

Presidential Strategy Amidst the “Broken” Appointments Process*

One of the notable features of the most recent presidential administrations has been the increasing prevalence of vacancies in presidentially appointed and Senate confirmed (PAS) positions. This paper explains when and how presidents actively take control of those positions once they become vacant. It evaluates its claims with original data on the most important Senate confirmed positions during the first year of the Obama, Trump, and Biden administrations, with a total of nearly 5,000 quarterly observations of 1,009 administration-position cases. Estimates from Markov multi-state models reveal that presidents use non-default acting officials more frequently in ideologically opposed agencies, agencies connected to their campaign priorities, and the highest tier of leadership positions. Further, presidents pursue confirmation sparingly, often opting instead to use non-default acting officials for extended periods of time. These results suggest that presidents have significant discretion over the leadership of the executive establishment that is at odds with our separation of powers system of government and the Senate’s constitutional role to provide advice and consent on presidential appointees.

Christopher Piper

Vanderbilt University

June 20, 2022

* I would like to particularly thank Dave Lewis and Sharece Thrower for ongoing feedback and advice on this project. I also thank Nick Bednar, Jason Byers, Brenton Kenkel, Christina Kinane, Sara Kirshbaum, George Krause, Scott Limbocker, Meredith McLain, David Miller, Anne Joseph O’Connell, Brad Smith, Alan Wiseman, Liz Zechmeister, and the participants of the Virtual American Executive Politics Seminar and the “Presidential Success Big and Small” panel at the 2022 Annual Meeting of the Southern Political Science Association for helpful comments. I thank Nick Woros for excellent research assistance. The errors that remain are my own.

In July of 2019, President Trump announced that he would replace Director of National Intelligence (DNI) Dan Coats, whom he had often clashed with (Welna 2020), with an outspoken loyalist, Congressman John Ratcliffe (Haberman, Barnes, and Baker 2019). Despite making this decision over a month before Coats would resign, this position, responsible for overseeing the nation's intelligence community and advising the president on matters of national security, remained vacant for over nine months (Washington Post 2020). While waiting for Congress to act on his nominee, the president had to decide how he would assert control over this important position. Rather than allow the Principal Deputy DNI, Susan Gordon, a career intelligence official with over four decades of experience, serve as the "default" acting DNI, Trump selected Joseph Maguire and, later, Ambassador Richard Grenell (Welna 2020). Even though Gordon was directly in line to serve in the position, Trump found her "disloyal[ty]" to be a disqualifying factor (Welna 2020). Maguire, although initially thought to be more aligned with Trump, was similarly removed for exhibiting a lack of loyalty, having briefed members of Congress on potential Russian interference in the 2020 election (Cohen 2020). Grenell, on the other hand, despite having no intelligence experience, was known for his "fierce loyalty" to the president (Neuman 2020). During his short tenure, Grenell made several consequential decisions, including firing top officials in the agency and declassifying documents from the Obama administration to fuel the president's "Obamagate" conspiracy theory (Barnes, Goldman, and Fandos 2020; Marquardt, Cohen, and Herb 2020).

With administrative agencies at the core of policymaking in the United States (Yackee 2019), presidents naturally seek to make agencies responsive to them (Moe 1985). One of the key mechanisms by which all presidents assert control over the administrative state, comprised of hundreds of agencies and millions of employees (Lewis 2019), is by getting their people into

leadership positions of executive agencies (Moe 1985; Lewis 2008). Lewis asserts this clearly: “of course, the president’s most important source of bureaucratic control is via personnel” (2008, 7). Appointees head agencies, direct policy implementation, select priorities, make budgetary decisions, monitor civil servants, and convey the president’s vision to the agency (Moe 1985; Wood and Waterman 1991; Lewis 2008; 2012; Kinane 2019; 2021; Resh, Hollibaugh, Roberts, and Dull 2021). Through personnel like Grenell and Ratcliffe, presidents are able to achieve the policy goals central to their ideological vision, reelection, and legacy.

Although agency heads are an important asset to the president, the government has faced longer and more frequent periods of vacancies over time, exacerbated by increasing periods of delay and confirmation failure rates (O’Connell 2009; 2017; Dull and Roberts 2009; Resh et al. 2021). Exemplifying this trend, delays of confirmation and confirmation failure rates doubled between the Reagan and Obama administration (O’Connell 2017; Partnership for Public Service 2020). These trends persisted through the Trump administration and the beginning of the Biden administration. Despite Trump having a Republican controlled Senate, it took the Senate 115 days on average to proceed from receiving a nomination to having a confirmation vote, an average delay even longer than that faced by President Obama (Partnership for Public Service 2020). Similarly, one year into his administration, President Biden had only gotten roughly three-quarters as many nominees confirmed as Presidents Obama and W. Bush (Partnership for Public Service 2022). These trends have led some experts to claim that the traditional route of appointments through presidential nomination and Senate confirmation is broken and that reform is needed to reduce the number and length of vacancies (Eilperin, Dawsey, and Kim 2019; Stier 2021).

In the face of this slowed down and less deferential appointments process, presidents often abandon the traditional route of appointments. During the first two years of the last three administrations, presidents on average have only made nominations to approximately 70% of presidentially appointed and Senate confirmed (PAS) positions, with the average time to nomination taking well over one year for each administration (Lewis and Richardson 2021). Further, between 1996 and 2016, only 60% of vacancies reported to the Government Accountability Office received subsequent nominations from the president (Kinane 2021). President Trump claimed some of the vacancies during his administration were intentional so that he could instead pursue a different route of appointments, via the use of acting officials. Trump stated that he “like[s] acting[s] because [he] can move so quickly” and they “give [him] more flexibility” (Samuels 2019). His administration frequently had acting officials serve in the highest positions of agency leadership, from the Attorney General to the Secretaries of Defense and Homeland Security.

The approach of the Trump administration poses a puzzle for scholars of the presidency and presidential appointments. President Trump has brought attention to frequently neglected tools of presidential appointments. Existing scholarship often focuses exclusively on nomination and confirmation (see, e.g., O’Connell 2009; 2014; Hollibaugh, Horton, and Lewis 2014; Hollibaugh and Rothenberg 2017), omitting the president’s ability to use acting officials in the interim or to leave positions in the hands of career civil servants. Presidents will increasingly use these neglected tools, as the traditional route for control becomes closed off to them.

Recent work by Kinane (2019; 2021) and O’Connell (2020) makes clear that presidents have long moved outside of the traditional route of appointments. With key PAS positions remaining vacant roughly 25 percent of the time (O’Connell 2009), temporary assignment of

duties has been a staple of the continued functioning of agencies (Mendelson 2020). Further, O'Connell (2020) and Kinane (2019; 2021) have highlighted the latitude presidents have in assigning or delegating the duties of PAS positions. With this flexibility, presidents are able to curb Senate confirmation authority and say over agency leadership.

However, existing work fails to account for key differences between the tools available to the president. Specifically, how an acting official enters their position has ramifications for the individual's accountability to the president. Crucial to understanding the use of acting officials as a strategic tool rather than a standing procedure for continuity of government is making this distinction. Further, existing theoretical accounts and empirical analyses have not assessed how presidents transition between the tools available to them. This has inhibited our ability to assess whether choices made in one stage (i.e., the use of an acting official) influence choices in a subsequent stage (i.e., the decision to make a nomination).

To advance our knowledge of presidential appointment strategy and to address these important limitations, I seek to answer the central research question: when and how do presidents actively take control over a position once it becomes vacant? Presidents face two decisions when presented with a vacancy in a PAS position. First, they must decide what to do in the interim. They can either allow the default acting official directly in line for the position to serve or they can select an alternative, or strategic, acting. Second, they decide whether to pursue nomination and confirmation. I explain how presidents focus their limited time and resources to use strategic acting officials in a select group of positions. These positions represent the core of positions needed to ensure agency compliance with the administration's agenda. While confirmation provides greater benefits to presidents, the president leaves strategic and default acting officials in place for long periods of time for many less central positions.

To evaluate my expectations, I gathered novel data from *Federal Yellow Books*, Leadership Connect, LinkedIn, agency websites, and *The Washington Post* on how key positions were filled. This includes data on nominations, confirmations, and acting officials that served in all significant PAS positions in all executive agencies during the first year of the Obama, Trump, and Biden administrations. Further, I collected data on the employment history of each acting official, with a focus on the position they served in directly prior to entering their acting role. This dataset is comprised of 402 positions in 41 agencies, with a total of nearly 5,000 quarterly observations of 1,009 administration-position cases. A careful analysis of this data, using Markov multi-state models, reveals that presidents use strategic acting officials more frequently in positions within ideologically opposed agencies, agencies connected to their campaign priorities, and the highest tier of leadership positions. In contrast to Kinane (2019; 2021), I find that presidents were less likely to leave positions in ideologically opposed agencies “empty,” or in the hands of career civil servants. Further, presidents pursued confirmation sparingly, focusing on getting the top leadership positions (e.g., Cabinet Secretaries) filled with confirmed appointees. However, for positions in agencies connected to their campaign priorities, presidents often opt to use strategic acting officials for extended periods of time rather than making a nomination. These results suggest that as presidents have an increasingly difficult time getting their nominees confirmed, the strategic use of vacancies and non-default acting officials is a readily available substitute for presidents seeking to gain control of agency operations. These tools give the president enormous discretion over the leadership of the executive establishment that is at odds with our separation of powers system of government and the Senate’s constitutional role to advise on and consent to presidential appointees.

Addressing the “Broken” Appointments Process

Presidential appointments to federal agencies are one of the central tools by which all presidents exert control over bureaucratic policymaking (Moe 1985; Lewis 2008). However, the traditional nomination and confirmation process for presidential appointments, as enshrined in the Constitution, has long been costly to presidents. At every stage of the process to reach confirmation, from vetting to the final confirmation vote, presidents face costs. The vetting process alone requires hundreds of staff to find and vet potential candidates for each position and includes hundreds of pages of materials for each candidate, including an IRS waiver, a financial disclosure, and a detailed questionnaire (Wheaton, Cook and Restuccia 2016; Partnership for Public Service 2018). White House staff must then work on “greasing the wheels” of congressional committees and building support among key Senators to ensure a successful and timely confirmation.

While these costs alone may make a president short on time and resources consider an alternate route of appointments, Senate delays and decreased confirmation rates have required presidents to further consider alternatives (O’Connell 2014). With the traditional route made more demanding and less fruitful, confirmation is often only sought immediately for the most important positions (O’Connell 2009; Lewis and Richardson 2021). Presidents have increasingly left the remaining broad swath of PAS positions vacant for extended periods of time (O’Connell 2009; Dull and Roberts 2009; Hollibaugh and Rothenberg 2017; Lewis and Richardson 2021; Resh et al. 2021).

