

Presidentially Appointed Positions Dataset-2016

This dataset includes all presidential appointments requiring Senate confirmation as of January 20, 2017. This includes positions in the Executive, Legislative, and Judicial branches and positions outside the U.S. government in Washington, DC government and international organizations. It excludes military, Public Health Service, and Foreign Service confirmations.

CONSTRUCTION OF THE DATASET

The basic data for the dataset come from the 2016 U.S. Government publication *Policy and Supporting Positions* (i.e., the Plum Book). The U.S. Congress produces this publication every 4 years to coincide with presidential elections. The House of Representatives and the Senate take turns publishing the document. The Government Printing Office maintains a website that allows downloading the data in Microsoft Excel Format.¹ Once downloaded, I sorted the data by type of appointment and kept only the positions listing PAS (i.e., presidential appointment, Senate confirmation) as the type of appointment.

I supplemented the data from the 2016 Plum Book with information from Davis and Greene 2017, a Congressional Research Service (CRS) publication that lists all Senate-confirmed positions by committee.² Specifically, I went through each position in Davis and Greene 2017 and added all Senate confirmed positions that were not included in the Plum Book. Davis and Greene also includes Senate committee information, a full list of positions that no longer require Senate confirmation under the Presidential Appointment Efficiency and Streamlining Act of 2011³, and positions receiving privileged treatment in the Senate under S. Res 116.⁴ There were a few positions listed in the Plum Book as PAS positions that no longer require Senate confirmation.⁵

¹ Persons can download the data a zip file from the following website: <https://www.govinfo.gov/app/details/GPO-PLUMBOOK-2016/>, accessed December 16, 2019.

² Davis, Christopher M., and Michael Greene. 2017. *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*. CRS Report RL30959, May 3, 2017.

³ This act was signed into law on August 10, 2012. It removed Senate confirmation requirements from about 160 positions.

⁴ The Senate this resolution on June 29, 2011. It establishes expedited procedures for the consideration of less controversial nominations. The nominations listed in S. Res 116 are not referred to committee. Rather, they are placed directly on the Senate Executive Calendar under the title “Privileged Nominations—Information Requested.” The nominations remain in this status until the relevant committee chair notifies the executive clerk that the “appropriate biographical and financial questionnaires have been received.” At this point, the nomination is placed in “Privileged Nomination—Information Received” category for 10 days of a Senate session. After this, the nomination is moved to the “Nominations” section of the Senate Executive Calendar. During the period a nomination is in the “Privileged Nomination—Information Requested” or “Privileged Nomination—Information Received” sections of the Senate Executive Calendar, any Senator can direct the nomination be referred to the appropriate committee. This information is from Davis and Greene 2017, 3.

⁵ While I use Davis and Greene as authoritative, there were a few cases of apparent errors in this document.

1. Department of Defense: There are several positions whose names changed between the 2008 and 2016 Plum Books that are not reflected in the 2017 CRS Report. There is an Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs. This becomes ASD for Nuclear, Chemical and Biological Defense Programs. There is a Director, Defense Research and Engineering that become ASD for Research and Engineering during Obama. There is a Director, Operational Energy Plans and Programs that becomes ASD for Operational Energy Plans and Programs.
2. OFHEO: The CRS report includes Director, Office of Federal Housing Enterprise Oversight (five-year) and this position was no longer in existence in 2016. The OFHEO was combined with the Federal Housing Finance Board to create the Federal Housing Finance Agency in 2008.
3. Surface Transportation Board: The CRS has the wrong number of Surface Transportation Board commissioners. It expanded from 3 to 5 members in 2015.

In total, the Plum Book both omitted some positions that should be included and included some positions that should be excluded. In total, there were 1,242 positions. I added 188 additional positions from Davis and Greene for a total of 1,430 positions.

I searched for all nominations to these positions on congress.gov. In the process of connecting nominations to all of the positions, 6 positions emerged that were omitted from both the Plum book and Davis and Greene. These include positions created after the publication of the Plum Book and Davis and Greene and a few other positions (detailed below).

