Executive Deference or Legislative Constraint?

Committee Foundations of Confirmation Delay
for U.S. Executive Branch Appointments*

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Abstract

A theory of selective committee delay is proposed seeking 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 committee delay theory is obtained from nearly 8,000 U.S. federal executive appointments between 1987-2012, with evidence consistent with the theory becoming most pronounced for controversial executive nominees corresponding to lengthier committee confirmation processes. 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 that is highly contingent upon the existence of 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., 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 Bargen 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 2022; McCarty and Razaghian 1999; Ostrander 2016). These prior studies focus on inter branch policy conflict between the Senate chamber and president.

Existing studies have yet to analyze 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.[1] This study addresses this lacuna by proposing a theory of committee-centered confirmation delay rooted within a separation of powers framework. Almost 78% of the time that is required to confirm U.S. executive appointments within the Senate transpires within committees.[2] This is a salient concern for executive nominees chosen to serve in policymaking positions within U.S. federal agencies requiring Senate confirmation. Utilizing a sample of 5,876 confirmed U.S. executive

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[1] Both Ba, Schneider, and Sullivan (**nd**) and Krause and Byers (2022) analyze confirmation delay at the committee stage, yet neither study analyzes committee-level sources of confirmation delay.

[2] The correlation between committee delay and total confirmation delay is 0.836.

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. 92.63% of unconfirmed nominees in this sample

are thwarted at the committee stage, while only 7.37% are thwarted at the floor stage.

Senate committees selectively engage in stalling executive branch nominations since

the confirmation process 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 committee delay theory posits that Senate

committees has the strongest incentive to engage in confirmation delay as its policy

interests diverge from those of the president, while the Senate chamber is partisan aligned

with the president. This behavior is motivated by the fact that Senate committees incur

heavy policy costs *ex post* to confirmation when the Senate chamber is aligned with the

president's policy interests, and not its own. 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 the selective committee delay theory is obtained from an

analysis of data from approximately 8,000 confirmed U.S. civilian executive nominations for

policy positions between 1987-2012 obtained from Ostrander (2016). Analysis of the

dynamics underlying these data indicate that such contingent confirmation delay by Senate

committees is most acute for controversial executive nominees associated with lengthier

committee confirmation processes lasting more than 3.5 months, while no such evidence is

observed for consensual nominee counterparts swiftly reported out of committee within a

month. This study offers a novel account of the 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 – ranging from performing

oversight of federal agencies (Kriner and Schickler 2017; MacDonald and McGrath 2016) to

serving as '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), policy implementation (Shipan 2004), and the allocation of federal funds

(Clemens, Crespin, and Finocchiaro 2015). Much of this policy activity and influence is

concentrated in the hands of committee chairs (e.g., Berry and Fowler 2016, 2018).

Surprisingly, little is known about Senate committees' gatekeeping role regarding

the executive confirmation process – even though Senate committees are largely

responsible for conducting the work of vetting presidential nominees to executive branch

positions.[3] Senate committees independently investigate and inquire various aspects of a nominee's financial, career, and personal background, they must also evaluate 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). 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 processed 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 of 394], with a standard deviation of 365 nominees.

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.

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[3] 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.

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.

FIGURE 1: Box-Whisker Plots of Committee Confirmation Delay by Senate Committee
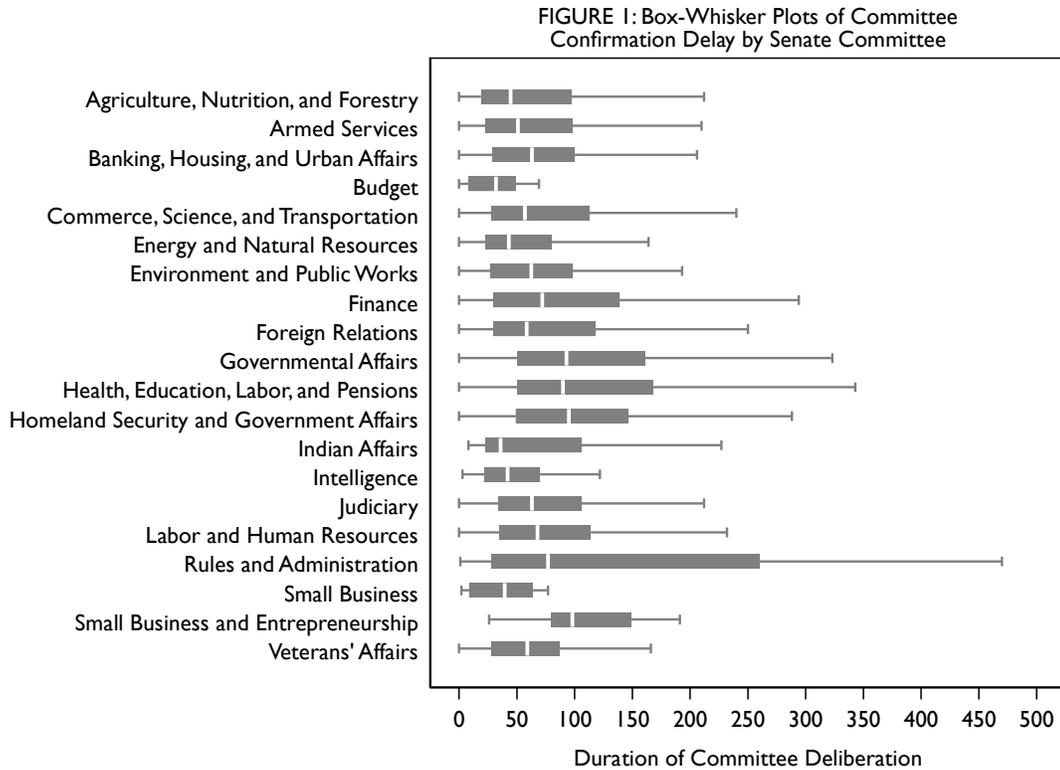
Next, a theory of selective committee delay is proposed to understand how Senate committees exercise 'advise and consent' powers involving executive nominees.

A THEORY OF SELECTIVE COMMITTEE DELAY

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 serve as the primary legislative check against executive authority over the appointment process. Senate committees are best positioned to undermine presidents' efforts at seeking both responsiveness and continuity in executive administration (e.g., O'Connell 2009, 2015).

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The logic of selective committee delay 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, Senate committees will therefore engage in slowing down the confirmation process since they have a strong incentive to engage in selective delay of executive nominees when it anticipates higher agency costs *ex post* to confirmation. 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 (floor) 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 in evaluating 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 much 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. Because the Senate chamber increases its powers of executive constraint

under divided partisan control in several ways, ranging from ramping up oversight activities (Kriner and Schickler 2017) to enhancing budgetary control (Bolton 2022) to a reduction of executive unilateral activity (Bolton and Thrower 2016), Senate committees are acutely aware of the institution's prerogative on executive constraint. Therefore, Senate committees' incentive for delaying executive nominees from confirmation 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].[4] 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 [85.76 percentile versus 92.95 percentile].

Although committees represent the interests of party leadership (Cox and McCubbins 1993), they nonetheless do exhibit some degree of ideological separation from 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 1st dimension estimates (Lewis, et al. 2020; Poole and Rosenthal 1997) (|*Committee Median – Senate Floor Median*|, Mean = 0.089 [95% CI: 0.087, 0.091], SD = 0.075; |*Committee Chair – Senate Floor Median*|, Mean = 0.224 [95% CI: 0.221, 0.227], SD = 0.128). Although the sample median of absolute ideological distance between the Senate committee and floor for

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[4] 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).

executive nominees is noticeably lower under unified partisan control compared to periods of divided partisan control (0.306, 0.714), the former cases exhibit much greater variability (coefficient of variation = 59.036, interquartile range = 0.386) relative to the latter ones (coefficient of variation = 21.128; interquartile range = 0.266).[5]

Confirmation delay 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.[6] 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 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:

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[5] The coefficient of variation is the percentage ratio of the standard deviation to the mean.

[6] 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 being reported out of committee with the remainder 78.2% of executive nominees successfully reported out of committee.

Selective Committee Delay Proposition: *Senate committees' propensity to delay the confirmation process is **decreasing** in its willingness to exercise executive deference regarding the executive nomination process.*

The testable implication of the *Selective Committee Delay Proposition* is straightforward. Senate committees engage in the most robust delay of executive nominees (i.e., most vigorous exercise of its legislative constraint) 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' delay efforts are *decreasing* in response to policy conflict with presidents. 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 evaluated in by analyzing inter branch partisan policy conflict between the Senate chamber and the president.

Partisan* Selective Committee Delay [PSCD] Hypothesis: *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.*

The PSCD hypothesis counterintuitively predicts that greater inter branch conflict between the president and Senate chamber will yield swifter confirmation processes at the committee level. Selective committee delay 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 committee delay captures the inherent tension between executive deference and legislative constraint implicit in the Appointments Clause by predicting that

Senate committees will be provide 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 data and empirical strategy are discussed.

DATA AND EMPIRICAL STRATEGY

The PCSD hypothesis is analyzed using a sample of executive nominations covering the 100th through the 112th 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.[7] These data permit examination of the nomination process by inspecting individual nominees and the corresponding committees that were involved in the confirmation 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 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). This measure involved the authors collecting the data on individual nominees'

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[7] 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.

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 1st 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*

Chair − President|].[8] Similarly, policy disagreement between the Senate chamber and

president is captured by divided partisan control of the Senate and presidency (Ostrander

2016). The testable implication of PSCD hypothesis 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$_t$*| × *Divided*

Partisan Control > 0). Evaluation of the PSCD hypothesis is evaluated in by specifying a

binary indicator that equals 1 for times of divided partisan control of the Senate and

presidency, while being equal to 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

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[8] 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.

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 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 exhibit 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 confirmation delay, 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 variable

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 i*s 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 1st 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. The

legislative workload of Senate committees is accounted for in the model specifications by

including a variable that is the natural log of the number of bills reported to each

committee in a given Congress (*ln(Committee* Workload). Finally, committee-level unit

effects are modeled as a series of binary indicators to account for any remaining unobserved

heterogeneity across committees.

The statistical modeling approach adopted here relies upon Weibull parametric

survival models. This modeling approach is 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

The Weibull model survival regression estimates appear in **Table 1**. For both

purposes of brevity and document space limitations, attention is limited to the PSCD

hypothesis represented by the primary covariates of interest appearing in **Table 1**. In both

Models 1 & **2**, the baseline hazard ratio estimates of Senate committee ideological

divergence with respect to presidents *(|Senate Committee Median – President|; |Senate*

Committee Chair – President|) are statistically significant and substantially below 1.00

(null effect) in each model. That is, on average, executive nominees experience greater delay

within the committee stage of the confirmation process as ideological policy conflict between

the committee and president increases under unified partisan control when the Senate

chamber and president are controlled by the same party. 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 PSCD hypothesis.

