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
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?

Exhibit: Executive Branch Nomination Failure Rate by Congress and President

- **Republican President & Senate**
- **Oppositional President & Senate**
- **Democrat President & Senate**
- **Changes in Senate Majority**

Failure Rate by President:
- Reagan: 16%
- Bush: 16%
- Clinton: 21%
- Bush: 25%
- Obama: 30%

Graph showing the trend over Congress from 97th to 114th.
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  • Most returned, some withdrawn, few voted down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

- Republican President & Senate
- Oppositional President & Senate
- Democrat President & Senate
- Changes in Senate Majority

Avg. confirmation delay for successful executive branch nominations (days)

Congress:
- 97th
- 98th
- 99th
- 100th
- 101st
- 102nd
- 103rd
- 104th
- 105th
- 106th
- 107th
- 108th
- 109th
- 110th
- 111th
- 112th
- 113th
- 114th

Average confirmation duration by president (days):
- Reagan: 60
- Bush: 62
- Clinton: 86
- Bush: 90
- Obama: 122

Center on Regulation and Markets at BROOKINGS
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

<table>
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<th>Trump</th>
<th>Obama</th>
<th>Bush 43</th>
<th>Clinton</th>
<th>Bush 41</th>
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<td>Court Confirmation</td>
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<td>126.0 (139.1)</td>
<td>65.2</td>
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### President Trump’s First Year

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

<table>
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<th>Recorded Votes</th>
<th>Voice Votes</th>
<th>Unanimous Consent</th>
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<tr>
<td>Obama</td>
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<td>Bush 41</td>
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<td>21</td>
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</tbody>
</table>
Other Questions

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

Source: Author’s calculations