

PRIORITIES OF THE U.S. PRESIDENCY: INSIGHTS FROM BUREAUCRATIC
APPOINTMENTS

By

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Introduction

When looking back on the laundry list of peculiarities associated with the 118th Congress, observers may be inclined to focus on the House’s seemingly endless rolodex of Speakers falling victim to motions to vacate from the Freedom Caucus. Indeed, between the record-shattering number of special rules rejected, Speaker McCarthy’s dismissal and the extended period the chamber went without a formally elected leader, it might be tempting to conclude that the U.S. Senate is the “well-managed” chamber—at least in a comparative sense. However, a closer examination of an ordeal in the upper chamber does provide some insight into an often overlooked and troubled aspect of the executive nominations process.

In November of 2022, Senator Tommy Tuberville (R-AL) learned about a policy concerning reproductive healthcare in the Department of Defense, and subsequently decided to place holds on any nominees under that department. Tuberville, a former college football coach, did so through his refusal of the unanimous consent agreements associated with the nominations. The policy he objected to provides “paid leave and travel reimbursement to troops seeking abortions and other reproductive care (Seligman 2023).” Tuberville argued that the use of taxpayer dollars for abortions is illegal and that the sole purpose of this rule is to facilitate those procedures (Weaver 2023a). The Justice Department has said otherwise. Tuberville’s holds lasted from November 2022 through December 2023, and through that period, Tuberville attempted to use them as a bargaining chip with both President Joe Biden (D-DE) and Secretary of Defense Lloyd Austin.

The primary criticism Tuberville faced from opponents concerned the effect those holds had on the military itself. In August, Lloyd Austin denounced the tactic by claiming that it “is undermining America’s military readiness (Concepcion and Gains 2023).” This particular critique became even more salient in October of 2023 because several of the vacant positions were important for the United States in relation to Hamas’ attack on Israel. Many Republicans were placed in the uncomfortable position of seeming like they needed to take either a pro-military or anti-abortion stance (Weaver 2023a). Most Republicans opted against Tuberville, with Senate Minority Leader Mitch McConnell (R-KY) coming out against his holds in May of 2023. Senator Lindsey Graham (R-SC) asserted that: “No matter whether you believe it or not, Sen. Tuberville, this is doing great damage to our military (Rimmer 2023).” And a number of Republicans took the floor for several hours in November calling for votes on individual nominations.

Eventually, these costs proved too great and Tuberville accepted a deal brokered by Republican senators Dan Sullivan (R-AK) and Joni Ernst (R-IA) who were among the many in vocal opposition to the holds (Weaver 2023b). As a part of the deal, Tuberville will continue to hold up four star generals but relinquish the remainder of the nominees by agreeing to the unanimous consent agreements. When addressing the Senate after the deal was made, Tuberville claimed that “we need to know who is running our military. These jobs are too important to rubber stamp (Tuberville 2023).” In the aftermath of this failure, Senate Majority Leader Chuck Schumer (D-NY) stated that he hopes any future attempts of this tactic are deterred by “learning the lesson of Senator Tuberville, and that is he held out for many, many months, hurt our national security, caused discombobulation to so many military families who have been so dedicated to our country and didn’t get anything that he wanted (Weaver 2023b).”

While a number of interpretations can be taken from the Tuberville holds, it is the readiness criticism that seems particularly noteworthy. That critique suggests there are stark policy implications of leaving these positions empty. It also follows the conventional focus on the Senate's role in leaving these nominations unfilled present within the political science literature. Finally, the fact that one senator can undermine the readiness of the U.S. military highlights the large number of nominations that the Senate processes. In this piece, I examine the preceding step in the process by focusing on the president and the timing of nominations being sent to the Senate rather than confirmation.

In doing so, I seek to highlight two related aspects of the nominating process: executive priorities and nomination delay. How does the president use his powers within the executive branch to implement his policy goals? If a president prioritizes a specific policy area, he will appoint members of a bureaucratic agency related to this work as quickly as possible so as to put the necessary people in place to implement these policies. In this paper, I use a Kaplan Meier curve to show the relative speeds of those appointments across policy areas.

For each presidential appointment sent to the Senate during the first terms of Barack Obama and Donald Trump, I have compiled the date on which that appointment was submitted to the Senate, the specific title of that appointment, the associated department, the Senate committee that nomination was sent to, and the number of days it took the president to send that appointment to the Senate. In this paper, I present two different proxies for policy area, and compare them to the literature's current method of establishing presidential priority using the State of the Union.

The figures will show how certain positions related to various areas of policy will have fewer and fewer vacancies as the president's term progresses. If the number of vacancies

decreases sooner, it could signal that the president has placed a priority in putting the necessary people in place to accomplish the work of this policy area.

Presidential Power and the Nomination Process

Within the first chapter of his work *Thinking About the Presidency: The Primacy of Power*, Will Howell sets up a point on which the remainder of this puzzle can be built. It reads: “What do we expect of our president? The answer is at once obvious and unbelievable: everything (Howell 2013).” If everything is expected of an office, how should presidents go about getting things done?

A key component of that answer lies in the relative power of the office in comparison to the other actors, if any, necessary to achieve this goal. Richard Neustadt argues in *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* that this power rests from an individual president’s ability to persuade, bargain, and convince other actors to comply in a way that coincides with his policy goals. Ultimately, according to Neustadt, this power rests in personality. Howell refutes this claim in *Power Without Persuasion: The Politics of Direct Presidential Action* by outlining accounts of unilateral action in which the president both moves first and acts alone. To Howell, the power of the president rests in his formal powers. The concentration shifts from president to presidency. Howell goes on to argue that even the institutional literature is misguided by remaining focused on the president’s ability to bargain, even if they have the good sense to abandon personality arguments. Howell argues that presidents can unilaterally enact policy through the use of executive orders, no persuasion necessary.

This framework is then challenged by Andrew Rudalevige in *By Executive Order: Bureaucratic Management and the Limits of Presidential Power*. Here the degree to which

executive orders are unilateral is called into question. Rudalevige finds evidence that the interaction between presidents and their bureaucracies function more like a dialogue than a command. Executive orders are a result of negotiation actors, and Rudalevige demonstrates that the bureaucracy acts as a strong enough negotiator to result in the failure to enact the president's desired policies in the form that he is most often associated with having direct control.