TABLE 1:

Evaluating Partisan Selective Committee Delay [PSCD] Hypothesis: Full Sample
(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)

Variable	Model 1 (Full)	Model 2 (Full)
|Senate Committee Median – President|	0.439*** (0.104)	———
|Senate Committee Chair – President|	———	0.278*** (0.090)
Divided Partisan Control of Senate and Presidency	0.398** (0.165)	0.366** (0.122)
|Senate Committee Median – President| x Divided Partisan Control of Senate and Presidency	3.462** (1.838)	———
|Senate Committee Chair – President| x Divided Partisan Control of Senate and Presidency	———	5.554*** (2.438)
Senate Committee Confirmation Workload	1.000** (0.00005)	1.000 (0.00003)
Senate Committee Staff Size	0.994 (0.004)	0.995 (0.004)
Senate Committee Median Experience	1.023 (0.019)	———
Senate Committee Chair Experience	———	1.003 (0.004)

Senate Party Polarization	0.055***	0.032***
	(0.030)	(0.017)
Presidential Approval	1.005	1.004
	(0.003)	(0.003)
First 90 Days	2.448***	2.422***
	(0.273)	(0.246)
Presidential Election Year	0.821***	0.822***
	(0.039)	(0.044)
Second Term Nomination	0.825*	0.870
	(0.067)	(0.083)
Number of Senate Roll Call Votes	1.003	1.002
	(0.001)	(0.002)
Female Nominee	1.015	1.014
	(0.052)	(0.051)
Prior Senate Confirmation	0.935	0.948
	(0.056)	(0.055)
Cabinet Level	0.966	0.958
	(0.065)	(0.063)
High Level	0.684	0.676
	(0.183)	(0.179)
Major Board	0.724*	0.729*
	(0.111)	(0.109)
Defense	0.797**	0.834*
	(0.064)	(0.065)
Infrastructure	0.927	0.941
	(0.067)	(0.062)
Social Programs	0.864	0.886
	(0.096)	(0.096)
Federal Vacancies Reform Act	1.280***	1.268***
	(0.087)	(0.075)
Nomination During First Recess	1.112	1.114
	(0.069)	(0.067)
Nomination During Second Recess	0.842	0.836
	(0.098)	(0.095)
Policy Agency	1.204	1.205
	(0.160)	(0.161)
ln(Committee Workload)	0.918	0.852
	(0.151)	(0.119)
ln(p)	1.040*	1.043*
	(0.018)	(0.017)
Log Pseudo-Likelihood	−10684.928	−10668.362
Total Number of Observations	7,873	7,873
Number of Uncensored Observations	5,876	5,876

Notes: Entries are hazard ratio estimates (H_0: $\exp(\beta) = 1.0$). Committee unit effects included in all model specifications. 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.[9] The

substantive differential marginal effects involving ideological divergence between

committees and the president increases the odds of being reported out of committee by

28.7% 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 analyzing the partisan control regime differential with respect to the absolute

ideological distance between the committee chair and president [43.7%]. This pattern is

hardly surprising given the importance of committee chairs for representing the

committee's policy interests and jurisdictional turf (e.g., see Berry and Fowler 2016, 2018).

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 contain overall prediction error uncertainty generated

from the entire model specification. An interquartile increase in committee – president

ideological divergence yields 40 and 69 fewer days of confirmation delay under divided

partisan control of the Senate and presidency compared to when these political branches

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[9] 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

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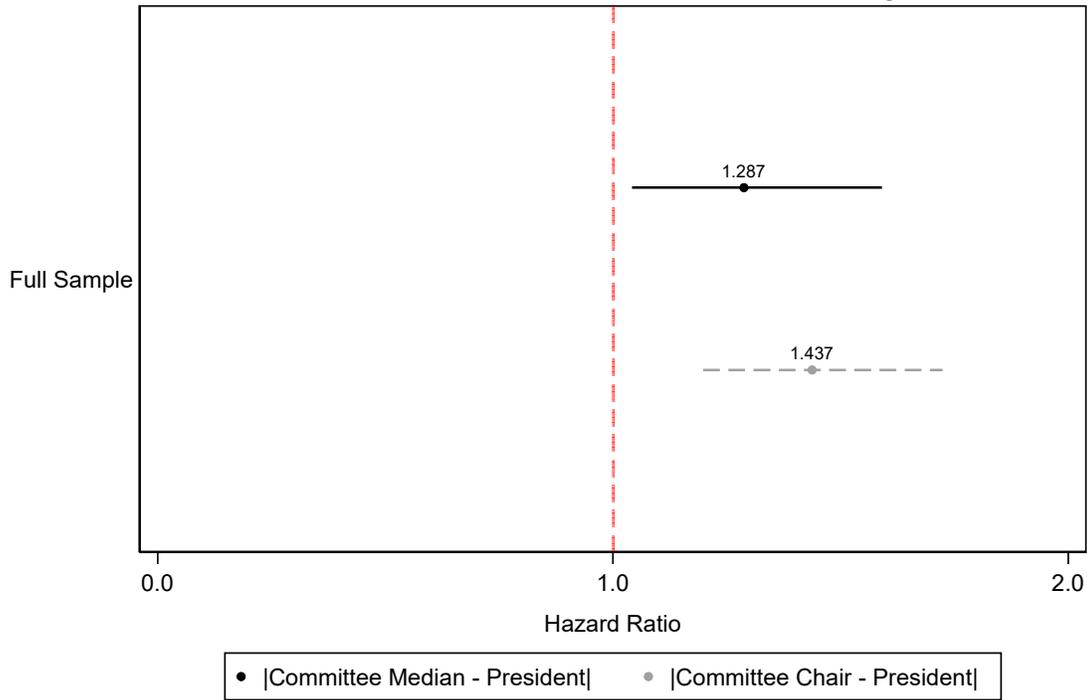
Notes: Point estimates represent differential marginal hazard ratio estimates with 95% confidence bands. These estimates represent the differential marginal within-committee effect of a respective interquartile increase in Committee−President Absolute Ideological Distance between divided and unified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

are unified when the committee median and committee chair's ideal point are respectively analyzed. These effects constitute 62.5% and 107.8% of the respective interquartile range of committee delay (IQR$_{\text{Full Sample}}$ = 64 days). In the former case of $|Senate\ Committee\ Median - President|$, these **Model 1** estimates are marginally significant at the 10% level based on a lower one-tailed test (p = 0.07; [−92.762, 12.966]), with 87.70% of the density falling below the zero vertical red dashed line.

FIGURE 3
Differential Partisan Control Effects
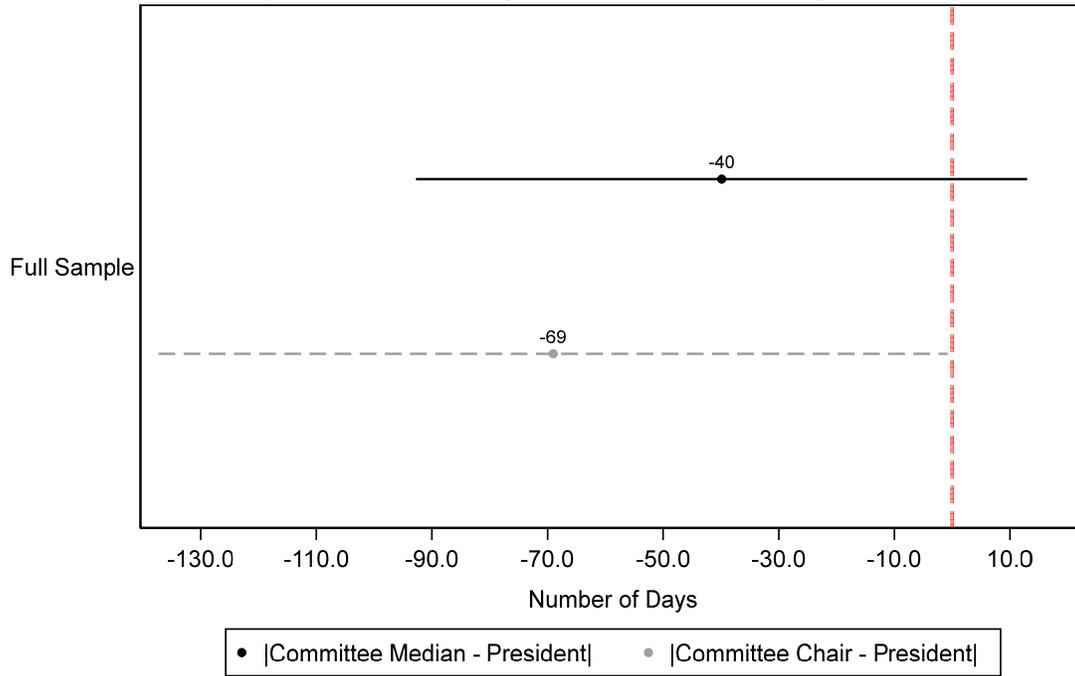### (Predicted Median Marginal Committee Survival Delay Differences)

Notes: Point estimates represent differential marginal predicted number of median days with 95% confidence bands. These estimates represent the differential marginal within-committee effect of a respective interquartile increase in Committee–President Absolute Ideological Distance between divided and unified partisan control of the Senate and Presidency.

Unpacking the Dynamics of Partisan Selective Committee Confirmation Delay:

The preceding full sample analyses presumes that the average estimated effects relating to the PSCD hypothesis are homogeneous across all executive nominations in the sample. Yet, it remains likely that such effects should systematically differ between consensual nominees swiftly reported out of committee versus controversial nominees experiencing a protracted process. Put another way, the distinction between exercising a vigorous legislative constraint under unified partisan control of Senate and president compared to greater executive deference under divided partisan control of these political branches in response to committee ideologically divergence from the president should systematically vary among executive nominees. Controversial nominees take a lengthy

period of time to be successfully reported out of committee, and hence, should be associated with greater flexibility shifting between legislative constraint under unified partisan control and executive deference under divided partisan control compatible with selective committee delay logic compared to consensual nominees experiencing an expedited committee process. This is because committees often have little concern regarding consensual nominees based on the latter's background, qualifications, and policy views of this subset of nominees. This tension between legislative constraint and executive deference is more acute for controversial nominees since concerns relating to background, qualifications, and policy views will be amplified. PSCD differential effects are therefore hypothesized as being more elastic (i.e., larger) for controversial nominees than compared to consensual nominees.

These distinctions are addressed by re-analyzing the statistical models covered in the preceding section by disaggregating the sample into three sets of executive nominees: (1) *consensual nominees*: those reported out of committee in less than 30 days [T < 30 days: lower quartile of observations]; (2) *normal nominees*: those reported out of committee between 30 and 114 days [30 days ≤ T ≤ 114 days: interquartile of observations]; and (3) *controversial nominees:* those reported out of committee beyond 114 days [T > 114 days: upper quartile of observations]. **Table 2** reports the Weibull Model hazard ratio regression estimates for this subsample analysis of committee delay for executive nominees. Only for normal (30 days ≤ T ≤ 114 days) and controversial (T > 114 days) executive nominees [**Models 5-7**] are the baseline hazard ratio estimates of Senate committee ideological divergence with respect to presidents *(|Senate Committee Median – President|; |Senate Committee Chair – President|)* are statistically significant and substantially below 1.00 (null effect) in each model.

