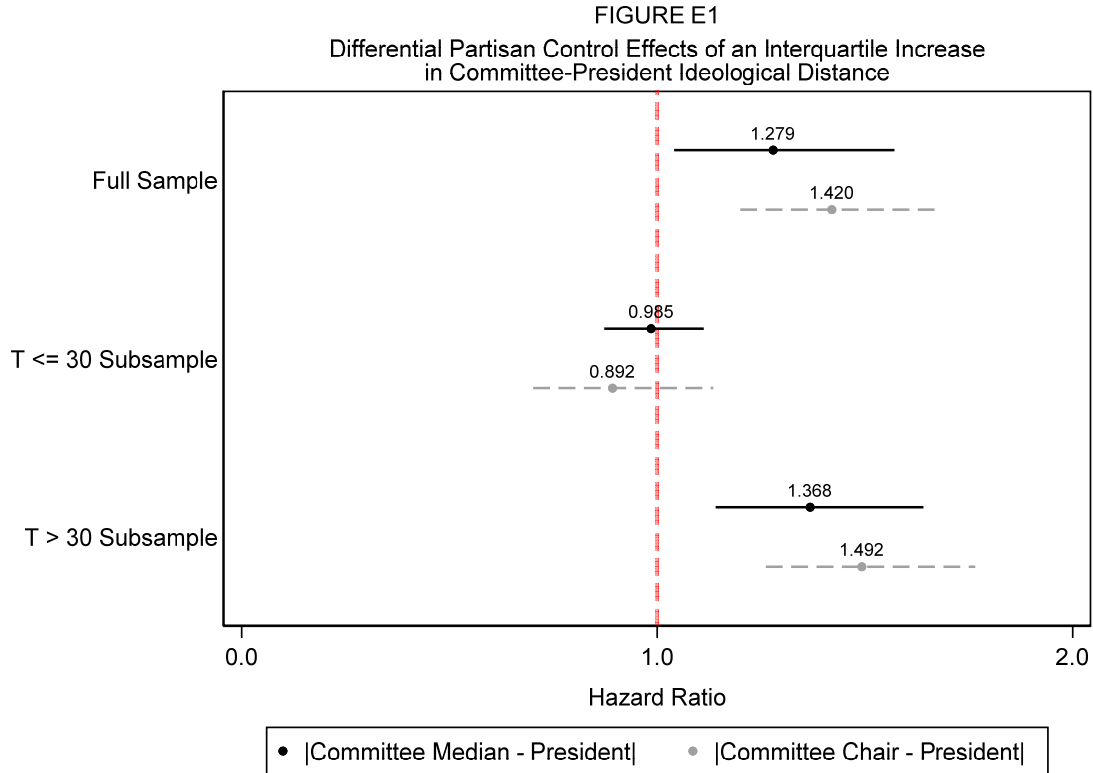


**APPENDIX E:**

***An Alternative Censoring Decision Rule for Executive Nominees  
Successfully Reported Out of Committee but Unconfirmed at the  
Senate Floor Stage***

Nominee observations are treated as censored in this study if they are not confirmed for the agency position for which the president nominated them for within the current Congress. An alternative censoring decision rule is considered that treats the 147 nominee observations that were considered censored in the preceding analyses as being uncensored since they were successfully reported out of committee within the current Congress, albeit not processed by the full Senate chamber. The results from these sensitivity checks employing this alternative decision rule appear in **Figure E1**. In summary, the results are substantively identical to counterparts presented in the manuscript (**Figure 2**). It is safe to

conclude that the core findings relating to selective vetting theory are unaffected by the censoring decision rule adopted in the manuscript and elsewhere in the **Appendix**.