Removing Positions

Since the focus of the dataset is executive positions, I removed several classes of positions from the 1,436 positions. These include:

Positions no longer requiring Senate confirmation included in the Plum Book:	82
--	----

- | | |
|--|----|
| 1. John F. Kennedy Center for the Performing Arts: | 36 |
| 2. National Museum and Library Services Board: | 14 |
| 3. National Council on Disability: | 5 |
| 4. Director, Selective Service System | 1 |
| 5. Assistant Secretary for Administration, USDA | 1 |
| 6. Assistant Secretary for Public Affairs, HUD | 1 |
| 7. Assistant Secretary for Administration and Management, DOL | 1 |
| 8. Assistant Secretary for Budget and Programs/CFO, DOT | 1 |
| 9. Alternate Federal Co-Chairman, Appalachian Regional Com. | 1 |
| 10. Administrator, United States Fire Administration, FEMA/DHS | 1 |
| 11. Office of Navajo and Hopi Indian Relocation, Commissioner | 1 |
| 12. National Museum and Library Services Board | 19 |

Positions in agencies not in existence in 2016	4
--	---

- | | |
|---|---|
| 1. Federal Housing Finance Board ⁶ : | 4 |
|---|---|

Duplicates:	8
-------------	---

- | | |
|---|---|
| 1. Director, Institute of Museum and Library Services | 1 |
|---|---|

-
4. Environmental Protection Agency: The CRS report includes two positions—Prevention, Pesticides, and Toxic Substances and Toxic Substances that appear to be the same position.
 5. African Development Bank: The African Development Fund is part of the African Development Bank and they are listed separately in the CRS report.
 6. National Science Board/Foundation: The CRS still lists members of the National Science Board as Senate confirmed.
 7. United States Institute of Peace: The CRS lists 12 members of the USIP board and the board itself lists 12 members and the Plum Book includes 13 (but no vacancies).
 8. US Marshals and Attorneys: The CRS says there are 93 US Marshals but the Department of Justice claims there are 94 (<https://www.justice.gov/usao/us-attorneys-listing>, accessed January 18, 2020).

⁶ The 2016 Plum Book includes the Federal Housing Finance Board but this agency was eliminated by the Housing and Economic Recovery Act of 2008 and replaced by the Federal Housing Finance Agency.

2. Chief Financial Officer, Department of Labor	1
3. Inspector General, Small Business Administration	1
4. Inspector General, Social Security Administration	1
5. United States International Trade Commission (2) ⁷	2
6. United States Postal Service Board of Governors (2) ⁸	2

TOTAL

98

Once these 98 positions are removed, that leaves 1,338 PAS positions.

Special Case of the State Department and Ambassadors and Other Dual Hatted Appointees

There are a number of ambassadorial positions where an ambassador confirmed to one position generally becomes ambassador to another country at the same time. For example, a recent nomination for Ambassador to Barbados reads:

Leandro Rizzuto, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of Saint Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Among the ambassadorships that fall in this category are the following:

1. AMB to Barbados (concurrently accredited to Dominica, Grenada, Antigua, St Kitts, St Nevis)
2. AMB for Senegal (Guinea-Bissau after 1998)
3. AMB for Sri Lanka (Maldives)
4. AMB for Mauritius (Seychelles after 1996)
5. AMB for Italy (San Marino)
6. AMB for Spain (Andorra)
7. AMB for Fiji (Tuvalu, Tonga, Kiribati)
8. AMB for Madagascar (Comoros)
9. AMB for Switzerland (Liechtenstein)
10. AMB for Gabon (Sao Tome)
11. AMB for Papua New Guinea (Solomon Islands and Vanuatu)
12. AMB for New Zealand (Samoa)
13. AMB for France (Monaco)

I did not remove the ambassadorial positions above from the dataset since, in principle, the president could nominate persons for these other positions (e.g., Ambassador to Monaco). Yet, users of the data may want to exclude these cases.

There are a few other noteworthy cases in the State Department in the dataset. First, there was an incumbent serving in positions in two agencies. Namely, the Assistant Secretary of State for the Bureau of African Affairs often serves on the board of the African Development Foundation but this is not a statutory requirement. I kept both positions in the dataset. Second, Patrick F. Kennedy was listed as

⁷ There are 6 positions but the Plum Book includes positions for Chair and Vice Chair which make it look like there are 8 positions.