TABLE 2:

Evaluating the Partisan Selective Committee Delay [PSCD] Hypothesis: Subsample Analysis

(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)

Variable	Model 3 (T < 30)	Model 4 (T < 30)	Model 5 (30 ≤ T ≤ 114)	Model 6 (30 ≤ T ≤ 114)	Model 7 (T > 114)	Model 8 (T > 114)
|Senate Committee Median – President|	0.742	———	0.593***	———	0.102***	———
	(0.133)		(0.088)		(0.070)	
|Senate Chair Median – President|	———	0.975	———	0.401***	———	0.112
		(0.483)		(0.100)		(0.127)
Divided Partisan Control of Senate and Presidency	0.696	1.325	0.537**	0.658	0.403	0.467
	(0.167)	(0.455)	(0.140)	(0.182)	(0.310)	(0.325)
|Senate Committee Median – President| x Divided Partisan Control of Senate and Presidency	1.522	———	2.804**	———	7.709*	———
	(0.543)		(1.156)		(8.539)	
|Senate Committee Chair – President| x Divided Partisan Control of Senate and Presidency	———	0.629	———	2.851***	———	10.912*
		(0.427)		(1.105)		(15.379)
Senate Committee Confirmation Workload	1.000	1.000	1.000*	1.000**	1.000	1.000
	(0.00007)	(0.00006)	(0.00005)	(0.00004)	(0.00006)	(0.00007)
Senate Committee Staff Size	0.995	0.995	0.993**	0.993*	1.004	1.007
	(0.003)	(0.004)	(0.003)	(0.003)	(0.007)	(0.005)
Senate Committee Median Experience	0.999	———	0.993	———	1.061	———
	(0.014)		(0.014)		(0.034)	
Senate Committee Chair Experience	———	1.009	———	1.005	———	0.991
		(0.005)		(0.005)		(0.006)
Senate Party Polarization	0.083**	0.067**	0.097***	0.067***	0.385	0.458
	(0.076)	(0.064)	(0.039)	(0.040)	(0.516)	(0.568)
Presidential Approval	1.007	1.007	0.999	1.000	1.009	1.004
	(0.004)	(0.004)	(0.003)	(0.003)	(0.007)	(0.005)
First 90 Days	1.815***	1.803***	2.971***	2.915***	1.252	1.549
	(0.164)	(0.175)	(0.362)	(0.359)	(0.447)	(0.527)
Presidential Election Year	0.885	0.885	0.607***	0.608***	0.931	0.927
	(0.118)	(0.115)	(0.044)	(0.043)	(0.115)	(0.109)
Second Term Nomination	1.052	1.051	1.016	1.100	0.886	0.811
	(0.127)	(0.125)	(0.073)	(0.076)	(0.092)	(0.099)
Number of Senate Roll Call Votes	0.998	0.998	1.003*	1.003*	1.004	1.003
	(0.002)	(0.002)	(0.001)	(0.001)	(0.003)	(0.004)

Female Nominee	1.017	1.017	1.031	1.028	1.042	1.043
	(0.037)	(0.036)	(0.052)	(0.053)	(0.073)	(0.074)
Prior Senate Confirmation	1.110*	1.090	0.955	0.954	1.118	1.090
	(0.057)	(0.056)	(0.052)	(0.053)	(0.178)	(0.178)
Cabinet Level	0.813***	0.807***	1.183*	1.173*	0.857	0.822
	(0.038)	(0.041)	(0.086)	(0.088)	(0.160)	(0.164)
High Level	1.266**	1.251*	0.981	0.991	0.354*	0.338**
	(0.109)	(0.113)	(0.146)	(0.151)	(0.147)	(0.135)
Major Board	0.940	0.940	1.059	1.068	0.697**	0.668**
	(0.062)	(0.066)	(0.109)	(0.112)	(0.094)	(0.095)
Defense	1.237	1.257	0.906	0.918	0.698	0.766
	(0.204)	(0.197)	(0.148)	(0.156)	(0.290)	(0.325)
Infrastructure	1.021	1.032	1.141	1.143	0.573***	0.623*
	(0.039)	(0.035)	(0.165)	(0.162)	(0.102)	(0.126)
Social Programs	0.862	0.869	1.056	1.058	0.913	0.924
	(0.077)	(0.076)	(0.156)	(0.153)	(0.148)	(0.175)
Federal Vacancies Reform Act	1.063	1.071	1.112	1.135	1.121	1.126
	(0.114)	(0.109)	(0.088)	(0.106)	(0.172)	(0.146)
Nomination During First Recess	1.443***	1.450***	0.791***	0.788***	1.043	1.047
	(0.135)	(0.134)	(0.041)	(0.043)	(0.175)	(0.169)
Nomination During Second Recess	1.080	1.097	0.586***	0.589***	1.716**	1.726**
	(0.196)	(0.203)	(0.045)	(0.042)	(0.351)	(0.361)
Policy Agency	0.993	0.999	1.022	1.029	1.113	1.092
	(0.125)	(0.130)	(0.062)	(0.065)	(0.295)	(0.297)
ln(Committee Workload)	0.748	0.739	0.965	0.982	1.462	1.500*
	(0.144)	(0.134)	(0.171)	(0.156)	(0.333)	(0.308)
$ln(p)$	2.349***	2.352***	3.306***	3.309***	1.719***	1.704***
	(0.069)	(0.071)	(0.082)	(0.083)	(0.038)	(0.043)
Log Pseudo-Likelihood	−1405.565	−1404.173	−1735.155	-1724.218	-1717.519	-1730.820
Total Number of Observations	1,914	1,914	3,989	3,989	1,970	1,970
Number of Uncensored Observations	1,513	1,513	3,405	3,405	958	958

Notes: Entries are hazard ratio estimates (H_O: $exp(\beta) = 1.0$). Committee unit effects included in all model specifications. 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.

* $p \leq 0.10$ ** $p \leq 0.05$ *** $p \leq 0.01$.

The pattern of these hazard ratio estimates indicates that this source of committee stage confirmation delay under unified partisan control of both branches is more acute for controversial executive nominees than normal executive nominees, while being of no consequence for consensual executive nominees (T < 30 days). The PSCD interaction coefficients corresponding to |*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*, are not consistent with PSCD hypothesis with respect to consensual executive nominees [**Models 3 & 4**], but is consistent with the PSCD hypothesis for normal and controversial executive nominees [**Models 5-8**]; albeit the hazard ratio estimates are much larger, albeit estimated with much less precision for the controversial nominees (**Model 7:** p = 0.065; **Model 8**: p = 0.090]. This is likely due to the somewhat greater variability in committee delay among the controversial executive nominee subsample of observations compared to both the consensual and normal nominee groups based on the spread of these committee confirmation times − despite the consensual and controversial nominee subsamples having similar coefficient of variation.[10]

  Figure 4 presents the differential marginal impact of an interquartile within-committee increase in |*Senate Committee Median – President*| and |*Senate Committee*

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[10] The coefficient of variation for controversial, normal, and consensual executive nominees is: 0.558 (IQR = 164 days), 0.350 (IQR = 48 days), and 0.577 (IQR = 15 days). Yet, the standard error of committee confirmation delay for these subsamples is 3.123 (138.6017 / $\sqrt{1,970}$), while it is 0.369 (23.30793 / $\sqrt{3,989}$) and 0.207 (9.040377 / $\sqrt{1,914}$) for normal and consensual executive nominees, respectively. This is a factor difference of 8.46 and 15.11 greater variability of the controversial nominee subsample compared to these other subsamples.

Chair – President | between divided and unified partisan control of the Senate chamber and presidency. The marginal effect hazard ratio estimates are small in magnitude (close to positive unity) for consensual nominees (T < 30 days), while representing a 22.9% and 24.8% respective increase in the risk of being reported out of committee on any given day for normal nominees (30 days ≤ T ≤ 114 days) in **Models 5 & 6**. For controversial nominees (T > 114 days) this relative risk of being reported out of committee rises to 60.3% ([0.971, 2.647]; 98.25%[11] of the density lies above zero) and 69.8% ([0.921, 3.131]; 96.42% of the density lies above zero) higher when the Senate and president are controlled by different parties compared to times of unified partisan control. As noted earlier, these marginal effects are substantial, albeit estimated with less precision than compared to consensual
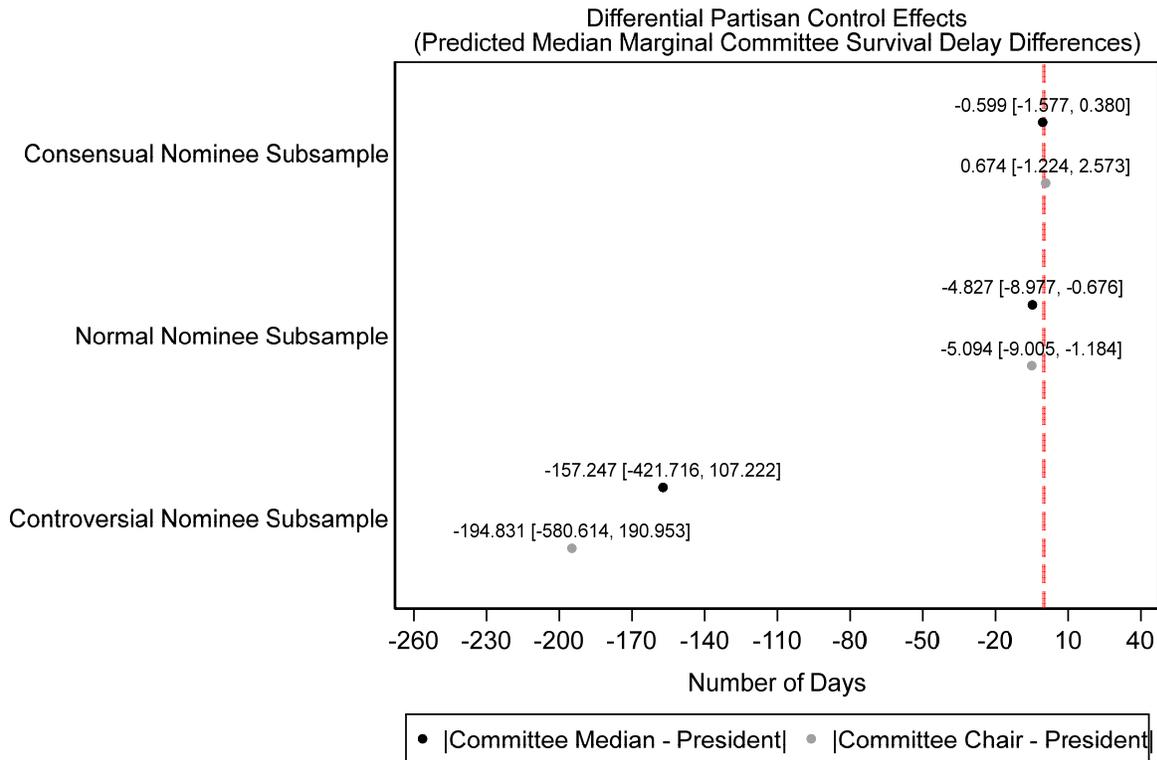
FIGURE 4
Differential Partisan Control Effects of Committee-President Ideological Distance
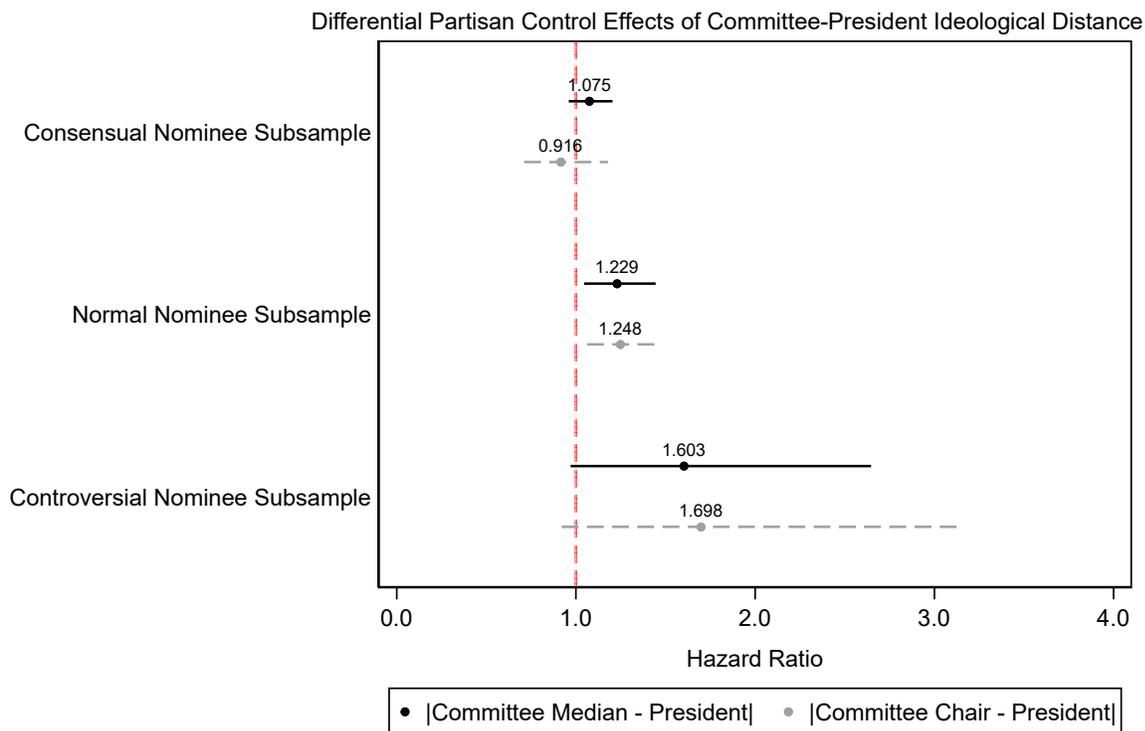
and normal nominees which exhibit less subsample committee delay variation compared to the controversial nominees (see *Note 10*).