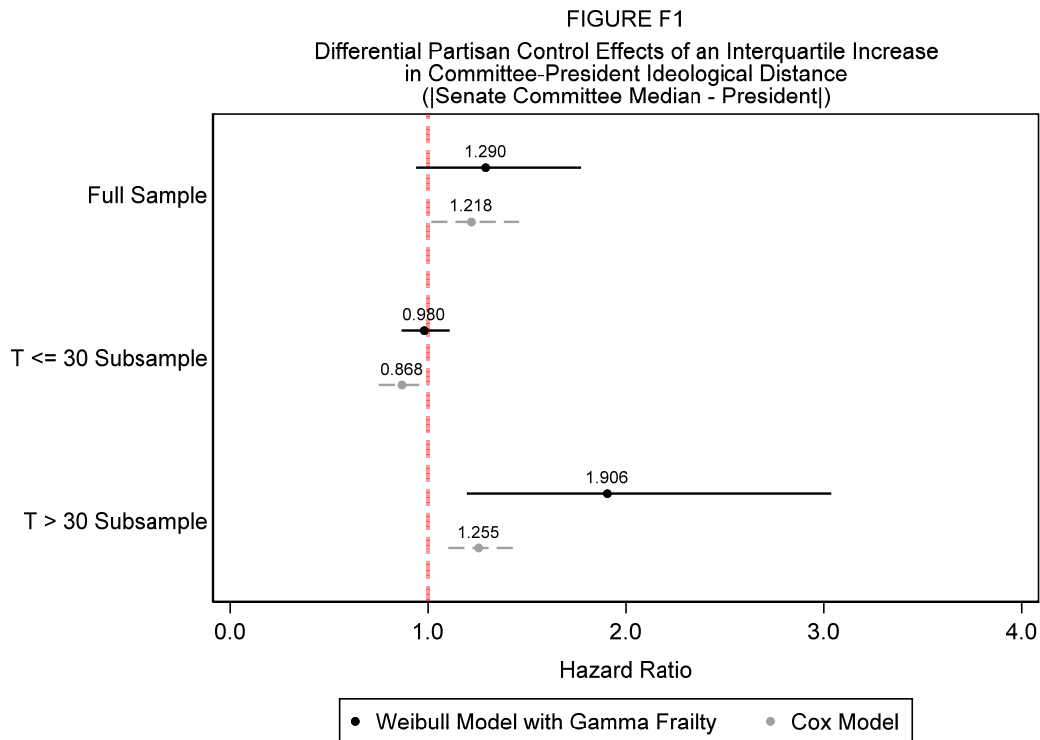


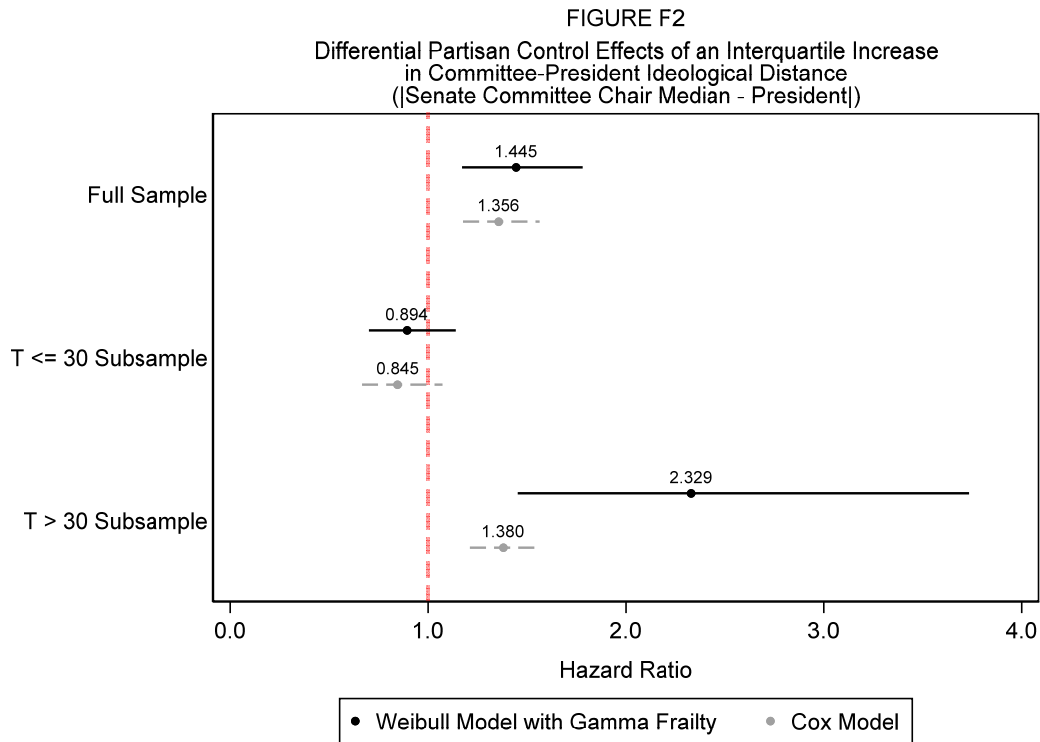
## APPENDIX F:

### *Alternative Estimation of Survival Models: Weibull with Gamma Frailty & Cox Semiparametric Regression*

We consider the robustness of the core findings from the selective vetting theory by evaluating a pair of alternative duration models – a Weibull model with gamma frailty that accounts for the unobserved covariates’ impact on the hazard of committee delay; and also a Cox semiparametric regression model that treats the hazard function in a nonparametric manner void of parametric assumptions unlike Weibull regression models. The results from these alternative model estimation choices are presented graphically side-by-side with one another in **Figures F1 & F2**. The results corroborate the key findings of selective

vetting theory reported in the manuscript, with some distinctions restricted to the Weibull models accounting for gamma frailty. Most notably, in certain instances these estimates of interest are less precise (i.e., wider 95% confidence interval bands) for the protracted subsample,  $T > 30$  days in the committee stage compared to the analogous setoff estimates appearing in **Figure 2** reported in the manuscript. Interestingly, these estimates become much more pronounced in magnitude by displaying noticeably larger differential marginal hazard ratio effects than those based on the standard Weibull model results reported in **Figure 2** in the manuscript. The Cox semiparametric models treating the hazard of being successfully reported out of committee in an agnostic manner as a non-parametric function are substantively similar to the estimates reported in the manuscript using the standard Weibull modeling approach to model confirmation delay, except slightly attenuated with respect to the full sample and protracted subsample of observations when  $T > 30$  days in the committee stage.



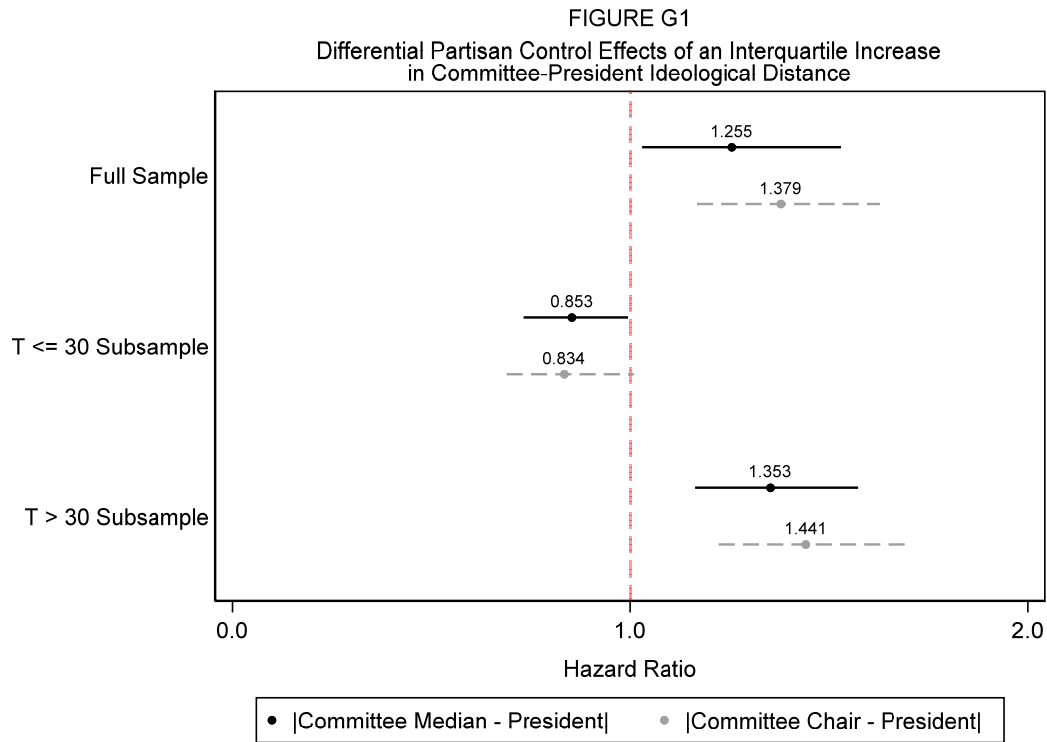


## APPENDIX G:

### *Alternative Tests of Selective Vetting Theory: Total Confirmation Delay*

Another alternative test of selective vetting behavior by Senate committees is performed analyzing total confirmation delay that takes place on both the committee and floor stages of the confirmation process. This is the conventional outcome measure routinely employed of studies focusing on confirmation delay (Hollibaugh and Rothenberg 2018; McCarty and Razaghian 1999; Ostrander 2016). This test seeks to analyze the extent that selective vetting hypothesis contains predictive power for explaining time it takes for a successful confirmation process to be attained. In other words, does selective vetting explain the total time it takes from the president formally introduces the nominee to the Senate until final confirmation passage occurs based on a Senate floor vote? The full sample

and protracted confirmation subsample ( $T > 30$ ) estimates appearing in **Figure G1** are similar to those for the committee stage denoted in **Figure 2**. These findings suggest that selective vetting by committees also explains, by extension, total confirmation delay.



