

Executive Deference or Legislative Constraint?

Senate Committees and the Exercise of Decentralized Authority over U.S. Executive Nominations*

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Abstract

Despite the combination of strong parties and insecure majorities in U.S. legislative institutions, Senate committees play a vital role in confirmation politics. A theory of selective committee delay is proposed that predicts that ideologically-vulnerable Senate committees constitute a primary source of confirmation delay. Evidence supporting this logic is obtained from nearly 10,000 U.S. federal PAS executive nominations between the Reagan and Trump administrations. Unified (divided) partisan alignment between the Senate and president is associated with protracted (swifter) committee confirmation processes when committees' policy interests diverge from those of the presidents. These findings highlight how the confirmation process serves as both a decentralized and variable procedural constraint on the executive branch appointment process within a separation of powers framework. More broadly, presidential nominee selection choices must account for the relative ideological positions of Senate committees, and that chamber-oriented rule changes to the confirmation process are unlikely to affect confirmation delay.

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“In the legislature, promptitude of decision is oftener an evil than a benefit. The differences of opinion, and the jarrings of parties in that department of government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check the excesses of the majority.”

Alexander Hamilton (Federalist 70)

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). *“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). A rapid Senate confirmation process ensures both effective continuity and change in U.S. federal agencies. Because committee power has waned at the expense of party leaders within the U.S. Congress in recent decades (Cox and McCubbins 1993; Curry and Lee 2020; Lewallen 2020), coupled with tenuous majority party status (Lee 2016), the primary focus of research on the confirmation process has focused on inter branch policy conflict between the president and Senate (e.g., Ba, Schneider, and Sullivan 2022; Chiou and Rothenberg 2014; Hollibaugh and Rothenberg 2018; Krause and Byers 2022; McCarty and Razaghian 1999; Ostrander 2016).

Yet, Senate (standing) committees represent the primary source of obstruction and delay that has the greatest responsibility, effort, and expertise for determining the fate of executive nominees.¹ Almost 78% of the time that is required to confirm U.S. executive nominations 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. Among the 7,076 confirmed U.S. PAS executive nominees (excluding unconfirmed nominees) in our sample covering the end of Reagan through Trump presidencies spanning 244 federal

¹ Both Ba, Schneider, and Sullivan (2022) 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 0.794.

organizations³, the average/median total confirmation delay is 98.54 days / 74 days, while the largest time component rests with Senate committees (72.80 days / 57 days), and not the Senate floor (25.75 days / 6 days). That is, Senate committees comprise 2.83 times as much confirmation delay compared to the Senate floor – 515,112 cumulative days (or 1,411.27 cumulative years) of confirmation delay versus 182,226 cumulative days (or 499.25 cumulative years) of confirmation delay. 91.66% of unconfirmed nominees in this sample are thwarted at the committee stage, while only 8.34% are thwarted at the floor stage. Clearly, the obstacle to a swift and successful confirmation outcome is result of Senate committees exercising decentralized authority, and not Senate majority party leaders.

This study addresses how confirmation delay is affected by decentralized authority exercised by Senate committees within a separation of powers framework. The proposed logic maintains that 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). The logic of selective committee delay posits that Senate committees have the strongest incentive to engage in confirmation delay when they are most vulnerable (i.e., isolated in ideological terms) from both the president and Senate majority party – i.e., Senate committee’s policy interests diverge from those of the president, while the Senate chamber is controlled by the same party as the president. This legislative constraint behavior exercised by vulnerable Senate committees results from their concern with higher policy costs once executive nominees are confirmed and serve in appointed positions. Therefore, vulnerable Senate committees desire to

³ These data come from Ostrander (2016) from 1987-2012 [May] and were updated through January 6, 2021 [covering Trump administration executive nominees] by the authors.

engage in both deliberation and circumspection, noted by Alexander Hamilton in *Federalist 70*, will be motivated by committee concerns regarding policy formulation and oversight challenges.

Compelling support for the selective committee delay theory is obtained from an analysis of a sample of 9,879 U.S. civilian PAS executive nominations (both confirmed and unconfirmed) for policy positions between 1987-2012 [May] obtained from Ostrander (2016) and updated from May 2012 through January 6, 2021 by the authors. The empirical findings reveal nontrivial committee-based confirmation delay effects consistent with the selective committee delay logic proposed in this study. Further, these findings are generally robust to ideological-based divergence between the Senate floor and President, alternative analyses omitting certain subsets of cases that might affect support for the logic, use of alternative censoring decision rules or survival modeling approaches, among other ancillary analyses performed on these data to evaluate the empirical veracity of selective committee delay. 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 decentralized nature of the confirmation process is 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). Decentralized authority is derived from the functional specialization of policy expertise in their jurisdictions. Legislators 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). Further, a considerable amount of this policy activity and influence is concentrated in the hands of committee chairs (e.g., Berry and Fowler 2016, 2018). Committees thus have strong incentives for considering their policy interests when evaluating executive nominees.

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. Committees serve as the primary informational gathering bodies within the Senate as it pertains to PAS nominees, with members relying on information gathered by committees to provide cues on how the chamber should proceed (Kingdon 1973; Krehbiel 1991). Committees, and by extension committee chairs, act as the primary gatekeepers during the confirmation process, with the greatest amounts of delay occurring during the committee stage (Bonica, Chen, and Johnson 2015; Ba, Schneider, and Sullivan 2022; Krause and Byers 2022). During this deliberation and circumspection process, confirmation delay has been demonstrated to increase for nominees that are ideological divergent from committee chairs (Bonica, Chen, and Johnson 2015), appointed to agencies with greater independence (Krause and Byers 2022), and insufficiently qualified (Dull and Roberts 2009; Hollibaugh 2015).

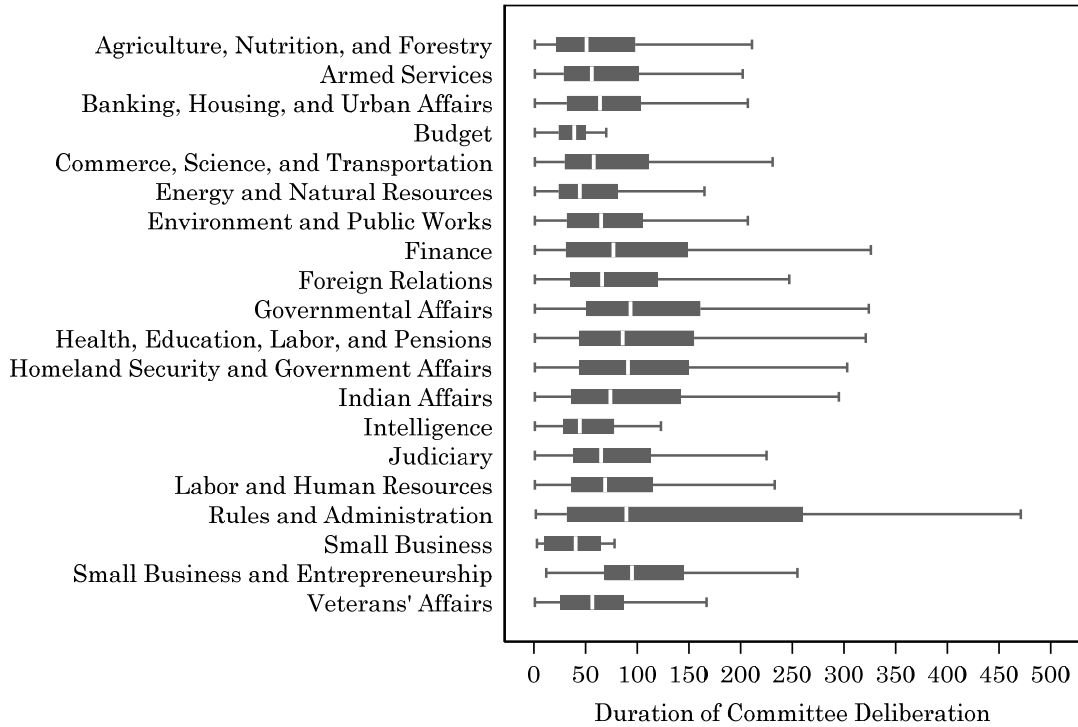
These aspects of confirmation delay arise from committees exercising their decentralized authority to engage in both deliberation and circumspection regarding executive nominees. It is rare for nominations to fail on the Senate floor once they have been reported out of committee (McCarty and Razaghian 1999; Resh, et al. 2021). Senate committees therefore utilize their vetting powers to conduct investigations, hearings, and deliberate over each nominee, which leads to increases in delay. Additionally, as the confirmation process has become more contentious and Senate rules have been amended to reduce obstructionist behavior on the floor, the committee vetting stage has become lengthier, with members increasing their focus on investigations of nominees (Ostrander 2017). Committee chairs, and committee members, must prioritize their information gathering during this initial vetting stage to properly investigate nominees before the nomination moves to the floor stage, because this is potentially the last opportunity the Senate will be able to fully exercise their advise and consent duties. Committee circumspection and deliberation becomes crucial when a Senate committee is at ideologically odds with both the president and Senate chamber since committees the policy costs associated borne from both formulation and oversight are higher.

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 nominations on behalf of the full Senate chamber. Considerable variation occurs in the number of executive nominations processed through the 20 standing Senate committees from 1987-2020 (Ostrander 2016). For instance, 1,202 nominees [12.17 % of total sample] were designated to the committee on Health, Education, Labor, and Pensions. Conversely, the Budget committee received only 13 nominees in the form of OMB Director and Deputy Director positions [0.13% of total sample] throughout this time period. The median number of nominees received by a committee was 398 [with an average of 493.05], with a standard deviation of 435.28.

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 94 days [with an interquartile range of 76.5 days] of committee deliberation. Nominees subject to the committee on Budget, however, experience a median duration of 38 days [with an interquartile range of 26 days] within the committee. Committees exhibit ample variation in the time that it takes for a nomination to transition from being reported to a committee to subsequently exiting the committee process.⁴

⁴ Variation in committee confirmation delay is not attributable to the conduct of background investigations. These routine activities are handled prior to their nomination being submitted to the Senate (Rybicki 2023: 4). Senate committees, however, can use their discretion to have executive nominees complete a separate questionnaire (Rybicki 2023:4)

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. The theory challenges the conventional view that unified (divided) partisan control of the Senate and presidency is associated with swifter (slower) confirmation processes rooted in ideologically divergent Senate committees.

A THEORY OF SELECTIVE COMMITTEE DELAY

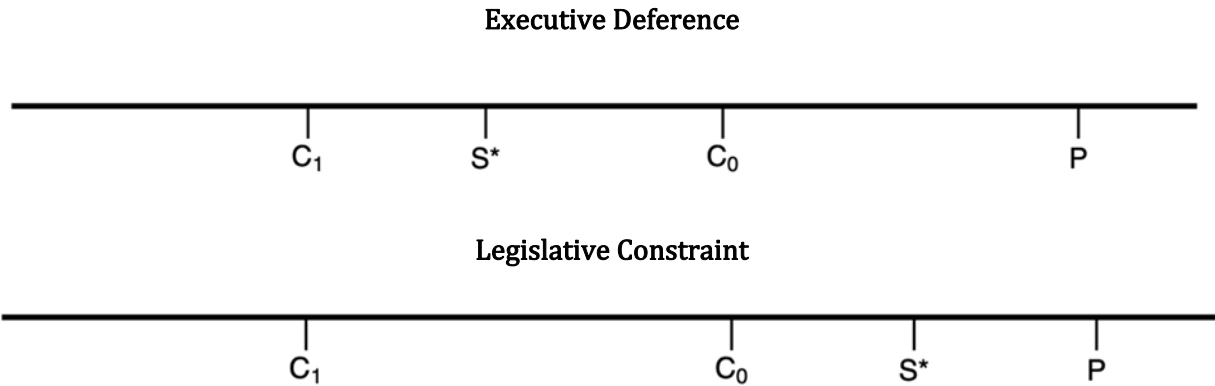
Senate committees represent the primary source of delay and obstruction in the confirmation process. The Senate floor is neither effective at inducing delay nor thwarting executive nominations. Senate committees serve as the primary legislative check against executive authority over the appointment process. Senate committees are best positioned to undermine presidents’ efforts at seeking both responsiveness and continuity in executive administration (e.g., O’Connell 2009, 2015). Because PAS executive appointees receive both considerable oversight and

monitoring scrutiny (Feinstein 2017), Senate committees have an incentive to use the confirmation process as a legislative constraint on the executive branch when it is concerned that its policy interests are under threat. Senate committees will therefore seek to reduce policy costs by exercising authority in the confirmation process to increase circumspection and deliberation via delay in these circumstances.

The logic of selective committee delay is articulated in a simple spatial illustration appearing in **Figure 2**. In **Panel A (Executive Deference)**, a Senate committee that is ideologically distant from the president (C, P) is not vulnerable since the Senate majority (S) serves as a policy buffer that reduces agency costs for ideologically divergent committees due to it being relatively close or aligned to the president. Because the Senate chamber increases its powers of executive constraint in the presence of policy conflict with presidents 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 broader institution's power of legislative constraint over the executive branch. Senate committees' incentive for delaying confirmation for executive nominees when they are more ideologically distant from presidents is reduced when the Senate chamber affords some ideologically-slack to both insulate and support the committees' policy activities. In 1988, President Reagan's nomination of Jerry Langdon to serve as a member of the Federal Energy Regulation Commission [Department of Energy] at a time of Democratic majority control of the U.S. Senate was swiftly reported out of the Energy and Natural Resources committee in 10 days [6.76 percentile of committee delay among uncensored confirmed cases] at a time when the Senate operated under Democratic majoritarian control.⁵ The absolute ideological difference between this committee median and the president for this nominee was substantial [0.884, 88.14 percentile among uncensored confirmed cases].

⁵ 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>).