Figure 5 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. Recall, that these estimates are naturally more imprecise than those reported above in **Figure 4** since they contain both parameter and model uncertainty in generating this set of estimates. An interquartile increase in committee – president ideological divergence yields approximately 5 fewer days of committee confirmation delay for normal nominees (30 days $\leq$ T $\leq$ 114 days) under divided partisan control of the Senate and presidency compared to when these political branches are unified for both the committee median (**Model 5**) and committee chair (**Model 6**) models. Taken as a whole, these effects are relatively meager since they constitute roughly 13.89% of the respective interquartile range of committee delay (IQR$_{\text{Normal Nominee Subsample}}$ = 36 days). Finally, these predicted median survival committee delay differences are substantial for controversial nominees, albeit estimated with somewhat greater relative imprecision beyond conventional levels of statistical significance attributed to additional model residual error uncertainty. Specifically, an interquartile increase in the respective committee – president ideological divergence covariate is associated with roughly 157 ([−107.222, 421.716]; 79.72%[12] of the density lies below zero) and 195 ([−190.953, 580.614]; 75.25% of the density lies below zero) fewer days at the committee stage of the confirmation process under divided partisan control of these political branches compared to eras of unified political control. These estimated effect sizes constitute nearly 95.37% and 118.90% of the

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[12] This computed as 95% UCL / [95% UCL + |95% LCL|]*100.

FIGURE 5

Differential Partisan Control Effects
(Predicted Median Marginal Committee Survival Delay Differences)

respective interquartile range of committee delay ($IQR_{Controversial\ Nominee\ Subsample} = 164$ days) based on the uncensored or confirmed cases. In tandem, these findings suggest that Senate committees face the most acute tension between executive deference and legislative constraint for executive nominees who are not successfully reported out to the Senate floor within 3.5 months from time of formal nomination.

Supplementary analyses covered in the *Supplementary Appendix* document indicates that the selective committee delay 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 (***Appendix B***). In addition, the core findings presented in the manuscript, with few exceptions, are extremely robust when omitting non-policy agencies from the sample of observations (***Appendix C***),

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accounts for an alternative censoring decision rule (**Appendix E**), and alternative

estimation strategies involving Weibull models with Gamma distributed frailty and Cox

semiparametric models (**Appendix F**). Additional analyses demarcating different

president-agency ideological configurations in **Appendix D** reveals that committee delay

predicted by the theory is more pronounced for those statistical models premised on the

committee chair's ideal point when strong prospects favor executive branch coordination

exist (i.e., *President− Ideologically Aligned Agency*) compared to when such prospects are

weak (i.e., *President− Ideologically Opposed Agency*). This empirical finding suggests that

Senate committee chairs are more effective than committees at reducing the *ex post* moral

hazard risks with respect to confirming executive nominees form presidential-aligned

agencies compared to presidential-opposed agencies. **Appendix G** provides statistical

evidence that selective committee delay theory has tangible implications for predicting total

confirmation delay (i.e., time from nomination to successful confirmation) for executive

nominees. **Appendix H** offers scant 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. Rather, the evidence

indicates that, if anything, when such differences arise for both normal and controversial

nominee subsamples, the estimates reveal the exact opposite pattern – a recent prior PAS

confirmation actually reduces the magnitude of partisan selective committee delay relative

to not having recently gone through this process. Some caution is warranted in terms of

interpreting this empirical pattern since it might be the result of the low statistical power

attributable to the prior confirmation subsample comprising only 14.19% of the total

observed failures. Finally, **Appendix I** reveals that the unconditional association between

committee ideological divergence from the president that is not predicated on the partisan

control of branches. These unconditional estimates are generally consistent with the

reported findings insofar that increasing ideological divergence between committees and

presidents generates greater committee delay, albeit these models offer a clearly inferior fit

to the data compared to the reported models evaluating the PSCD hypothesis based on a

multiplicative model specification for all but the consensual nominee subsample.[13]

DISCUSSION

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*). Senate committees navigate these normative tensions by delaying the

confirmation of executive nominees when they are ideologically divergent from both the

president and Senate chamber. Senate committees experiencing policy conflict with

presidents place a premium on exercising a legislative constraint under unified partisan

control of these political branches for controversial executive nominees where the stakes

tend to be high as evinced by protracted committee confirmation processes.

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

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[13] The reported **Models 1-2**, **5-8** range from a nontrivial BIC difference between -14.90 (**Model 7**)

and -87.53 (**Model 2**). The BIC difference is a paltry -1.25 and -1.41 in **Models 3** & **4**.

– 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 capable of serving in this role. Because Senate committees constitute the largest apportionment of confirmation delay for executive nominees, as well as responsible for nearly 93% of failed confirmations, these bodies exercise decentralized 'advise and consent' authority on behalf of the entire chamber.

Presidential appointment strategies should account for those committees out of ideologically step with both the president and Senate chamber – especially for controversial executive nominees subject to lengthier committee processes, instead of being predicated on facing an ideologically or partisan majority opposition from the Senate. Senate committee's contribution to confirmation delay is extremely compelling when one considers 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 are more critical for exercising legislative constraint on executive authority with the demise of the filibuster.

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 balance the tradeoff between executive instability versus executive policy control when making appointment choices. One viable

path forward is to view presidents as facing a menu of options, including executive nomination, interim appointed service, and vacancy – and how it might affect the president's willingness to incur costly confirmation delay across heterogenous Senate committees based on the particular administrative position, as well as 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.

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APPENDIX

Executive Deference or Legislative Constraint?

Committee Foundations of Confirmation Delay
for U.S. Executive Branch Appointments

Listing of U.S. Federal Agency Organizations Covered in the Sample (with Total Nominee Count); Descriptive Statistics & Data Sources, & Spike Histogram Plot Committee-Based Confirmation Delay

Appendix Table A1.1

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

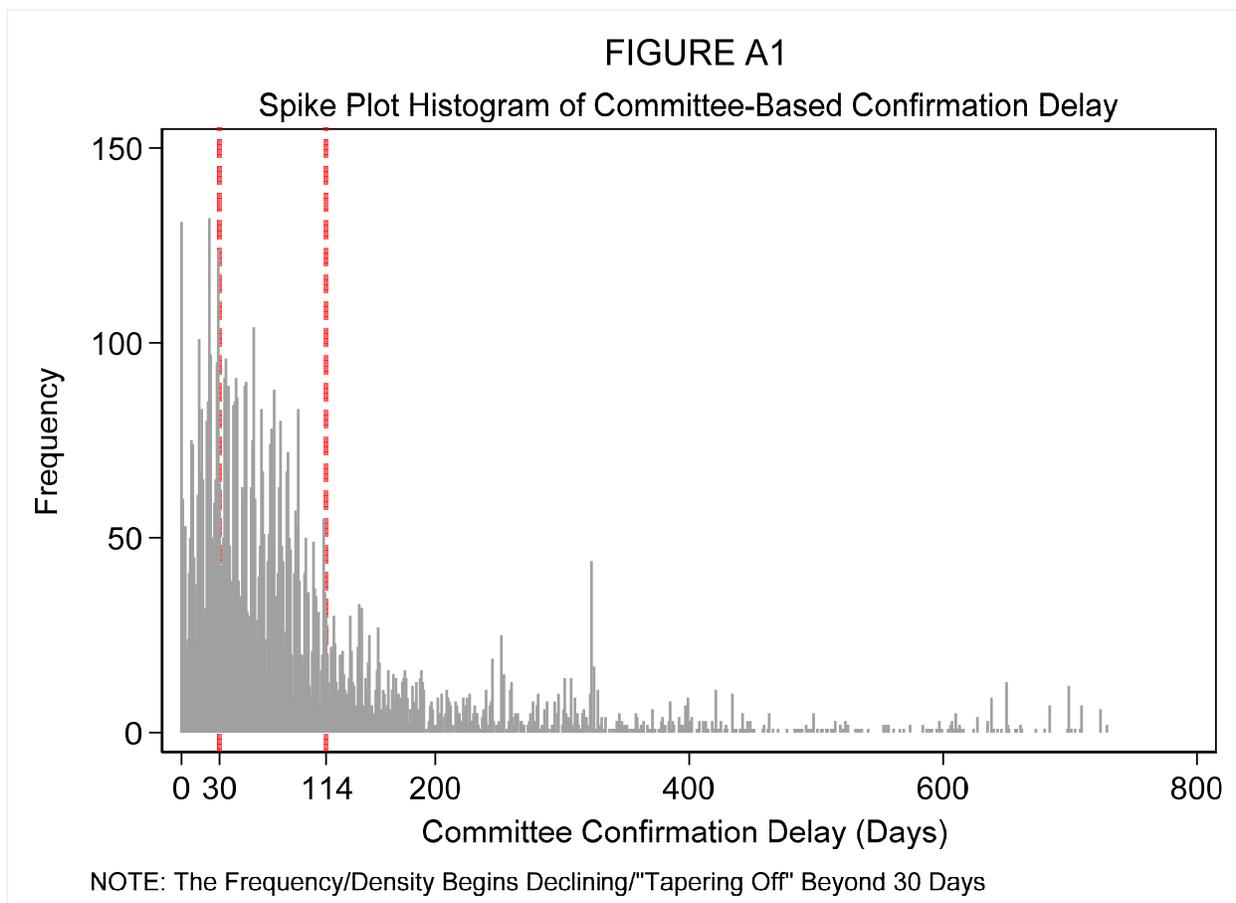|		
Resolution Trust Corporation		7
Saint Lawrence Seaway Development Corporation		14
Securities and Exchange Commission		37
Securities Investor Protection Corporation		40
Selective Service System		7
Small Business Administration		34
Social Security Administration		37
Social Security Advisory Board		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