## APPENDIX H:

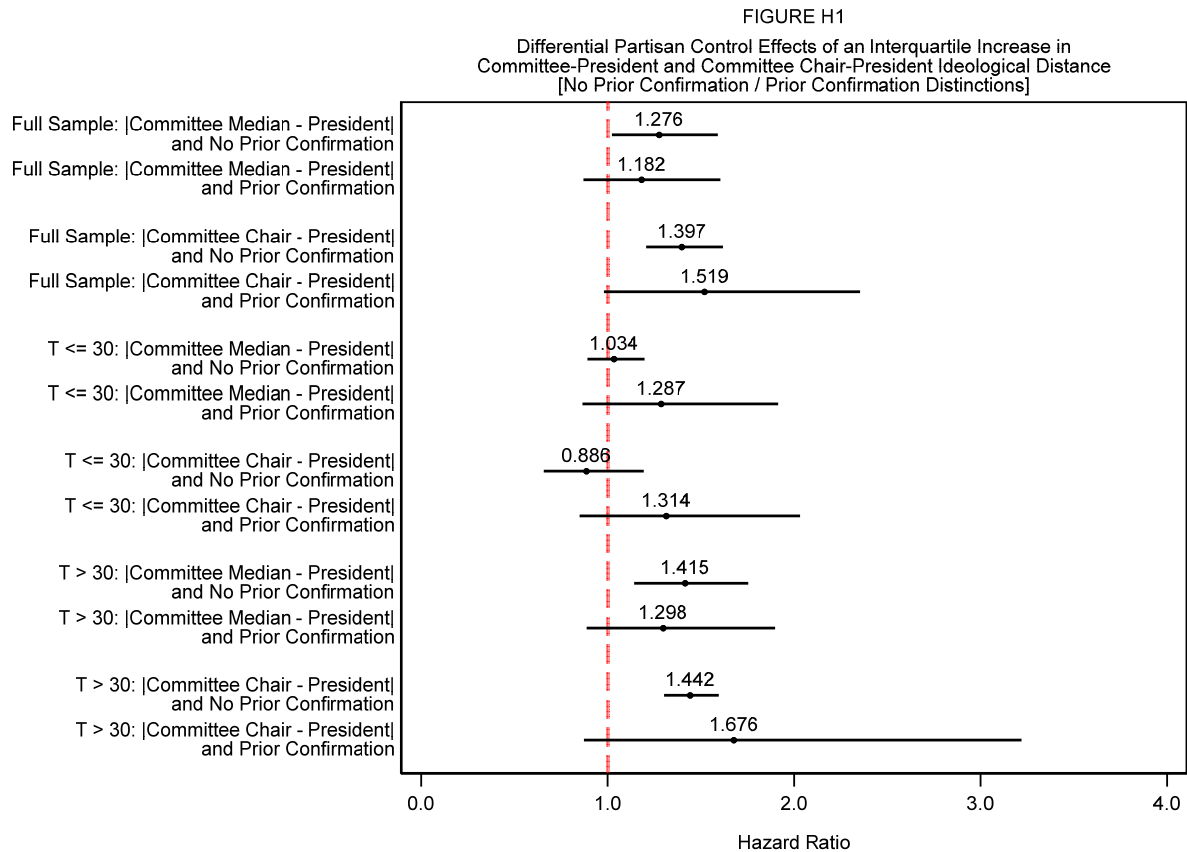
### *Evaluating Differences in PSVH Estimates Between Non-Prior Confirmation versus Prior Confirmation Distinctions*

We also seek to evaluate differences involving the PSVH estimates regarding whether an executive nominee had recently been successfully confirmed by the Senate or not. The idea being that PSVH-based selective vetting may yield swifter confirmation for those executive nominees who had recently been vetted by the Senate during the prior two Congresses compared to those who were not. This analysis was performed based on split subsamples of the database based on whether an executive nominee had not experienced



this condition (*Prior Senate Confirmation=0*) versus that those who had been successfully confirmed in recent times (*Prior Senate Confirmation=1*).

The marginal hazard ratio effects based on respective within interquartile increases in the absolute ideological distance between the relevant Senate committee and president variables appear below in **Figure H1**. Although some numerical variation exists among these estimates, none of the patterns are suggestive of a statistically discernible difference. Nonetheless, it is worth pointing out that the absolute ideological distance between the committee chair and president results in a modestly swifter confirmation of executive nominees who had recently been confirmed compared to counterparts who had not attained this status (Full Sample: 1.519 versus 1.397; Expeditious Process ( $T \leq 30$ ) Subsample: 1.314 versus 0.886; and Protracted Process ( $T > 30$ ) Subsample: 1.676 versus 1.442).



## REFERENCES

Clinton, Joshua D., and David E. Lewis. 2008. "Expert Opinion, Agency Characteristics, and Agency Preferences." *Political Analysis* 16(Winter): 3-20.

Hollibaugh Jr., Gary E., and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology." *American Journal of Political Science* 62(April): 296-311.

McCarty, Nolan, and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996." *American Journal of Political Science* 43(October): 1122-1143.

Ostrander, Ian. 2016. "The Logic of Collective Inaction: Senatorial Delay in Executive Nominations." *American Journal of Political Science* 60(October): 1063-1076.