FIGURE 2:
Spatial Illustration of Vulnerable and Non-Vulnerable Senate Committees



Conversely, 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. This occurs when a committee's policy preferences diverge from the president, while the Senate chamber and president's policy interests are comparatively aligned with one another. Senate committees will engage in slowing down the confirmation process in these instances since their policymaking activities are more vulnerable given the ideological conflict with the president, and the relative lack of ideological support from the chamber. This is characterized in **Panel B (Legislative Constraint)** of **Figure 2**. Specifically, Senate committees that are ideologically distant from the president (C_L, P) are vulnerable since the Senate majority (S^*) is relatively closer to the President. Under this scenario, the 'gatekeeping' function of a Senate committee during the confirmation process becomes most critical to its own policy interests when the Senate majority cannot be relied upon to provide an effective check on presidential appointments. Under these conditions, 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 George W. Bush's 2003 nomination of Michael J. Garcia to serve as the Assistant Secretary of the Department of Homeland Security at a time of Republican majority control of the

Senate lasted for 236 days [97.05 percentile of committee delay among uncensored confirmed nominees] in the Banking, Housing, and Urban Affairs committee. At the time, the absolute ideological distance between the committee median in relation to the president was substantial [0.625, 62.42 percentile among uncensored confirmed nominees].

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 = 0.098, SD = 0.073; $|Committee\ Chair - Senate\ Floor\ Median|$, Mean = 0.219, SD = 0.116). This distinction between Senate committees and the chamber is an important one since Senate committees routinely serve as the final vetting stage for nominees, as an extremely high percentage of failed nominations occur at the committee stage of the nomination process (e.g., Bonica, Chen, and Johnson 2015). That is, Senate committees, and not the Senate chamber, are in an advantageous position to both delay and thwart executive nominees.

Yet, confirmation delay of executive nominees by Senate committees is a costly activity not to be lightly pursued. Although Senate committees seek to mitigate policy concerns by delaying committee confirmation proceedings, they also have an incentive to exhibit executive deference by choosing not to delay the confirmation process. 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 Inter branch showdowns tend to favor presidents in the eyes of the public (e.g., Canes-Wrone 2006) since presidents can effectively justify public responsibility for executive branch governance (Lewis 2008). The Senate engages in executive deference as a means of seeking 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).⁷

In summary, 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 exhibits partisan alignment with presidents. When the Senate chamber is controlled by the party opposite of the president, however, committees' delay efforts are decreasing in response to its own policy conflict with presidents. Committee-based confirmation delay should be at its apex in response to the committee's ideological conflict with the

⁶ A total of 2,196 $[(2,196/9,879)*100 = 22.22\%]$ nominees were thwarted by Rule 31: Clause 6, while a total of 478 $[(478/9,879)*100 = 4.84\%]$ nominees withdrawn by the president before being reported out of committee with the small remainder of 121 executive nominees not successfully reported out of committee for other reasons $[(121 / 9,879)*100 = 1.31\%]$.

⁷ The behavior espoused by the selective committee delay proposition is not observationally equivalent to strategic time conservation behavior; whereby, committees are willing invest more time in confirmable nominees than unconfirmed nominees is not supported by the data for two reasons. First, because Senate committees play the primary gatekeeping role in failing to confirm executive nominees, they cannot shirk and expect the Senate floor to exercise a strong procedural constraint on executive nominees. Also, the time conservation logic suggests that Senate committees would invest less time in those nominees unlikely to be confirmed to appointed positions compared to nominees likely to be confirmed to executive branch positions. Contrary to this alternative logic, however, the average number of committee delay days is much larger for unconfirmed nominees (165.12 days) than confirmed nominees (72.80 days) in our sample.

president when the Senate chamber is partisan aligned with the president. This logic is evaluated by analyzing inter branch partisan policy conflict between the Senate chamber and the president.

Partisan Selective Committee Delay [PSCD] Hypothesis: *The effect of Senate committee ideological divergence from the president will result in lower committee 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 interbranch partisan 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. Simply, Senate committees will 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 PAS executive nominations covering the 100th through the 112th Congresses spanning from 1987 through May 2012 from Ostrander (2016), plus these data were updated by the authors through January 6, 2021. This sample consists of 9,879 total observations with 7,076 uncensored confirmed cases, plus 2,803 right-censored nominations that were not confirmed within the same Congress that it was introduced in the Senate.⁸ These data

⁸ Per Ostrander (2016: 1066), our sample excludes civilian military and ambassador PAS executive nominations, plus federal judges and marshals. A total of 244 U.S. federal executive agencies are covered, with the average number of PAS executive nominees per agency equal to 39.67 (9,879/244).

permit examination of the nomination process by inspecting individual nominees and the corresponding committees that were involved in the confirmation process.⁹

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' 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 = 2.53) – 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 [$|Senate\ Committee\ Chair - President|$].¹⁰ 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 ($|Senate\ Committee\ Median\ [Chair]_{j,t} - President_t| \times Divided\ Partisan\ Control > 0$), where *Divided Partisan Control* is a binary indicator

⁹ 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.

¹⁰ 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.

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. Although the PSCD theory is centered on decentralized authority of Senate committees, we also account for centralized Senate chamber policy conflict with presidents using the absolute difference between the Senate chamber median and presidential ideological distances using the Poole-Rosenthal DW-NOMINATE 1st dimension measure (Lewis, et al. 2020; Poole and Rosenthal 1997). Higher values of inter-branch policy conflict between the Senate chamber and president ($|Senate\ Floor\ Median - President|$) should yield longer confirmation delays (e.g., McCarty and Razaghian 1999).

In addition, four additional control covariates of relevance at the committee level are included in the model specifications. These covariates account for potential confounding effects that may be falsely attributed to the ideological distance of the committee in relation to the president. *Senate Committee 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). In turn, this greater committee-level experience could either expedite the Senate confirmation process at this stage based on such experience (i.e., inverse relationship), but also could contribute to delay through the exercise of power via seniority (i.e., positive relationship). Also, 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 referred to each committee in a given Congress ($\ln(Committee\ Workload)$). Higher committee bill workloads are hypothesized as slowing down the pace of the confirmation process at the committee stage. Finally, *Senate Committee Staff Size* is simply the number of Senate committee staff for each respective committee in each year/legislative session. This covariate is hypothesized as having a negative association with committee-based delay since larger committee staffs exhibit greater capacity to vet executive nominees.

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-related covariates are measured as binary indicators capturing differences in confirmation delay between two subsets of nominees. *First 90 Days* 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 receive swifter processing than subsequent executive nominees (Ostrander 2016: 1078). *Presidential Election Year* is also a binary indicator that equals 1 if the nomination takes place during a presidential election year, equals zero if it takes place in non-presidential election years. It is expected that nominations during presidential election years will take longer than other years since Senators may have an incentive to delay when confronted with the possibility of a change in the occupant of the presidency (Ostrander 2016: 1068). *Second Term Nomination* is a binary indicator accounting for potential greater confirmation delay of second term nominees versus first term counterparts (Ostrander 2016: 1070).

In addition, Ostrander (2016) accounts for several congressional-related factors that may impact confirmation delay. These factors impinge upon Senate committees' ability to process nominees through this stage of the confirmation process. *Senate Legislative Workload* is measured as the total number of roll call votes that occurred within the month of the nomination date. This variable is presumed to be positively associated with confirmation delay [Ostrander 2016: 1070]. *Senate Party Polarization* captures the internal collective action problems that arise in the Senate for the Congress in which the nomination takes place. This measure is operationalized as the absolute 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* accounts for the total number of civilian executive nominations introduced in the Senate during the two-year session. A higher volume of nominations that require processing are hypothesized as being associated with greater 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 accounts for gender differences in confirmation delay 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). *Prior Senate Denial* represents a binary indicator that accounts for executive nominees who were previously denied confirmation in the same Congress (equals 1) versus those nominees who were not (equals 0). Executive nominees denied in a prior nomination within the same Congress should incur longer committee delay than their non-denied counterparts. *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) whether the nominee was for a position in the realm of *Defense, Infrastructure, or Social Programs*. These nominees should produce greater delay given the substantive significance of these policy areas compared to other policy areas.

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, 13.54% [N = 958] of confirmed executive nominees) and *December Recess* (covering November and December nominations, 8.82% [N = 624] of 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. Finally, all model specifications contain both committee-level and presidential administration unit effects to account for any bias in the coefficient estimates due to unobserved heterogeneity across committees and presidencies, respectively.

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 nominations (e.g., Ba, Schneider, and Sullivan 2022; 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 a given committee. Next, the empirical findings are presented.

EMPIRICAL FINDINGS

The Weibull model survival regression estimates appear in **Table 1**. The first pair of restricted model specifications (**Models 1 & 2**) only include both committee-level and presidential administration unit effects as statistical control covariates, while the latter pair of unrestricted

model specifications (**Models 3 & 4**) incorporate the additional control covariates both described and hypothesized in the preceding section. 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 each model, 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 a committee and president increases under unified partisan control when the Senate chamber and

TABLE 1

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

Variable	Model 1	Model 2	Model 3	Model 4
Senate Committee Median – President	0.277*** (0.127)	—	0.332 (0.238)	—
Senate Committee Chair – President	—	0.880 (0.122)	—	0.895 (0.276)
Divided Partisan Control of Senate and Presidency	0.194*** (0.054)	0.220*** (0.038)	0.236** (0.135)	0.380** (0.148)
Senate Committee Median – President x Divided Partisan Control of Senate and Presidency	7.916*** (3.034)	—	7.103*** (4.738)	—
Senate Committee Chair – President x Divided Partisan Control of Senate and Presidency	—	3.244*** (0.7651)	—	2.615** (1.113)
Senate Floor Median – President	—	—	0.915 (0.806)	0.423 (0.307)
Senate Committee Median Experience	—	—	1.000 (0.014)	—
Senate Committee Chair Experience	—	—	—	1.006** (0.002)
ln(Committee Workload)	—	—	0.865 (0.088)	0.828* (0.081)
Senate Committee Staff Size	—	—	0.991* (0.005)	0.992 (0.005)
Presidential Approval	—	—	1.004 (0.003)	1.003 (0.002)
First 90 Days	—	—	2.516*** (0.226)	2.560*** (0.197)

Presidential Election Year	—	—	0.798*** (0.052)	0.789*** (0.055)
Second Term Nomination	—	—	0.878* (0.069)	0.860 (0.083)
Senate Legislative Workload	—	—	1.002* (0.001)	1.002 (0.001)
Senate Party Polarization	—	—	0.046** (0.066)	0.020*** (0.030)
Executive Civilian Nominations Workload	—	—	1.000 (0.00003)	1.000 (0.00003)
Female Nominee	—	—	1.005 (0.045)	1.003 (0.045)
Prior Senate Confirmation	—	—	0.964 (0.051)	0.953 (0.056)
Prior Senate Denial	—	—	0.619*** (0.060)	0.616*** (0.063)
Cabinet Level	—	—	0.936 (0.053)	0.916 (0.057)
High Level	—	—	0.754 (0.158)	0.742 (0.152)
Major Board	—	—	0.769** (0.097)	0.768** (0.099)
Defense	—	—	0.939 (0.094)	0.952 (0.087)
Infrastructure	—	—	0.934 (0.084)	0.933 (0.077)
Social Programs	—	—	0.889 (0.078)	0.906 (0.085)
Federal Vacancies Reform Act	—	—	1.217*** (0.085)	1.220*** (0.088)
Nomination During August (1 st) Recess	—	—	1.022 (0.056)	1.020 (0.056)
Nomination During December (2 nd) Recess	—	—	0.801** (0.077)	0.813** (0.076)
Policy Agency	—	—	1.304*** (0.103)	1.327*** (0.110)
Committee & Administration Unit Effects	YES	YES	YES	YES
Additional Control Covariates	NO	NO	YES	YES
<i>ln(p)</i>	0.002 (0.020)	-0.002 (0.019)	0.050*** (0.018)	0.050*** (0.016)
Log Pseudo-Likelihood	-13,567.311	-13,595.157	-13,067.462	-13,072.839
AIC Statistic	27,152.62	27,208.31	26,172.92	26,183.68
BIC Statistic	27,217.41	27,273.10	26,309.69	26,320.44
Total Number of Observations	9,879	9,879	9,879	9,879
Number of Uncensored Observations	7,076	7,076	7,076	7,076

Notes: Entries are hazard ratio estimates ($H_0: \exp(\beta) = 1.0$). Robust standard errors clustered on committee appear inside parentheses. The remaining covariates are not reported here for purposes of brevity but can be obtained from the authors. * $p \leq 0.10$ ** $p \leq 0.05$ *** $p \leq 0.01$.

