

USING CONGRESS.GOV DATA FOR POLICY RESEARCH

February 13, 2018

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Agenda

- **The Event (i.e., the change in Senate rules)**
- **Anecdotes of Consequences**
- **Turning to Data for Larger Study**
- **President Trump's First Year**

Filibuster Reform, Round 1

- November 2013, 52-48 (3 Democrats voted against, then Senate majority leader Harry Reid initially opposed)
- Cuts off debate on nominations by majority vote
- Applies to all agency positions (and lower court positions)
- Did not apply to Supreme Court nominations (changed in April 2017) and still does not apply to legislation



One Story: D.C. Circuit



Another Story:

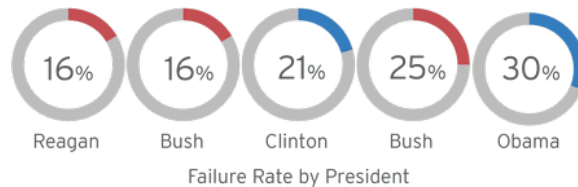
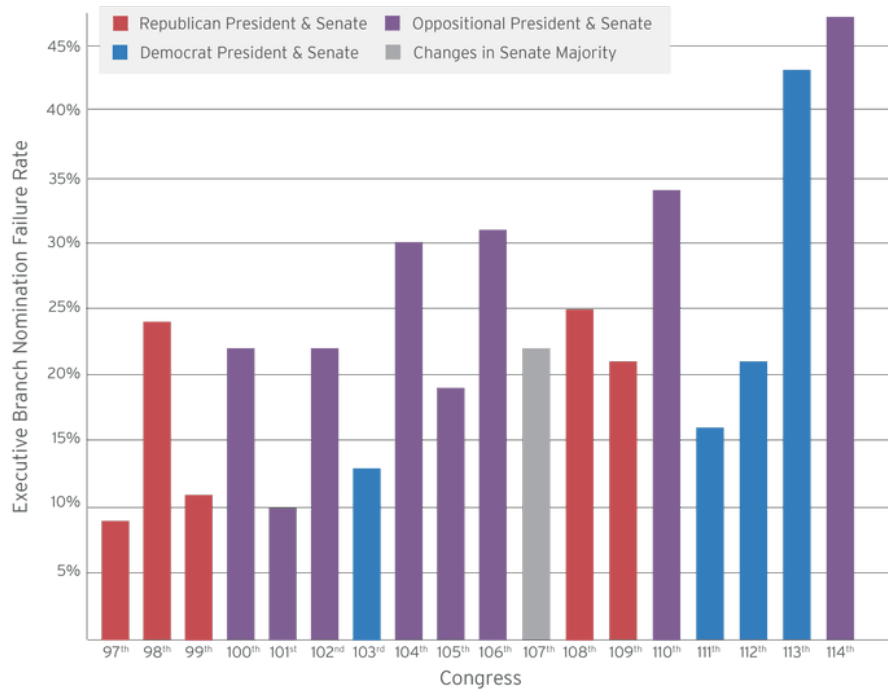


Dataset

- **congress.gov (January 1, 1981 to January 19, 2018)**
- **All non-routine civilian nominations**
 - **Excluded nominations needed for promotions within the Foreign Service, Public Health Service, and the National Oceanic and Atmospheric Administration, though included individual nominations to be a career ambassador**
- **Judicial Nominations**
 - **District courts, Courts of Appeals, Supreme Court**
 - **non-Article III courts (e.g., Tax Court, Court of Federal Claims)**
- **Cabinet Nominations (and agencies within them)**
- **Free-standing Executive Agency Nominations**
- **Independent Regulatory Commission/Board Nominations**
- **Quasi Agency Nominations**
- **Close to 17,000 Nominations (total)**
- **Each nomination is a separate record**

Failed Nominations

How successful has the executive branch been at making appointments?