However, when examining what occurs during vacancies in PAS positions, scholars have typically either neglected the existence of the acting officials that step into these roles on a temporary basis or have regarded them as one in the same as vacancies (e.g., O’Connell 2009; Resh et al. 2021; but see also McCarty and Razaghian 1999). According to the Federal

Vacancies Reform Act of 1998 (5 U.S.C. § 3345), commonly referred to as the Vacancies Act or the FVRA, there are two “types” of acting officials that can serve on an interim basis when a vacancy occurs. If there is an individual serving in the “first deputy” or “first assistant” position below the PAS position, that individual will become the acting official by default (Brannon 2020).¹ The president may also select a previously confirmed PAS official or a senior “officer or employee” within the agency² that is paid at the equivalent of the GS-15 pay level or above to serve in an acting capacity (Brannon 2020). This provides the president with a high degree of discretion in who takes over the position on a temporary basis. By failing to account for the president’s ability to use acting officials, scholars have missed a critical tool of presidential control.

Kinane (2019; 2021) and O’Connell (2020) have made strides in filling this gap in our knowledge, outlining the options available to the president and the prevalence of acting officials in a selection of agencies (Kinane 2019; 2021) or positions (O’Connell 2020) across administrations. More specifically, Kinane (2019; 2021) takes a yearly snapshot view of the status of positions in cabinet departments over more than 40 years, while O’Connell (2020) examines the service of acting cabinet secretaries for the Reagan through Trump administrations.³ They show clearly that the use of acting officials, and other temporary assignments of duties, is not a new phenomenon (see also, Mendelson 2020). Instead, it has been a common practice over the last several presidential administrations. Kinane (2019; 2021) also provides a theoretical account of the president’s use of acting officials, arguing that presidents

¹ McCarty and Razaghian (1999) reference this type of acting official as setting the “reversion value,” or the policy outcome associated with the absence of a confirmed nominee, for the Senate when deciding whether to confirm a presidential nominee: “[s]enior careerists serving in an ‘acting’ capacity giving more policy leverage to the career service often fill political vacancies” (1127).

² Senior “officer[s] or employee[s]” must be in the agency for a period of at least 90 days (Brannon 2020).

³ O’Connell (2020) also takes a snapshot view of cabinet departments and the Environmental Protection Agency as of April 15, 2019.

will strategically use acting officials to maneuver around the costly Senate confirmation process and will use vacancies as a unilateral tool for restricting agency policymaking. This research lays the foundation for understanding the prevalence of acting officials across administrations and a proof of concept for the use of vacancies and acting officials as a strategic tool.

However, existing work has failed to adequately account for key differences between default and strategic acting officials. Further, theoretical accounts and empirical analyses have not accounted for how presidents transition between the tools available to them. First, the literature has not distinguished between types of acting officials. Current scholarship has portrayed all acting officials as a homogenous group (Kinane 2019; 2021).⁴ This approach overestimates the degree to which presidents actively select acting officials and neglects key differences between acting officials based on how they entered their position. Instead of presidents always seeking to strategically maneuver around the Senate, acting officials are often career civil servants that enter the role by default (Mendelson 2015; O'Connell 2020).

If we care about the active assertion of control by the president, we need to distinguish between when the president is leaving positions in the hands of careerists in line for the position versus when they are taking action to select an alternative person. Senior career civil servants who are in line for the position will work to keep the agency functioning as usual, but their experience and stability will come at a cost to a president that expects loyalty and who desires to drastically change the course of agency policymaking (McCarty and Razaghian 1999; O'Connell 2009; 2020; Dull and Roberts 2009; Mendelson 2015). These default acting officials have assurance that they cannot be fired and that they will return to their original position once their acting service ends. Non-default, or strategic, acting officials, in contrast, are under the complete,

⁴ O'Connell (2020) partially addresses this point by highlighting the class of prior position of acting officials that served in a selection of PAS positions.

unilateral control of the president. The president can select anyone within the limits outlined above, allowing them to choose someone potentially less qualified or more ideologically consistent with their views. Additionally, because these officials are only moved into their position at the direction of the president and because they are often themselves non-PAS appointees without civil service protections, they are more beholden to the president's wishes.

Second, scholars have yet to theoretically or empirically account for how presidents transition between the use of acting officials and confirmed appointees. Presidents do not make choices about actings or nominations in a vacuum. Instead, we should expect that presidents will employ a broader politicization strategy that is conditional on who is currently occupying a vacant position. To gain a better understanding of when presidents will make a nomination, we need to consider their use of acting officials. President may delay nominations, not out of neglect, but because they have asserted control over the position through another means.

Comprehensive Presidential Appointment Strategy

When vacancies occur in PAS positions, presidents have two decisions to make. First, they must decide how to handle the position in the interim. Second, they must decide whether they will make a nomination and pursue confirmation. These choices will be influenced by the agency's ideological alignment with the president, whether the policy area of the agency is a priority to the president, and where the position is in the agency's hierarchy.

Choice Between Actings

When the president is presented with a vacancy, the president faces tradeoffs between the available pool of acting officials. The Vacancies Act allows for two types of acting officials to serve on an interim basis, which I classify as "default" and "strategic" acting officials (Brannon 2020).

Default acting officials provide extensive experience and stability. David G. Huizenga, a career civil servant in the Department of Energy that served as a default acting at the beginning of the Trump administration, is representative of the wealth of expertise, knowledge, and experience that the typical default acting official brings to their position.⁵ Huizenga became the acting Deputy Administrator for Defense Nuclear Nonproliferation in the National Nuclear Security Administration after serving as the Principal Assistant Deputy Administrator, a position he had held since 2014 (Leadership Connect 2020). At the time of becoming the acting Deputy Administrator, Huizenga's career in the Department of Energy had already spanned over twenty years, with stints in a number of high-level positions (Leadership Connect 2020). Senior career civil servants, like Huizenga, have extensive experience and subject area expertise, are ingrained in the culture and procedures of the agency, and command the respect of their civil servant peers. Further, they will be plugged in to the agency's long-term projects and key inter-agency operations and cognizant of emerging problems facing the agency. As a result, these officials will work to keep the agency operating as usual. A president desiring to disrupt the status quo may need to select a "non-default"⁶ appointee to lead the agency on a new course of policymaking.

⁵ While the principal default acting official is in some cases a political appointee (e.g., Deputy Secretaries and most Principal Deputy Assistant Attorney Generals), at the beginning of the administration, the president often faces a choice between allowing a holdover from the previous administration to serve in the position on an acting basis (e.g., Lisa Disbrow, Elaine Duke, Thomas Shannon Jr., Sally Yates, etc.) or selecting an alternative acting. Like a career civil servant, these holdovers have experience in the agency and are less responsive to the incoming administration. These cases, however, represent only a small fraction of default acting officials that serve at the start of an administration. Among the default acting officials that served during the first year of the Trump administration, 90% were career civil servants, 7% were holdover Obama appointees, and 3% were Trump appointees. In the vast majority of cases where a politically appointed position is first in-line to be the default acting, the position is vacant at the beginning of the administration, making the careerist next in-line the default acting.

⁶ The term "non-default appointees" is used throughout the paper to refer to any appointee that falls outside of default acting officials, specifically strategic acting officials and confirmed appointees.

Of course, presidents have the flexibility to choose an acting official that is not the default. This option provides the president greater flexibility, allowing the president to select an individual that is more aligned with their interests and that will be more accountable. For example, President Trump named Matthew Whitaker, former chief of staff to Jeff Sessions and an outspoken critic of the Russia investigation, as Acting Attorney General over Deputy Attorney General Rod Rosenstein after Sessions resigned (Blake 2018). Yet, this control is not without its own consequences. The search for an appropriate strategic acting official and the evaluation of the default acting official, in comparison, is costly. A resource constrained president may not be willing to make this investment for an official that will only serve for a temporary period. Additionally, strategic acting officials suffer from a lack of legitimacy and their service may cause harm to the president's public perception. Their continued service and repeated use may make it appear that the president is purposefully denying the Senate its say in the appointments process or that the president is not prepared to govern (Davidson 2017).

The president's decision to use a strategic acting official will vary depending on agency and position level characteristics. To begin, the benefits and costs will vary depending on the ideological composition of the agencies. We can expect that agencies ideologically opposed to the president will be more resistant and will need oversight to prevent shirking (Lewis 2008; Hollibaugh, Horton, and Lewis 2014; Hollibaugh and Rothenberg 2017). These agencies, like the EPA for the Trump administration and the Department of Homeland Security for the Biden administration, will need to have their activities adjusted to be more in-line with the president's policy views. Default acting officials in ideologically aligned agencies, in contrast, will naturally have policy preferences that match more closely with the president and will be relied upon more frequently.

Hypothesis 1: Presidents will be more likely to use strategic acting officials, rather than allow default acting officials to serve, for positions in ideologically opposed agencies, compared to positions in ideologically aligned agencies.

Presidents will also place an emphasis on agencies that are connected to their policy agenda (Lewis 2008; Hollibaugh et al. 2014). Therefore, presidents will reap greater rewards from having positions in these agencies filled with strategic actings. For example, President Biden's campaign promises to "Beat COVID-19" and "Build Back Better," should make him focused on taking control of the Departments of Health and Human Services and Transportation. Agencies that are off of the president's policy agenda will not be worthy of the president's immediate attention. These agencies, because their activities are commonly agreed upon or commonly garner ambivalence, are more likely to be left with persistent vacancies, filled by default actings or careerists provided with standing subdelegations of authority. The Office of Personnel Management and civil service reform, for instance, is almost never made a priority by a new administration.

Hypothesis 2: Presidents will be more likely to use strategic acting officials, rather than allow default acting officials to serve, for positions in agencies connected with policy priorities important to their campaign, compared to positions in agencies that are not connected to the president's agenda.

Finally, presidents will place priority on some positions more than others. Cabinet secretaries, their leadership teams, and other positions higher up in the agency hierarchy are essential to the functioning of the largest and most important agencies (O'Connell 2009; 2014; Partnership for Public Service 2018). They also serve as key public facing representatives of the president. Therefore, these positions will be sufficiently important to the president's policy agenda and will be sufficiently publicly visible that the president will want to ensure an individual is directly under his control. Lower-level positions, on the other hand, may not be as essential to fill, as the president will still be able to direct the activities of the agency from the top

of the agency. For example, presidents are likely more concerned with the position of Secretary of Defense than the position of Assistant Secretary for Manpower and Reserve Affairs.

Hypothesis 3: Presidents will be more likely to use strategic acting officials, rather than allow default acting officials to serve, for senior leadership positions, compared to lower-level positions.