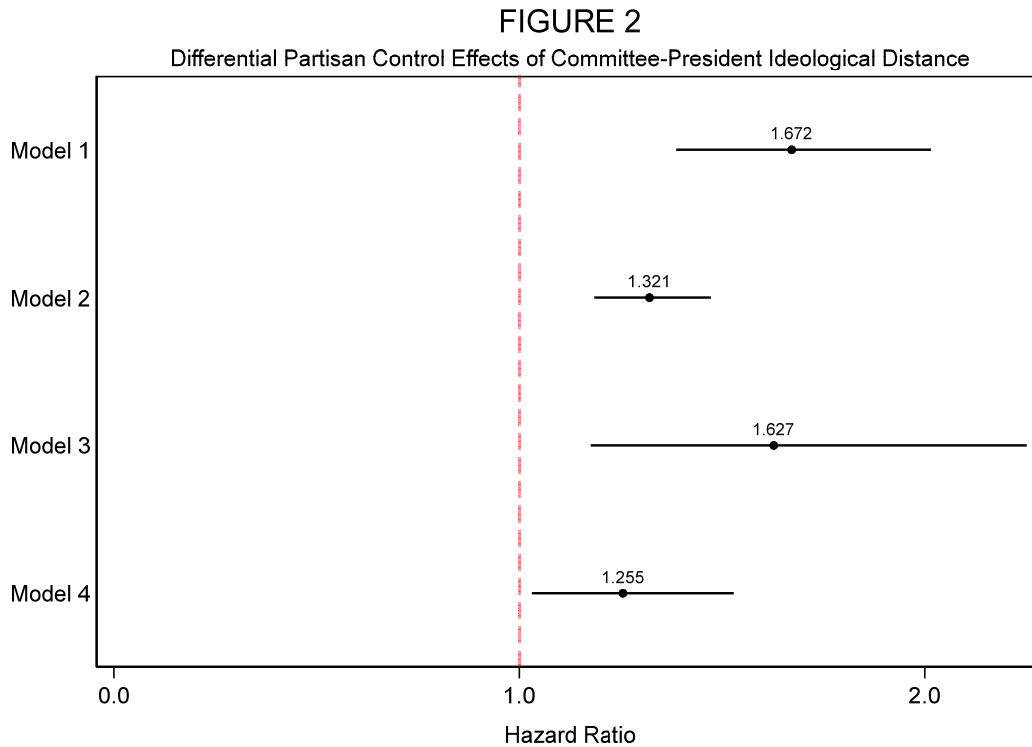
president are controlled by the same party. The key covariate of interest is the interaction terms, */Senate Committee Median – President/ x Divided Partisan Control of Senate and Presidency* and */Senate Committee Chair – President/ x Divided Partisan Control of Senate and Presidency*, each are hypothesized to exhibit a positive and statistically discernible coefficient denoting evidence consistent with the PSCD hypothesis. The PSCD hypothesis is supported by the hazard ratio estimates reported in **Table 1**.

Figure 2 provides a more substantive interpretation of these estimates by evaluating the differential marginal impact of a respective 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.¹¹ The substantive differential marginal effects involving ideological divergence between committees and the president increases the odds of being reported out of committee ranges between 25.5% and 67.2% across models 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 median and president [**Model 1**: 67.2%, **Model 4**: 62.7%; cf. **Model 2**: 32.1%, **Model 4**: 25.5% for committee chair-based ideological differences]. Although recent studies document the importance of committee chairs for representing the committee’s policy interests and jurisdictional turf (e.g., see Berry and Fowler 2016, 2018), these findings underscore the importance of the Senate committee as a whole, as reflected through the pivotal Senate ideological median committee member, for shaping the duration of the confirmation process for executive nominees.

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

¹¹ The use of within-committee variation in these covariates is appropriate for model specifications that generate within-committee estimates (Mummolo and Peterson 2018).

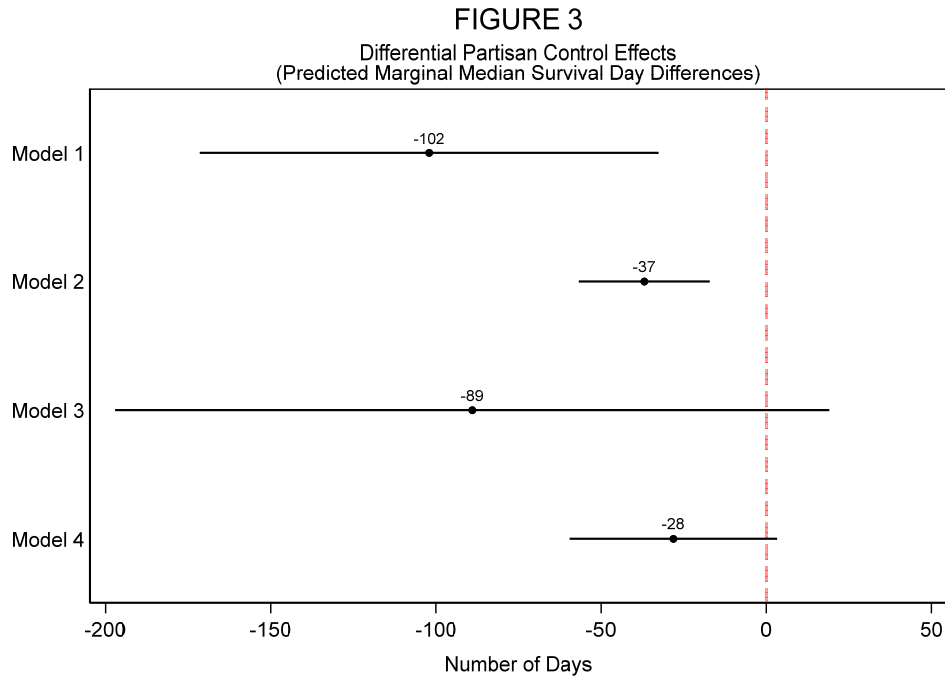
corresponding 95% confidence intervals. These estimates are naturally more imprecise than those reported above in **Figure 2** since they contain not merely uncertainty regarding the



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.

point estimates of interest (i.e., coefficient standard errors), but also contain overall prediction error uncertainty generated from the entire model specification. Prediction error uncertainty is exacerbated in unrestricted statistical models containing a much larger number of control covariates. An interquartile increase in committee – president ideological divergence yields anywhere between an average of 102 (**Model 1**) and 28 (**Model 4**) fewer days of confirmation delay under divided partisan control of the Senate and presidency compared to when a single party controls both political branches. These predicted median survival effects represent 159.38% and 139.06% of the interquartile range of committee delay for **Models 1 & 3** ($IQR_{Confirmed\ Cases} = 64\ days$),

while the corresponding relative predicted median survival effects for **Models 2 & 4** are 57.81% and 43.75%, respectively.¹²



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.

Summary of Sensitivity Analyses Reported in Online Appendix

Supplementary analyses covered in the *Online Appendix* document indicates that the selective committee delay calculus of Senate committees follows a similar pattern consistent with the PSCD hypothesis when a partisan-based inter chamber conflict conditioning variable is substituted with measures of ideological conflict between either the Senate chamber’s median or filibuster pivot and president instead of the distinction between unified and divided partisan control of these respective branches (*Appendix Tables B1 and B2*). Although the interaction

¹² These predicted median survival estimates for **Model 3** are estimated with some imprecision since these estimates contain overall prediction error uncertainty for reasons noted earlier ($p = 0.107$), while the estimates for **Model 4** are marginally significant at 10 percent level ($p = 0.079$).

coefficients of interest are positively signed, they are estimated with greater imprecision when using the Senate filibuster pivot measure compared to both the president–Senate divided partisan control and Senate chamber median measures of inter branch conflict control distinctions associated with the PSCD hypothesis.¹³ The findings predicated on majority partisan distinctions reported in the manuscript yield a superior model fit (based on AIC and BIC statistics) compared to the Senate filibuster pivot models (**Appendix Table B1**), yet offer an inferior model fit to the Senate chamber median models (**Appendix Table B2**) in three of four instances (**Models 2/B6, 3/B7, and 4/B8**). These findings indicate that the conditioning nature of ideological disagreement yield the same conclusions regarding interbranch policy conflict between the Senate and president, which mitigates committee delay when committees are ideologically vulnerable actors.

In addition, the PSCD hypothesis is corroborated in sensitivity analysis reported in **Appendix C** that omits non-major policy agencies (**Figure C1**), omits executive nominees made within the first 90 days of a new presidential administration (**Figure C2**), and omits Rule 31 nominations that are subsequently renominated for the same agency position within the same Congress (**Figure C3**). Further, we consider the possibility that the institution of removing cloture for executive nominees on November 21, 2013 (‘nuclear option’) might bias support in favor of the PSCD hypothesis since only a simple majority is required for confirmation under this recent procedural change. The evidence does not support this concern since the PSCD hypothesis is supported using only data prior to the removal of cloture for executive nominees (**Figure C4**). Additional analyses demarcating different president-agency ideological configurations reported in **Appendix D** reveals that committee delay predicted by the theory is consistent with PSCD hypothesis, albeit these estimates are less precise due to a reliance on subsample comprising anywhere from 20%–40% of the full sample estimates. In **Models D2-D4**, the PSCD effects are more pronounced for those statistical models premised on the committee divergence when strong prospects favor executive branch coordination exist (i.e., *President– Ideologically Aligned Agency*)

¹³ These estimates do not attain statistical significance for the committee median models (**Models B1 & B3**), while attaining statistical significance in the committee chair models (**Models B2 & B4**).

compared to when such prospects are weak (i.e., *President– Ideologically Opposed Agency*). This pattern suggests that divergent Senate committees expand greater willingness to delay confirmation process that reduces moral hazard risks *ex ante* with respect to confirming executive nominees from presidential-aligned agencies compared to presidential-opposed agencies.

The results reported in the manuscript are also substantively similar to results obtained from alternative analyses that employ an alternative censoring decision rule (**Appendix E**). Estimates from Weibull models with Gamma distributed frailty and Cox semiparametric models yield substantively similar findings, though the reported numerical estimates in **Figure 2** lay between the less conservative Weibull-Gamma frailty model estimates and more conservative Cox semiparametric model estimates (**Appendix F**).¹⁴ **Appendix G** provides evidence that selective committee delay theory has tangible relevance for predicting total confirmation delay (i.e., time from nomination to successful confirmation) for executive nominees. This finding is sensible when one considers that the predominance of confirmation delay occurs at the committee stage of the process as documented earlier in this study. **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.¹⁵ Finally, **Appendix I** reveals that 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

¹⁴ The Cox models yield the most precise estimates while the Weibull–Gamma frailty estimates are least precise, with the reported Weibull model estimates falling between these estimates in terms of precision.

¹⁵ 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 14.44% of the total observed failures.

inferior fit to the data compared to the reported models evaluating the PSCD hypothesis based on a multiplicative model specification.¹⁶

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.

This begs the question – Why do Senate party leaders and the chamber floor allow committees, and most notably, preference outlying committees, to delay the executive confirmation process? Senate committees, and not the Senate chamber, bear the subsequent policy costs of confirmed executive nominees since they are directly responsible for both formulation of legislation and oversight related to executive agencies in their policy jurisdiction. 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, and the lion share of failed confirmations, these bodies exercise decentralized 'advise and consent' authority on behalf of the entire chamber.

¹⁶ The reported **Models 1-4** range from a substantial BIC difference between -38.27 (**Model 4**, cf. **Model I4**) and -137.14 (**Model 1**, cf. **Model I1**).

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 the contemporary perspective maintains that legislative 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) implies that that committees are more critical for exercising legislative constraint on executive authority with the demise of the filibuster.

Two important caveats are in order regarding the evidence obtained supporting the PSCD hypothesis. First, disentangling committee influence on committee delay from both partisan and ideological chamber-based policy conflict influences is infeasible due to the high correlations among these variables. Definitive causal evidence, however, cannot be ascertained from this study. Nonetheless, the robust correlation evidence offers compelling empirical support consistent with the PSCD logic, especially since the committee ideological distance effects on committee delay remain intact for the baseline estimates, as well as when conditioning on the Senate chamber’s median ideological distance widening in relation to the president’s.¹⁷ A second caveat is that this study cannot systematically address the role played by informal advisory activities of Senate committees since this requires information on informal Senate communications with presidents *prior* to executive nomination choices that is not biased by incidental truncation resulting from

¹⁷ Coupled with the reported findings and sensitivity analyses, the statistical associations between a Senate committee’s ideological conflict with presidents and committee delay systematically vary in relation to the level of Senate chamber median conflict with the president (see **Appendix Table B2**). This finding is consistent with the PSCD logic, and thus underscores the point that evidence obtained in this study regarding ideologically vulnerable committees processing executive nominations more swiftly is unlikely a statistical artifact. See **Appendix B** (pages 11-12) for a fuller discussion of these issues.

selective provision of informal Senate communications with presidents and their staffs regarding nomination choices.

Although the current 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 particular positions, 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.

REFERENCES

- Adler, E. Scott, Jeffrey A. Jenkins, and Charles R. Shipan. 2019. *The United States Congress*. First Edition. New York: W.W. Norton & Company.
- Adler, E. Scott and John D. Wilkerson. 2013. *Congress and the Politics of Problem Solving*. New York: Cambridge University Press.
- Ba, Heather-Leigh Kathryn, Brandon Schneider, Terry L. Sullivan. 2022. "The Longer You Wait, The Longer It Takes: Presidential Transition Planning and Appointment Politics." *Congress & The Presidency* 49(1): 84-115.
- Berry, Christopher R., and Anthony Fowler. 2016. "Cardinals or Clerics? Congressional Committees and the Distribution of Pork." *American Journal of Political Science* 60(July): 692-708.
- Berry, Christopher R., and Anthony Fowler. 2018. "Congressional Committees, Legislative Influence, and the Hegemony of Chairs." *Journal of Public Economics* 158(February): 1-11.
- Bolton, Alexander, and Sharece Thrower. 2016. "Legislative Capacity and Executive Unilateralism." *American Journal of Political Science* 60(July): 649-663.
- Bolton, Alexander. 2022. "Gridlock, Bureaucratic Control, and Nonstatutory Policymaking in Congress." *American Journal of Political Science* 66(January): 238-254.
- Bonica, Adam, Jowei Chen, and Tim Johnson. 2015. "Senate Gate-Keeping, Presidential Staffing of 'Inferior Offices,' and the Ideological Composition of Appointments to the Public Bureaucracy." *Quarterly Journal of Political Science*. 10(1): 5-40.
- Canes-Wrone, Brandice. 2006. *Who Leads Whom? Presidents, Policy, and the Public*. Chicago, IL: University of Chicago Press.
- Carey, Maeve P. 2012. "Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112th Congress." *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service.
<https://fas.org/sgp/crs/misc/R41872.pdf>. Retrieval date: September 04, 2020.
- Chiou, Fang-Yi., and Lawrence S. Rothenberg. 2014. "Executive Appointments: Duration, Ideology, and Hierarchy." *Journal of Theoretical Politics* 26(July): 496-517.