If our perspective shifts on the power that these high-ranking bureaucratic officials hold, it should motivate us to pay more attention to the capacity of these departments as policymakers. If their power hinges on their information advantages, it proves critical to have the necessary people in place to do their work. In *The Fifth Risk: Undoing Democracy*, Michael Lewis provides a journalistic account of the presidential transition period, illustrating how time is crucial in getting these processes underway. Of course, a journalistic telling of how three presidents handle this time has its uses, but an empirical approach can provide new means of visualizing this process.

Rachel Potter and Charles Shipan offer a more formalized attempt to understand the impact of presidential priorities on bureaucratic rulemaking. Their theoretical argument outlines that if a president places priority on an agency, it should engage in more rulemaking (Potter and Shipan 2019). They find that prioritization itself “does not affect the production of either proposed or final rules” directly, but instead the effects of aligned presidents and midnight rules are increased for those agencies prioritized by the president.

The complete impact of presidential priority may not have been captured in this study due to the nature of the measurement of presidential priority currently present within the literature. Potter and Shipan use State of the Union speeches to determine whether an agency is one determined to be a priority. They match each agency to a policy area as determined by the Policy

Agendas Project. That agency's policy area is determined a priority if it "exceeds the mean number of mentions across all agencies in that year." They follow Bolton et al. (2016) who follows Cohen (1995) in using rhetoric to determine priority. And they are not alone in arguing the State of the Union and other speeches can help presidents define policies and set their agenda (Canes-Wrone 2001; 1997; Light 1999; Yates and Whitford 2005).

Theory: Nominations as a Proxy for Prioritizing Policy Goals

I argue here that there is no reason to take these stated priorities at face value to determine how the president actually prioritized policy. The array of policy area promises could be broader than the actual capacity of the administration. State of the Union speeches have every incentive to be as broad as possible due to the nature of the audience. Analyses based on any other speeches would also be impacted by the prospective audience. This incentive to be as broad as possible could also be problematic for count variables especially.

The measure presented in this paper emphasizes that an essential aspect of prioritization is the ranking of one thing over another. This is shown through the examination of the allocation of resources by the president. Using rhetoric to measure priority denies us an ability to differentiate between how he uses his institutional power to move policy and what he believes is advantageous to support publicly.

This difference in messaging and realized policy is exhibited in the Congressional literature. We see members of congress using messaging bills and procedural votes to signal policy preferences that they have no intention of actually making progress on (Lee 2015, Madonna and Lynch, forthcoming). There is no reason to treat the presidency any differently in this regard. Moreover, using the timing of nominations to each committee can also give us policy insights without our measure being so directly influenced by public opinion.

Additionally, as stated in my introduction, nomination timing also has direct policy consequences. While scholars often treat nomination delay as being driven solely by Senate obstruction, as was the case with Tuberville's holds, Lewis' work demonstrates that executive

branch nominations take time. Presidents do not always have nominees lined up for every potential vacancy. Identifying, vetting and nominating individuals to fill those positions takes a great deal of time and effort on the part of the executive and his or her team. Meanwhile, those vacancies have real policy consequences. In the case of Tuberville's holds, it raised serious questions regarding the readiness of our military. Additionally, anecdotal evidence suggests that vacancy delay can vary a great deal from administration to administration. Following these observations, I offer two hypotheses:

- H_1 : If a president wants to get work in a particular policy area done, he would prioritize getting the positions in that area submitted so that they may complete their work sooner.
- H_0 : If a president has no preference for the work of a particular policy area getting done before others, we should expect similar rates at which the president fills positions related to that policy area.

Research Design/Methods

Kaplan Meier curves are used in this piece to demonstrate that the president nominates a greater share of positions related to certain policy areas than others. These are used as visualization tools to show the percentage of nominations the president has submitted to the Senate as time passes throughout their term. In order to gain leverage in answering these questions, the author collected data on 2,500 nominations. The time frame measured in this paper starts the day before inauguration day for a given president and ends on the date on which the nomination was submitted to the Senate. The day before inauguration day is used because I wanted to capture the nominations submitted on the first day of a president's term. The duration measured ends when the nomination is submitted to the Senate in order to isolate the timing of presidential decision making since politics within the Senate could cause delays in the confirmation as seen in Ostrander (2016) and Black et al. (2007).

The dependent variable in this paper is the time it takes for the president to send the nomination to the Senate. The independent variables in this paper are the presidents, executive departments, and committees associated with each nomination. While Kaplan Meier curves can be used to estimate models regarding survival probability, the figures in this piece are descriptive and to be used as visualization tools only.

From this dataset, several graphs were produced. Figure 1 sets out to compare the time it took President Obama to nominate appointees from various departments using survival curves. Figure 2 will do the same for the departmental appointments of President Trump. Figure 3 compares the Kaplan-Meier curves of the total departmental appointments for each president.

Figure 4 compares the appointment times of the two presidents for each department. Figure 5 shows the relative times it took President Obama to submit nominations for positions under the jurisdiction of each Senate committee. Figure 6 does the same for submitted nominations of President Trump.

Each of these measures present a president with issues of scarcity to determine priorities. In the State of the Union, presidents cannot possibly address everything and even if they could, the amount of time they might be able to spend on an issue is considerably constrained. In the timing of his selection of nominees, resources must be expended to narrow down a pool of applicants in order to send them to the Senate for confirmation.

Another advantage using nominees over speeches grants us is insight into a larger pool of input from the president's administration as well as the types of individuals that might advise in those decision making processes. The translation between the count and associated policy area is also more direct when using nominations. Theoretically, it is hard to convince me that something so intentionally related to public opinion can be useful for explaining behavior related to the bureaucracy. The State of the Union is the speech that needs to be designed for the widest audience for a president outside of their inauguration speech. In the end, the use of the State of the Union measures rhetoric, while nominations deal with more substantively relevant decisions.

For the most part, bureaucratic agency appointments have been largely viewed as apolitical and not of public interest or excitement. Recently, as it has in an array of processes, the 118th Congress has made this story a bit more convoluted. With the backlash Senator Tommy Tuberville acquired in the time he was holding all nominees for the Department of Defense that could have provided the Biden administration with an incentive to nominate those flag officers more quickly so that the list of holds was inflated to make him look worse. I have not yet

examined the data for the Biden administration, but at the very least, it is an implication that I could explore using the nominees as sorted by department.

Although the years I used do not line up with those in the Potter and Shipan (2019) piece, I did use the Policy Agendas Project data on the State of the Union for each president to determine how the priorities established by these measures compare.