Decision to Nominate

After deciding whether to use the default acting official or choose an alternative strategic acting, the president must decide whether to make a nomination, in pursuit of confirmation. This is important to consider because the president's nomination decision will be conditioned on their choice in the previous stage. There are two central benefits that presidents gain from confirmation, in comparison to the use of a strategic acting, that provide the president greater control and the appointee a heightened ability to influence agency policymaking. First, confirmation provides the appointee with the full legal authority and power of the office in which they serve. The individuals serving in acting roles or operating with delegated authority from vacant positions will be cautious about using the full authority of the position (O'Connell 2009; 2020; Dull and Roberts 2009; Mendelson 2015) and will be, according to O'Connell, "perceived to have less authority, less stature, and less pull" (Lee and Dlouhy 2020). Second, confirmed appointees have a longer time horizon, since they are not subject to the 210-day time limits imposed on acting officials.⁷ Career civil servants in the agency will know that the individual

⁷ Individuals placed in an acting position may serve for a temporary period of 210 days. This period will be extended if a presidential nomination to fill the position is made. In this instance, the acting official can serve as long as the nominee is pending Senate confirmation (Brannon 2020). Further, if the nomination fails, a new 210-day period begins on the day of rejection, withdrawal, or return. This process is repeated for up to two nominations. Additionally, this period is extended by 90 days when the president first takes office. Therefore, President Trump, upon entering office, had a period from January 20, 2017 to November 16, 2017 to use acting officials without having to make a nomination (Brannon 2020). Moreover, The Vacancies Act does not provide any provisions to enforce these limits on the length of service. Acting officials have on occasion remained in their positions longer than allowed by the Vacancies Act (Brannon 2020).

serving in an acting capacity has a "ticking clock" on their service, while a confirmed appointee can serve indefinitely as long as the president is in office.

However, finding, vetting, and getting a nominee confirmed is a time and resource intensive process. Presidents and Senate committees will face opportunity costs when deciding which positions to focus on versus other priorities of the new administration and Congress (Ba, Schneider, and Sullivan 2021). Therefore, presidents will be selective in the positions they push forward for confirmation.

The most senior leadership positions will be sufficiently important to the president to put forward a nominee quickly to replace a strategic acting official. For example, President Trump used former corporate attorney Stephen Vaughn as the acting U.S. Trade Representative only for the short period (74 days) in which he was working to get his nominee, Robert Lighthizer, confirmed (Palmer 2017). Because these positions are closely followed by the media and the individuals serving in these positions are public-facing representatives of the administration, presidents may suffer from questions of legitimacy and harm to their public perception if they use strategic acting officials for too long of periods in these positions. Therefore, we should observe shorter periods of strategic acting official service in these positions and higher rates of nominations. With the president having his people confirmed to the top leadership positions within the agency, the rest of the appointee team will have less of a need for the additional sway and authority that comes with confirmation. Therefore, strategic acting officials, once in place, will be used for longer periods in positions of second-tier importance.

Hypothesis 4: Presidents will be quicker at making nominations to senior leadership positions, regardless of the type of acting official currently serving in the position, compared to lower-level positions.

In total, presidents need to assert control over certain important positions once they become vacant. First, they will use strategic acting officials more in ideologically opposed

agencies, agencies connected to their policy agenda, and for high-status leadership positions. Presidents will then decide whether to make a nomination and pursue confirmation, making this investment most frequently for high-status leadership positions.

Data, Variables, and Methods

To test these hypotheses, I collected data on all key positions in executive agencies covered by the Vacancies Act during the first year of the Obama, Trump, and Biden administrations. Focusing on this time period has three key benefits. First, by starting at the beginning of an administration, all of the PAS positions in my sample exogenously became vacant starting on January 20th. Second, by only looking at the first year of a new administration, we do not have to be concerned with the acting “time clock” running out and, therefore, the president had the ability to select a strategic acting at any point during this time period.⁸ Third, the three most recent administrations are ideal for testing this generalized theory of presidential strategy. They best represent the current political environment and state of the nomination and confirmation process. Further, examining this time period ensures that the findings observed are not due only to the potentially disparate Trump administration.

I determined which positions to examine by taking a census of the 757 positions identified as “key” by the Partnership for Public Service (PPS) and *Washington Post* (Washington Post 2020). From this list, I eliminated all ambassadors and representatives to international organizations. Additionally, members of boards and commissions were eliminated, as the Vacancies Act does not apply to these positions.⁹ I focus on the remaining 402 positions in 41 agencies that represent the most important and influential leadership positions across

⁸ Presidents have until November 16 of their first year to use an acting official, without needing to make a nomination.

⁹ Boards and commissions typically do not allow for actings or delegations of duty (O’Connell 2020). Instead, they may be “crippled” by vacancies that result in the loss of quorum (O’Connell 2020).

executive agencies within the administrative state.¹⁰ This choice focuses my analysis on the essential core of PAS positions in executive agencies where we should expect the president to make the most strategic choices.

Key Dependent Variable

I track the occupant of each position using five quarters of the *Federal Yellow Book*¹¹ from the start of the Obama, Trump, and Biden administrations.¹² The *Federal Yellow Book* is a quarterly directory of executive officials, akin to a telephone book.

I code each position-quarter by five types of status: (1) vacancy or default acting with no nomination,¹³ (2) vacancy or default acting with nomination, (3) strategic acting with no nomination, (4) strategic acting with nomination, and (5) confirmed. These states reflect all possible states of all executive PAS positions at the start of the administration.

To categorize acting officials, I looked up the employment history of each individual on Leadership Connect, the online edition of the *Yellow Book*, LinkedIn, and an additional online source, typically their biography page from the agency they served in or a news article.

Individuals that served as a deputy or assistant to the position immediately prior¹⁴ to their service

¹⁰ A complete list of the positions examined is available from the author upon request.

¹¹ For the Biden administration, I used Leadership Connect, the online edition of the *Federal Yellow Book*. I gathered quarterly observations by looking up each position around the time that each quarterly volume of the *Yellow Book* was historically published.

¹² While the names and service dates of acting officials are required to be reported to the Government Accountability Office, in practice this information is often not reported (Haglund and Lewis 2013). Therefore, ascertaining who served as an acting official and when they entered and left their position after the fact is extremely challenging. The *Federal Yellow Book* provides the opportunity to determine who was in the position at each point in time when the volume was published. As this is a quarterly publication, my analysis relies on tracking the status of these positions on a quarterly basis.

¹³ This category, along with the second category, also implicitly includes any instance in which neither a confirmed nor an acting official serves, while the duties of the office are delegated to another office. Typically, these functions are subdelegated to career civil servants in the agency (Nou 2017; O’Connell 2020). This matches closely with my conceptualization of “default acting,” as a career civil servant typically takes on the functions of the office in both cases.

¹⁴ This does not include officials that were made the “first assistant” concurrently as they were made the acting official. While this is legally allowed by the Vacancies Act (Brannon 2020), these appointees are instead classified as strategic actings because they would not have served as the acting official without action by the president.

as acting were categorized as default actings.¹⁵ Individuals with any other previous position were categorized as strategic actings.¹⁶ During this time period, there were 949 acting officials serving in 355 positions. Of the individuals that served in an acting capacity in the first year of the Obama, Trump, and Biden administration, more than 50% were the default acting in each administration.¹⁷ The commonality of default actings demonstrates the importance of distinguishing between types of acting officials. Any analysis that does not account for this distinction will greatly overestimate the degree to which presidents are using acting officials as a strategic tool.

I used the Senate’s appointments website to gather nomination and confirmation dates for the Obama administration and the PPS and *Washington Post’s* “Political Appointee Tracker” (Washington Post 2020) for the Trump and Biden administration. By the end of the first year, across all three administrations, 536 (53.1%) positions in my sample were confirmed. Even this descriptive statistic showcases how presidents must navigate around an appointments process that leaves positions without a confirmed appointee for extended periods of time.

Key Independent Variables

To test the expectations above, we need measures of the ideological leaning of agencies, the president’s policy priorities, and the status of positions. To measure ideological alignment, I use a measure of agency ideological reputation from a survey of federal executives across the

¹⁵ It is again worth noting that in some cases the default acting official is a political appointee. However, these positions are frequently vacant at the beginning of an administration, making the careerist next in line the default acting official. Those that are filled are typically occupied by a holdover from the previous administration. Matching with this description, among default acting officials in my sample that served during the first year of the Trump administration, 90% were career civil servants, 7% were holdover Obama appointees, and 3% were Trump appointees.

¹⁶ Among strategic acting officials in my sample that served during the first year of the Trump administration, only 40% were career civil servants, less than half the percentage among default actings. This difference further validates my conceptualization of the types of acting officials.

¹⁷ For the Trump administration, nearly 20% of acting officials in my sample had the term “first deputy” explicitly in their title, with an additional 45% being the “deputy” or “assistant” to the position.

administrative state (Richardson et al. 2018). The authors asked agency officials: “In your opinion, do the policy views of the following agencies tend to slant liberal, slant conservative, or neither consistently in both Democratic and Republican administrations?” (Richardson et al. 2018, p. 304). They aggregated responses and generated ratings, after accounting for each respondent’s conception of the general liberal-conservative ideological dimension and the respondent’s experience with the agency.¹⁸ The ratings vary from -2 to 2. I coded an agency as moderate if the estimate of the agency’s ideology is statistically indistinguishable from 0. I coded an agency as liberal or conservative if the estimate of the agency’s ideology is statistically distinguishable from 0 in either a liberal (negative) or conservative (positive) direction. Agencies are coded as opposed to the president (i.e., equal to 1 for “Ideologically Opposed) if their ideological group is in opposition to the president (e.g., Republican president-liberal agency) and are coded as aligned with the president (i.e., equal to 1 for “Ideological Ally”) if their ideological group is aligned with the president (e.g., Republican president-conservative agency). Within my sample of 402 positions, 171 (42.5%) positions were in liberal agencies, 67 (16.7%) positions were in moderate agencies, and 141 (35.1%) positions were in conservative agencies.¹⁹ Consistent with hypothesis 1, I expect that positions in agencies coded as ideologically opposed to the president to be filled quickly with strategic actings.

To determine the effect of priority on appointment strategy, I use a measure of priority to the president’s campaign agenda. For the Obama administration, I coded agencies with a 1 if the agency was mentioned as responsible for a policy or an issue raised in the president’s first

¹⁸ Although their measure was based on a single survey at one point in time, Clinton et al. (2018) have shown that agency ideology is stable, through comparison with earlier measures (Clinton et al. 2012; Bonica et al. 2015). They also included phrasing of “across Democratic and Republican administrations” to prompt respondents to think more generally about an agency’s ideology over time. Additionally, based on our understanding civil servant self-selection into agencies that align with their policy preferences (Clinton et al. 2012) and the longevity of the civil servants that work in agencies, we have additional reason to believe that agency ideology is stable over time.