- Clemens, Austin, Michael Crespin, and Charles J. Finocchiaro. 2015. "Earmarks and Subcommittee Government in the US Congress." *American Politics Research* 43 (November): 1074-1106.
- Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley, CA: University of California Press.
- Curry, James M. 2019. "Knowledge, Expertise, and Committee Power in the Contemporary Congress." *Legislative Studies Quarterly* 44(May): 203-237.
- Curry, James M., and Frances E. Lee. 2020. "What is Regular Order Worth? Partisan Lawmaking and Congressional Processes." *The Journal of Politics* 82(May): 627-641.
- Dull, Matthew, and Patrick S. Roberts. 2009. "Continuity, Competence, and the Succession of Senate-Confirmed Agency Appointees, 1989-2009." *Presidential Studies Quarterly*. 39(3): 432-453.
- Feinstein, Brian. D. 2017. "Designing Executive Agencies for Congressional Control." *Administrative Law Review* 69(Spring): 259-289.
- Fenno, Richard F. 1973. *Congressmen in Committees*. Boston, MA: Little, Brown.
- Greene, Michael. 2021. "Return of Nominations to the President under Senate Rule XXXI." *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R46664/2>. Retrieval date: December 4, 2021.
- Hamilton, Alexander. 1788. *Federalist 76*. http://avalon.law.yale.edu/18th_century/fed76.asp. Retrieved 24 January 2021.
- Heitshusen, Valerie. 2013. "Majority Cloture for Nominations: Implications and the 'Nuclear' Proceedings." *Congressional Research Service Report*. Washington, D.C.: Congressional Research Service. <https://fas.org/sgp/crs/misc/R43331.pdf>. Retrieval date: September 04, 2020.
- Hollibaugh, Gary E. Jr., 2015. "Naive Cronyism and Neutral Competence: Patronage, Performance, and Policy Agreement in Executive Appointments." *Journal of Public Administration Research and Theory*. 25(2): 341-72.

- Hollibaugh Jr., Gary E., and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology." *American Journal of Political Science* 62(April): 296-311.
- Kinane, Christina, M. 2021. "Control without Confirmation: The Politics of Vacancies of Presidential Appointments." *American Political Science Review* 115(May): 599-614.
- Krause, George A., and Jason S. Byers. 2022. "Confirmation Dynamics: Differential Vetting in the Appointment of U.S. Federal Agency Leaders." *Journal of Politics* 84(April): 1189-1201.
- Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor, MI: University of Michigan Press
- Kriner, Douglas L., and Eric Schickler. 2017. *Investigating the President: Congressional Checks on Presidential Power*. Princeton, NJ: Princeton University Press.
- Lee, Frances E. 2016. *Insecure Majorities: Congress and the Perpetual Campaign*. Chicago, IL: University of Chicago Press.
- Lewallen, Jonathan. 2020. *Committees and the Decline of Lawmaking in Congress*. Ann Arbor, MI: University of Michigan Press.
- Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet. 2020. *Voteview: Congressional Roll-Call Votes Database*. <https://voteview.com/>. Retrieved on May 04, 2020.
- Lewis, David E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton, New Jersey: Princeton University Press.
- MacDonald, Jason A., and Robert J. McGrath. 2016. "Retrospective Congressional Oversight and the Dynamics of Legislative Influence Over the Bureaucracy." *Legislative Studies Quarterly* 41(November): 899-934.
- Mathias, Charles McC., Jr. 1987. "Advice and Consent: The Role of the United States Senate in Judicial Selection." *The University of Chicago Law Review* 54(Winter): 200-207.

- McCarty, Nolan, and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996." *American Journal of Political Science* 43(October): 1122-1143.
- McGarrity, Thomas O. 2012. "Administrative Law as Blood Sport: Policy Erosion in a Highly Partisan Age." *Duke Law Journal* 61(May): 1671-1762.
- Mummolo, Jonathan, and Erik Peterson. 2018. "Improving the Interpretation of Fixed Effects Regression Results." *Political Science Research and Methods* 6(October): 829-835.
- O'Connell, Anne Joseph. 2009. "Vacant Offices: Delays in Staffing Top Agency Positions." *University of Southern California Law Review* 82(July): 913-1000.
- O'Connell, Anne Joseph. 2015. "Shortening Agency and Judicial Vacancies through Filibuster Reform – An Examination of Confirmation Rates and Delays from 1981 to 2014." *Duke Law Journal* 64(May): 1645-1716.
- O'Connell, Anne Joseph. 2020. "Actings." *Columbia Law Review* 120(April): 613-728.
- Ostrander, Ian. 2016. "The Logic of Collective Inaction: Senatorial Delay in Executive Nominations." *American Journal of Political Science* 60(October): 1063-1076.
- Ostrander, Ian. 2017. "The Politics of Executive Nominations in the Post- Nuclear Senate." *Congress & the Presidency*. 44(3): 323-343.
- Poole, Keith T., and Howard Rosenthal. 1997. *Ideology and Congress: A Political History of Roll Call Voting*. Transaction Publishers.
- Resh, William G., Gary E. Hollibaugh Jr., Patrick S. Roberts, and Matthew M. Dull. 2021. "Appointee Vacancies in U.S. Executive Branch Agencies." *Journal of Public Policy*. 41(4): 653-676.
- Ross, William G. 1998. "The Senate's Constitutional Role in Confirming Cabinet Nominees and Other Executive Officers." *Syracuse University Law Review* 48(3): 1123-1222.
- Rybicki, Elizabeth. 2017. "Senate Consideration of Presidential Nominations: Committee and Floor Procedures." *Congressional Research Service Report RL 31980*. Washington, D.C.: Congressional Research Service.

Rybicki, Elizabeth. 2023. "Senate Consideration of Presidential Nominations: Committee and Floor Procedures." *Congressional Research Service Report RL 31980*. Washington, D.C.: Congressional Research Service.

Shipan, Charles R. 2004. "Regulatory Regimes, Agency Actions, and the Conditional Nature of Congressional Influence." *American Political Science Review* 98(August): 467-480.

ONLINE APPENDIX

Executive Deference or Legislative Constraint?

Senate Committees and the Exercise of Decentralized Authority over U.S. Executive Nominations

1. **APPENDIX A**: 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
2. **APPENDIX B**: Alternative Tests of Selective Committee Delay Theory: Replacing Partisan Distinctions with Ideological Distinctions
3. **APPENDIX C**: Sensitivity to Alternative Subsamples of Nomination Observations
4. **APPENDIX D**: Exploring Variation in Partisan Selective Committee Delay Theory Across Different Configurations of Executive Branch Coordination
5. **APPENDIX E**: An Alternative Censoring Decision Rule for Executive Nominees Successfully Reported Out of Committee but Unconfirmed at the Senate Floor Stage
6. **APPENDIX F**: Alternative Estimation of Survival Models: Weibull with Gamma Frailty & Cox Semiparametric Regression
7. **APPENDIX G**: Alternative Tests of Partisan Selective Committee Delay Theory: Evaluating Total Confirmation Delay
8. **APPENDIX H**: Evaluating Differences in PSCD Hypothesis Estimates Between Non-Prior Confirmation versus Prior Confirmation Distinctions
9. **APPENDIX I**: Evaluating Model Estimates Based on Additive Model Specification and Comparison of Model Fit to Reported Models in Manuscript

APPENDIX A:

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: 244; Average Nominee Observations Per Agency: 39.67 [9,879 / 244])**

Agency	Count
ACTION Agency	6
Administrative Conference of the United States	6
Administrator of Drug Enforcement	1
Advisory Commission on Public Diplomacy	1
Advisory Council on Historic Preservation	2
African Development Bank	8
African Development Foundation	43
Agency for International Development	1
Alaska Land Use Council	1
Alaska Natural Gas Transportation System	1
Amtrak Reform Board	4
Amtrak Board of Directors	28
Appalachian Regional Commission	8
Architect of the Capitol	1
Asian Development Bank	6
Assassination Records Review Board	5
Barry Goldwater Scholarship & Excellence in Education Foundation	46
Board for International Broadcasting	22
Board of Veterans' Appeals	1
Broadcasting Board of Governors	74
Bureau of Alcohol, Tobacco, Firearms, and Explosives	1
Bureau of Consumer Financial Protection	3
Bureau of Justice Assistance	1
Centers for Medicare and Medicaid Services	2
Central Intelligence Agency	37
Chemical Safety and Hazardous Investigation Board	37
Civil Liberties Public Education Fund	45
Coast Guard	4
Commission on National and Community Service	9
Commodity Credit Corporation	3
Commodity Futures Trading Commission	69
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	2
Consumer Product Safety Commission	45
Copyright Royalty Tribunal	7

Corporation for National and Community Service	109
Corporation for Public Broadcasting	6
Council of Economic Advisers	3
Court Services and Offender Supervision Agency	2
Defense Base Closure and Realignment Commission	47
Defense Nuclear Facilities Safety Board	46
Delta Regional Authority	4
Department of Agriculture	181
Department of Commerce	294
Department of Defense	585
Department of Education	193
Department of Energy	221
Department of Health and Human Services	173
Department of Homeland Security	119
Department of Housing and Urban Development	150
Department of Justice	1,028
Department of Labor	191
Department of State	497
Department of the Interior	168
Department of the Treasury	317
Department of Transportation	249
Department of Veterans Affairs	126
Director of National Intelligence	1
District of Columbia Offender Supervision, Defender, and Courts Services Agency	2
Election Assistance Commission	32
Environmental Protection Agency	145
Equal Employment Opportunity Commission	68
European Bank for Reconstruction and Development	16
Executive Board of the World Health Organization	1
Executive Office of the President	270
Export-Import Bank of the United States	70
Farm Credit Administration	42
Farm Credit System Assistance Board	1
Federal Agricultural Mortgage Corporation	11
Federal Aviation Administration	2
Federal Aviation Management Advisory Council	2
Federal Communications Commission	59
Federal Deposit Insurance Corporation	42
Federal Election Commission	42
Federal Emergency Management Agency	27
Federal Energy Regulatory Commission	54
Federal Home Loan Bank Board	3
Federal Hospital Insurance Trust Fund	7
Federal Housing Finance Agency	6
Federal Housing Finance Board	30
Federal Insurance Trust Funds	28
Federal Labor Relations Authority	52
Federal Maritime Commission	47
Federal Mediation and Conciliation Service	12
Federal Mine Safety and Health Administration	8

Federal Mine Safety and Health Review Commission	43
Federal Motor Carrier Safety Administration	1
Federal Old-Age and Survivors Insurance Trust Fund	2
Federal Procurement Policy	1
Federal Reserve System	76
Federal Retirement Thrift Investment Board	37
Federal Supplementary Medical Insurance Trust Fund	6
Federal Trade Commission	42
Financial Stability Oversight Council	2
Fish and Wildlife	1
Foreign Claims Settlement Commission	3
General Accounting Office	1
General Services Administration	16
Government Accountability Office	1
Government Printing Office	6
Harry S Truman Scholarship Foundation	44
Institute of American Indian and Alaska Native Culture and Arts Development	45
Institute of Museum and Library Services	21
Intelligence Community	1
Inter-American Development Bank	15
Inter-American Foundation	74
Internal Revenue Service Oversight Board	1
International Atomic Energy Agency	3
International Bank for Reconstruction and Development	24
International Banks	11
International Joint Commission, United States and Canada	23
International Monetary Fund	30
International Trade Commission	1
Interstate Commerce Commission	9
James Madison Memorial Fellowship Foundation	34
Legal Services Corporation	85
Library of Congress	2
Marine Mammal Commission	13
Merit Systems Protection Board	39
Metropolitan Washington Airports Authority	17
Millennium Challenge Corporation	14
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	23
National Archives and Records Administration	5
National Board for Education Sciences	32
National Commission on Libraries and Information Science	69
National Consumer Cooperative Bank	15
National Corporation for Housing Partnerships	11
National Council on Disability	19
National Council on Educational Research and Improvement	1
National Council on the Arts	1

National Council on the Handicapped	19
National Council on the Humanities	8
National Counterterrorism Center	1
National Credit Union Administration	25
National Drug Control Policy	1
National Foundation on the Arts and the Humanities	329
National Indian Gaming Commission	7
National Institute for Literacy Advisory Board	59
National Institute of Building Sciences	33
National Institute on Disability and Rehabilitation Research	1
National Intelligence	1
National Labor Relations Board	100
National Mediation Board	50
National Museum and Library Services Board	46
National Nuclear Security Administration	1
National Oceanic and Atmospheric Administration	7
National Railroad Passenger Corporation (Amtrak)	15
National Railroad Passenger Corporation (Amtrak) Reform Board	18
National Science Foundation	161
National Security Education Board	27
National Transportation Safety Board	67
Nations Agencies for Food and Agriculture	1
Northern Border Regional Commission	4
Nuclear Regulatory Commission	57
Occupational Safety and Health Review Commission	35
Office of Government Ethics	4
Office of Management and Budget	1
Office of Minority Economic Impact	1
Office of Navajo and Hopi Indian Relocation	3
Office of Personnel Management	37
Office of Science and Technology Policy	2
Office of Special Counsel	8
Office of Special Trustee for American Indians	1
Office of Surface Mining Reclamation and Enforcement	4
Office of the Director of National Intelligence	20
Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects	2
Office of the Nuclear Waste Negotiator	2
Overseas Private Investment Corporation	51
Panama Canal Commission	11
Peace Corps	19
Peace Corps National Advisory Council	33
Pension Benefit Guaranty Corporation	6
Postal Rate Commission	24
Postal Regulatory Commission	5
Privacy and Civil Liberties Oversight Board	27
Public Health Service	4
Public Printer	1
Railroad Retirement Board	31
Reconstruction and Stabilization	1
Resolution Trust Corporation	7