Results

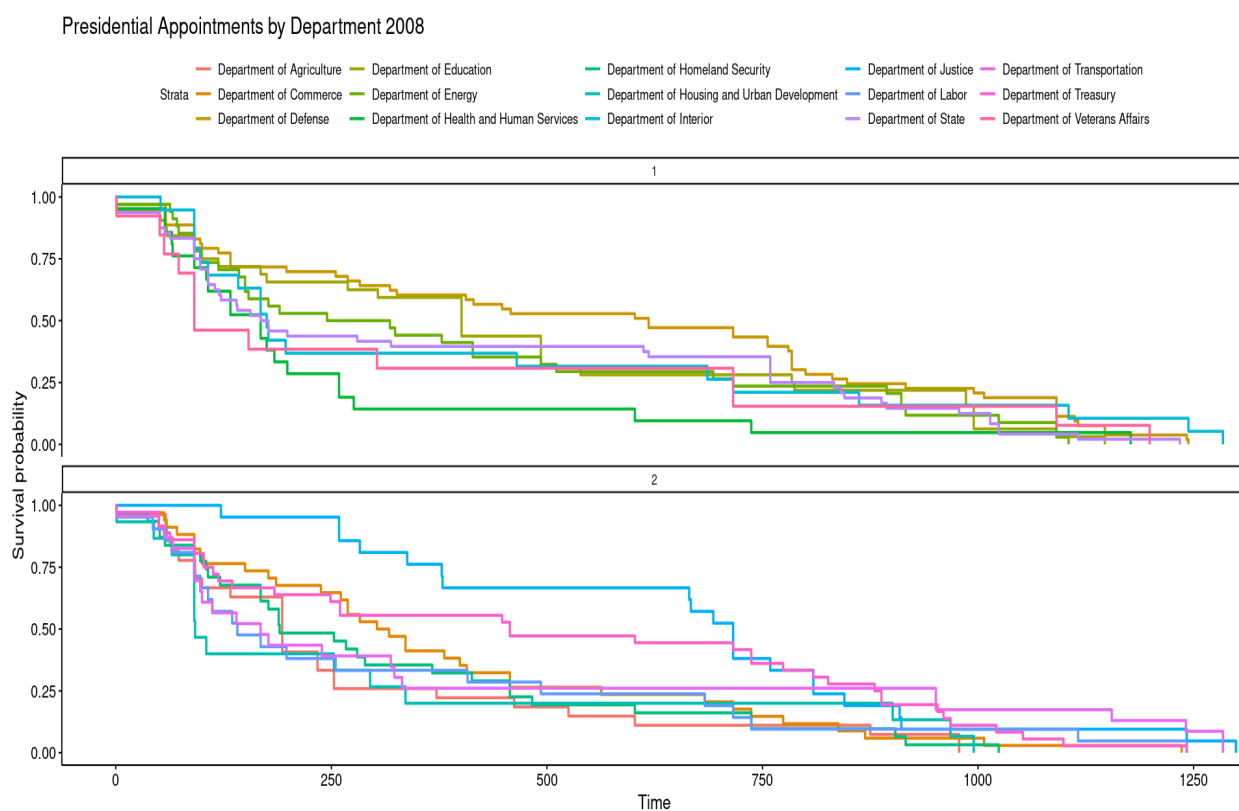


Figure 1 – Presidential Appointments by Department, Obama 2008

Each figure shows us the change in the proportion of nominations submitted over time. The proportion of vacancies left for a department is used rather than a count in order to make it easier to compare the relative capacity of the departments present at any given time. For Figure 1, each of the lines represents one of the fifteen cabinet departments. Each “death” in the Kaplan Meier curve represents a nomination being submitted to the Senate. The mean in each department represents the average number of days it took for a nomination in that department to

be submitted, starting from the day before the president's inauguration day. The median for each department represents the median number of days it took for a nomination to be submitted. On average, President Obama submitted nominations for the Department of Health and Human Services in the shortest amount of time at 239 days; he was slowest at submitting nominations for the Department of Justice, which took an average of 655 days. President Obama was slowest in fulfilling half of the vacancies he would appoint during his first term for the Department of Justice. President Obama was fastest in fulfilling half of the vacancies he would appoint during his first term for the Department of Veterans Affairs.

I performed a log-rank test to determine if there is a statistically significant difference in the time it takes for the president to nominate appointees for each department. With a Chi-Squared test statistic of 29.7 with 14 degrees of freedom and a p-value of .008, we can conclude that there is a significant difference in the groups. Since this p-value is less than the threshold of .05, we reject the null hypothesis.

The Department of Health and Human Services being the department for which President Obama would appoint personnel the fastest follows the logic of the theory in this paper. In his campaign for 2008, healthcare reform was certainly in the running for the issue he viewed as most important on his agenda.