Appendix Table A1.2: Variable, Descriptive Statistics, and Data Sources

Variable	Mean	SD	Min	Max	Source
Committee Delay **(legvetdur2plus1)**	100.814	113.919	1	730	Calculated by authors from information obtained from congress.gov[1]
PRIMARY & COMMITTEE COVARIATES					
|Senate Committee Median – President | **(committee_pres1)**	0.570 0.551 0.564 0.600	0.261 0.260 0.264 0.255	0.078 0.078 0.078 0.078	1.022 1.022 1.022 1.022	DW-NOMINATE[2] & Congressional Directory[3]
|Senate Committee Chair – President | **(Chair_pres1)**	0.591 0.558 0.585 0.636	0.396 0.399 0.399 0.383	0.002 0.002 0.002 0.002	1.29 1.29 1.29 1.29	DW-NOMINATE & Congressional Directory[4]
Divided Partisan Control of Senate and Presidency **(sendivide)**	0.558 0.512 0.551 0.619	0.496 0.499 0.497 0.485	0 0 0 0	1 1 1 1	Ostrander (2016)[5]
Senate Committee Median Experience **(experience_median)**	7.103 7.170 7.102 7.038	2.725 2.788 2.747 2.617	2 2 2 2	16 16 16 15	Congressional Directory
Senate Committee Chair Experience **chair_experience_1)**	21.908 21.615 21.986 22.032	8.613 7.605 8.663 9.397	3 3 3 3	46 46 46 46	Congressional Directory[6], Congress.gov[7], BioGuide[8] & Senate.gov[9]
Senate Committee Confirmation Workload: Including Non-Policy Positions **(kv_workload)**	3289.584 3191.245 3274.412 3415.848	659.410 570.535 658.705 719.395	1992 1992 1992 1992	5374 5374 5374 5374	DW-NOMINATE
Senate Committee Staff Size **(committeestaffsize)**	69.278 64.114 69.767 73.305	26.620 25.776 26.614 26.654	14 16 14 16	168 143 168 168	Senate.gov[10], Congressional Directory & DW-NOMINATE https://fas.org/sgp/crs/misc/R43946.pdf
CONTROL COVARIATES					
Senate Party Polarization **(polarization)**	0.740 0.728 0.740 0.751	0.075 0.069 0.076 0.076	0.611 0.611 0.611 0.611	0.88 0.88 0.88 0.88	Ostrander (2016)
Average Presidential Approval **(pres_app_m)**	53.825 54.723 54.400 51.787	12.175 11.313 12.398 12.300	26.5 28 26.5 28	86.45 86.45 86.45 86.45	Ostrander (2016)
Honeymoon **(first90)**	0.051 0.112	0.220 0.315	0 0	1 1	Ostrander (2016)

	0.044	0.207	0	1	
	0.004	0.067	0	1	
Presidential Election Year **(preselection)**	0.181	0.385	0	1	Ostrander (2016)
	0.159	0.366	0	1	
	0.172	0.378	0	1	
	0.219	0.414	0	1	
Second Term Nomination **(lameduck)**	0.362	0.480	0	1	Ostrander (2016)
	0.259	0.438	0	1	
	0.359	0.480	0	1	
	0.467	0.499	0	1	
Senate Legislative Workload **(workload)**	31.570	18.754	0	97	Ostrander (2016)
	31.528	18.707	0	97	
	32.287	18.760	0	97	
	30.162	18.715	0	97	
Female Nominee **(female)**	0.270	0.454	0	1	Ostrander (2016)
	0.247	0.473	0	1	
	0.278	0.448	0	1	
	0.277	0.447	0	1	
Prior Senate Confirmation **(priorconfirm)**	0.131	0.337	0	1	Ostrander (2016)
	0.132	0.338	0	1	
	0.116	0.320	0	1	
	0.159	0.366	0	1	
Cabinet Level **(_itier_2)**	0.232	0.422	0	1	Ostrander (2016)
	0.265	0.411	0	1	
	0.257	0.437	0	1	
	0.149	0.356	0	1	
High Level **(_itier_3)**	0.059	0.236	0	1	Ostrander (2016)
	0.074	0.262	0	1	
	0.046	0.210	0	1	
	0.070	0.256	0	1	
Major Board **(_itier_4)**	0.533	0.498	0	1	Ostrander (2016)
	0.454	0.498	0	1	
	0.522	0.499	0	1	
	0.630	0.482	0	1	
Defense **(defense)**	0.085	0.279	0	1	Ostrander (2016)
	0.109	0.312	0	1	
	0.082	0.275	0	1	
	0.068	0.251	0	1	
Infrastructure **(infrastructure)**	0.046	0.210	0	1	Ostrander (2016)
	0.055	0.228	0	1	
	0.052	0.222	0	1	
	0.025	0.158	0	1	
Social Program **(social)**	0.065	0.246	0	1	Ostrander (2016)
	0.061	0.240	0	1	

	0.071	0.258	0	1	
	0.055	0.228	0	1	
FVRA / Federal Vacancy Reform Act, 1998 **(fvra)**	0.262	0.440	0	1	Congressional Record https://www.govinfo.gov/content/pkg/USCODE-2006-title5/pdf/USCODE-2006-title5-partIII-subpartB-chap33-subchapIII-sec3345.pdf
	0.287	0.452	0	1	
	0.281	0.449	0	1	
	0.201	0.400	0	1	
August Recess **(firstrecess)**	0.139	0.346	0	1	Generated from other Variables
	0.137	0.344	0	1	
	0.158	0.365	0	1	
	0.103	0.304	0	1	
December Recess **(secondrecess)**	0.104	0.305	0	1	Generated from other Variables
	0.149	0.356	0	1	
	0.075	0.264	0	1	
	0.118	0.323	0	1	
Policy Agency **(policy_majagency)**	0.741	0.437	0	1	Calculated by authors from information obtained from congress.gov[11]
	0.814	0.388	0	1	
	0.746	0.435	0	1	
	0.659	0.473	0	1	
ln(Committee Workload) **(ln_combills_workload)**	5.524	0.715	1.609	7.403	Calculated by authors from information obtained from congress.gov[12]
	5.416	0.735	1.609	7.403	
	5.537	0.714	1.609	7.403	
	5.602	0.683	1.609	7.403	

Notes: First row entries in each cell are descriptive statistics based on the full sample of observations. Second row entries in each cell are descriptive statistics based on the *Consensual Nominee* subsample of observations (T < 30 days). Third row entries in each cell are descriptive statistics based on the *Normal Nominee* subsample of observations (30 days ≤ T ≤ 114 days). Fourth row entries in each cell are descriptive statistics based on the *Controversial Nominee* subsample of observations (T > 114 days).

FIGURE A1

Spike Plot Histogram of Committee-Based Confirmation Delay

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

APPENDIX B:

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

Selective committee delay 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: $|Senate\ Filibuster\ Pivot_t - President_t|$ (e.g., see Hollibaugh and Rothenberg 2018). What is of interest here is the interaction between the $|Senate$

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Committee Median [Chair]$_{j,t}$ – President$_t$ | × | *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 1-8 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 PSCD based on the

ideological measures involving the Senate chamber and president. The lone exception is

Model 6, where the partial differential hazard ratio estimate (2.856) of this multiplicative

parameter has a two-tailed p-value = 0.185 (see red typeface entry). The evidence

evaluating ideological selective committee delay is consistent with the partisan variant

evaluated in the manuscript.

Evaluating *Ideological-Based* Committee Selective Delay of Executive Nominees by Senate Committees
(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
|Senate Committee Median – President|	0.011***	___	0.663	___	0.180**	___	0.004***	___
	(0.011)		(0.573)		(0.109)		(0.006)	
|Senate Chair Median – President|	___	0.037***	___	1.475	___	0.343	___	0.011***
		(0.034)		(1.097)		(0.209)		(0.010)
| President – Senate Filibuster Pivot |	0.269*	0.292***	0.580	0.984	0.608	0.857	0.075***	0.024***
	(0.158)	(0.107)	(0.402)	(0.453)	(0.206)	(0.193)	(0.057)	(0.019)
|Senate Committee Median – President| x | President – Senate Filibuster Pivot |	120.904*** (111.083)	___	1.534 (1.498)	___	6.778** (4.419)	___	367.110*** (535.638)	___
|Senate Chair Median – President| x | President – Senate Filibuster Pivot |	___	35.602*** (36.275)	___	0.494 (0.427)	___	2.856 (2.261)	___	296.136*** (278.263)
ln (p)	1.044**	1.047**	2.349***	2.350***	3.311***	3.317***	1.719***	1.722***
	(0.017)	(0.018)	(0.069)	(0.070)	(0.084)	(0.084)	(0.035)	(0.034)
Log Pseudo-Likelihood	-10671.655	-10667.358	-1406.016	-1404.228	-1739.930	-1736.499	-1718.639	-1719.625
Total Observations	7,873	7,873	1,914	1,914	3,989	3,989	1,970	1,970
Total Uncensored Observations	5,876	5,876	1,513	1,513	3,405	3,405	958	958