Saint Lawrence Seaway Development Corporation	10
Securities and Exchange Commission	42
Securities Investor Protection Corporation	51
Selective Service System	7
Small Business Administration	46
Social Security Administration	50
Social Security Advisory Board	3
Special Panel on Appeals	6
State Justice Institute	61
Supply Reduction, Office of National Drug Control Policy	1
Surface Transportation Board	9
Survivors and Disability Insurance Trust Funds	2
Tennessee Valley Authority	64
Terrorism and Financial Crimes	1
Trade and Development Agency	2
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	75
United States Arms Control and Disarmament Agency	33
United States Attorney	13
United States Enrichment Corporation	10
United States Information Agency	31
United States Institute of Peace	66
United States International Development Cooperation Agency	85
United States International Trade Commission	43
United States Parole Commission	15
United States Postal Service	75
United States Sentencing Commission	59
United States Trade and Development Agency	2
Veterans Administration	2
Veterans Affairs (Public and Intergovernmental Affairs)	1
Veterans Affairs for Memorial Affairs	1

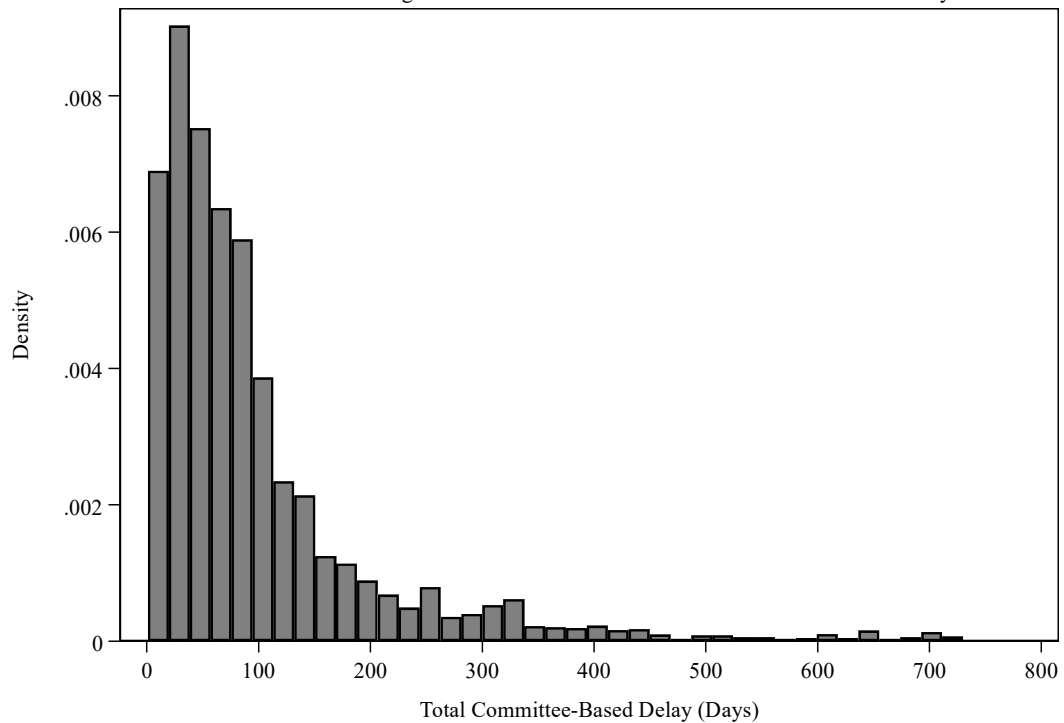
Appendix Table A1.2: Variable, Descriptive Statistics (Full Sample), and Data Sources

Variable	Mean	SD	Min	Max	Source
<i>Committee Delay</i> (legvetdur2plus1)	99.990	110.754	1	730	Calculated by authors from information obtained from congress.gov ¹
PRIMARY COVARIATES					
<i>/Senate Committee Median – President/</i> (committee_pres1)	0.499	0.292	0.032	1.02	DW-NOMINATE ² & Congressional Directory ³
<i>/Senate Committee Chair – President/</i> (Chair_pres1)	0.519	0.413	0.001	1.29	DW-NOMINATE & Congressional Directory ⁴
<i>Divided Partisan Control of Senate and Presidency</i> (sendivide)	0.474	0.499	0	1	Ostrander (2016) ⁵
CONTROL COVARIATES					
<i>Absolute Distance of President and Senate Floor</i> (pressenfloorabsdist)	0.496	0.219	0.18	0.815	DW-NOMINATE
<i>Senate Committee Median Experience</i> (experience_median)	5.977	2.768	0	15	Congressional Directory
<i>Senate Committee Chair Experience</i> chair_experience_1)	20.681	8.977	2	45	Congressional Directory ⁶ , Congress.gov ⁷ , BioGuide ⁸ & Senate.gov ⁹
<i>Senate Committee Confirmation Workload: Including Non-Policy Positions</i> (kv_workload)	3184.174	758.744	1805	5374	DW-NOMINATE
<i>In(Committee Workload)</i> (ln_combills_workload)	5.538	0.737	1.609	7.403	Calculated by authors from information obtained from congress.gov ¹⁰
<i>Senate Committee Staff Size</i> (committeestaffsize)	68.540	26.953	11	168	Senate.gov ¹¹ , Congressional Directory & DW-NOMINATE https://fas.org/sgp/crs/misc/R43946.pdf
<i>Senate Party Polarization</i> (polarization)	0.755	0.074	0.611	0.88	Ostrander (2016)
<i>Average Presidential Approval</i> (pres_app_m)	51.593	11.994	26.5	86.45	Ostrander (2016)
<i>Honeymoon</i> (first90)	0.045	0.208	0	1	Ostrander (2016)
<i>Presidential Election Year</i> (preselection)	0.171	0.376	0	1	Ostrander (2016)
<i>Second Term Nomination</i> (lameduck)	0.369	0.482	0	1	Ostrander (2016)
<i>Senate Legislative Workload</i> (workload)	30.330	18.032	0	97	Ostrander (2016)
<i>Female Nominee</i> (female)	0.271	0.444	0	1	Ostrander (2016)
<i>Prior Senate Confirmation</i> (priorconfirm)	0.149	0.357	0	1	Ostrander (2016)
<i>Prior Senate Denial</i> (denied)	0.072	0.258	0	1	Calculated by authors from information obtained from congress.gov ¹²
<i>Cabinet Level</i>	0.259	0.438	0	1	Ostrander (2016)

<i>(_itier_2)</i>					
<i>High Level</i> <i>(_itier_3)</i>	0.061	0.240	0	1	Ostrander (2016)
<i>Major Board</i> <i>(_itier_4)</i>	0.498	0.500	0	1	Ostrander (2016)
<i>Defense</i> <i>(defense)</i>	0.089	0.285	0	1	Ostrander (2016)
<i>Infrastructure</i> <i>(infrastructure)</i>	0.502	0.222	0	1	Ostrander (2016)
<i>Social Program</i> <i>(social)</i>	0.062	0.242	0	1	Ostrander (2016)
<i>FVRA/Federal Vacancy Reform Act, 1998</i> <i>(fvra)</i>	0.255	0.436	0	1	Congressional Record https://www.govinfo.gov/content/pkg/USCODE-2006-title5/pdf/USCODE-2006-title5-partIII-subpartB-chap33-subchapIII-sec3345.pdf
<i>August Recess</i> <i>(firstrecess)</i>	0.138	0.345	0	1	Generated from other Variables
<i>December Recess</i> <i>(secondrecess)</i>	0.100	0.300	0	1	Generated from other Variables
<i>Policy Agency</i> <i>(policy_majagency)</i>	0.747	0.434	0	1	Calculated by authors from information obtained from congress.gov ¹³
<i>ln(Committee Workload)</i> <i>(ln_combills_workload)</i>	5.538	0.737	1.609	7.403	Calculated by authors from information obtained from congress.gov ¹⁴

Notes: Row entries in each cell are descriptive statistics based on the full sample of observations.

FIGURE 1A: Histogram Plot of the Total Committee-Based Confirmation Delay



APPENDIX B:

Alternative Tests of Selective Committee Delay Theory: Replacing Partisan Distinctions with Ideological Distinctions

As an alternative to making partisan alignment distinctions, 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), as well as the ideological distance between the Senate chamber median and president's respective ideal points: $|Senate\ Chamber\ Median_t - President_t|$. What is of interest here is the interaction between the $|Senate\ Committee\ Median\ [Chair]_{j,t} - President_t| \times |Senate\ Filibuster\ Pivot_t [Chamber\ Median_t] - President_t| > 0$. 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 1-4** reported in the manuscript by replacing the *Divided Partisan Control* indicators with the $|Senate\ Filibuster\ Pivot_t [Chamber\ Median_t] - President_t|$.

Appendix Table B1 displays the main results (control covariates are omitted for purposes of brevity). Although the positive interaction coefficients (denoted by grey-shading) are consistent with the PSCD predictions based on the ideological measures involving the Senate chamber and president, they are less precise compared to the counterpart estimates reported in the manuscript based on divided partisan control of the Senate and presidency. Not surprisingly, the reported models based on the majority partisan distinctions, offer a better model fit to these data compared to these models employing the $|Senate\ Filibuster\ Pivot_t - President_t|$ for the same identical sample and set of control regressors.

Appendix Table B2 estimates a similar set of models, only replacing $|\textit{Senate Filibuster Pivot}_t - \textit{President}_t|$ with $|\textit{Senate Chamber Median}_t - \textit{President}_t|$ in lieu of divided partisan control binary indicator variable employed to test the PSCD hypothesis in the manuscript. These alternative set of selective committee delay models reveal support consistent with those produced from the reported manuscript results based on the divided partisan control binary indicator. That is, ideologically (non-vulnerable) vulnerable Senate committees expedite (protract) the pace of executive nominations through the committee stage of the confirmation process. These ideological-based Senate chamber median – president absolute distance estimates exhibit much greater precision (and superior model fit) than the analogous estimates using the Senate filibuster pivot reported in **Appendix Table B1**.

Lastly, **Appendix Table 3** reports the comparison of results for the reported manuscript models, plus models that replace the committee-based distance measures with the $|\textit{Senate Chamber Median}_t - \textit{President}_t|$ measure. The results reveal that the reported models based on committee preference distance measures yield both more explanatory power (based on chi-square tests) and better model fit (based on AIC and BIC statistics) for the restricted model specifications (i.e., **Models 1, 2, & B9**). However, the alternative Senate chamber measure outperforms the committee ideological distance measures in terms of explanatory power and model fit criteria when analyzing the unrestricted model specifications including the full set of control covariates (i.e., **Models 3, 4, & B10**).

A limitation of this study is the inability to further parse out these committee-based from both the chamber-based partisan and ideological effects simultaneously due to the strong correlations and limited numerical range among these measures. Specifically, these committee and chamber ideological distance measures are correlated at 0.920 and 0.901 for the $|\textit{Senate Committee Median}_t - \textit{President}_t|$ and $|\textit{Senate Chair}_t - \textit{President}_t|$ measures, respectively. What leverage that is attainable is derived from the relative dispersion differences among these ideological-based

measures, with the committee ideological distance measures exhibiting significantly greater variation compared to the $|Senate\ Chamber\ Median_t - President_t|$ measure.¹

This limitation falls short of the ideal to definitively tease out the precise causal nature of how Senate committees' policy divergence from president affects confirmation delay at the committee stage of the nomination process. Nonetheless, the robust correlative evidence of committee-based ideological influence on committee delay is compelling given the empirical regularities observed when evaluating the PSCD hypothesis in both the manuscript and various appendices, coupled with the evidence showing that the effect of committees' ideologically distance from the president on committee delay is conditionally affected by the Senate chamber's relative ideological distance from the president (**Appendix Table B2**). That is, Senate committee ideological distance from the president is associated with similar effects on committee confirmation delay, whether conditioned by partisan or ideological conflict between the Senate chamber and president.

What cannot be adequately gleaned from these data is how committees impact confirmation delay in conjunction with *both* forms of chamber-induced inter branch policy conflict with presidents. Taken together, these findings suggest that the inability to jointly disentangle committee sources of influence from *both* partisan and ideological chamber sources constitute an effective limitation of this study, and for others seeking to tease out the independent effect for each of these mechanisms. This reveals a clear empirical scope condition when evaluating our evidence consistent with PSCD logic proposed in the manuscript.

¹ F-tests reveal that $|Senate\ Chamber\ Median_t - President_t|$ measure has much lower dispersion (SD = 0.219) compared to both $|Senate\ Committee\ Median_t - President_t|$ (SD = 0.293) and $|Senate\ Chair_t - President_t|$ (SD = 0.413) respective measures at $p < 0.001$.

APPENDIX TABLE B1

**Evaluating Ideological-Based Selective Committee Delay, I
(Senate Filibuster Pivot: Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)**

Variable	Model B1	Model B2	Model B3	Model B4
Senate Committee Median – President	0.155*** (0.090)	—	0.334* (0.193)	—
Senate Chair Median – President	—	0.073*** (0.035)	—	0.158*** (0.073)
President – Senate Filibuster Pivot	0.414 (0.252)	0.129*** (0.057)	0.563 (0.422)	0.253*** (0.091)
Senate Committee Median – President x President – Senate Filibuster Pivot	3.938 (4.145)	—	2.413 (2.886)	—
Senate Chair Median – President x President – Senate Filibuster Pivot	—	96.907*** (86.304)	—	28.816*** (26.907)
Committee & Administration Unit Effects	YES	YES	YES	YES
Additional Controls	NO	NO	YES	YES
ln (p)	–0.017 (0.018)	–0.008 (0.020)	0.040*** (0.015)	0.048*** (0.016)
Log Pseudo-Likelihood	–13,691.36	–13,636.292	–13,136.91	–13,091.206
AIC Statistics	27,400.72	27,290.58	26,311.92	26,220.41
BIC Statistics	27,465.50	27,355.37	26,448.69	26,357.18
Total Observations	9,879	9,879	9,879	9,879
Total Uncensored Observations	7,076	7,076	7,076	7,076

Notes: Control covariates are omitted from table for brevity but can be obtained from authors. Entries are hazard ratio estimates ($H_0: \exp(\beta) = 1.0$). Robust standard errors clustered on committee appear inside parentheses.