¹⁹ 23 positions were located in agencies without an estimate of ideology from the Richardson et al. (2018) survey.

address before a joint session of Congress (Hollibaugh, Horton, and Lewis 2014). For the Trump and Biden administrations, I coded a position with a 1 if the position is located within an agency that is responsible for carrying out an item on President Trump’s *Contract with the American Voter*²⁰ or President Biden’s “Build Back Better” or “Beat COVID-19” campaign plans.²¹ In my sample, 56.9% of position-administration observations were located in priority agencies. Consistent with hypothesis 2, I expect positions within these agencies to get filled quickly with strategic actings.

To assess whether the president was more likely to use non-default appointees in leadership positions, I use a measure of position status. Following the approach of Resh et al. (2021), I coded the high-status variable with a 1 if the position is at the Executive Pay Level 1 or 2. The executive schedule is the system of salaries provided to the appointed leadership of the executive establishment (5 U.S. Code § 5311). Positions at Executive Pay Level 1 or 2 include the secretaries of cabinet departments and the heads of large bureaus and independent agencies.²² Sixty-four (15.9%) positions in my sample were high-status. Consistent with hypotheses 3 and 4, I expect that these positions will be filled quickly with strategic actings and that the president will prioritize nominations for these positions.

Control Variables

Of course, other factors are correlated with both the status of the position and key independent variables. To account for potential confounders, I include agency and position-level controls as well as controls for confirmation dynamics in the Senate. To begin, I control for whether an agency is in the Cabinet, where I code the “Cabinet” variable with a 1 if the position

²⁰ <https://assets.donaldjtrump.com/landings/contract/O-TRU-102316-Contractv02.pdf>, accessed December 17, 2019.

²¹ <https://joebiden.com/build-back-better/>; <https://joebiden.com/covid19/>, accessed April 5, 2021.

²² The full list of these positions can be found under 5 U.S. Code § 5312-5313.

is within a cabinet department and 0 otherwise. Within my sample, 324 (80.6%) positions were located in cabinet departments. Cabinet departments are likely more important to the president, as they are the highest profile and largest agencies. I also control for additional agency characteristics using a measure of agency decision-maker independence (Selin 2015), which captures the level of autonomy actors in the agency have when making policy decisions. Existing work suggests that nominations to agencies with higher levels of decision-maker independence will take longer to be acted upon and will be less likely to reach confirmation (Hollibaugh and Rothenberg 2018).

Additionally, I control for characteristics of the Senate committee that is responsible for the referral and review of nominations to the position.²³ I measured “Chair Ideology” as the committee chair’s DW-NOMINATE ideological rating (Lewis et al. 2021). Because each president faced a co-partisan controlled Senate, I use the absolute value of each ideological rating to measure the concept, with higher values representing ideological extremity in the direction of the president’s party. Existing work suggests that nominees will be more quickly confirmed to agencies ideologically divergent from the committee chair (Resh et al. 2021).

Finally, I include presidential fixed effects, with the Obama administration as the baseline group. It is possible that each president, due to differing dynamics in the Senate or presidential preferences, may take a slightly different appointment strategy.

Models

To properly model the president’s use of each type of appointment, we need models that allow for the transition of observations through multiple states. Fortunately, there are a series of “Illness-Death” or “Disease Progression” Markov multi-state models common in biostatistics

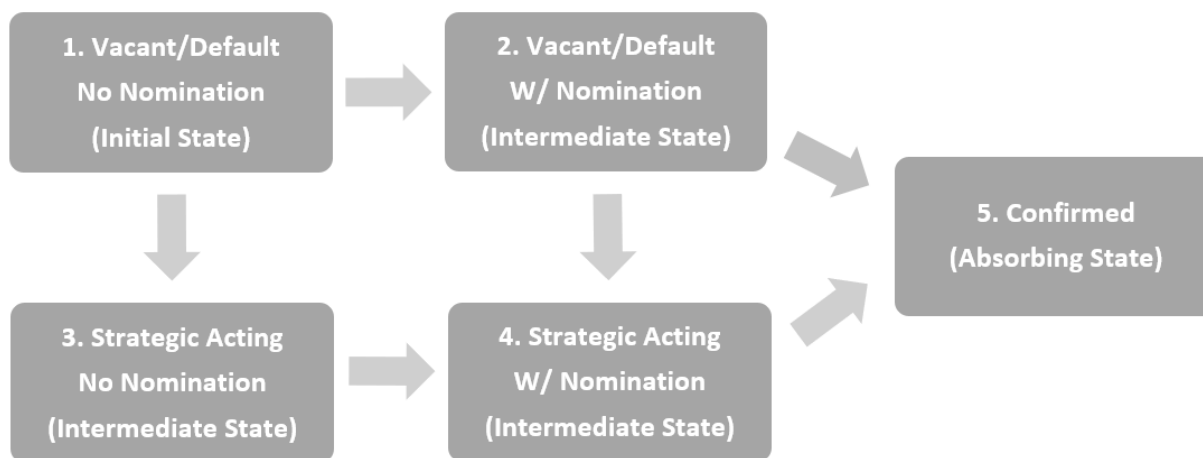
²³ 32 of the 402 positions are referred to two committees. In these instances, an average of the Chair Ideology is taken between the two committees.

useful for this purpose (e.g., Hougaard 1999; Jackson, Sharpless, Thompson, Duffy, and Couto 2003; Jackson 2021). These models are used to describe and understand processes in which an individual or unit transitions through a series of clearly defined and mutually exclusive states in continuous time (Jackson 2021). For example, understanding the transitions of a patient through the stages of a disease or illness and the factors that may affect those transitions. In my case, I track the status of each position-administration match across the first five quarters of the respective administration. Similar to the approach used in clinical trials, these 5 quarterly observations serve as “check-ups” to assess the status of the “patient,” or position, at the time of observation. Each position is followed until it reaches the “absorbing state,” the final state that, once entered, cannot be left. Typically, in the medical field, this is death. However, in our case, it is confirmation. Like in the medical field with death, the time of the absorbing state is exact, while the transition times for the other states are assumed to be unknown. This allows us to deal with the lack of reporting of acting official service length, while using the well-reported confirmation dates. For ease of comparison, I focus my analysis on the positions that did not have a confirmed holdover from the previous administration continue into the first period of the new administration. Therefore, each observation begins on the inauguration date with no confirmed official in the position.

Figure 1 is illustrative of the Markov multi-state process being modeled for each position-administration match. First, figure 1 highlights the five potential stages a position may be in at each “check-up.” As shown, each position begins in State 1 (vacant or default acting with no nomination). At each subsequent “check-in” the position may transition into one of the three intermediate states or the absorbing state depending on whether the president has chosen a strategic acting official, the president has made a nomination, and the Senate has confirmed the

president's nominee to the position. For this paper, I am primarily interested in 6 different types of transitions, each represented with an arrow in Figure 1.²⁴ First, the transition from 1 (default, no nomination) to 3 (strategic, no nomination). Second, from 2 (default with nomination) to 4 (strategic with nomination). Third, from 1 (default, no nomination) to 2 (default with nomination). Fourth, from 3 (strategic, no nomination) to 4 (strategic with nomination). Fifth, from 2 (default with nomination) to 5 (confirmed). Finally, from 4 (strategic with nomination) to 5 (confirmed).²⁵ The first and second types of transitions correspond with the president's decision to use a strategic acting official, and hypotheses 1 through 3. The third and fourth transitions correspond with the president's decision to make a nomination, and hypothesis 4. The fifth and sixth transitions correspond with the Senate's decision to confirm the president's nominee.

Figure 1. Stages of Progression



²⁴ The model assumes that positions must transition along the arrows represented in Figure 1, even if each individual transition is not observed. For example, a position that from one “check-in” or observation to the other moved from State 1 to State 4 is assumed to have needed to be State 2 or State 3 before reaching State 4. In this case, the president either made a nomination and then selected a strategic acting official representing the transition from State 1 to 2 to 4 or selected a strategic acting and then made a nomination representing the transition from State 1 to 3 to 4. This modeling choice assumes that presidents are making sequential decisions and allows for the examination of the factors that influence each discrete choice. Further, it reduces the number of coefficients needed to be estimated in an already taxed model.

²⁵ While these models could be used to assess the factors that predict the departure of an appointee (transitioning from state 5 to state 1), my expectations do not speak to the tenure of individual appointees (see e.g., Wood and Marchbanks III 2008; Dull and Roberts 2009).

This modeling approach has several advantages. To begin, using the “Illness-Death” Markov multi-state model, I can assess how the key independent variables influence the probability of transition from one state to another, given the fact that the transition may be conditional on its prior state. For example, what makes the president move outside of the default for a strategic acting official? This allows us to assess whether factors that influence one type of transition (e.g., default to strategic acting official) are the same for another type of transition (e.g., no nomination to nomination). Additionally, these models allow us to examine the factors that influence the pace at which presidents move from using strategic acting officials to making a nomination and getting the nominee confirmed. Finally, and most importantly, the Markov multi-state model is a unified model that allows for the inclusion of all of the potential states that a position may be in and the examination of each type of transition. Rather than attempting to examine each type of transition in an isolated model, the multi-state model fully incorporates the entire appointments process and the associated decisions made by the president and the Senate.

Results are presented in terms of hazard ratios for each coefficient on each type of transition. Hazard ratios of less than 1 mean that positions characterized by higher values of that covariate are less likely to experience that type of transition by the end of a given quarter compared to the baseline.²⁶ For example, a hazard ratio of 0.5 would mean that a one-unit increase in the covariate is associated with a half as likely transition than the baseline. Hazard ratios of greater than 1 mean that positions characterized by higher values of that covariate are more likely to experience that type of transition. For example, a hazard ratio of 2 would mean that a one-unit increase in the covariate is associated with a twice as likely transition than the

²⁶ For continuous control variables, results are presented as a one standard deviation increase from the mean value of the variable.

baseline. All hazard ratios are presented with a 95% confidence interval. All confidence intervals that do not contain 1 are significant at the 0.05 p-value threshold.

Results

Several patterns are illuminated within the results of my models. First, presidents use strategic acting officials in the positions most crucial for gaining control of the administrative state, namely those in ideologically opposed agencies, agencies connected to their campaign priorities, and high-status positions. Second, once in place, strategic acting officials in priority subunits were frequently used for extended periods as substitutes to their confirmed counterparts. Once a strategic acting was in place, presidents became less likely to pursue nomination and confirmation. These actings give presidents time to focus their efforts elsewhere or more carefully consider potential nominees to the position. Third, presidents pursue confirmation sparingly, focusing their efforts particularly on the highest levels of agency leadership. Finally, the Senate in some circumstances responds to the president's use of acting officials. The Senate under certain conditions slows down the pace of confirmation when the president has a strategic acting official in place, knowing that the president has already asserted control over these vacant positions.²⁷

These results suggest that as the traditional route for control becomes costly, presidents will pursue an alternative route. The use of strategic actings allow presidents to be more selective in their pursuit of nomination and confirmation, focusing on places where confirmation has the greatest relative benefits. This puts presidents at a greater advantage in our separation of powers system, often cutting the Senate out of the process entirely. The Senate's own delays and

²⁷ The time period considered only includes occurrences of a co-partisan controlled Senate. It is likely that this relationship differs when the Senate is controlled by the opposition party.

amenability towards nominees only furthers the extent to which presidents will use these tools of unilateral control.