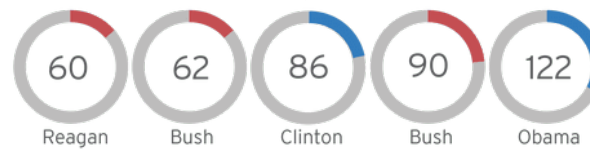
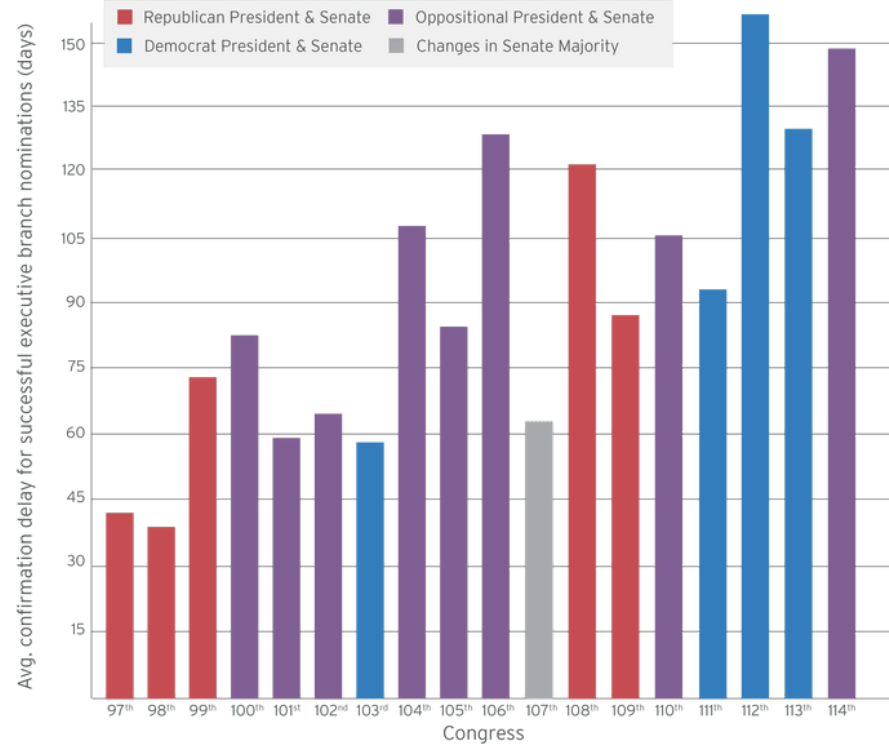
Failure Rate by President

Failed Nominations

- **Over 1 in 5 submitted agency nominations fail (1981-2016)**
 - Most returned, some withdrawn, few voted down
 - Usually lower in Year 1: before DJT=9% (most Bush43), DJT=15.5%
- **Increasing over time (1981-2016)**
 - 16% for Reagan/Bush 41; 30% for Obama
- **Type of organization (1981-2016)**
 - Higher failure rates for IRC and quasi agency nominations
- **Type of position (1981-2016)**
 - Lower failure rates for cabinet secretaries, ambassadors, US attorneys and US marshals
 - Higher failure rates for inspectors general and boards of directors

Confirmation Delays

Confirmation delays by congress



Average confirmation duration by president (days)

Confirmation Delays

- **Mean agency confirmation delays increasing over time**
 - Reagan/Bush41 (~two months)
 - Clinton/Bush42 (~three months)
 - Obama (~four months)
 - Trump (between two and three months)
- **Courts take longer than agencies**
 - But Supreme Court (faster)

Filibuster Reform

- **Predictions panned out for courts in 2014**
 - Lower failure rate
 - Shorter confirmation delays
- **But not for agencies in 2014**
 - Lower failure rate over all (but not for free standing executive agencies, White House agencies, and national councils)
 - Longer confirmation delays (2013=95 days, 2014=150 days)

President Trump's First Year

- Is comparison to first years of recent Presidents?
- Or to 2014?