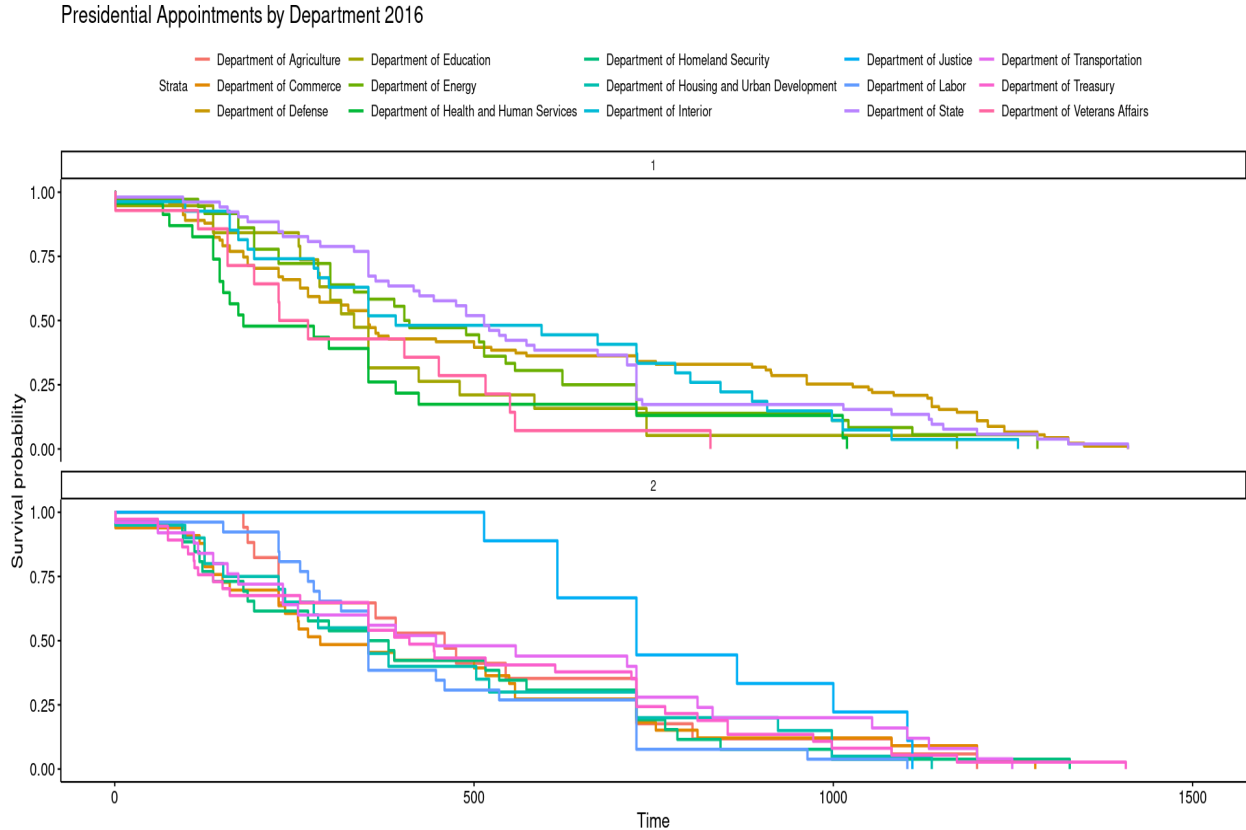


Figure 2 – Presidential Appointments by Department, Trump 2016

Figure 2 has the same formatting as the first and is only different in the fact that it represents the data for President Trump’s term rather than the first of President Obama. On average, President Trump submitted nominations for the Department of Veterans Affairs in the shortest amount of time at 332 days; he was slowest at submitting nominations for the Department of Justice, which took an average of 808 days. President Trump was slowest in fulfilling half of the vacancies he would appoint during his first term for the Department of Justice. President Trump was fastest in fulfilling half of the vacancies he would appoint during his first term for the Department of Health and Human Services.

I performed a log-rank test to determine if there is a statistically significant difference in the time it takes for the president to nominate appointees for each department. With a Chi-Squared test statistic of 25.4 with 14 degrees of freedom and a p-value of .03, we can conclude that there is a significant difference in the groups. Since this p-value is less than the threshold of .05, we reject the null hypothesis.

In Table 1, the values under the “President” heading correspond with Figure 3. It took President Obama an average of 486 days to send his nominations to the Senate, while it took President Trump an average of 584 days. The curve for President Obama also has a steeper slope, which indicates that he sent nominations to the Senate more quickly.

Table 1. Obama Summary Statistics

Variable	Mean (Days)	Standard Deviation	Median
President			
Obama (N = 1392)	485.6846	9.677975	381
Trump (N = 1110)	583.7892	11.180013	544
Department			
Veterans' Affairs	356.3846	112.88312	91
Housing and Urban Development	294.6	88.43623	92
Labor	331.4286	77.4232	141
Health and Human Services	239	59.15969	168
Transportation	405.2609	94.48436	168
State	416.6875	56.68273	172.5
Interior Homeland Security	416.7895	95.39475	175
Security	322.0968	50.50171	190
Agriculture	283.7037	52.65632	193
Energy	417.1765	62.42756	281.5
Commerce	388.7059	51.71787	310
Education	463.5312	63.45726	401
Treasury	512.2222	64.632	457
Defense	565.9434	55.25203	618
Justice	655.9048	67.10803	716

Committee

Veterans' Affairs	356.3846	112.88312	91
Energy and Natural Resources	358.5	53.97749	171.5
Agriculture, Nutrition, and Forestry	304.7317	44.09351	193
Finance	451.1408	41.18387	269
Intelligence (Select)	398.1053	73.64525	280
Budget	325.5	165.1399	282
Homeland Security and Governmental Affairs	490.9851	49.86552	303
Foreign Relations	407.9965	17.38896	304
Armed Services	458.9756	43.11036	304
Commerce, Science, and Transportation	484.0179	37.11069	321
Environment and Public Works	536.283	60.73488	326
Small Business and Entrepreneurship	370	118.72961	332
Judiciary	447.2533	17.68884	401
Indian Affairs	654.4167	123.63912	637
Health, Education, Labor, and Pensions	627.4704	23.91783	683
Banking, Housing, and Urban Affairs	574.3256	41.12382	690
Rules and Adminstration	592.5556	78.80341	737

Table 2. Trump Summary Statistics

Variable	Mean (Days)	Standard Deviation	Median
Department	Mean (Days)	Standard Deviation	Median
Health and Human Services	334.7391	63.36372	179
Veterans' Affairs	332.6429	58.03391	249
Commerce	446.1818	62.266	286
Education	394.8947	59.10617	333
Housing and Urban Development	457.2	75.12784	353
Labor	442.1923	50.39906	353
Defense	554.011	46.0114	353
Homeland Security	440.2692	65.03223	367
Interior	539.4444	67.07961	391
Energy	494.0833	53.78978	406.5
Treasury	492.2162	59.72573	410
Transportation	539.92	78.26392	447
Agriculture	513.9412	74.93127	459
State	577.2692	47.32571	514
Justice	808.5556	69.57244	726

Committee	Mean (Days)	Standard Deviation	Median
Veterans' Affairs	333.5714	58.0631	250
Small Business and Entrepreneurship	483.5714	155.44759	270
Intelligence (Select)	507.1818	92.38763	368
Banking, Housing, and Urban Affairs	543.7404	38.05341	386
Indian Affairs	570	141.48809	392
Armed Services	592.1574	41.97929	397
Judiciary	507.1509	44.17004	406
Finance	485.4211	39.58362	445.5
Agriculture, Nutrition, and Forestry	596.8667	70.17128	510.5
Energy and Natural Resources	549.8382	42.2362	515
Environment and Public Works	610.4706	57.0701	515
Commerce, Science, and Transportation	602.2034	34.08262	551
Foreign Relations	609.5231	24.6979	614
Health, Education, Labor, and Pensions	601.275	24.29826	663
Homeland Security and Governmental Affairs	680.8966	44.86674	727
Rules and Administration	823.5	110.60249	727