Table 1. Presidential Appointment Status Change Probabilities: Default Acting Officials to Non-Default Acting Officials to Confirmed Nominees

	<i>Type of Transition</i>					
	Transition to Strategic Acting		Transition to Nomination		Transition to Confirmation	
	1 to 3	2 to 4	1 to 2	3 to 4	2 to 5	4 to 5
Ideological Opponent	1.080 (0.761, 1.532)	5.299** (1.550, 18.117)	0.828 (0.644, 1.065)	1.171 (0.740, 1.852)	0.937 (0.693, 1.267)	1.142 (0.632, 2.065)
Ideological Ally	0.952 (0.669, 1.354)	3.153* (0.895, 11.106)	1.051 (0.827, 1.336)	0.966 (0.621, 1.501)	0.884 (0.660, 1.184)	1.741* (0.983, 3.084)
Priority Agency	1.594** (1.179, 2.154)	1.300 (0.519, 3.257)	1.285** (1.030, 1.603)	0.738 (0.500, 1.090)	0.911 (0.698, 1.188)	0.680* (0.433, 1.068)
High-Status	2.532** (1.596, 4.018)	2.595** (1.226, 5.492)	2.230** (1.614, 3.081)	2.122** (1.276, 3.529)	3.069** (2.378, 3.961)	2.608** (1.591, 4.274)
Cabinet	0.909 (0.512, 1.616)	1.765 (0.298, 10.464)	0.905 (0.615, 1.330)	0.870 (0.445, 1.703)	1.585* (0.929, 2.707)	1.323 (0.560, 3.125)
DM Independence	0.839 (0.677, 1.039)	0.954 (0.459, 1.983)	0.860** (0.745, 0.993)	0.875 (0.692, 1.105)	1.115 (0.899, 1.382)	1.003 (0.756, 1.331)
Chair Ideology	0.973 (0.851, 1.112)	0.776 (0.539, 1.117)	1.036 (0.934, 1.150)	1.027 (0.859, 1.228)	1.087 (0.953, 1.241)	0.809* (0.653, 1.003)
Trump	0.624** (0.429, 0.910)	2.203 (0.694, 6.997)	0.587** (0.461, 0.747)	0.770 (0.461, 1.286)	0.182** (0.130, 0.254)	0.522** (0.299, 0.911)
Biden	2.028** (1.460, 2.816)	1.096 (0.294, 4.081)	0.843 (0.667, 1.065)	0.950 (0.643, 1.404)	0.307** (0.233, 0.404)	0.385** (0.244, 0.605)
Observations	4,985	4,985	4,985	4,985	4,985	4,985

Note:

95% Confidence Intervals Reported Below Each Hazard Ratio; *p<0.1; **p<0.05

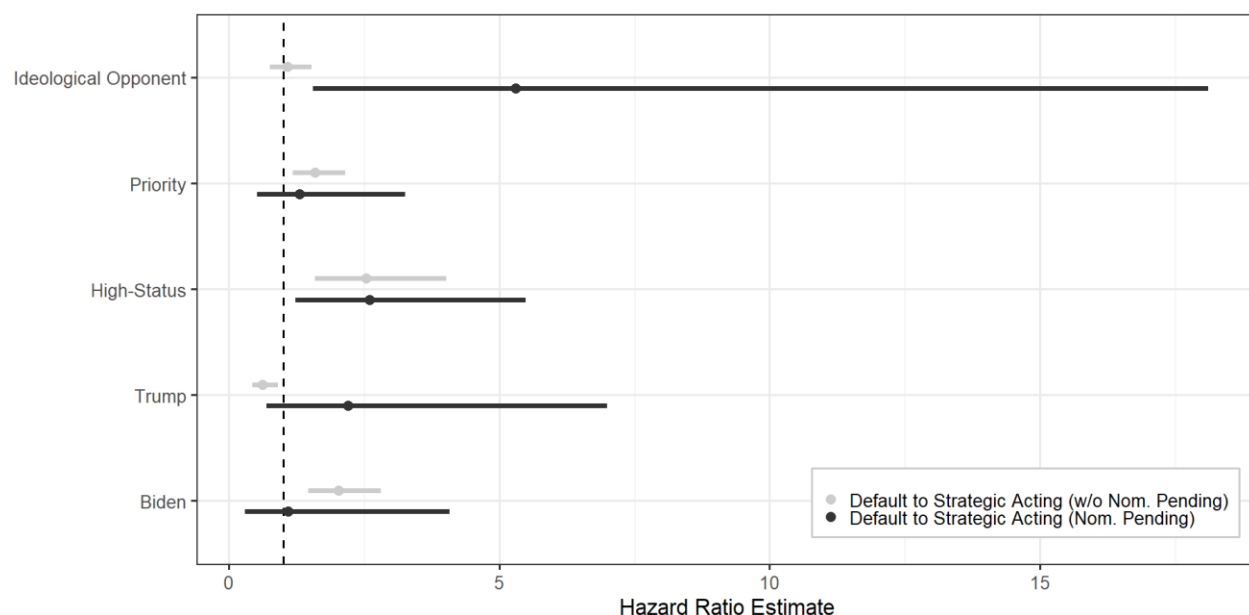
Note: I code each position-quarter by five types of status: (1) vacancy or default acting with no nomination, (2) vacancy or default acting with nomination, (3) strategic acting with no nomination, (4) strategic acting with nomination, and (5) confirmed. Hazard ratios are reported for each coefficient on each type of transition. For example, the column denoted “1 to 2” contains the effect of each covariate on the probability that an observation will transition from the first listed state (vacancy or default acting with no nomination) to the second listed state (vacancy or default acting with nomination) by the next quarterly observation. Below each hazard ratio, the 95% confidence interval is reported. Hazard ratios significant at the 0.1 p-value threshold are denoted with * and those significant at the 0.05 p-value threshold are denoted with **.

Choice Between Actings

I proceed by examining when presidents used strategic actings. Consistent with my expectation from hypothesis 1, presidents were most likely to use strategic acting officials in liberal agencies. Looking to the coefficient on the second (2 to 4) type of transition, we see that presidents were over five times more likely to use a strategic acting after a nomination was pending in ideologically opposed agencies. This result is significant at the 0.05 p-value

threshold. However, presidents were not significantly more likely to use strategic acting officials in ideologically opposed agencies prior to a nomination being made. Examining Figure 2, we see that the effect size on the second type of transition is at least twice as large as that of the other main terms in the model. These results suggest that presidents are particularly focused on asserting control over ideologically opposed agencies while they wait on the Senate to process their nominees. This result is in direct contrast to Kinane's (2019; 2021) finding that presidents will neglect positions in ideologically opposed agencies. Instead, these strategic acting officials served as a temporary stopgap measure for presidents concerned with a potentially opposed civil service.

Figure 2. Estimated Hazard Ratios (Model 1): Default Acting Officials to Non-Default Acting Officials, Conditional on Nomination Status



Note: Each dot represents the hazard ratio estimate and each line represents the 95% confidence interval for the estimate. A vertical dotted line is placed at the value of 1. Hazard ratios of less than 1 mean that positions with that covariate are less likely to experience that type of transition compared to the baseline. Hazard ratios of greater than 1 mean that positions with that covariate are more likely to experience that type of transition. All confidence intervals that do not cross the dotted line are significant at the 0.05 p-value threshold.

Beyond ideology, presidents were significantly more likely to use strategic acting officials for positions connected to their policy agenda, matching with my expectation from

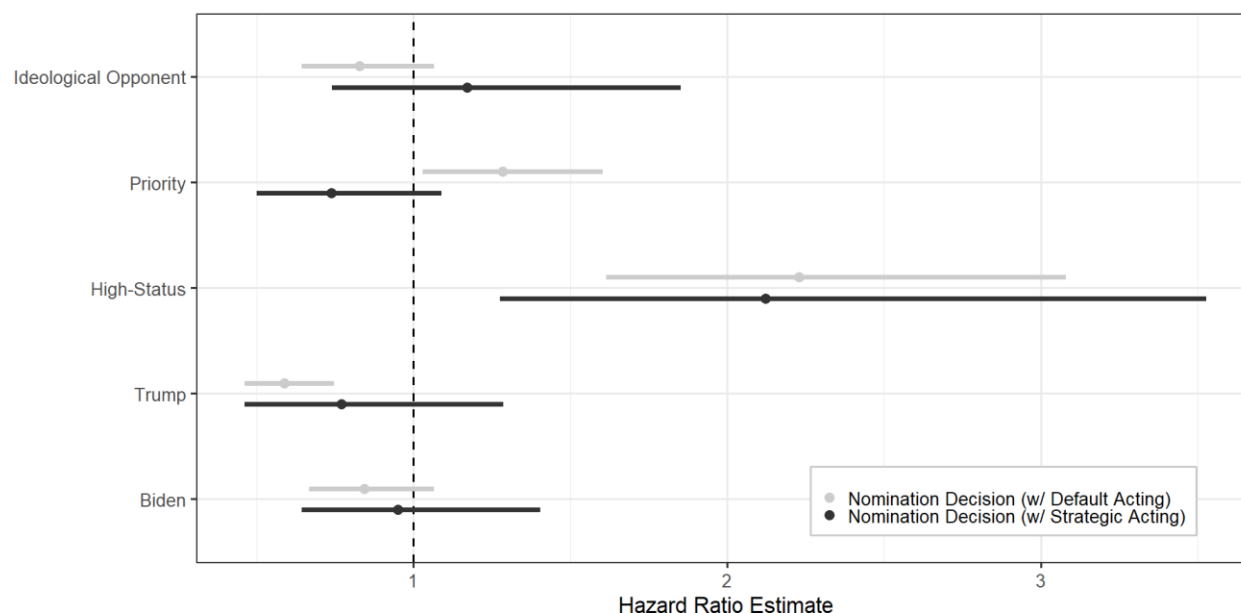
hypothesis 2. The hazard ratio for the first type of transition (1 to 3) in Table 1 of roughly 1.6 symbolizes a sixty percent higher chance of transition from default to strategic acting, holding the lack of nomination constant. Results are substantively similar when looking at the use of strategic actings after a nomination has been made (2 to 4), but the difference is not statistically significant. Here, we see presidents making a substantial effort to exert control by using acting officials both before making a nomination and while waiting on the Senate to act on their nominees. In order to ensure agencies like the U.S. Immigration and Customs Enforcement were responsive to President Trump's immigration agenda, the president used strategic actings like Thomas D. Homan, described in a 2016 *Washington Post* article as "really good at [deporting people]" (Rein 2016).