⁸ There are 9 positions but the Plum Book includes positions for Chair and Vice Chair which make it look like there are 11 positions.

both Under Secretary for Management and Chief Financial Officer for the State Department but these positions are listed as distinct positions.

Special Case of Chief Financial Officers

The Chief Financial Officers Act of 1990 details CFOs in 25 different departments or agencies. Of these 25 positions, 17 may be filled through presidential nomination and Senate confirmation. The law allows, however, that the president may designate other Senate-confirmed appointees to fill this role -- in addition to the position to which they were already confirmed. For example, an Assistant Secretary for Management might also serve as CFO.

In this data, I do not include all 17 possible Senate-confirmed CFO positions as distinct positions since this make determining their vacancy status and the date of nomination difficult. Rather, I use the Plum Book as the guide. If the CFO position is listed separately as a PAS position within the agency, I treat it as such in this data.

Special Case of the Development Banks

According to Davis and Mansfield 2012, the Presidential Appointment Efficiency and Streamlining Act of 2011 made the following changes: “Additionally, for the positions of Governor and Alternate Governor for the African Development Bank, Asian Development Bank, and African Development Fund, the President can nominate an individual with the advice and consent of the Senate, or he can designate an individual to fill those positions from among individuals serving in positions that are already, independently, subject to advice and consent of the Senate.” In this data, these positions are still included as separate positions but they can be filed by others with Senate confirmation.

Nominations Data Additions

To connect nominations data to positions, I used data from congress.gov. I downloaded all formal nominations to civilian positions during the 115th Congress (from January 20, 2017 to January 3, 2019)⁹ and part of the 116th Congress (from January 3, 2019 to January 20, 2019), excluding judgeships, and matched nominations to vacant positions. The page looked like the following:

⁹ The key date for determining inclusion in the first year of nominations is the date the Senate received the formal nomination from the president.

The screenshot shows the CONGRESS.GOV search results for nominations. The search criteria include 'Nominations' and '115 (2017-2018)'. The results are sorted by 'Number--Descending' and show 1 of 12 items. The list includes:

- 1. PNZ704** — 115th Congress (2017-2018) — **Thomas Jayne** — Railroad Retirement Board. Thomas Jayne, of Missouri, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2019, vice Steven Joel Anthony, term expired. Date Received from President: 12/13/2018. Committee: Health, Education, Labor, and Pensions. Latest Action: 01/02/2019 - Confirmed by the Senate by Voice Vote. (All Actions)
- 2. PNZ703** — 115th Congress (2017-2018) — **Johnathan Bragg** — Railroad Retirement Board. Johnathan Bragg, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2024. (Reappointment). Date Received from President: 12/13/2018. Committee: Health, Education, Labor, and Pensions. Latest Action: 01/02/2019 - Confirmed by the Senate by Voice Vote. (All Actions)
- 3. PNZ702** — 115th Congress (2017-2018) — **Johnathan Bragg** — Railroad Retirement Board. Johnathan Bragg, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2019, vice Walter A. Barrows, term expired. Date Received from President: 12/13/2018. Committee: Health, Education, Labor, and Pensions. Latest Action: 01/02/2019 - Confirmed by the Senate by Voice Vote. (All Actions)
- 4. PNZ700** — 115th Congress (2017-2018) — **Don Munce** — Corporation for Public Broadcasting. Don Munce, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2024, vice Loretta Cheryl Suttill, term expired. Date Received from President: 12/11/2018. Committee: Commerce, Science, and Transportation. Latest Action: 01/03/2019 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. (All Actions)

From this page I extracted information on nomination number, unique web page url for each nomination, Congress, name of nominee, organization, description of nomination (e.g., “Jane Smith to be Assistant Secretary of Defense, vice Joe Smith, resigned”), date received from President, committee, latest action date, latest action (e.g., confirmed by the Senate by voice vote, Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate).