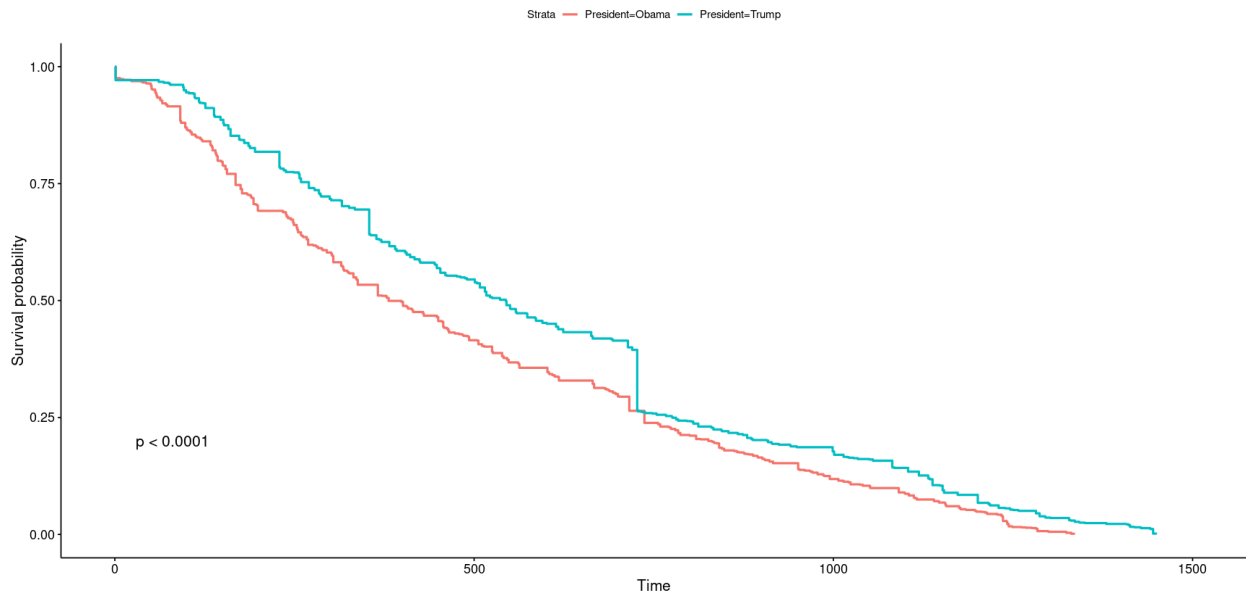


Figure 3 – Kaplan Meier Curve for Total Appointment Vacancies, Obama 2008 vs Trump 2016

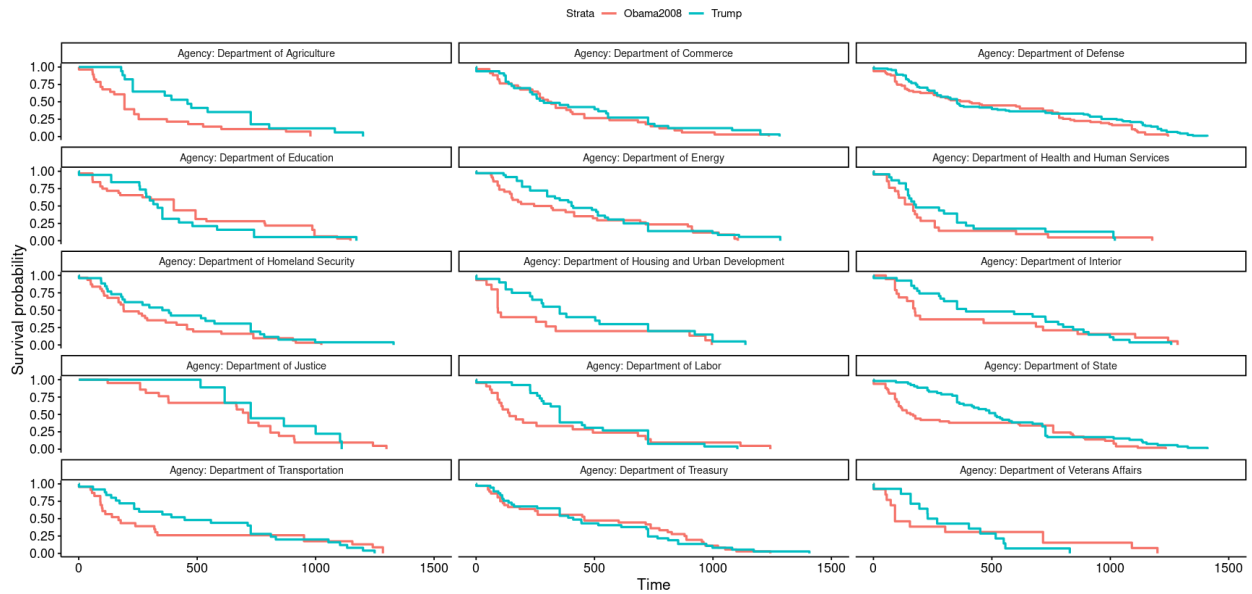


Figure 4 – Presidential Appointments by Department, Obama 2008 vs Trump 2016

Table 3 – Departmental p-values for Figure 4

Agriculture p = .022	Commerce p = .46	Defense p = .08
Education p = .44	Energy p = .25	Health and Human Services p = .26
Homeland Security p = .22	Housing and Urban Development p = .064	Interior p = .6
Justice p = .5	Labor p = .29	State p = .045
Transportation p = .72	Treasury p = .83	Veterans' Affairs p = .8

In Figure 4, we can see that with the exception of the Department of Commerce and the Department of Treasury, the curves for President Obama are steeper initially. Over time, the proportion of appointments evens out for each president. Figure 3 illustrates how those seemingly small differences in each department curve add up to this large observable difference in the Kaplan Meier curves of the total departmental vacancies for each president. Figures 3 and 4 have different implications for theoretical decision-making processes of the president. Figure 3 paints a picture related to bureaucratic capacity as a whole without the specific policy and agenda setting implications an approach emphasizing individual departments can provide. Figure 3 is also able to pick up on differences in the number of appointments each president sent to the

Senate for each department by aggregating the appointments. Figure 3 can also give us insights into how each president differs in his management of the appointment process. For President Trump's curves, we see more instances of the curves not changing for longer periods of time, especially in the latter part of the presidency. Another observation I found interesting in the collection of this data was that for both presidents, no appointments are made during the month of October preceding their next election.