Finally, we can assess how presidents use strategic acting officials in high-status positions. Matching with my expectation from hypothesis 3, presidents were significantly more likely to use strategic acting officials for these positions, regardless of the status of a pending nomination. The use of strategic acting officials is shown clearly with the hazard ratios of about 2.5 on the high-status coefficient for the transitions to strategic acting, with (2 to 4) or without a nomination (1 to 3), in Table 1. This represents these positions being roughly 2.5 times as likely, or at 2.5 times the risk, to receive a strategic acting prior to or after a nomination is made in any given 3-month period at the start of the last three administrations. President Trump used strategic acting officials like Dana Boente to serve as the acting Attorney General, after he removed Sally Yates. Boente, unlike Yates, was willing to defend the president's travel ban (Zapotosky 2020). President Trump then issued an executive order to change the line of succession in the Department of Justice to allow Boente to serve as the acting Deputy Attorney General, after Jeff Sessions was confirmed as Attorney General (Korte 2017).

Decision to Nominate

Now, we can turn to the president's decision to nominate. Matching with my expectations, presidents are significantly more likely to make nominations to high-status positions, regardless of the type of acting official serving. How presidents approach nominations is showcased by the hazard ratios of roughly 2.2 on transitions to nomination from either acting state (1 to 2 or 3 to 4) in Table 1. Looking to Figure 3, we see that these positions were at starkly higher risk of reaching nomination (state 2 or 4) from the default, no nomination state (1) and the strategic, no nomination state (3). For high-status positions, presidents were much more likely to use either type of acting officials as a short-term placeholder while they pursued confirmation.

Figure 3. Estimated Hazard Ratios (Model 1): No Nomination to Nomination, Conditional on Acting Status



Note: Each dot represents the hazard ratio estimate and each line represents the 95% confidence interval for the estimate. A vertical dotted line is placed at the value of 1. Hazard ratios of less than 1 mean that positions with that covariate are less likely to experience that type of transition compared to the baseline. Hazard ratios of greater than 1 mean that positions with that covariate are more likely to experience that type of transition. All confidence intervals that do not cross the dotted line are significant at the 0.05 p-value threshold.

Presidents were not significantly more likely to make nominations to agencies that were ideologically opposed to the president. In fact, presidents were less likely to make a nomination

to a position that was vacant or that had a default acting official. As shown in column 3 of Table 1, presidents were roughly 83 percent as likely to make a nomination to positions in ideologically opposed agencies when the default acting official was serving in any 3-month period. However, this difference from ideologically moderate agencies is not statistically significant. This approach to nominations in ideologically opposed agencies stands in direct conflict with existing theories of presidential appointments (Lewis 2008; Hollibaugh, Horton, and Lewis 2014; Hollibaugh and Rothenberg 2017). Instead, presidents might be exhibiting a pattern of intentional neglect towards these agencies.

In contrast, the approach of presidents to nominations in priority agencies was conditional on what type of acting official was being used. When a default acting official was serving, presidents were nearly 30 percent more likely to make a nomination (1 to 2). However, when the position was filled with a strategic acting, presidents were about three-quarters as likely to make a nomination (3 to 4). While the result is only statistically significant in the former case, these results suggest that presidents view strategic acting officials as a temporary substitute for a confirmed counterpart, allowing them to delay a nomination to the position. However, presidents are not satisfied with leaving positions in these important agencies in the hands of a default acting official. The conditional strategy of presidents further highlights the importance of distinguishing between types of acting officials.

These results suggest that strategic acting officials are used for different purposes depending on the position. For the most crucial, high-level positions, presidents use strategic acting officials only as a temporary measure to gain control until they got a confirmed appointee in place, for example how President Trump used Stephen Vaughn while waiting for Robert E. Lighthizer to be confirmed as the U.S. Trade Representative. However, under other

circumstances, presidents are more content to leave a strategic acting official in place compared to pushing towards nomination and confirmation. Once these strategic acting officials were in place, the chances that an individual would be nominated to these positions declined. This differential use of acting officials makes it necessary to consider the president's full use of the tools of politicization rather than focusing on any one tool. The president's current use of an acting alone does not provide us enough information to make a declaration of the president's preference between using an acting and a confirmed appointee.

Further, these results suggest that presidents weigh different criteria when using strategic acting officials compared to pursuing nomination and confirmation. This has important consequences for our understanding of the president's broad politicization strategy. Rather than emphasizing the same types of positions for both strategic actings and confirmed appointees, presidents target different positions with different types of appointees. Therefore, any theory of presidential appointments must carefully consider the tradeoffs presidents face with each tool available to them.

Senate Cooperation with Presidential Strategy

Thus far, we have been primarily focused on presidential strategy. However, there remains an open question of how the Senate factors into the process. In particular, we need to consider whether the Senate's delays are conditioned on the president's use of acting officials. For example, does a co-partisan Senate feel less pressure and exert less effort to confirm the president's nominee if the president has selected a strategic acting official to take over the position?

I find that the Senate does in some circumstances account for the president's use of acting officials. Specifically, the Senate significantly slowed down the confirmation process for

positions in priority subunits when a strategic acting official was serving (4 to 5). In these circumstances, the Senate is about two-thirds as likely to confirm the president's nominee within a three-month period. Further, the strategic consideration of the president's acting choice becomes even stronger, as the chair of the committee responsible for the referral and review of nomination becomes more ideologically extreme in the direction of the president's party. Looking to the estimate for chair ideology on the sixth column (4 to 5), we see that a one standard deviation increase in chair ideology in the direction of the president's party is associated with about a 20 percent decreased likelihood of confirmation. This result is significant at the 0.1 p-value threshold. Ideologically aligned committee chairs appear to have felt less pressure to quickly confirm the president's nominees once they knew the president already had some level of control over the position through a strategic acting. This further suggests that strategic actings are viewed by both the president and the Senate as at least a temporary substitute for confirmation. Additionally, theories of the Senate's response to presidential nominations must consider the "reversion value" set unilaterally by the president's choice of an acting official.

Differences Between Presidents

Finally, we can consider how the patterns observed above varied across presidential administrations. The results from Table 1 provide some evidence of how each president's broad approach to appointment strategy compare to each other.²⁸ In contrast to conventional views held regarding the Trump administration, President Trump was not significantly more likely to use strategic acting officials compared to his predecessor. In fact, Trump was significantly less likely

²⁸ In Appendix Tables A.1 through A.3, I also report transition frequency tables, outlining the number of transitions observed for each type of transition across all quarters for each president. In Appendix Tables A.4 through A.6, I report transition probability matrices for each president, showing the likelihood of transition from each state to another within one quarter's time (90 days). These tables provide further context for understanding broad differences between presidents.

than the Obama administration to use strategic actings prior to a nomination being made. This suggests that President Trump, rather than attempting to intentionally navigate around the Senate, used actings in the face of long confirmation delays. President Biden, instead, was significantly more likely to use strategic acting officials compared to President Obama prior to making a nomination. The transition planning of the Biden administration and the available pool of officials from the Obama administration may have allowed Biden to exploit this tool of control more fully. President Biden, therefore, was able to take the use of acting officials to a new level, immediately asserting control over agencies, not just after his nominations had stalled in the Senate. Further, both Presidents Trump and Biden were more likely to use strategic actings once a nomination was pending, although not significantly so. Facing longer confirmation delays, Trump and Biden appear to have been more likely to use strategic acting officials in the interim. In regard to nominations, both President Trump and Biden were slower than President Obama. Trump was particularly less likely to make nominations from the vacant or default acting state, at about 60 percent the likelihood as Obama. Coupled together, these results suggest that presidents are increasingly turning away from a more demanding and less fruitful nomination and confirmation process and instead acting unilaterally to a greater extent.

We may be concerned that the agency and position-level determinants of appointment strategy presented above do not hold across each individual administration. However, the substantive results are largely similar across each administration, as shown in Appendix Tables A.7 through A.9, with two notable exceptions.²⁹ First, President Obama was much less likely than his successors to use strategic acting officials in ideologically opposed agencies or high-

²⁹ While most other results are substantively similar across specifications, the statistical significance of some of the results varies. This is to be expected, as the sample size for each administration is substantially smaller than the pooled sample.

status positions after making a nomination (2 to 4). This may be due to the swifter Senate confirmation process faced by Obama that lowered the need to use an interim acting. Second, President Trump and President Obama differed significantly in their choice to make nominations to ideologically opposed agencies after a strategic acting was in place (3 to 4), with Obama being much more likely to make a nomination and Trump less likely. Here, we see each president using strategic acting officials for a different purpose, Obama as a stopgap measure and Trump as a substitute for a nominee. This suggests that under different political environments, and potentially with different goals for agencies, presidents will change their approach to their appointment strategy.

Conclusion

The Trump administration brought the changing appointments process into full focus. Some observers noted the administration's frequent use of "Trump's band of temporary leaders" (Collins 2019), while others have criticized the administration for "a cascade of ... unfilled jobs [and] a vacuum of leadership" (Pettypiece 2020). While this is not a new phenomenon (O'Connell 2009; 2020; Kinane 2019; 2021; Mendelson 2020), scholars have been slow to unpack the strategic decisions presidents make in this new world of frequent and lengthy vacancies. The fate of confirmation is uncertain, the costs of securing confirmation are increasing, and acting officials are playing a more important permanent role.

This paper describes presidential appointment strategy in this new context, incorporating all of the tools available to presidents. It brought new data to bear to test the theoretical expectations. The results indicate that presidents use strategic acting officials where it mattered most for control, positions in ideologically opposed agencies, agencies connected with their campaign priorities, and high-status positions. Further, presidents pursue nomination and

confirmation sparingly, making this decision based on the status of the position and the type of acting official currently filling the position. Presidents often appear to be content leaving strategic acting officials in place for extended periods of time, rather than pursue a costly and lengthy nomination and confirmation process.

Several implications emerge from this analysis. First, theories of presidential appointment strategy and Senate confirmation dynamics need to incorporate a broader view of presidential politicization strategy. Under the changing appointments process, with presidents waiting longer and having a harder time getting their nominees confirmed, the strategic use of vacancies and acting officials has emerged as a more common tool of presidential control. Further, only when examining all the tools of politicization in tandem, can a broader view of the president's intentions be gained. Additionally, research on the effects of vacancies must consider who steps in to take over the functions of the office when no confirmed appointee is in place. Not all vacancies are equal. Who steps into these roles has critical implications for performance and accountability. Presidents often allow for the default acting official in line for the position to serve for extended periods. This puts an experienced career civil servant at the helm of the position, a potentially beneficial outcome for the performance of the agency. Therefore, any future attempt to restrict the service of acting officials or revise the Vacancies Act must consider how those restrictions would influence the ability of career civil servants to maintain agency operations in the presence of vacant leadership. Finally, and most critically, presidents have a great deal of discretion in who they select to lead the executive establishment. This provides presidents with enormous unilateral authority that is at odds with the principles of our separation of powers system of government.