* $p \leq 0.10$

** $p \leq 0.05$

*** $p \leq 0.01$.

APPENDIX TABLE B2

**Evaluating *Ideological-Based* Selective Committee Delay, II
(Senate Chamber Median: Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)**

Variable	Model B5	Model B6	Model B7	Model B8
Senate Committee Median – President	0.015*** (0.013)	—	0.039*** (0.037)	—
Senate Chair Median – President	—	0.028*** (0.017)	—	0.045*** (0.034)
President – Senate Chamber Median	0.037*** (0.017)	0.070*** (0.032)	0.050*** (0.020)	0.080*** (0.035)
Senate Committee Median – President x President – Senate Chamber Median	423.600*** (470.036)	—	169.290*** (2.886)	—
Senate Chair Median – President x President – Senate Chamber Median	—	262.622*** (240.749)	—	153.614*** (160.259)
Committee & Administration Unit Effects	YES	YES	YES	YES
Additional Controls	NO	NO	YES	YES
ln (p)	0.001 (0.019)	0.008 (0.019)	0.054*** (0.016)	0.064*** (0.016)
Log Pseudo-Likelihood	-13,575.92	-13,539.31	-13,053.27	-13,008.46
AIC Statistics	27,169.84	27,096.62	26,144.53	26,054.92
BIC Statistics	27,234.62	27,161.40	26,281.30	26,191.68
Total Observations	9,879	9,879	9,879	9,879
Total Uncensored Observations	7,076	7,076	7,076	7,076

Notes: Control covariates are omitted from table for brevity but can be obtained from authors. Entries are hazard ratio estimates ($H_0: \exp(\beta) = 1.0$). Robust standard errors clustered on committee appear inside parentheses.

* $p \leq 0.10$

** $p \leq 0.05$

*** $p \leq 0.01$.

APPENDIX TABLE B3

***Non-Nested Evaluation of Committee versus Chamber Median Models of Committee Selective Delay
(Senate Chamber Median: Weibull Model Hazard Ratio Estimates of Senate Committee Confirmation Delay)***

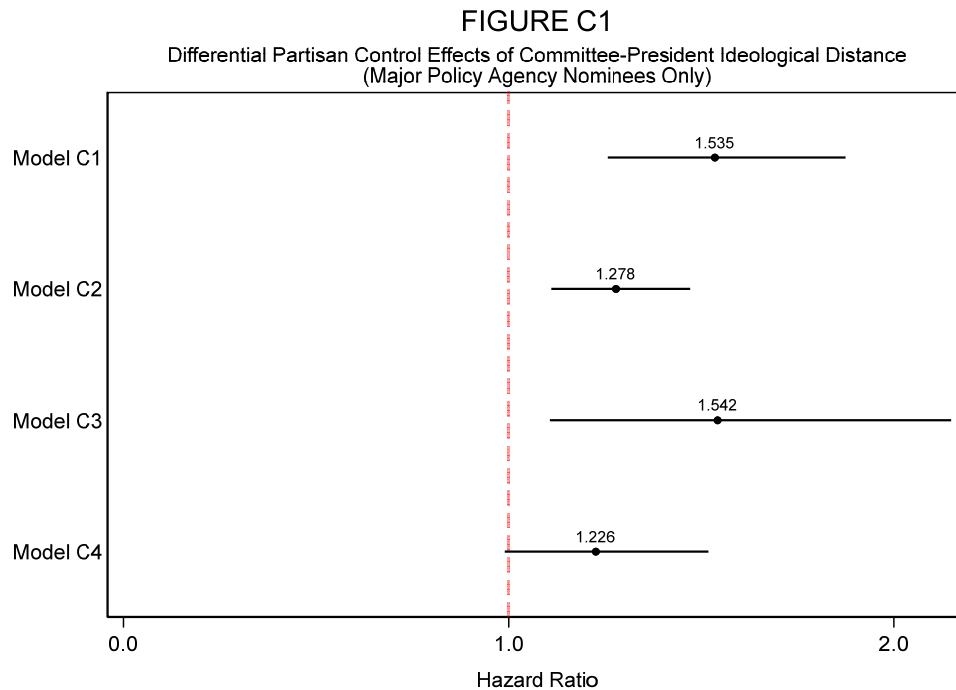
Variable	Model 1	Model 2	Model B9	Model 3	Model 4	Model B10
Senate Committee Median – President	0.277*** (0.127)	—	—	0.332 (0.238)	—	—
Senate Chair Median – President	—	0.880 (0.122)	—	—	0.895 (0.276)	0.321** (0.152)
Senate Chamber Median – President	—	—	0.352** (0.137)	—	—	—
Divided Partisan Control]: S & P [Senate Committee Median – President]	0.194*** (0.054)	0.220*** (0.038)	0.066*** (0.034)	0.236** (0.135)	0.380** (0.148)	0.031*** (0.019)
Senate Committee Median – President x Divided Partisan Control]: S & P	7.916*** (3.034)	—	—	7.103*** (4.738)	—	—
Senate Committee Chair – President x Divided Partisan Control]: S & P	—	3.244*** (0.7651)	—	—	2.615** (1.113)	—
Senate Chamber Median – President x Divided Partisan Control]: S & P	—	—	43.539*** (33.661)	—	—	195.750*** (151.617)
AIC	27,152.62	27,208.31	27,502.71	26,172.92	26,183.68	26,011.11
BIC	27,217.41	27,273.10	27,574.92	26,309.69	26,320.44	26,147.87
Interaction Chi-Square Differential Test $\chi^2 \sim (1)$ [Interaction Term]	29.92*** [0.000]	25.18*** [0.000]	23.82*** [0.000]	8.64*** [0.003]	5.10** [0.024]	46.41*** [0.000]
Joint Chi-Square Differential Test $\chi^2 \sim (3)$ [Additive & Interaction Terms]	70.11*** [0.000]	88.85*** [0.000]	60.70*** [0.000]	16.71*** [0.001]	12.62*** [0.006]	150.16*** [0.000]
Committee & Administration Unit Effects	YES	YES	YES	YES	YES	YES
Additional Control Covariates	NO	NO	NO	YES	YES	YES
Total Number of Observations	9,879	9,879	9,879	9,879	9,879	9,879
Total Number of Uncensored Observations	7,076	7,076	7,076	7,076	7,076	7,076

Notes: Control covariates are omitted from table for brevity but can be obtained from authors. Entries are hazard ratio estimates ($H_0: \exp(\beta) = 1.0$). Robust standard errors clustered on committee appear inside parentheses. Probability values appear inside brackets. Boldface entries represent the models with superior overall model fit (AIC and BIC statistics), and also superior explanatory variables of primary inter-chamber covariates of interest (Interaction and Joint Chi-Square Differential tests). * $p \leq 0.10$ ** $p \leq 0.05$ *** $p \leq 0.01$.

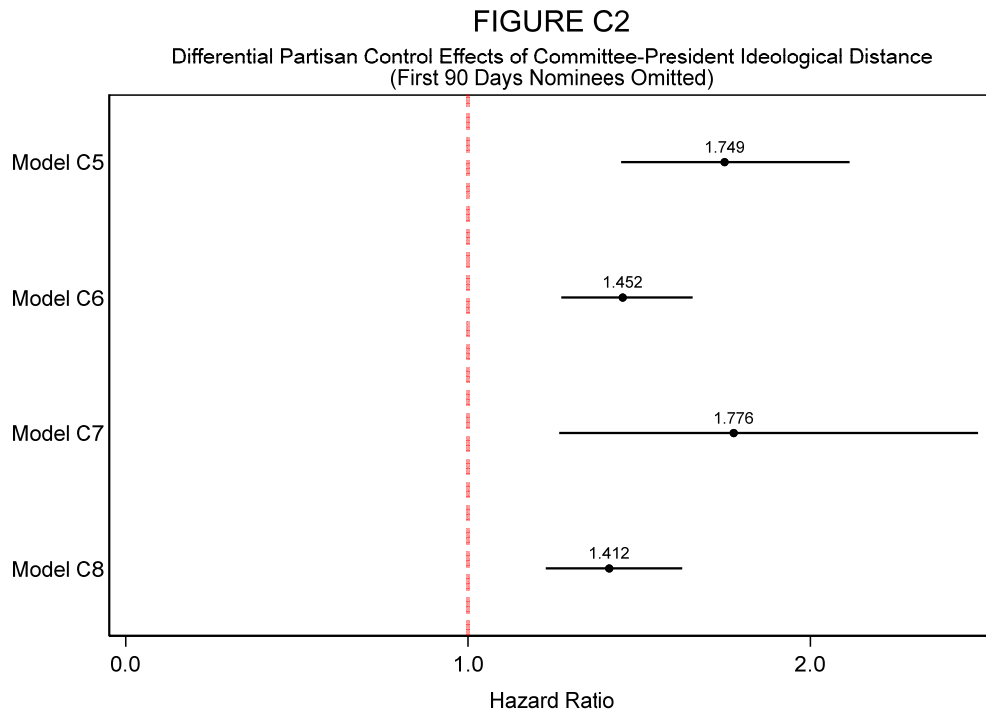
APPENDIX C:

Sensitivity to Alternative Subsamples of Nomination Observations

A series of additional sensitivity checks are performed omitting executive nominee observations. First, we omit 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*). **Models 1-4** are re-analyzed on the subsample of nominee cases where *Policy Agency* equals 1 (where total uncensored confirmed observations = 7,076 [$N_{Policy\ Agency} = 5,469$; 77.29%]). The differential marginal hazard ratio effects appear in **Figure C1** below. One notices that these marginal effect hazard ratio estimates are substantively similar to those presented in **Figure 2** of the manuscript, albeit with slightly smaller hazard ratio numerical marginal effect estimates when restricting the sample to only policy agencies.

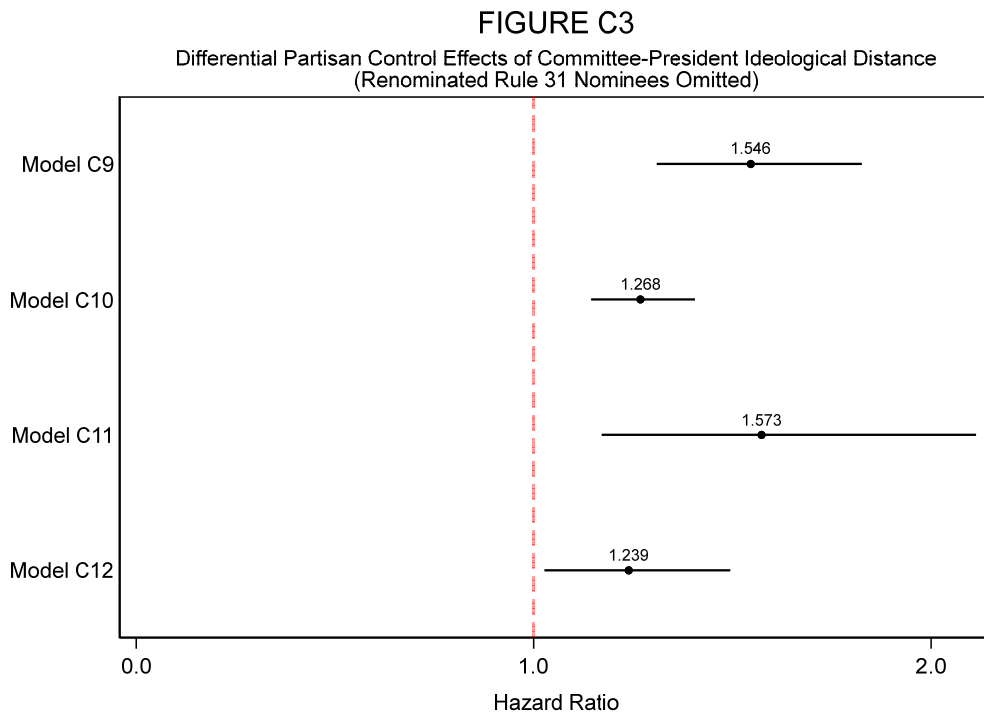


Second, we omit executive nominees from the sample that were nominated during the first 90 days of a given presidential administration since these cases represent the ‘initial wave’ of nominees that should benefit from greater executive deference by the Senate. **Models 1-4** are re-analyzed on the subsample of nominee cases where *First 90 Days* equals 0 (where uncensored confirmed observations = 6,643 [93.88% of uncensored confirmed observations from the full sample estimates reported in manuscript]). These set of differential marginal hazard ratio effects appear in **Figure C2** below. This set of marginal effect hazard ratio estimates are substantively consistent with those presented in **Figure 2** of the manuscript, albeit reveal larger numerical marginal effects for the PSCD hypothesis when omitting the flurry of initial executive nominees for a new administration.