New Positions

There were three nominations to new positions not included in the positions data but created before January 20, 2017¹⁰:

1. Michael D. Griffin, of Alabama, to be Under Secretary of Defense for Research and Engineering.¹¹ (New Position)
2. Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors.¹² (New Position)
3. William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center. (New Position)

There were three other positions somehow excluded from the existing sources:

¹⁰ There was another nomination listed as a new position but which was created in 2014 and included in the 2016 Plum Book. This was Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary of Transportation. (New Position)

¹¹ This new positions was created on February 1, 2018, after the start of the Trump Administration. See Aaron Mehta, “The Pentagon’s acquisition office is gone. Here’s what the next 120 days bring.” *DefenseNews*, February 1, 2018 (<https://www.defensenews.com/pentagon/2018/02/01/the-pentagons-acquisition-office-is-gone-heres-what-the-next-120-days-bring/>, accessed January 26, 2020).

¹² This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020).

1. Brett P. Giroir, of Texas, to be Representative of the United States on the Executive Board of the World Health Organization, vice Thomas Frieden, resigned.¹³
2. Veronica Daigle, of Virginia, to be an Assistant Secretary of Defense, vice Frederick Vollrath, resigned. (Position existed before with different name but excluded).
3. David A. Weaver, of Colorado, to be United States Marshal for the District of Colorado for the term of four years, vice John Leroy Kammerzell, term expired.

There were also six nominations to new positions created *after* January 20, 2017. These positions were excluded.

1. Aimee Kathryn Jorjani, of Wisconsin, to be Chairman of the Advisory Council on Historic Preservation for a term expiring January 19, 2021, vice Milford Wayne Donaldson, term expired. (Now Senate confirmed after January 20, 2017).¹⁴
2. John H. Gibson II, of Texas, to be Chief Management Officer of the Department of Defense. (New Position).¹⁵
3. Lisa Porter, of Virginia, to be a Deputy Under Secretary of Defense (Policy and Plans). (New Position).¹⁶
4. Alan Ray Shaffer, of Virginia, to be Deputy Under Secretary of Defense for Acquisition and Sustainment.¹⁷ (New Position)
5. Karen S. Evans, of West Virginia, to be an Assistant Secretary of Energy (Cybersecurity, Energy Security and Emergency Response).¹⁸ (New Position)
6. Tamara Bonzanto, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Office of Accountability and Whistleblower Protection), vice Donald P. Loren, resigning.¹⁹

Nominations but no Positions

There were 7 nominations to positions listed neither in the 2016 Plum Book nor the Davis and Greene 2017 Congressional Research Service report that appear to be discretionary PAS positions. These include:

¹³ Here is information on the nominee during the Obama Administration, suggesting the position continued across presidencies (<https://obamawhitehouse.archives.gov/the-press-office/2014/07/24/president-obama-announces-more-key-administration-posts>, accessed March 11, 2020).

¹⁴ See 54 USC Ch. 3041 for the change to Senate confirmation.

¹⁵ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

¹⁶ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

¹⁷ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

¹⁸ See the committee report accompanying the Energy Emergency Leadership Act (<https://www.congress.gov/congressional-report/115th-congress/house-report/793/1>, accessed March 11, 2020). For further details see the attached article (<https://www.powermag.com/doe-establishes-office-dedicated-to-cybersecurity-energy-security-emergency-response/>, accessed March 11, 2020).

¹⁹ This position was created as part of the VA Accountability and Whistleblower Protection Act of 2017 (38 USC § 323). For details see the website for the office (<https://www.va.gov/ACCOUNTABILITY/mission.asp>, accessed March 11, 2020).

1. Jay Patrick Murray, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.
2. Barbara Lee, of California, to be Representative of the United States of America to the Seventy-second Session of the General Assembly of the United Nations.
3. Christopher Smith, of New Jersey, to be Representative of the United States of America to the Seventy-second Session of the General Assembly of the United Nations.
4. Ron Johnson, of Wisconsin, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
5. Jeff Merkley, of Oregon, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
6. Margarita Palau-Hernandez, of California, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
7. Elizabeth Erin Walsh, of the District of Columbia, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.