References

- Ba, Heather, and Terry Sullivan. "Analysis | Why Does It Take so Long to Confirm Trump's Appointments?" *Washington Post*. <https://www.washingtonpost.com/politics/2019/04/24/why-does-it-take-so-long-confirm-trumps-appointments/> (October 18, 2020).
- Ba, Heather-Leigh Kathryn, Brandon Schneider, and Terry Sullivan. 2021. "The Longer You Wait, the Longer It Takes: Presidential Transition Planning and Appointment Politics." In *Congress & the Presidency*, Taylor & Francis, 1–27.
- Barnes, Julian E., Adam Goldman, and Nicholas Fandos. 2020. "Richard Grenell Begins Overhauling Intelligence Office, Prompting Fears of Partisanship." *The New York Times*. <https://www.nytimes.com/2020/02/21/us/politics/richard-grenell-dni.html> (March 3, 2021).
- Blake, Aaron. 2018. "Analysis | Trump's New Acting Attorney General Once Mused about Defunding Robert Mueller." *Washington Post*. <https://www.washingtonpost.com/politics/2018/10/12/trumps-potential-new-attorney-general-once-mused-about-choking-off-robert-muellers-funds/> (March 3, 2021).
- 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.
- Brannon, Valerie C. 2020. "The Vacancies Act: A Legal Overview." *Congressional Research Service Report*: 36.
- Bressman, Lisa Schultz, and Michael P. Vandenbergh. 2006. "Inside the Administrative State: A Critical Look at the Practice of Presidential Control." *Mich. L. Rev.* 105: 47.
- Clinton, Joshua D. et al. 2012. "Separated Powers in the United States: The Ideology of Agencies, Presidents, and Congress." *American Journal of Political Science* 56(2): 341–54.
- Cohen, Zachary. 2020. "Ousted Acting Spy Chief Maguire Formally Resigns from US Government." *CNN*. <https://www.cnn.com/2020/02/21/politics/joseph-maguire-director-of-national-intelligence/index.html> (April 5, 2021).
- Collins, Michael. 2019. "Acosta's Resignation Means Labor Secretary Added to List of Trump Posts with 'acting' Leaders." *USA TODAY*. <https://www.usatoday.com/story/news/politics/2019/07/12/trump-administration-run-numerous-acting-and-temporary-leaders/1703198001/> (December 1, 2020).
- Davidson, Joe. 2017. "Perspective | Trump Drags Feet on Political Appointees, Lags behind Predecessors." *Washington Post*. <https://www.washingtonpost.com/news/powerpost/wp/2017/04/26/trump-drags-feet-on-political-appointees-and-lags-far-behind-predecessors/> (October 17, 2020).
- Davis, Christopher M, and Michael Greene. 2017. "Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations." *Congressional Research Service Report*: 52.

- Dull, Matthew, and Patrick S. Roberts. 2009. "Continuity, Competence, and the Succession of Senate-Confirmed Agency Appointees, 1989-2009." *Presidential Studies Quarterly* 39(3): 432–53.
- Eilperin, Juliet, Josh Dawsey, and Seung Min Kim. 2019. "'It's Way Too Many': As Vacancies Pile up in Trump Administration, Senators Grow Concerned." *Washington Post*. https://www.washingtonpost.com/national/health-science/its-way-too-many-as-vacancies-pile-up-in-trump-administration-senators-grow-concerned/2019/02/03/c570eb94-24b2-11e9-ad53-824486280311_story.html (August 19, 2021).
- Haberman, Maggie, Julian E. Barnes, and Peter Baker. 2019. "Dan Coats to Step Down as Intelligence Chief; Trump Picks Loyalist for Job - The New York Times." *The New York Times*. <https://www.nytimes.com/2019/07/28/us/politics/dan-coats-intelligence-chief-out.html> (March 3, 2021).
- Haglund, Evan, and David E. Lewis. "Politicization and Compliance with the Law: The Case of the Federal Vacancies Reform Act of 1998."
- Hollibaugh Jr, Gary E., Gabriel Horton, and David E. Lewis. 2014. "Presidents and Patronage." *American Journal of Political Science* 58(4): 1024–42.
- Hollibaugh Jr, Gary E., and Lawrence S. Rothenberg. 2017. "The When and Why of Nominations: Determinants of Presidential Appointments." *American Politics Research* 45(2): 280–303.
- . 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology." *American Journal of Political Science* 62(2): 296–311.
- Hougaard, Philip. 1999. "Multi-State Models: A Review." *Lifetime data analysis* 5(3): 239–64.
- Jackson, Christopher. 2021. "Multi-State Modelling with R: The Msm Package." *Cambridge, UK*: 1–53.
- Jackson, Christopher H. et al. 2003. "Multistate Markov Models for Disease Progression with Classification Error." *Journal of the Royal Statistical Society: Series D (The Statistician)* 52(2): 193–209.
- Kinane, Christina M. 2019. "Control Without Confirmation: The Politics of Vacancies in Presidential Appointments." <https://deepblue.lib.umich.edu/handle/2027.42/151381> (August 9, 2020).
- . 2021. "Control without Confirmation: The Politics of Vacancies in Presidential Appointments." *American Political Science Review*: 1–16.
- Korte, Gregory. 2017. "Without Fanfare, Trump Reverses Obama Order on Justice Department Succession." *USA TODAY*. <https://www.usatoday.com/story/news/politics/2017/02/10/trump-executive-order-obama-justice-department-succession/97752898/> (April 29, 2021).
- Leadership Connect. 2021. "Leadership Connect." *Leadership Connect*. <https://www.leadershipconnect.io/> (October 18, 2020).
- Lee, Stephen, and Jennifer A. Dlouhy. "Senate's Scuttling of EPA's No. 2 Pick Unlikely to Slow Agency." <https://news.bloomberglaw.com/environment-and-energy/senates-scuttling-of-epas-no-2-pick-unlikely-to-slow-agency> (October 17, 2020).

- Lewis, David E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton University Press.
- . 2012. “The Contemporary Presidency: The Personnel Process in the Modern Presidency.” *Presidential Studies Quarterly* 42(3): 577–96.
- . 2019. “Deconstructing the Administrative State.” *The Journal of Politics* 81(3): 767–89.
- Lewis, David E., and Mark D. Richardson. 2021. “The Very Best People: President Trump and the Management of Executive Personnel.” *Presidential Studies Quarterly* 51(1): 51–70.
- Lewis, Jeffrey B. et al. 2021. “Voteview: Congressional Roll-Call Votes Database.” <https://voteview.com/>.
- Marquardt, Alex, Zachary Cohen, and Jeremy Herb. 2020. “Richard Grenell Takes Parting Shot at Democrats as He Exits Top Intelligence Job - CNNPolitics.” *CNN*. <https://www.cnn.com/2020/05/26/politics/grenell-director-of-national-intelligence-final-days/index.html> (March 3, 2021).
- McCarty, Nolan, and Rose Razaghian. 1999. “Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996.” *American Journal of Political Science*: 1122–43.
- Mendelson, Nina A. 2014. “The Uncertain Effects of Senate Confirmation Delays in the Agencies.” *Duke LJ* 64: 1571.
- . 2020. “The Permissibility of Acting Officials: May the President Work Around Senate Confirmation?”
- Moe, Terry M. 1985. “The Politicized Presidency.” *The new direction in American politics* 235(238): 244–63.
- Neuman, Scott. 2020. “White House Appoints Outspoken Ambassador As New Acting Head Of Intelligence.” *NPR.org*. <https://www.npr.org/2020/02/20/807644469/white-house-appoints-outspoken-ambassador-as-new-acting-head-of-intelligence> (March 3, 2021).
- Nou, Jennifer. 2017. “Subdelegating Powers.” *Colum. L. Rev.* 117: 473.
- O’Connell, Anne Joseph. 2009. “Vacant Offices: Delays in Staffing Top Agency Positions.” *S. Cal. L. Rev.* 82: 913.
- . 2014. “Shortening Agency and Judicial Vacancies through Filibuster Reform—an Examination of Confirmation Rates and Delays from 1981 to 2014.” *Duke LJ* 64: 1645.
- . 2017. “Staffing Federal Agencies: Lessons from 1981–2016.” *Brookings Institution Report, April*. <https://www.brookings.edu/research/staffing-federal-agencies-lessons-from-1981-2016/>(accessed December 29, 2018).
- . 2020. “Actings.” *Columbia Law Review* 120(3): 613–728.
- Palmer, Doug. 2017. “Stephen Vaughn, the Hamiltonian at USTR.” *POLITICO*. <https://www.politico.com/agenda/story/2017/04/27/stephen-vaughn-trade-ustr-000429> (March 3, 2021).

- Partnership for Public Service. 2018. “Presidential-Transition-Guide-2018.Pdf.” <https://presidentialtransition.org/wp-content/uploads/sites/6/2018/01/Presidential-Transition-Guide-2018.pdf> (August 9, 2020).
- . 2020. “Senate Confirmation Process Slows to a Crawl.” <https://presidentialtransition.org/wp-content/uploads/sites/6/2020/01/Senate-Confirmations-Issue-Brief.pdf>.
- . 2022. “Joe Biden’s First Year in Office: Nominations and Confirmations.” *Center for Presidential Transition*. <https://presidentialtransition.org/publications/joe-bidens-first-year-in-office/> (March 2, 2022).
- Pettypiece, Shannon. 2020. “DHS Faces Coronavirus with Scores of Vacancies and a Leadership Vacuum.” *NBC News*. <https://www.nbcnews.com/politics/white-house/dhs-faces-coronavirus-scores-vacancies-leadership-vacuum-n1160946> (December 1, 2020).
- Rein, Lisa. 2016. “Meet the Man the White House Has Honored for Deporting Illegal Immigrants.” *Washington Post*. <https://www.washingtonpost.com/news/powerpost/wp/2016/04/25/meet-the-man-the-white-house-has-honored-for-deporting-illegal-immigrants/> (April 29, 2021).
- Resh, William G. 2017. “Value Diversity, Appointed Leadership Vacancies, and Performance in US Federal Agencies.”
- Resh, William G., Gary E. Hollibaugh, Patrick S. Roberts, and Matthew M. Dull. 2021. “Appointee Vacancies in US Executive Branch Agencies.” *Journal of Public Policy* 41(4): 653–76.
- Richardson, Mark D., Joshua D. Clinton, and David E. Lewis. 2018. “Elite Perceptions of Agency Ideology and Workforce Skill.” *The Journal of Politics* 80(1): 303–8.
- Samuels, Brett. 2019. “Trump Learns to Love Acting Officials | TheHill.” <https://thehill.com/homenews/administration/438660-trump-learns-to-love-acting-officials> (October 17, 2020).
- Selin, Jennifer L. 2015. “What Makes an Agency Independent?” *American Journal of Political Science* 59(4): 971–87.
- Stier, Max. 2021. “Senate Confirmation for 1,200 Jobs Is Holding Biden Back.” *Bloomberg.com*. <https://www.bloomberg.com/opinion/articles/2021-05-04/senate-confirmation-for-1-200-jobs-is-holding-biden-back> (August 19, 2021).
- Washington Post. 2020. “Donald Trump Nominations List – Which Positions Have Been Filled and Which Are Still Vacant - Washington Post.” https://www.washingtonpost.com/graphics/politics/trump-administration-appointee-tracker/database/?itid=lk_inline_manual_3 (August 9, 2020).
- Welna, David. 2020. “Exclusive: After Quitting Last Year, Senior U.S. Intelligence Official Now Talks.” *NPR.org*. <https://www.npr.org/2020/08/13/902345240/exclusive-after-quitting-last-year-senior-u-s-intelligence-official-now-talks> (March 3, 2021).
- Wheaton, Sarah, Nancy Cook, and Rew Restuccia. 2016. “Want a Presidential Appointment? Step 1: Oppo Research on Yourself.” *POLITICO*. <https://www.politico.com/story/2016/10/white-house-transition-oppo-research-230180> (October 18, 2020).