Table 3 presents the p-values for the graphs in Figure 4. The Department of Agriculture and the State Department each have p-values less than the significance cutoff of .05. These results indicate that nominations for these two departments were submitted to the Senate at statistically distinct rates from each other. It's interesting to note that while looking at the departments individually, only two departments are statistically distinct in this manner, but with a p-value of $< .0001$, the aggregated departmental nominations were statistically distinct as shown in Figure 3.

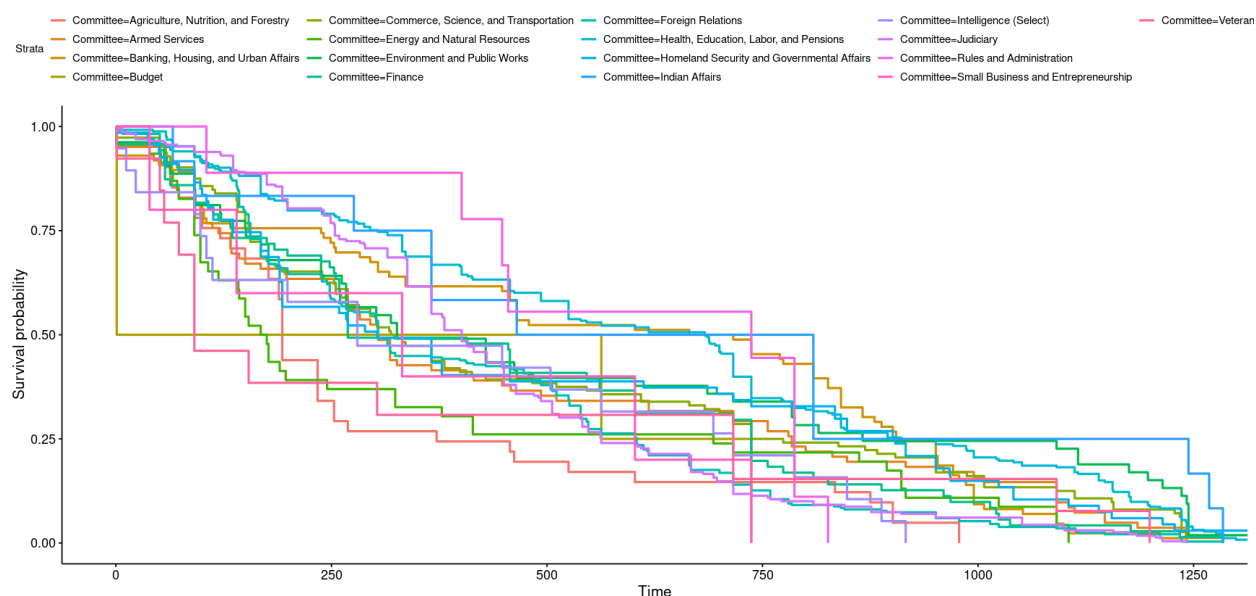


Figure 5 – Presidential Appointments by Committee, Obama 2008

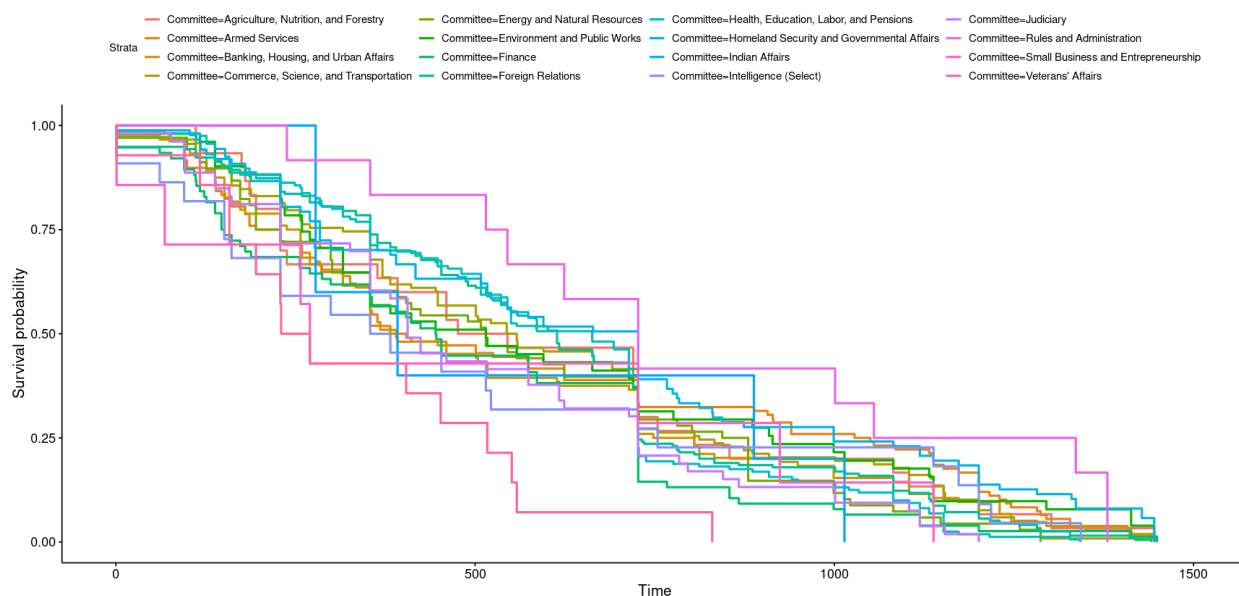


Figure 6 – Presidential Appointments by Committee, Trump 2016

President Barack Obama took the lowest average number of days to submit nominations to the Senate under the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry. President Obama submitted half of the nominations the quickest for those positions under the jurisdiction of the Committee on Veterans' Affairs. President Trump took the lowest average number of days to submit nominations to the Senate under the jurisdiction of the Committee on Veterans' Affairs. President Trump also submitted half of the nominations the quickest for those positions under the jurisdiction of the Committee on Veterans' Affairs.