Notes: Control covariates are included in all model specifications (omitted in table for presentation purposes). Entries are hazard ratio estimates (H$_O$: exp(ß) = 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. Red typeface entry is not consistent with the corresponding estimate reported in the manuscript (**Table 2**).
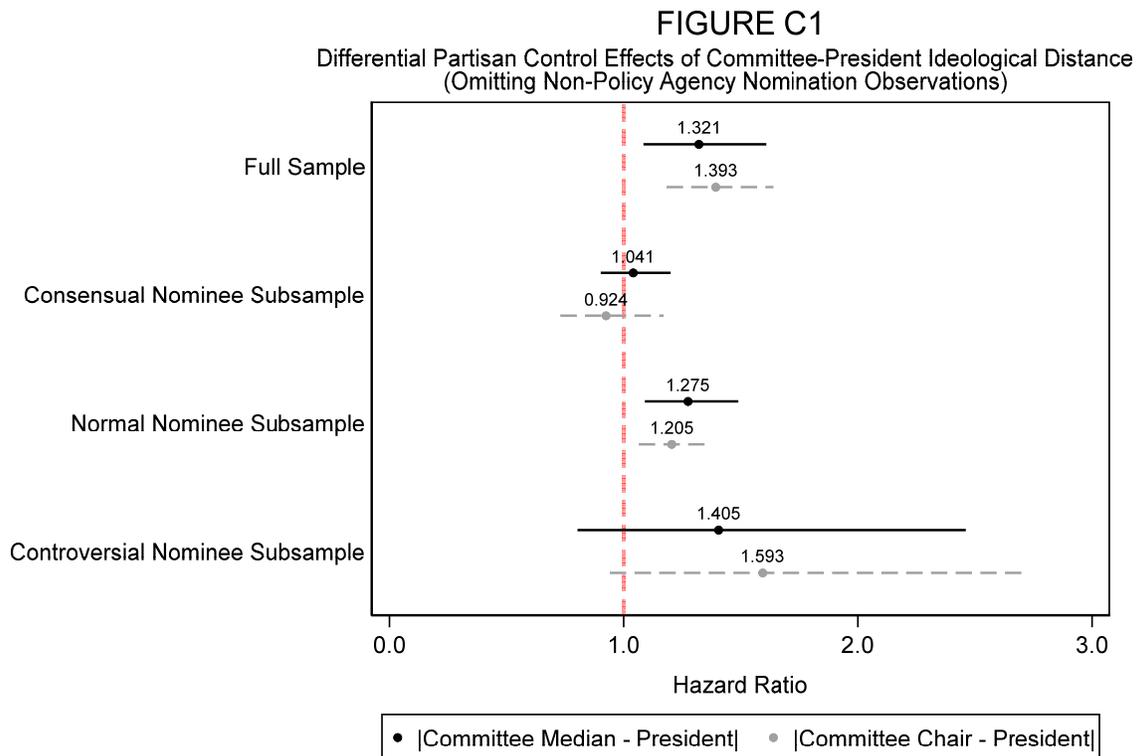
* p ≤ 0.10   ** p ≤ 0.05   *** p ≤ 0.01.

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 1-8** 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 **Figures 2** & **4** of the manuscript.

FIGURE C1

Differential Partisan Control Effects of Committee-President Ideological Distance
(Omitting Non-Policy Agency Nomination Observations)

APPENDIX D:

Exploring Variation in Partisan Selective Committee Delay 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 and deliberation 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 partisan selective committee delay 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 both the normal (30 days ≤ T ≤ 114 days) and controversial (T > 114 days) nominee subsamples. 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.

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FIGURE D1

Differential Partisan Control Effects of Committee-President Ideological Distance
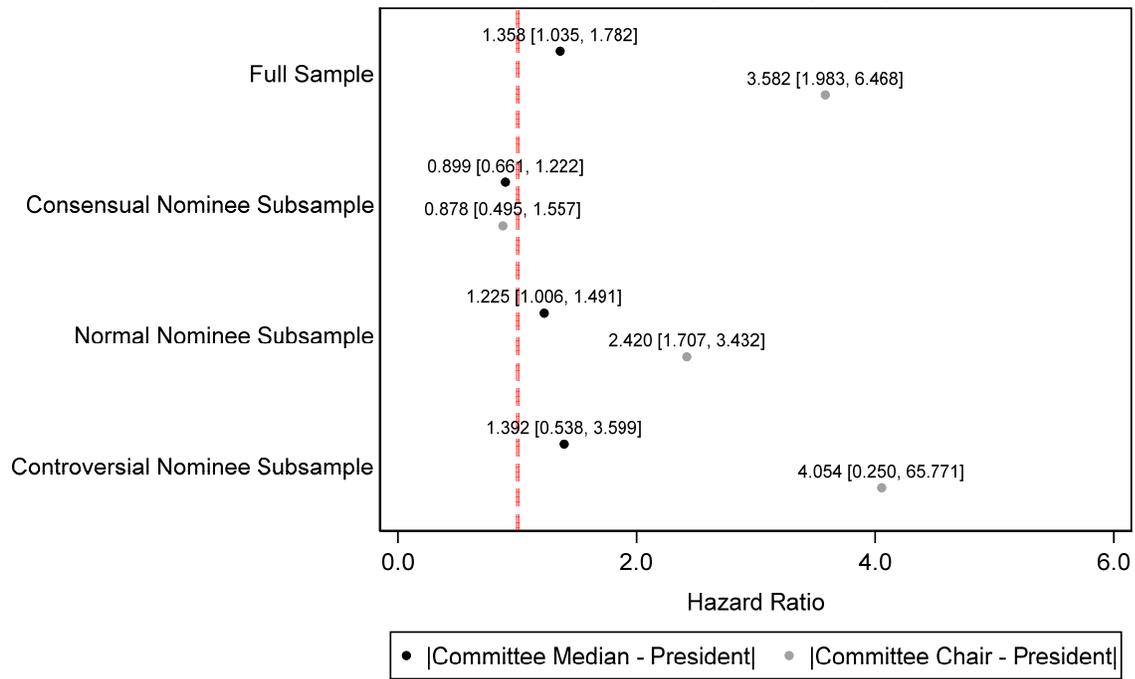### (Presidential Idelogically-Aligned Agencies)

Full Sample
1.358 [1.035, 1.782]
3.582 [1.983, 6.468]

Consensual Nominee Subsample
0.899 [0.661, 1.222]
0.878 [0.495, 1.557]

Normal Nominee Subsample
1.225 [1.006, 1.491]
2.420 [1.707, 3.432]

Controversial Nominee Subsample
1.392 [0.538, 3.599]
4.054 [0.250, 65.771]

Hazard Ratio

● |Committee Median - President| ● |Committee Chair - President|

FIGURE D2

Differential Partisan Control Effects of Committee-President Ideological Distance
(Presidential Idelogically-Opposed Agencies)

Full Sample
1.154
1.477

Consensual Nominee Subsample
0.872
0.765

Normal Nominee Subsample
0.978
1.003

Controversial Nominee Subsample
0.978
3.199

Hazard Ratio

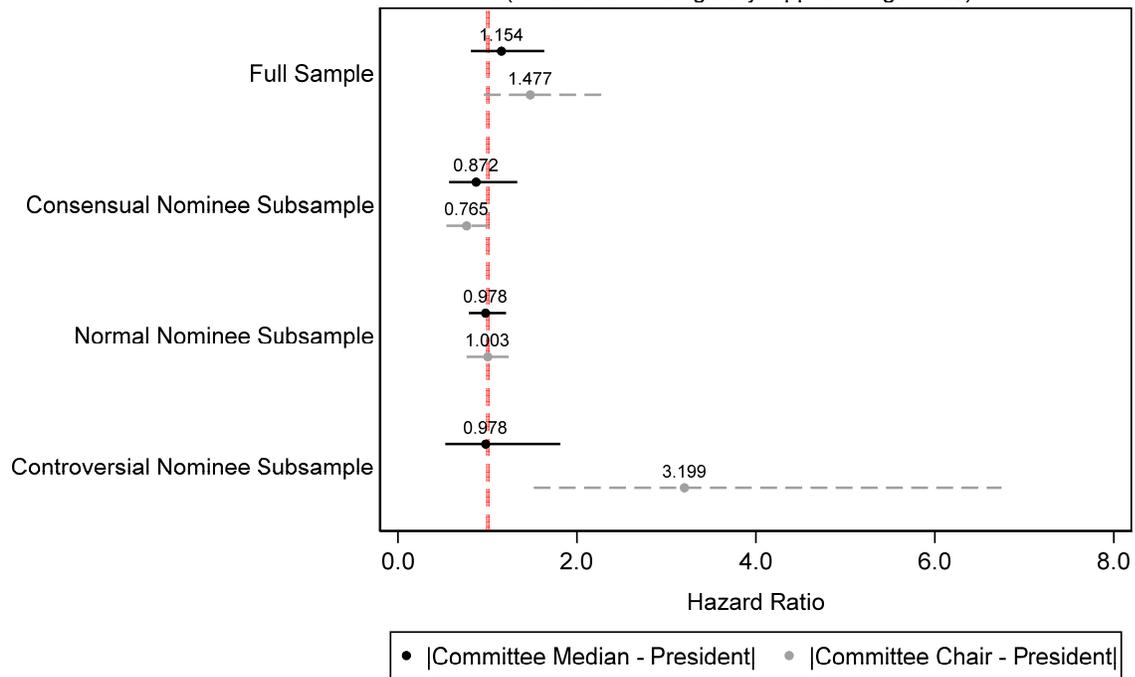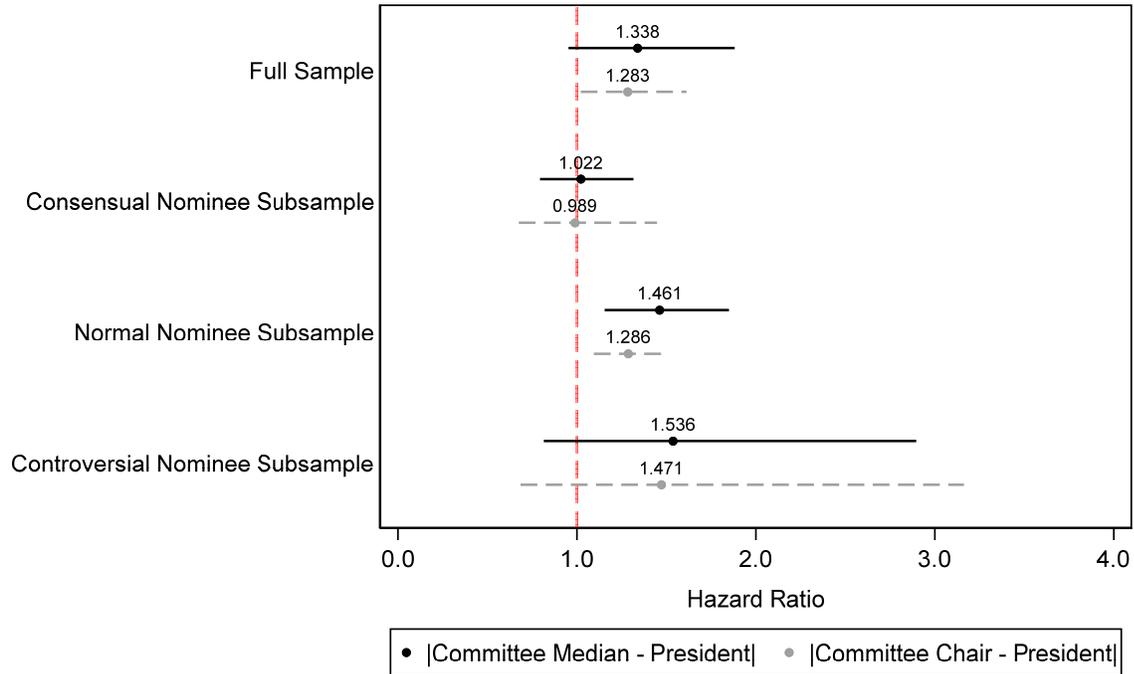● |Committee Median - President| ● |Committee Chair - President|