Table 4: Length (in days) of confirmation process in the first year

	Trump	Obama	Bush 43	Clinton	Bush 41
Agency Confirmation Length	72.2	53.9 (150.4)	35.9	38.2	47.4
Court Confirmation Length	114.1	126.0 (139.1)	65.2	54.0	61.9

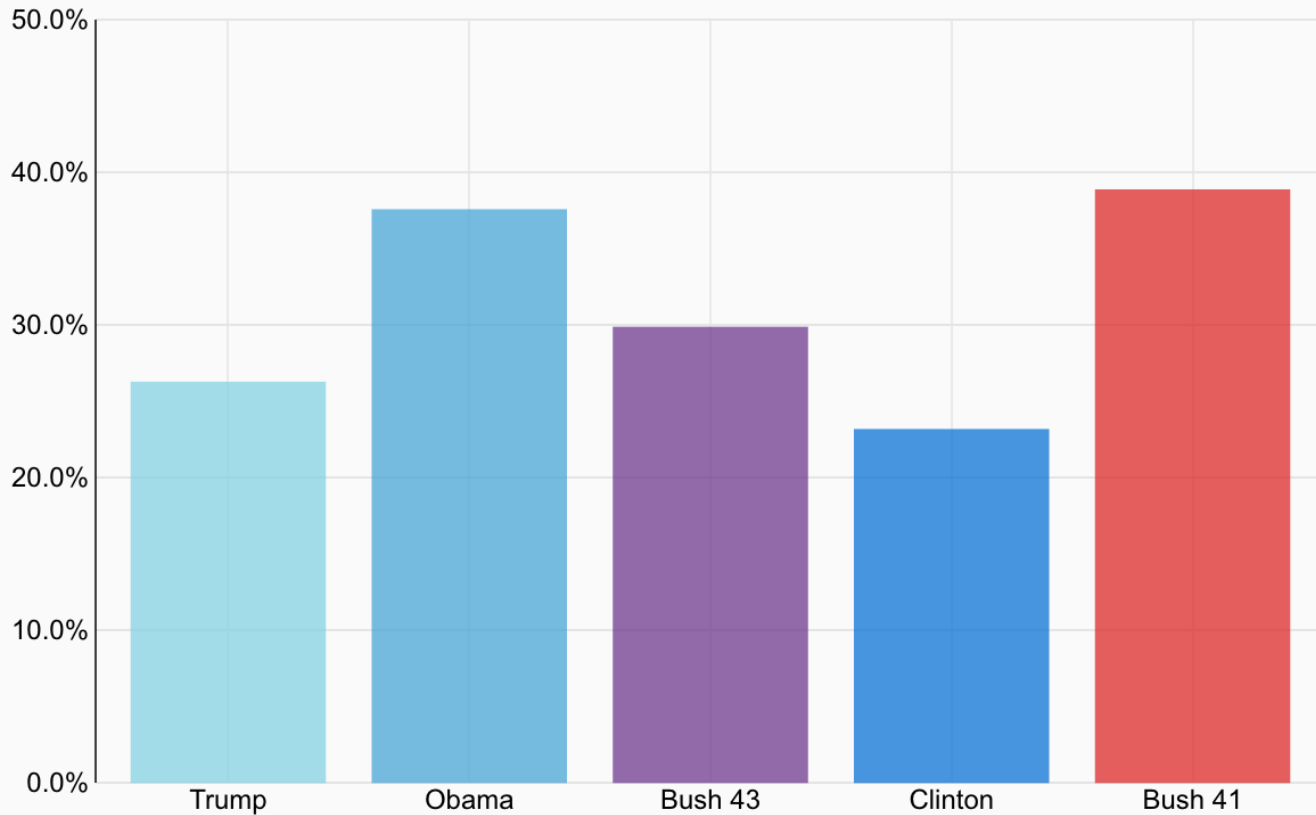
President Trump's First Year

Table 3: Mechanism for confirmation vote in the first year and in 2014

	Recorded Votes		Voice Votes		Unanimous Consent	
	Court	Agency	Court	Agency	Court	Agency
Trump	23	77	3	223	0	0
Obama 2014, post-Senate rules change	69	52	23	229	0	7
Obama	9	23	5	430	0	0
Bush 43	21	22	12	471	0	0
Clinton	1	8	29	270	0	194
Bush 41	0	21	0	3	19	378

Other Questions

Figure 1: Percentage of agency nominations in the first year from Washington, D.C. area



Source: Author's calculations