Table 4 – Ordered Lists of Priorities for Each Measure and President

Obama Department (Median)	Obama Committee (Median)	Obama SOTU	Trump Department (Median)	Trump Committee (Median)	Trump SOTU
1 Veterans' Affairs	Veterans' Affairs	Macroeconomics	Health and Human Services	Veterans' Affairs	Defense
2 Housing and Urban Development	Energy and Natural Resources	Defense	Veterans' Affairs	Small Business and Entrepreneurship	Health,
3 Labor	Agriculture, Nutrition, and Forestry	Education	Commerce	Intelligence (Select)	Law and Crime
4 Health and Human Services	Finance	International Affairs	Education	Banking Housing and Urban Affairs	Immigration
5 Transportation	Intelligence (Select)	Labor	Defense	Indian Affairs	Macroeconomics
6 State	Budget*	Domestic Commerce	Housing and Urban Development	Armed Services	International Affairs
7 Interior	Homeland Security and Governmental Affairs	Health	Labor,	Judiciary	Foreign Trade
8 Homeland Security	Foreign Relations	Foreign Trade	Homeland Security	Finance	Civil Rights
9	Armed Services	Government Operations		Agriculture Nutrition and Forestry	Transportation
10		Civil Rights			Education

Conclusion/Discussion

The implications of the study presented in this paper affect the discussions occurring within the following divisions of the Presidency literature: public opinion and representation, agenda setting, executive branch politics, the unilateral presidency, and the president's relationship with Congress.

Bureaucratic appointments may on the surface seem like the aspect of government removed farthest from public opinion, both in popular level of interest in the subject and the non-electoral nature of such appointments. There are two main avenues in which bureaucratic appointments interact with public opinion. The first is that the president's approval is highest when he first takes office and only decreases from there. This is when the president is going to have the greatest leeway to act in a unilateral fashion. The president's public opinion will also be reliant on bureaucratic appointments by way of his agenda setting capabilities. *The Particularistic President* emphasizes that a president will cater to a particular geographic audience that helps his reelection chances. The president is only able to help these areas using the power and information of the bureaucracy. These departments have critical insights into the needs of particular regions and the ability to implement the policies that the president has worked so hard on catering for that region. If the proper people are not in place soon enough, this whole process can be jeopardized.

The agenda setting implications of the figures presented in this paper are of the greatest consequence. An inability for a president to achieve his goals is a nail in the coffin for both his future campaign hopes but also his legacy. Presidents are always judged at the time of their

reelection on their ability to achieve the policy goals they set in place during their first campaign. If a president hasn't put the proper people in place by the time of that policy being realized, the policy itself can become unpopular due to its poor implementation.

The research in this paper is predicated on the assumption that presidents will prioritize certain agencies that are responsible for the execution of policies that they view as important, and as such, the president would want to put the necessary people in place to complete that work. These inclusions are especially important because Black et al. (2007) emphasize that presidents will use their recess appointment power in a way that maximizes the policy impact of their nominations, namely through major independent agencies. This comparison can be used to determine if the president's public-facing policy priorities line up with his decisions in prioritizing the appointment of personnel.

Several improvements could be made to this paper to inch it closer to measuring time's importance in presidential bureaucratic nominations. The first and most obvious is to expand this study to more presidents.. Over the course of multiple presidencies, these data could allow us to additionally consider effects of the Federal Vacancies Reform Act of 1998 and the Presidential Efficiency and Streamlining Act of 2011 on the bureaucratic capacity examined here. Black et al. (2007) also emphasizes that presidents will use their recess appointment power in a way that maximizes the policy impact of their nominations, namely through major independent agencies. In the future it could be useful to determine how exactly the president anticipates the actions of Congress and how that affects the timing of these appointments.

The measures in this paper each provide their own unique benefits and drawbacks. Departments and committees, the latter especially, lack the specificity that the Policy Agendas Project measure yields. That is to say, the responsibilities of departments are so varied and the

jurisdiction of committees so expansive, that researchers could certainly hold doubt about what is actually being measured here. I would argue that the committee measure has a bigger problem here than that of the departments. The committee measure, however, does see a marked increase in observations compared to that of the departments. The switch to filtering by committee the nominee is assigned to rather than department also allows us to gain greater insight into priorities throughout the executive branch by expanding the measure to independent agencies. Both measures, however, do have categories that leave me doubtful that a conclusion can be drawn from so few observations. The Policy Agendas Project is perhaps most useful in its ability to be prospective in a way that the Kaplan Meier curves cannot.

In the future, I would inquire about the responsibilities of specific positions appointed and how they relate to specific policy areas, but importantly, these areas would not be seen as mutually exclusive. Another improvement to this paper would be the inclusion of the average number of people appointed on a specific day given that someone was appointed that day in order to better gauge the way in which the president went about making these appointments.

In the future, I would like to use the data set of agency rules from 1995-2007 in Potter and Shipan (2019) to see if the measure produces results that we may draw similar conclusions from. This piece also matches the agency to policy area according to the Policy Agendas Project, and that might be how I sort them in the future. From that, I would replace their current dichotomous variable of using mentions from each “quasi-sentence” in the State of the Union. Within this piece, the policy area is considered a priority if it has an above average number of mentions. Following this logic, I could do the same for the Kaplan Meier curves that show that positions associated with a specific policy area are submitted to the Senate faster than the average. Ultimately, I would like to be able to eventually replace the priority variable within the

Potter and Shipan piece's time period and see if priority still lacks its own independent effect even though it is shown to influence other measures in the piece.

References

- Black, Ryan C., Michael S. Lynch, Anthony Madonna and Ryan J. Owens. 2007. "Adding Recess Appointments to the President's 'Tool Chest' of Unilateral Powers." *Political Research Quarterly*, 60: 645-654.
- Bolton, Alexander, Rachel Augustine Potter, and Sharece Thrower. 2016. "Organization Capacity, Regulatory Review, and the Limits of Political Control." *Journal of Law, Economics, and Organization*, 32(2): 242-271.
- Canes-Wrone, Brandice. 2001. "The President's Legislative Influence from Public Appeals." *American Journal of Political Science* 45: 313-29.
- Cohen, Jeffrey E. 1995. "Presidential Rhetoric and the Public Agenda," 39 *American Journal of Political Science* 87-107.
- Concepcion, Summer and Mosheh Gains. "Defense Secretary Lloyd Austin blasts GOP senator's blockade of military promotions as 'unnecessary' and 'unsafe.'" NBC News [New York, NY], 8/14/2023, <https://www.nbcnews.com/politics/politics-news/defense-secretary-lloyd-austin-blasts-go-p-senators-blockade-military-p-rcna99759>
- Howell, William G. 2003. *Power without Persuasion: The Politics of Direct Presidential Action*. Princeton: Princeton University Press.
- Howell, William G. 2013. *Thinking About the Presidency: The Primacy of Power*. Princeton: Princeton University Press.