FIGURE D3

Differential Partisan Control Effects of Committee-President Ideological Distance
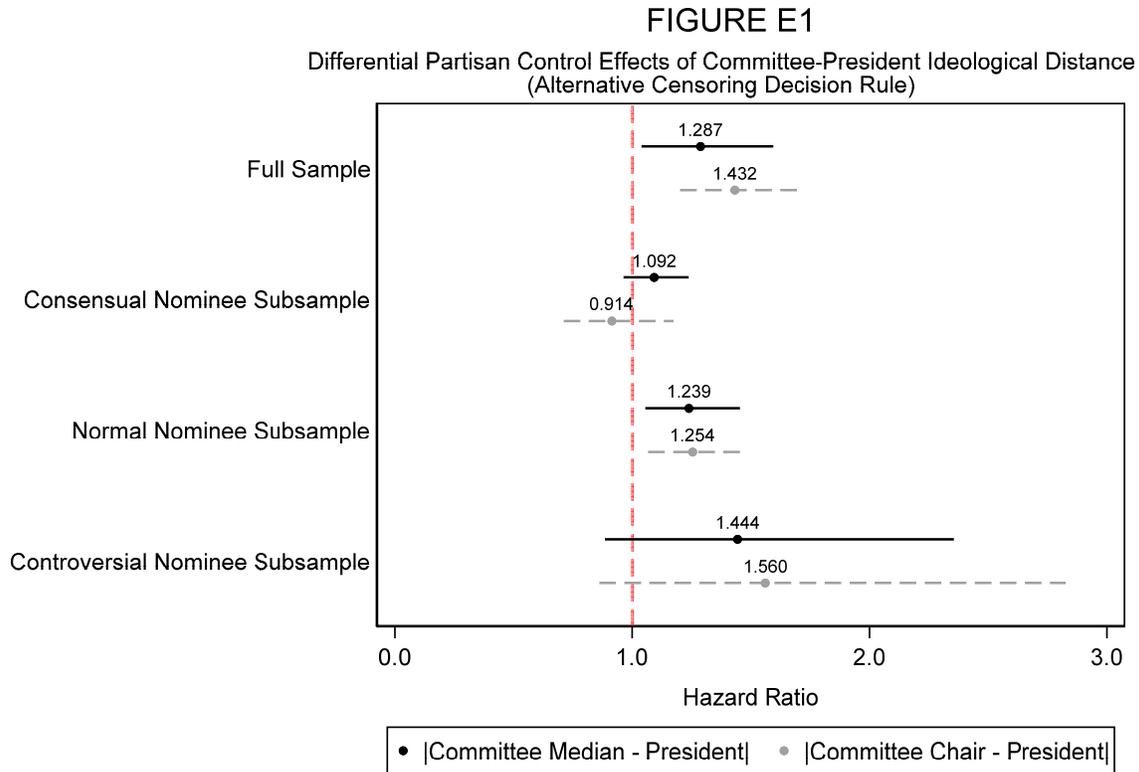(Presidential Idelogically-Neutral Agencies)

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 committee delay theory are unaffected by the censoring decision rule adopted in the manuscript and elsewhere in the **Appendix**.

FIGURE E1

Differential Partisan Control Effects of Committee-President Ideological Distance
(Alternative Censoring Decision Rule)

Hazard Ratio

| ● |Committee Median - President| | ● |Committee Chair - President| |

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 committee delay 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

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FIGURE F1

Differential Partisan Control Effects of Committee-President Ideological Distance
(|Senate Committee Median - President|)
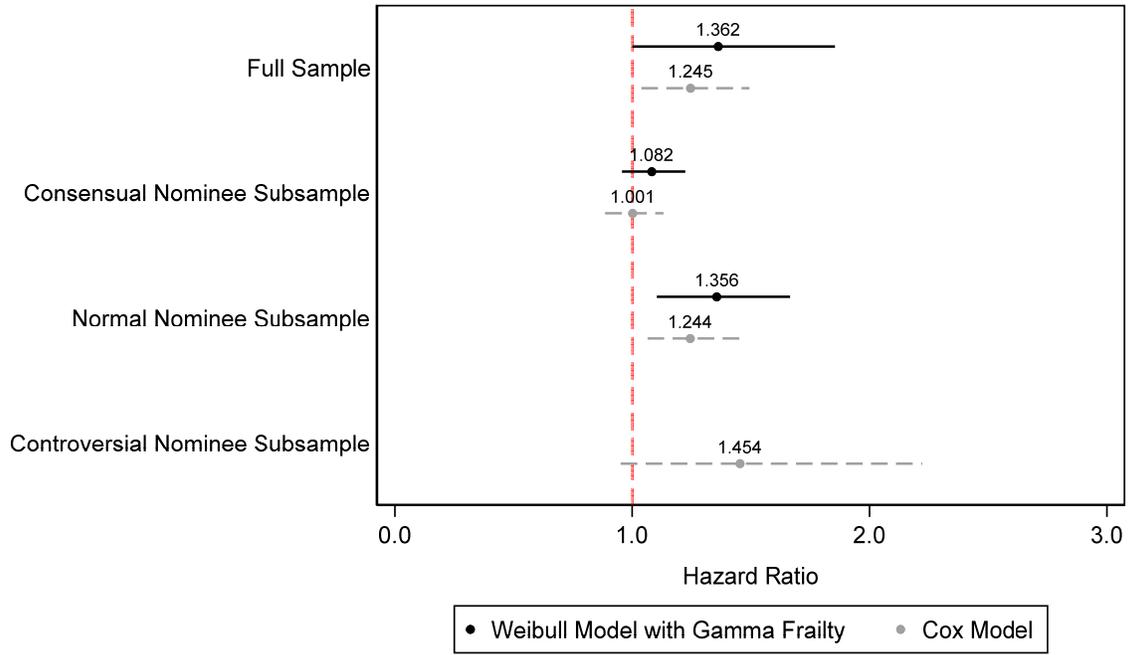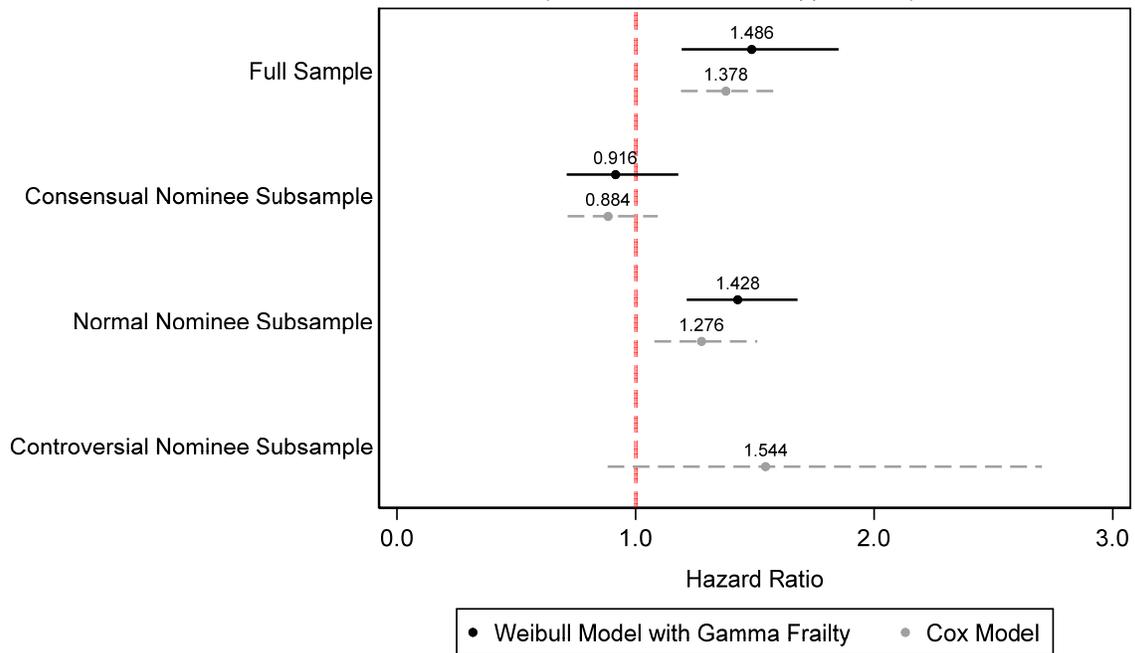(Alternative Estimation Approaches)

FIGURE F2

Differential Partisan Control Effects of Committee-President Ideological Distance
(|Senate Committee Chair - President|)
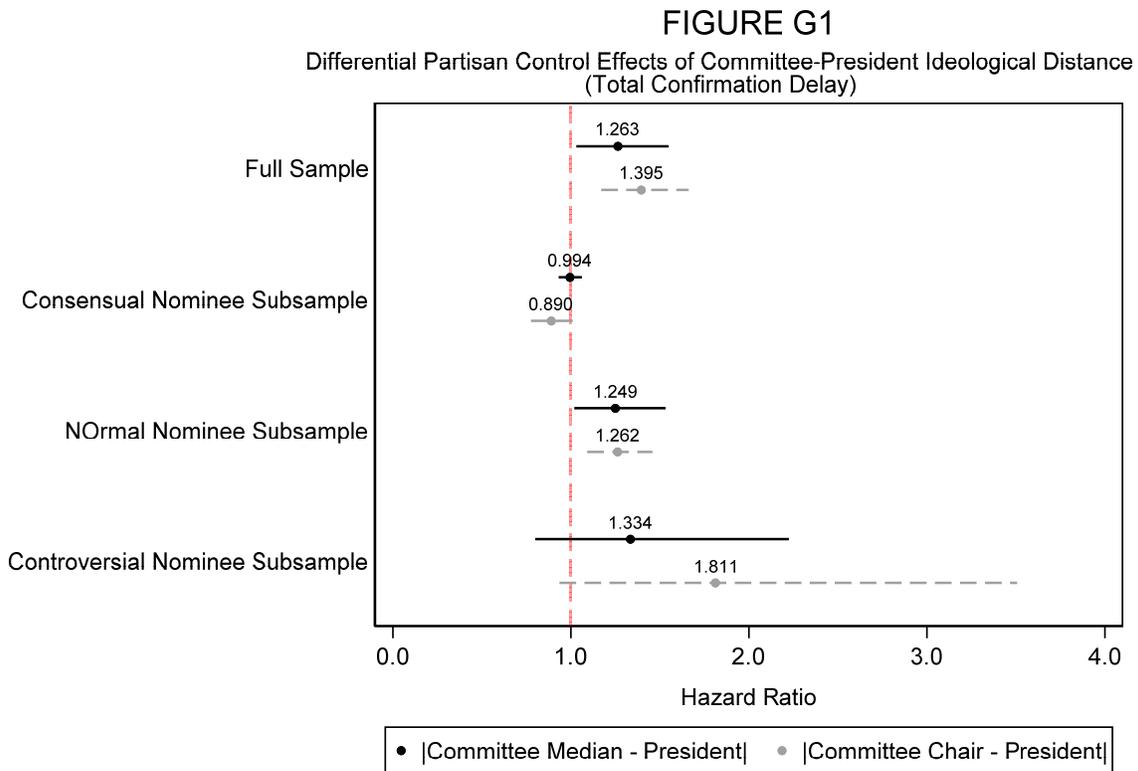(Alternative Estimation Approaches)

selective committee delay theory's PSCD hypothesis reported in the manuscript, with the caveat that **Models F7 & F8** could not attain convergence using the Weibull models accounting for gamma frailty (these are omitted from these figures). Most notably, in certain instances these estimates of interest are less precise (i.e., wider 95% confidence interval bands) for the controversial nominee subsample (T > 114 days in the committee stage) compared to the analogous setoff estimates appearing in **Figures 2 & 4** 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 **Figures 2 & 4** reported 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 controversial nominee subsample of observations (T > 114 days in the committee stage).