Third, we omit Rule 31 renominations that take place in the same Congress since these individuals might not only be less susceptible to legislative constraint predicted by selecting vetting

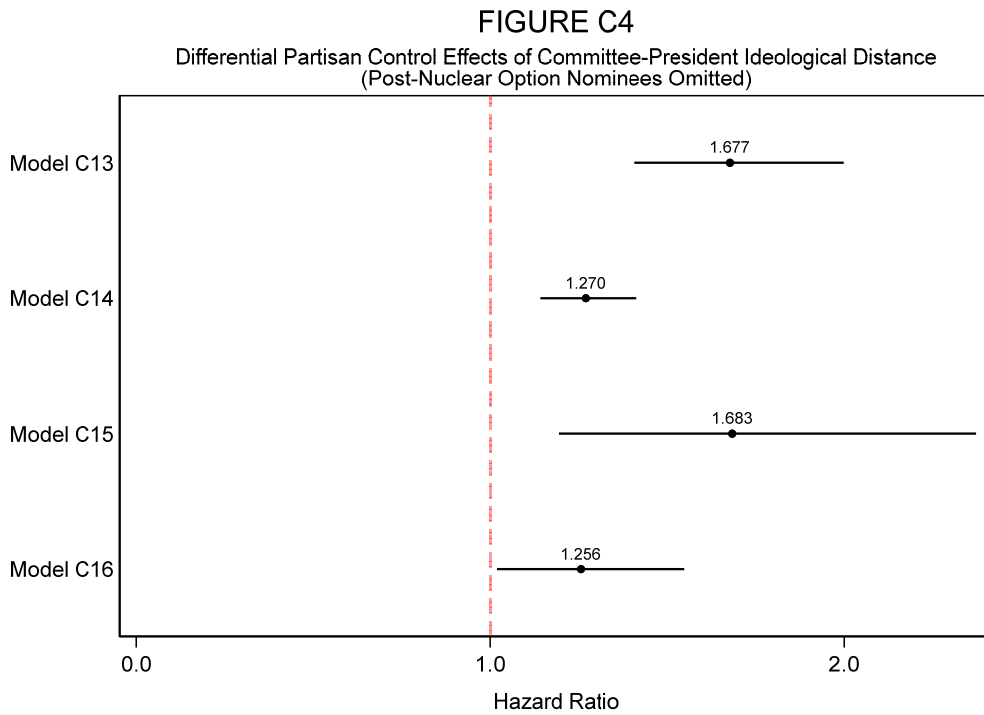
logic.² **Models 1-4** are re-analyzed on the subsample of nominee cases where *Rule 31* equals 0 (uncensored confirmed observations = 6,821 [96.40% of full sample estimates reported in manuscript]). These set of differential marginal hazard ratio effects appear in **Figure C3** below. Although support for the PSCD hypothesis is evident, the marginal effect hazard ratio estimates are slightly more conservative (i.e., smaller) relative to the comparable set of estimates appearing in **Figure 2** of the manuscript.



Finally, we restrict the sample to the pre-‘nuclear option’ (November 21, 2013) cases which eliminated cloture for confirmation of executive nominees – and omit cases once the ‘nuclear-option’ is in effect. This analysis overcomes a critique that greater obstruction by the opposition party at the committee stage can result in increased confirmation delay with the removal of cloture,

² Only those Rule 31 nominees for the same position within the same agency who are subsequently renominated in the same Congress are omitted in this set of sensitivity analyses since these observations are not censored unlike those who are renominated in a subsequent Congress.

thus biasing the estimates in favor of the PSCD hypothesis. The statistical evidence for re-assessing **Models 1-4** on the subsample of nominee cases under the pre-‘nuclear option’ regime are *Nuclear Option* equals 0 (uncensored confirmed observations = 6,065 [85.71% of full sample estimates reported in manuscript]). These set of differential marginal hazard ratio effects appear in **Figure C4** below. The evidence is consistent with the reported evidence in **Figure 2**, thus suggesting that the removal of cloture to permit simple majority confirmation of executive nominees is not biasing the results based on the full sample of executive nominees.



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 additional selective vetting and deliberation that translates into greater committee-based 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 (see **Models D1.A/D.2A, D1.B/D2.B, and D4.A/D4.B**; cf. minor differences in the opposite hypothesized direction in **Model D3.A/D3.B**). 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. Unsurprisingly, the estimates based on the largest of these three subsamples, *President–Ideologically Neutral Agency* (**Figure D3**), tend to most closely mirror the evidence of the full sample presented in **Figure 2**. Although the numerical estimates are more variable for the smaller sub-samples with ideological aligned & opposition agencies (**Figure D1 & D2**), they nonetheless reveal similar patterns to those presented in **Figure 2**.

FIGURE D1

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

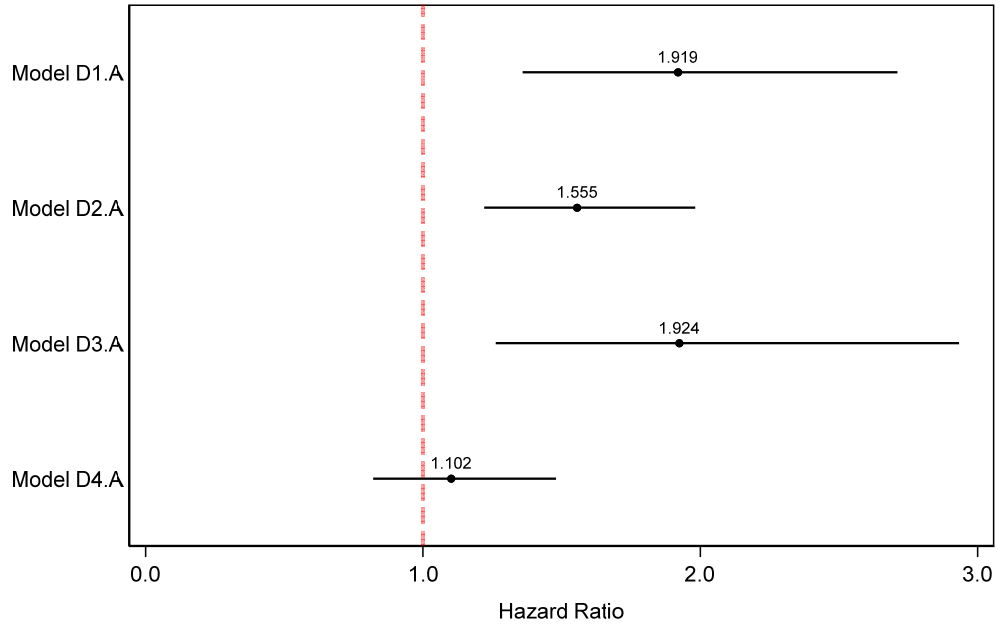


FIGURE D2

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

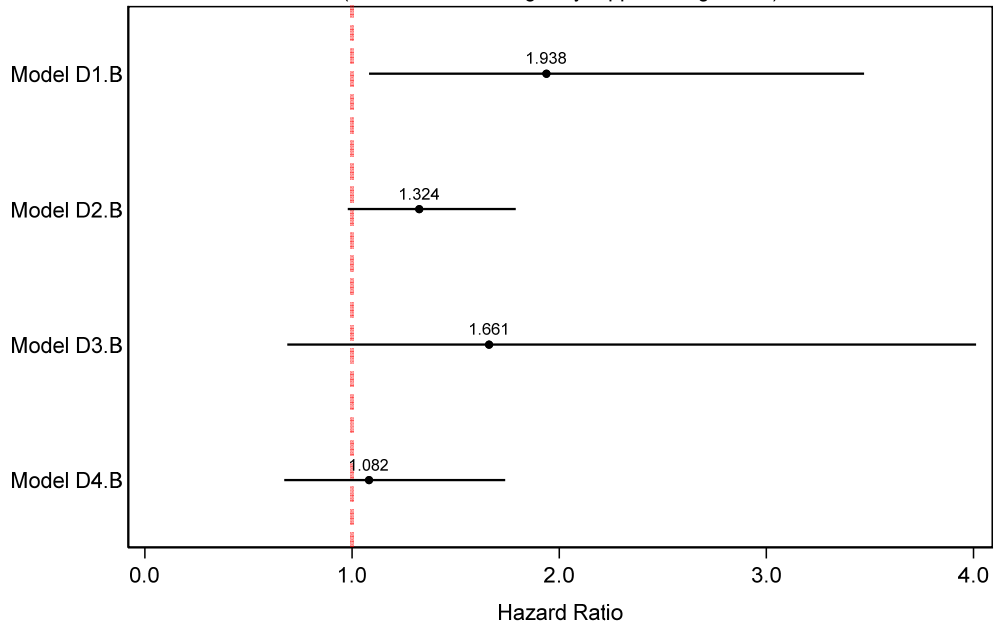
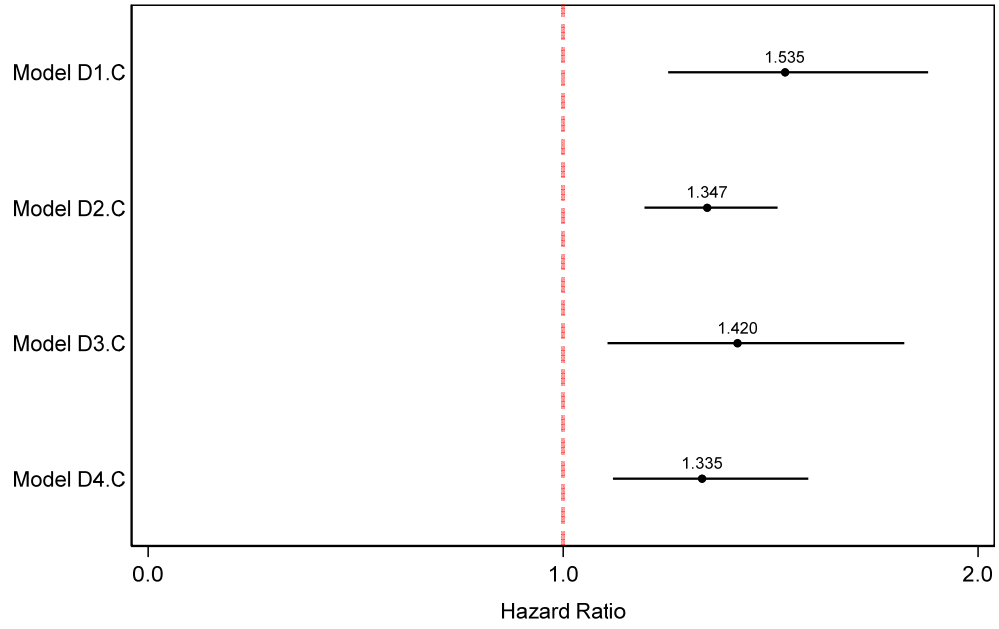


FIGURE D3

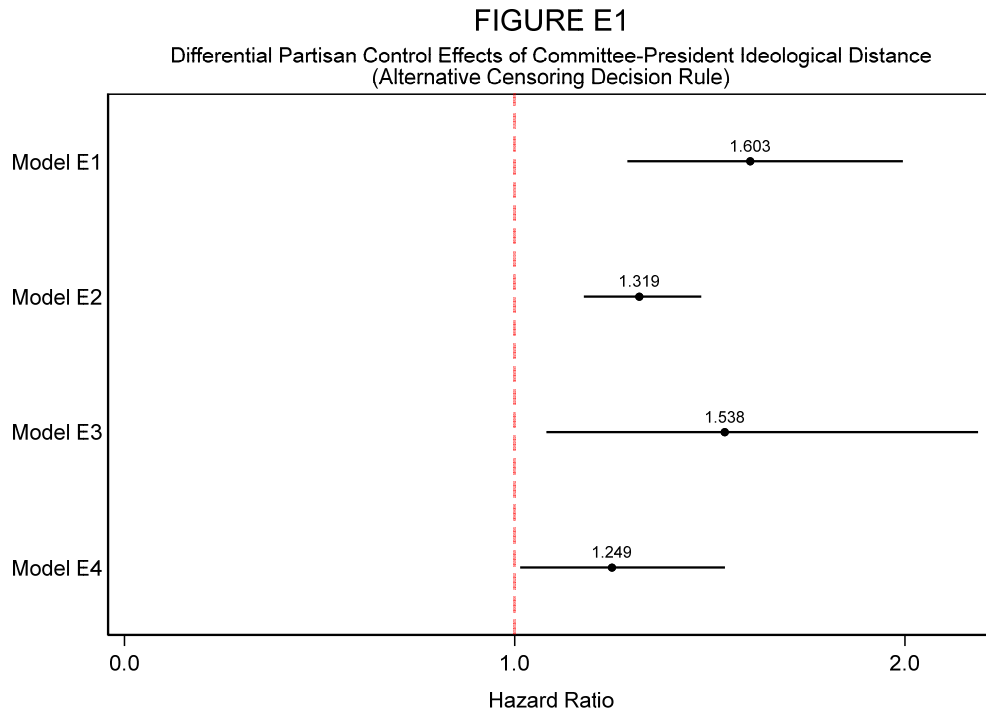
Differential Partisan Control Effects of Committee-President Ideological Distance
(Presidential Ideologically-Neutral Agencies)



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 corresponding estimates presented in the manuscript (**Figure 2**). It is safe to conclude that the core findings relating to selective committee delay logic are unaffected by the censoring decision rule adopted in the manuscript.



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 in **Figures F1 & F2**. The results corroborate the key findings reported in **Figure 2** based on both alternative duration modeling approaches, with a pair of interesting exceptions based on the numerical estimates. Although the respective Weibull–Gamma Frailty and Cox model estimates yield corroborative support for the PSCD hypothesis, both set of alternative model estimates are noticeably less conservative (i.e., larger effect sizes) for the */Senate Committee Median – President/* models [**Models F1 & F3; cf. Models 1 & 3 in Figure 2**], while being more conservative (i.e., smaller effect sizes) in all but **Model F4** with respect to the */Senate Committee Chair – President/* models [**Models F2 & F4; cf. Models 2 & 4 in Figure 2**]. Moreover, the Cox estimates are more conservative relative to the Weibull–Gamma frailty models appearing in **Figures F1 and F2**.