- Jones, Bryan D., Frank R. Baumgartner, Sean M. Theriault, Derek A. Epp, Rebecca Eissler, Cheyenne Lee, Miranda E. Sullivan. 2023. Policy Agendas Project: State of the Union Speeches.
- Kriner, Douglas L. and Andrew Reeves. 2015. *The Particularistic President: Executive Branch Politics and Political Inequality*. New York: Cambridge University Press.
- Lee, Frances E. 2018. "The 115th Congress and Questions of Party Unity in a Polarized Era." *The Journal of Politics* 80(4).
- "Legislative Search Results." *Congress.gov*, Library of Congress, 11 March 2024, <https://www.congress.gov/search>.
- Lewis, Michael. 2018. *The Fifth Risk*. New York, N.Y., W.W. Norton & Company.
- Lynch, Michael S. and Anthony J. Madonna. *Broken Record: Transparency, Position-Taking and Recorded Voting in the U.S. Congress*. book manuscript.
- Neustadt, Richard E. 1991. *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan*, Revised edition. New York, NY: Free Press
- Office of the Federal Register, National Archives and Records Administration. (2009, December 24). DCPD-2009NOMINATIONS - Nominations Submitted to the Senate. [Government]. Office of the Federal Register, National Archives and Records Administration. <https://www.govinfo.gov/app/details/DCPD-2009NOMINATIONS/>
- Office of the Federal Register, National Archives and Records Administration. (2010, December 23). DCPD-2010NOMINATIONS - Nominations Submitted to the Senate. [Government]. Office of the Federal Register, National Archives and Records Administration. <https://www.govinfo.gov/app/details/DCPD-2010NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2011, December 15). DCPD-2011NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2011NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2012, December 20). DCPD-2012NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2012NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2017, December 21). DCPD-2017NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2017NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2018, December 13). DCPD-2018NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2018NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2019, December 12). DCPD-2019NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2019NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2020, December 30). DCPD-2020NOMINATIONS - Nominations Submitted to the Senate. [Government].

Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2020NOMINATIONS/>

Office of the Federal Register, National Archives and Records Administration. (2021, January 7).

DCPD-2021NOMINATIONS-TRUMP - Nominations Submitted to the Senate.

[Government]. Office of the Federal Register, National Archives and Records Administration.

<https://www.govinfo.gov/app/details/DCPD-2021NOMINATIONS-TRUMP/>

Ostrander, Ian. 2016. The Logic of Collective Inaction: Senatorial Delay in Executive Nominations

Potter, Rachel. 2019. Bending the Rules: Procedural Politicking in the Bureaucracy.

Potter, Rachel and Charles Shipan. 2019. Agency Rulemaking in a Separation of Powers System.

Rimmer, Morgan. “Tommy Tuberville’s Republican Colleagues Decry his Military Holds on the Senate Floor.” CNN. [Atlanta, Georgia], 11/1/2023,

<https://www.cnn.com/2023/11/01/politics/republican-senators-fight-tuberville/index.html>

Rudalevige, Andrew. 2021. By Executive Order: Bureaucratic Management and the Limits of Presidential Power. Princeton: Princeton University Press.

Seligman, Lara. “Troops Avoid Abortion Travel Policy Fueling Tuberville Blockade.” Politico.

[Arlington, Virginia], 9/15/2023,

<https://www.politico.com/news/2023/09/15/troops-reject-abortion-travel-policy-fueling-tuberville-blockade-00116276>

Weaver, Al. “Tuberville Releasing Hold on Hundreds of Military Promotions.” The Hill.

[Washington, D.C.], 12/5/2023 1:24 PM,

<https://thehill.com/policy/healthcare/4343067-tuberville-release-hold-military-promotion-s/>

Weaver, Al. "Senate Clears Hundreds of Military Nominations Hours After Tuberville Lifts Hold." The Hill [Washington, D.C.], 12/5/2023 5:37 PM,

<https://thehill.com/homenews/senate/4343884-senate-military-nominations-tuberville-lift-s-hold/>

Appendix

Table 5 – Presidential Nominations by Department

Department Name	Obama Mean	Trump Mean	Obama Median	Trump Median
Health and Human Services	239	334.7391	168	179
Agriculture	283.7037	513.9412	193	459
Housing and Urban Development	294.6	457.2	92	353
Homeland Security	322.0968	440.2692	190	367
Labor	331.4286	442.1923	141	353
Veterans Affairs	356.3846	332.6429	91	249
Commerce	388.7059	446.1818	310	286
Transportation	405.2609	539.92	168	447
State	416.6875	577.2692	172.5	514
Interior	416.7895	539.4444	175	391
Energy	417.1765	494.0833	281.5	406.5

Education	463.5312	394.8947	401	333
Treasury	512.2222	492.2162	457	410
Defense	565.9434	554.011	618	514
Justice	655.9048	808.5556	716	726

Table 6 – Presidential Nominations by Committee

Committee	Obama Mean	Trump Mean	Obama Median	Trump Median
Energy and Natural Resources	358.5	549.8382	171.5	515
Foreign Relations	407.9965	609.5231	304	614
Finance	451.1408	485.4211	269	445.5
Health, Education, Labor, and Pensions	627.4704	601.275	683	663
Banking, Housing, and Urban Affairs	574.3256	543.7404	690	386
Judiciary	447.2533	507.1509	401	406
Environment and Public Works	536.283	610.4706	326	515

Commerce, Science, and Transportation	484.0179	602.2034	321	551
Homeland Security and Governmental Affairs	490.9851	680.8966	303	727
Budget	325.5		282	
Veterans' Affairs	356.3846	333.5714	91	250
Agriculture, Nutrition, and Forestry	304.7317	596.8667	193	510.5
Intelligence (Select)	398.1053	507.1818	280	368
Armed Services	458.9756	592.1574	304	397
Small Business and Entrepreneurship	370	483.5714	332	270
Indian Affairs	654.4167	570	637	392
Rules and Administration	592.5556	823.5	737	727

Table 7 – Policy Agendas Project Counts

Major Topic Area	Obama Counts (*Priority)	Trump Counts (*Priority)
Macroeconomics	470*	97*
Civil Rights	92*	32*
Health	119*	141*
Agriculture	3	0
Labor	167*	18
Education	224*	25*
Environment	45	1
Energy	140*	9
Immigration	37	99*
Transportation	64	26*
Law and Crime	30	132*
Social Welfare	27	13
Housing	17	7
Domestic Commerce	124*	14

Defense	225*	154*
Technology	55	6
Foreign Trade	103*	51*
International Affairs	190*	97*
Government Operations	99*	20*
Public Lands	2	4
Culture	0	0