APPENDIX G:

Alternative Tests of Partisan Selective Committee Delay Theory: Evaluating Total Confirmation Delay

Another alternative test of selective committee delay 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 partisan selective committee delay hypothesis contains predictive power for explaining time

it takes for a successful confirmation process to be attained. In other words, does selective committee delay 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 controversial nominee subsample (T > 114 days) estimates appearing in **Figure G1** are similar to those for the committee stage denoted in **Figures 2** & **4** reported in the manuscript, except that they are somewhat smaller for **Model G7** using the committee median measure, while they are slightly larger for **Model 8** using the committee chair measure. These findings suggest that partisan selective delay by committees also explains, by extension, total confirmation delay.
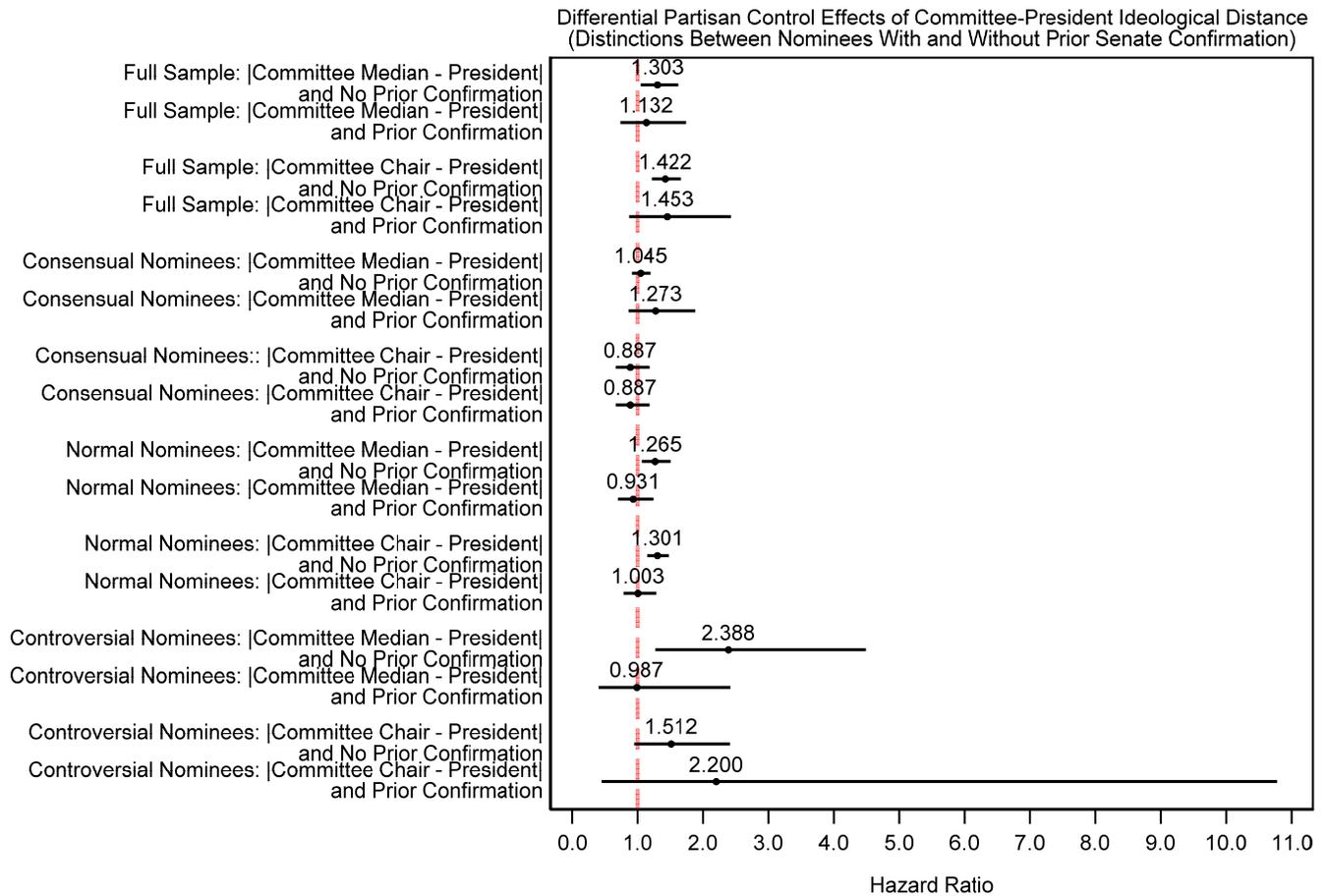
FIGURE G1

Differential Partisan Control Effects of Committee-President Ideological Distance
(Total Confirmation Delay)

APPENDIX H:

Evaluating Differences in PSCD Hypothesis Estimates Between Non-Prior Confirmation versus Prior Confirmation Distinctions

We also seek to evaluate differences involving the PSCD estimates regarding whether an executive nominee had recently been successfully confirmed by the Senate or not. The idea being that PSCD-based committee delay 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, these empirical patterns are either suggestive of a lack of statistically discernible difference between unified and divided partisan control regimes (*full sample models; consensual nominees; controversial nominees: committee chair model*), or instead opposite of such expectations as those with no recent prior confirmation are reported out of committee at a swifter rate than those with such experience (*normal nominees: both committee median and committee chair models; controversial nominees: committee median model only*). As noted in the manuscript, some caution is warranted in terms of interpreting this empirical pattern since it might be the result of the low statistical power attributable to the prior confirmation subsample comprising only 14.19% of the total observed failures.

FIGURE H1

Differential Partisan Control Effects of Committee-President Ideological Distance
(Distinctions Between Nominees With and Without Prior Senate Confirmation)

APPENDIX I:

Evaluating Model Estimates Based on Additive Model Specification and Comparison of Model Fit to Reported Models in Manuscript

We consider the alternative explanation whether committee selective delay is not contingent upon whether the Senate chamber and president are controlled by the same party – and by extension, that such delay is reduced during times of divided partisan control of these political branches. To evaluate this alternative explanation, we re-estimate the models reported in the manuscript (**Models 1-8**) as an additive model, thus evaluating the unconditional relationship between committee ideological divergence from presidents. A

graphical summary of the key estimates of interest appears in **Table I1**. Generally, the

inferences conform to what one would expect insofar that greater committee ideological

divergence from presidents is associated with greater committee delay of executive

nominees. Yet, these alternative additive models are inferior in explaining prediction model

fit with respect to confirmation delay compared to the reported multiplicative models

employed to evaluate the PSCD hypothesis. In all instances, save for the consensual

nominee models (which yield null findings with respect to the PSCD hypothesis), both the

AIC and BIC statistics are appreciably lower for the multiplicative models – yielding

anywhere from a 14.90 to 87.53 BIC model statistic point differential between these

competing empirical model specifications – well beyond the 'rule of thumb' threshold of 10

(e.g., see Kass and Raftery 1995; Fabozzi, et al. 2014).

Evaluating Partisan-*Based* Committee (Unconditional) Delay of Executive Nominees by Senate Committees
(Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
|Senate Committee Median – President|	0.690*	___	0.837	___	0.835	___	0.270**	___
	(0.127)		(0.130)		(0.142)		(0.109)	
|Senate Chair Median – President|	___	0.719**	___	0.772	___	0.670*	___	0.546*
		(0.102)		(0.200)		(0.130)		(0.163)
Divided Partisan Control of	0.854	0.909	0.921	1.025	1.032	1.217**	1.337	1.408
Presidency and Senate	(0.108)	(0.146)	(0.123)	(0.235)	(0.069)	(0.082)	(0.354)	(0.4109)
AIC: Alternative Additive Model	21449.73	21462.26	2850.38	2847.75	3525.07	3509.38	3485.94	3519.47
BIC: Alternative Additive Model	21582.18	21594.71	2955.96	2953.33	3644.60	3628.91	3586.48	3620.01
AIC: Reported PSCD Multiplicative Model	**21407.86**	**21374.72**	**2849.13**	**2846.34**	**3508.31**	**3486.43**	**3471.03**	**3497.64**
BIC: Reported PSCD Multiplicative Model	**21540.31**	**21507.18**	**2954.71**	**2951.92**	**3627.84**	**3605.97**	**3571.58**	**3598.18**
BIC Reported PSCD−Alternative Additive Model Differential	−41.87	−87.53	−1.25	−1.41	−16.76	−22.94	−14.90	−21.83
Total Number of Observations	7,873	7,873	1,914	1,914	3,989	3,989	1,970	1,970
Total Number of Uncensored Observations	5,876	5,876	1,513	1,513	3,405	3,405	958	958

Notes: Control covariates are included in all model specifications (omitted in table for presentation purposes). Entries are hazard ratio estimates (H_0: exp(ß) = 1.0). Robust standard errors clustered on committee appear inside parentheses. **Boldface entries** represent best model fit statistics. The remaining covariates are not reported here for purposes of brevity but can be obtained from the authors.

* $p \leq 0.10$ ** $p \leq 0.05$ *** $p \leq 0.01$.

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[1] The authors obtained the dates pertaining to Senate action, for each nominee, from congress.gov.

[2] 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.

[3] 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.

[4] 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.

[5] 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.

[6] 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.

[7] 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).

[8] 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.

[9] 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.

Retrieved on August 04, 2020. We were also able to check changes within a Congress in the

Congressional Directory in the "Notes" section.

[10] 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.

[11] The authors obtained the information for the agencies, for each nominee, from congress.gov.

[12] The authors obtained the number of bills that were referred to each Senate committee from

congress.gov.