FIGURE F1

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

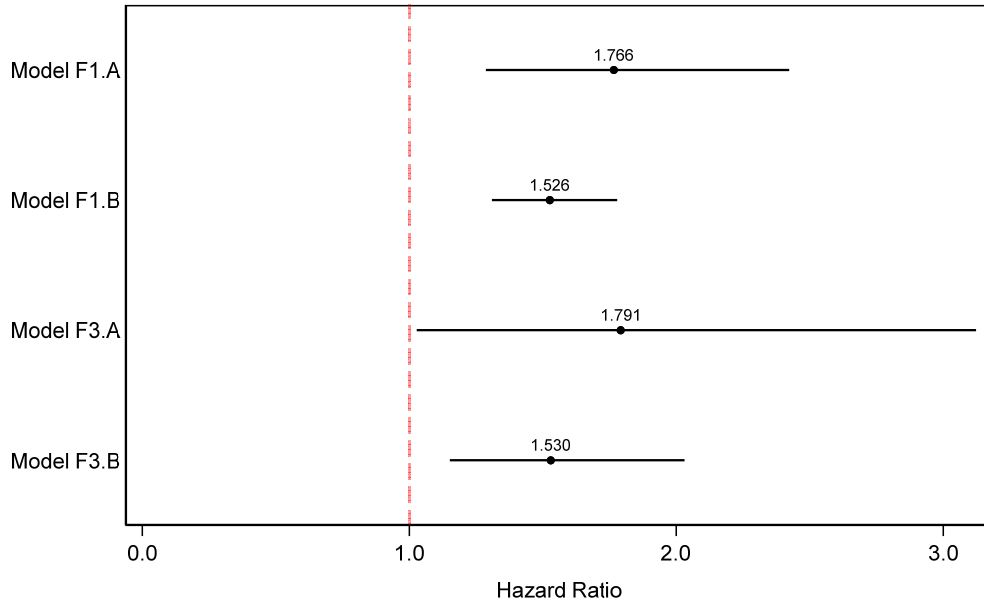
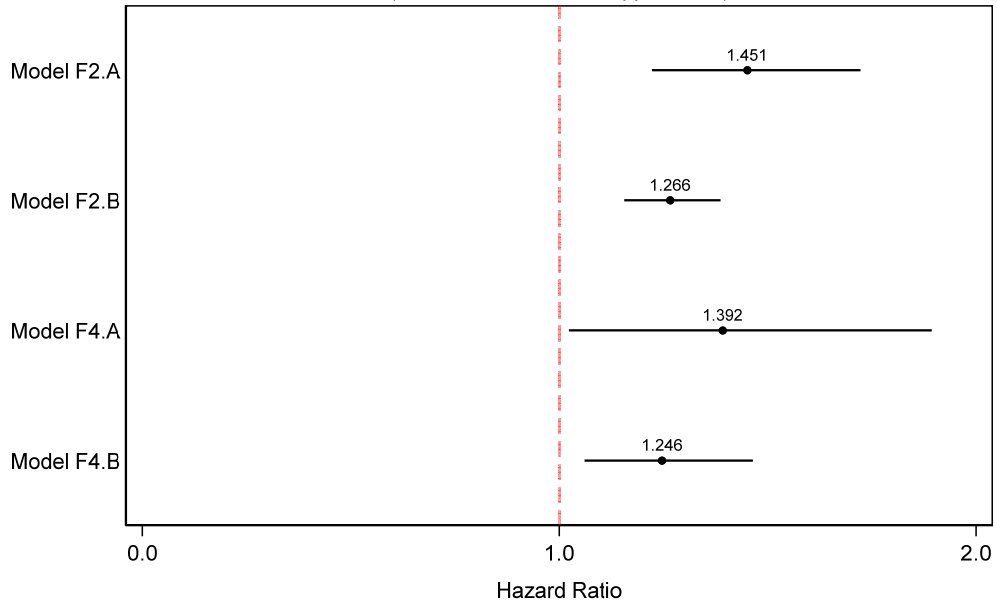


FIGURE F2

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



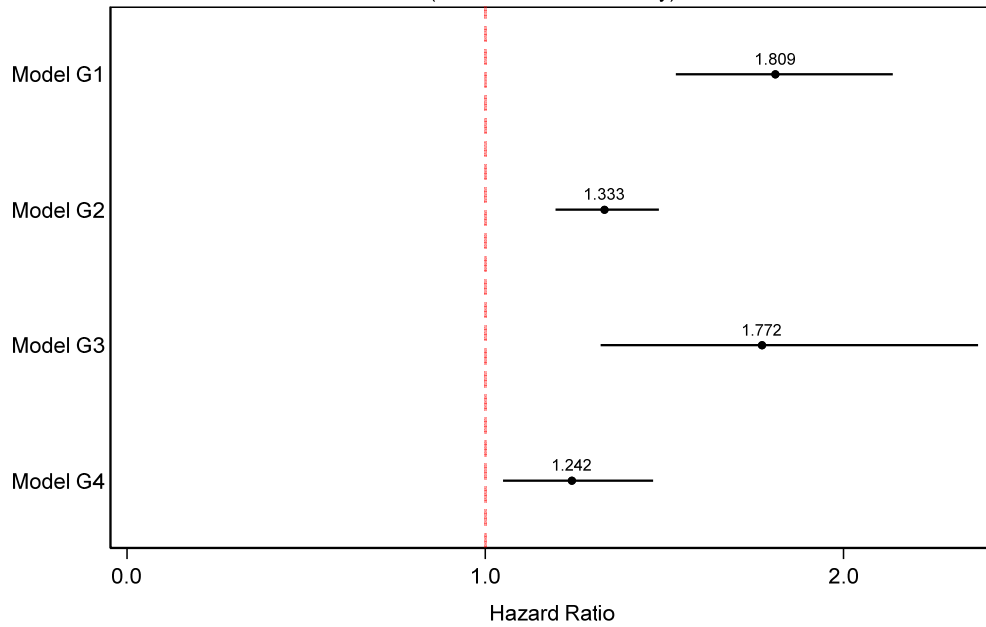
APPENDIX G:

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 estimates appearing in **Figure G1** are similar compared to those for the committee stage denoted in **Figure 2** reported in the manuscript, albeit tend to be somewhat larger for **Models G1** and **G2** that include only committee-level and administration unit effects as control covariates. These findings suggest that partisan selective delay by committees is correlated with total confirmation delay. This finding is hardly surprising since confirmation delay at the committee stage is substantially larger relative to confirmation delay at the Senate floor stage, as documented in the manuscript on **Pages 1-2**.

FIGURE G1

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



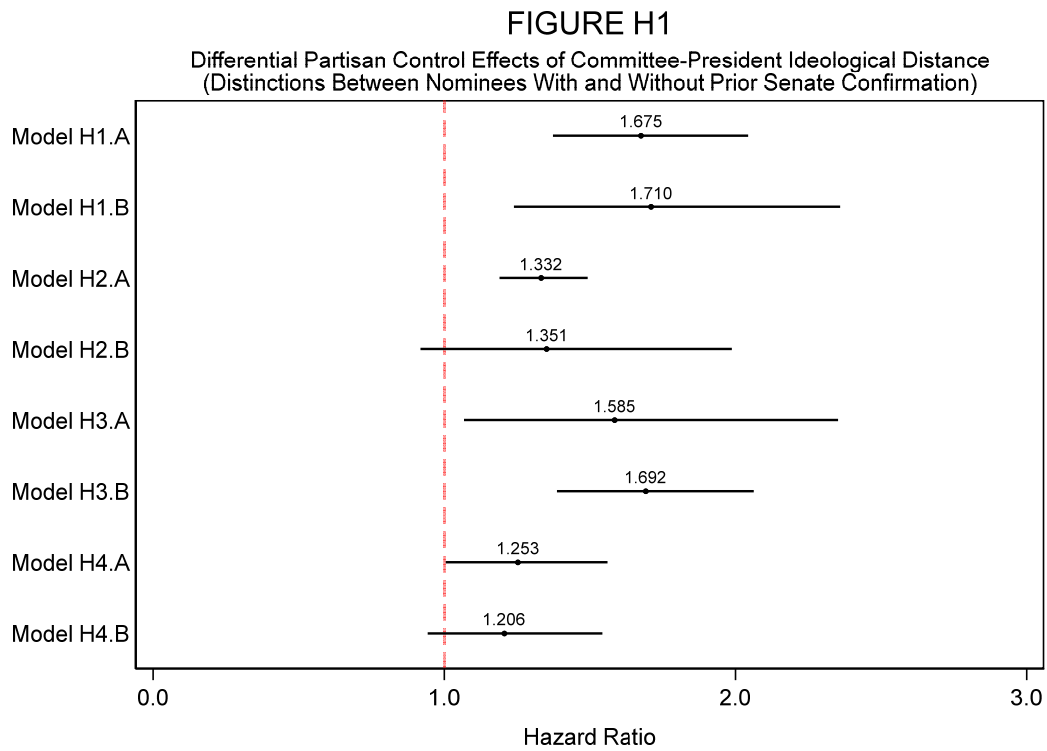
APPENDIX H:

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**. These empirical patterns fail to uncover a statistically discernible

difference in the PSCD hypothesis estimates for those executive nominees lacking a recent successful Senate confirmation versus those who have done so. As noted in the manuscript, some caution is warranted in terms of interpreting this empirical pattern for prior confirmation subsample since it has lower statistical power attributable to comprising only 14.44% (1,022 out of 7,076 executive nominee cases) of the total uncensored confirmed executive nominees in the sample).



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 1-4**) 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 every instance, both the AIC and BIC statistics are appreciably lower for the multiplicative models – yielding anywhere from a –137.14 (**Model 1**, cf. **Model I1**) to –38.27 (**Model 4**, cf. **Model I4**) 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).

APPENDIX TABLE I1

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

Variable	Model 1	Model I1	Model 2	Model I2	Model 3	Model I3	Model 4	Model I4
Senate Committee Median – President	0.277*** (0.127)	0.760 (0.318)	—	—	0.332 (0.238)	1.026 (0.486)	—	—
Senate Chair Median – President	—	—	0.880 (0.122)	1.449*** (0.110)	—	—	0.895 (0.276)	1.447** (0.243)
Divided Partisan Control of Presidency and Senate	0.194*** (0.054)	0.617*** (0.069)	0.220*** (0.038)	0.454*** (0.042)	0.236** (0.135)	0.894 (0.148)	0.380** (0.148)	0.752** (0.109)
Senate Committee Median – President x Divided Partisan Control of Senate and Presidency	7.916*** (3.034)	—	—	—	7.103*** (4.738)	—	—	—
Senate Committee Chair – President x Divided Partisan Control of Senate and Presidency	—	—	3.244*** (0.7651)	—	—	—	2.615** (1.113)	—
AIC: Alternative Additive Model	—	27,296.96	—	27,278.37	—	26,268.61	—	26,221.95
BIC: Alternative Additive Model	—	27,354.55	—	27,335.96	—	26,405.37	—	26,358.71
AIC: Reported PSCD Multiplicative Model	27,152.62	—	27,208.31	—	26,172.92	—	26,183.68	—
BIC: Reported PSCD Multiplicative Model	27,217.41	—	27,273.10	—	26,309.69	—	26,320.44	—
BIC Reported PSCD–Alternative Additive Model Differential	–137.14		–62.86		–95.68		–38.27	
Committee & Administration Unit Effects	YES	YES	YES	YES	YES	YES	YES	YES
Additional Control Covariates	NO	NO	NO	NO	YES	YES	YES	YES
Total Number of Observations	9,879	9,879	9,879	9,879	9,879	9,879	9,879	9,879
Total Number of Uncensored Observations	7,076	7,076	7,076	7,076	7,076	7,076	7,076	7,076

Notes: Control covariates are omitted from table for brevity but can be obtained from authors. Entries are hazard ratio estimates ($H_0: \exp(\beta) = 1.0$). Robust standard errors clustered on committee appear inside parentheses.

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

REFERENCES

- Clinton, Joshua D., and David E. Lewis. 2008. "Expert Opinion, Agency Characteristics, and Agency Preferences." *Political Analysis* 16(Winter): 3-20.
- Fabozzi, Frank J., Sergio M. Focardi, Svetlozar T. Rachev, and Bala G. Arshanapalli. 2014. "Appendix E: Model Selection Criterion: AIC and BIC." *The Basics of Financial Econometrics: Tools, Concepts, and Asset Management Applications*. New York: John Wiley & Sons.
- Hollibaugh Jr., Gary E., and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology." *American Journal of Political Science* 62(April): 296-311.
- Kass, Robert E., and Adrian E. Raftery. 1995. "Bayes Factors," *Journal of the American Statistical Association* 90(June): 773-795.
- McCarty, Nolan, and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996." *American Journal of Political Science* 43(October): 1122-1143.
- Ostrander, Ian. 2016. "The Logic of Collective Inaction: Senatorial Delay in Executive Nominations." *American Journal of Political Science* 60(October): 1063-1076.

¹ These dates were obtained 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. NOMINATE scores for Senators and Presidents between 1987-2021 are employed to construct a measure of the absolute distance between the Senate Committee members and the President.

³ The *Congressional Directory* includes Senate Committee Information for each Congress was used to create a list of all committee members on relevant committees and their experience between 1987-2021. Additionally, information was obtained on any previous experience for committee members listed in the 1987 Directory.

These Congressional Directories were accessed 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 1987-2021. 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, which includes Senate Committee Information for each Congress, was employed to create a list of all committee members on relevant committees and their experience between 1987-2021.

⁷ Members full experience in the Senate was calculated from member bios using in Congress.gov. "Members." <https://www.congress.gov>. (For Senate Member Bio Information).

⁸ The Biographical Directory of the United States Congress". <https://bioguideretro.congress.gov>. was employed 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 serving on committees.

⁹ Additionally, information from Senate.gov was employed to determine 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. Changes occurring within a Congress were checked the Congressional Directory in the "Notes" section.

¹⁰ The information on the number of bills that were referred to each Senate committee was obtained from congress.gov.

¹¹ 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.

¹² This information was obtained for the agencies, for each nominee, from congress.gov.

¹³ This information was obtained for the agencies, for each nominee, from congress.gov.

¹⁴ The information on the number of bills that were referred to each Senate committee was obtained from congress.gov.