- Wood, B. Dan, and Miner P. Marchbanks III. 2008. "What Determines How Long Political Appointees Serve?" *Journal of Public Administration Research and Theory* 18(3): 375–96.
- Wood, B. Dan, and Richard W. Waterman. 1991. "The Dynamics of Political Control of the Bureaucracy." *The American Political Science Review* 85(3): 801–28.
- Yackee, Susan Webb. 2019. "The Politics of Rulemaking in the United States." *Annual Review of Political Science* 22(1): 37–55.
- Zapotosky, Matt. 2020. "Top FBI Lawyer Who Became the Focus of Conservative Ire Announces Retirement." *Washington Post*. https://www.washingtonpost.com/national-security/dana-boente-fbi-retires/2020/05/30/47990d1a-a2b9-11ea-9590-1858a893bd59_story.html (April 29, 2021).

Appendix

Table A.1 Obama Transition Frequency Table

		To				
		1	2	3	4	5
From	1	561	118	55	9	63
	2	0	36	0	4	108
	3	5	1	78	18	20
	4	0	1	0	14	18

Note: Each cell represents the number of transitions observed across all quarters from the Obama administration, with the origin state on the y-axis of the table and the destination state on the x-axis of the table. For example, there are 118 observations of the transition from State 1 to State 2 and 78 observations of positions remaining in State 3 across quarters.

Table A.2 Trump Transition Frequency Table

		To				
		1	2	3	4	5
From	1	830	166	65	16	0
	2	1	218	0	24	109
	3	10	1	78	33	0
	4	0	6	0	50	40

Note: Each cell represents the number of transitions observed across all quarters from the Trump administration, with the origin state on the y-axis of the table and the destination state on the x-axis of the table. For example, there are 65 observations of the transition from State 1 to State 3 and 50 observations of positions remaining in State 4 across quarters.

Table A.3 Biden Transition Frequency Table

		To				
		1	2	3	4	5
From	1	390	145	112	16	8
	2	0	110	2	11	111
	3	7	5	105	71	13
	4	0	2	0	64	48

Note: Each cell represents the number of transitions observed across all quarters from the Biden administration, with the origin state on the y-axis of the table and the destination state on the x-axis of the table. For example, there are 11 observations of the transition from State 2 to State 4 and 390 observations of positions remaining in State 1 across quarters.

Table A.4 Obama One Quarter (90 Day) Transition Probability Matrix

		To				
		1	2	3	4	5
From	1	0.543	0.183	0.094	0.022	0.158
	2	0.001	0.295	0.001	0.023	0.680
	3	0.049	0.020	0.587	0.177	0.167
	4	0.005	0.025	0.005	0.404	0.561

Note: Each cell represents the probability of a position in the Obama administration being in a particular state in 90 days conditional on the origin state. The origin state is on the y-axis of the table and the destination state is on the x-axis of the table. For example, if a position is within State 1, there is a 9.4% chance that the position will be in State 3 in 90 days.

Table A.5 Trump One Quarter (90 Day) Transition Probability Matrix

		To				
		1	2	3	4	5
From	1	0.667	0.194	0.082	0.26	0.031
	2	0.001	0.711	0.001	0.065	0.223
	3	0.082	0.026	0.595	0.243	0.054
	4	0.008	0.064	0.002	0.634	0.292

Note: Each cell represents the probability of a position in the Trump administration being in a particular state in 90 days conditional on the origin state. The origin state is on the y-axis of the table and the destination state is on the x-axis of the table. For example, if a position is within State 1, there is a 66.7% chance that the position will still be in State 1 in 90 days.

Table A.6 Biden One Quarter (90 Day) Transition Probability Matrix

		To				
		1	2	3	4	5
From	1	0.539	0.201	0.163	0.048	0.049
	2	0.001	0.667	0.007	0.027	0.298
	3	0.036	0.026	0.559	0.306	0.072
	4	0.001	0.018	0.002	0.672	0.307

Note: Each cell represents the probability of a position in the Biden administration being in a particular state in 90 days conditional on the origin state. The origin state is on the y-axis of the table and the destination state is on the x-axis of the table. For example, if a position is within State 1, there is a 4.9% chance that the position will still be in State 5 in 90 days.

Table A.7 Presidential Appointment Status Change Probabilities (Obama Administration): Default Acting Officials to Non-Default Acting Officials to Confirmed Nominees

	<i>Type of Transition</i>					
	Transition to Strategic Acting		Transition to Nomination		Transition to Confirmation	
	1 to 3	2 to 4	1 to 2	3 to 4	2 to 5	4 to 5
Ideological Opponent	1.535 (0.873, 2.699)	0.606 (0.070, 5.217)	0.847 (0.590, 1.215)	2.554** (1.163, 5.606)	0.996 (0.684, 1.449)	0.996 (0.423, 2.344)
Priority Agency	1.303 (0.752, 2.258)	1.974 (0.244, 15.942)	1.502** (1.096, 2.059)	0.715 (0.331, 1.544)	0.879 (0.623, 1.240)	1.245 (0.526, 2.949)
High-Status	1.971 (0.865, 4.490)	0.348 (0.002, 59.512)	1.547* (0.928, 2.578)	1.920 (0.630, 5.856)	3.685** (2.454, 5.533)	2.268 (0.542, 9.497)
Observations	1,400	1,400	1,400	1,400	1,400	1,400

Note:

95% Confidence Intervals Reported Below Each Hazard Ratio; *p<0.1; **p<0.05

Note: Due to the smaller number of observed transitions for each transition type and the large number of parameters that need to be estimated, the model would not converge with too many covariates. Therefore, this model does not include any additional control variables. Below each hazard ratio, the 95% confidence interval is reported. Hazard ratios significant at the 0.1 p-value threshold are denoted with * and those significant at the 0.05 p-value threshold are denoted with **.

Table A.8 Presidential Appointment Status Change Probabilities (Trump Administration): Default Acting Officials to Non-Default Acting Officials to Confirmed Nominees

	<i>Type of Transition</i>					
	Transition to Strategic Acting		Transition to Nomination		Transition to Confirmation	
	1 to 3	2 to 4	1 to 2	3 to 4	2 to 5	4 to 5
Ideological Opponent	1.272 (0.667, 2.425)	4.077* (0.858, 19.364)	0.624** (0.416, 0.936)	0.795 (0.298, 2.124)	0.940 (0.507, 1.744)	0.789 (0.128, 4.851)
Ideological Ally	1.119 (0.558, 2.246)	2.292 (0.492, 10.681)	1.031 (0.691, 1.538)	0.635 (0.200, 2.013)	0.930 (0.536, 1.614)	2.138 (0.411, 11.115)
Priority Agency	1.262 (0.579, 2.752)	1.420 (0.384, 5.244)	1.316 (0.774, 2.236)	0.623 (0.194, 2.005)	1.280 (0.620, 2.642)	0.583 (0.197, 1.723)
High-Status	2.320* (0.949, 5.671)	2.115* (0.876, 5.107)	3.006** (1.811, 4.990)	6.896** (2.634, 18.057)	2.165** (1.343, 3.489)	2.151** (1.048, 4.418)
Observations	2,005	2,005	2,005	2,005	2,005	2,005

Note:

95% Confidence Intervals Reported Below Each Hazard Ratio; *p<0.1; **p<0.05

Note: Due to the smaller number of observed transitions for each transition type and the large number of parameters that need to be estimated, the model would not converge with too many covariates. Therefore, this model only includes controls for Cabinet and Chair Ideology (not reported in table). Below each hazard ratio, the 95% confidence interval is reported. Hazard ratios significant at the 0.1 p-value threshold are denoted with * and those significant at the 0.05 p-value threshold are denoted with **.

**Table A.9 Presidential Appointment Status Change Probabilities (Biden Administration):
Default Acting Officials to Non-Default Acting Officials to Confirmed Nominees**

	<i>Type of Transition</i>					
	Transition to Strategic Acting		Transition to Nomination		Transition to Confirmation	
	1 to 3	2 to 4	1 to 2	3 to 4	2 to 5	4 to 5
Ideological Opponent	1.003 (0.604, 1.665)	7.711 (0.221, 269.229)	1.078 (0.667, 1.744)	1.250 (0.626, 2.493)	1.121 (0.649, 1.934)	1.729 (0.716, 6.245)
Ideological Ally	0.964 (0.590, 1.576)	9.996 (0.297, 335.876)	1.150 (0.725, 1.822)	1.465 (0.824, 2.604)	0.893 (0.522, 1.527)	2.794** (1.102, 7.087)
Priority Agency	1.758** (1.174, 2.633)	0.883 (0.192, 4.053)	0.972 (0.658, 1.436)	0.810 (0.461, 1.421)	0.917 (0.591, 1.422)	0.826 (0.392, 1.739)
High-Status	3.633** (1.788, 7.382)	5.448** (1.292, 22.968)	2.184* (0.991, 4.813)	1.724 (0.835, 3.558)	3.447** (2.208, 5.383)	3.156** (1.316, 7.567)
Observations	1,580	1,580	1,580	1,580	1,580	1,580

Note:

95% Confidence Intervals Reported Below Each Hazard Ratio; *p<0.1; **p<0.05

Note: Due to the smaller number of observed transitions for each transition type and the large number of parameters that need to be estimated, the model would not converge with too many covariates. Therefore, this model only includes controls for Cabinet and Chair Ideology (not reported in table). Below each hazard ratio, the 95% confidence interval is reported. Hazard ratios significant at the 0.1 p-value threshold are denoted with * and those significant at the 0.05 p-value threshold are denoted with **.