Davis and Greene list the following under positions in the Department of State: “U.S. Representative and Alternate Representative to sessions of the General Assembly and other United Nations bodies— numerous positions (terms of office depends on length of session).” Under existing statutes, the number of PAS positions may vary. Notably, 22 U.S.C. SEC. 3942 reads:

APPOINTMENTS BY THE PRESIDENT.—(a)(1) The President may, by and with the advice and consent of the Senate, appoint an individual as a chief of mission, as an ambassador at large, as an ambassador, as a minister, as a career member of the Senior Foreign Service, or as a Foreign Service officer. (2)(A) The President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period. (B)(i) Subject to the requirement of clause (ii), the President may confer the personal rank of ambassador or minister on an individual in connection with a special mission for the President of a temporary nature not exceeding six months in duration. (ii) The President may confer such personal rank only if, prior to such conferral, he transmits to the Committee on Foreign Relations of the Senate a written report setting forth— (I) the necessity for conferring such rank, (II) the dates during which such rank will be held, (III) the justification for not submitting the proposed conferral of personal rank to the Senate as a nomination for advice and consent to appointment, and (IV) all relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have with regard to the special mission. Such report shall be transmitted not less than 30 days prior to conferral of the personal rank of ambassador or minister except in cases where the President certifies in his report that urgent circumstances require the immediate conferral of such rank. (C) An individual upon whom a personal rank is conferred under subparagraph (A) or (B) shall not receive any additional compensation solely by virtue of such personal rank. (3) Except as provided in paragraph (2)(B) of this subsection or in clause 3, section 2, article II of

the Constitution (relating to recess appointments), an individual may not be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, without the advice and consent of the Senate.

8. There was also a nomination to the chair position of the Advisory Council on Historic Preservation that was omitted from both documents but appeared in the nominations data (5 USC Ch. 3041).

Multiple Nominations to the Same Position

For each position I include only the first nomination to a position. So, for example, if a nominee was withdrawn or rejected and another nomination occurred within the first year, I only include the first nomination. For example, Vincent Viola was nominated to be the Secretary of the Army on January 20, 2017. This nomination was subsequently withdrawn and the president nominated Mark Esper for that position on July 25, 2017. The dataset only includes the nomination of Vincent Viola. Similarly, if a person left their position during the first year and another person was nominated for the position, the dataset includes the first nominee. For example, Alex Michael Azar II was nominated to be the Secretary of Health and Human Services on January 8, 2018 to replace Tom Price, the previous Secretary. Price had been nominated on January 20, 2017 but resigned later that year. In the dataset, only the details about the Price nomination are included.

Dealing with Nominations to be Chair on a Board or Commission

For some commissions, presidents must nominate and the Senate must confirm a chair from among the members of the commission. Other commissions select their chairs in different ways.²⁰ This can create difficulty in connecting nominees to positions. The president may nominate a sitting member of commission to be chair in place of a chair whose term has expired. The nomination can be to 1) raise a sitting commissioner to the position as chair, 2) name the person to the slot on the commission held by the chair (i.e., their fixed term appointment as a commissioner but not chair), or 3) both with a nomination. For example, the president nominated James C. Giancarlo to be the Chairman of the Commodity Futures Trading Commission (CFTC) in place of Timothy G. Massad, who resigned. Giancarlo was already a member of the CFTC and his term on the CFTC expires on April 13, 2019. The president also nominated Dawn DeBerry Stump to fill the position on the CFTC vacated by Massad.

This makes assessing the filling of vacancies difficult. If a sitting member is nominated to fill a position held by the chair, it is difficult to determine whether a nomination has been made to fill a vacancy on the commission since the number of vacant commission slots has not changed. This dataset focuses on vacancies in board or commission positions, not chairs (unless a nominee to fill a chair role also fills the vacant board or commission role). So, in this example above, Stump's nomination to replace Massad is listed rather than Giancarlo's nomination to replace Massad as chair. This dataset excludes nominees for chair positions unless the nominee is taking the commission slot held by the former chair. There were three such cases in 2017-2018. These cases include:

1. Ann Marie Buerkle, of New York, to be Chairman of the Consumer Product Safety Commission, vice Elliot F. Kaye

²⁰ For details see Selin and Lewis 2018.

2. J. Christopher Giancarlo, of New Jersey, to be Chairman of the Commodity Futures Trading Commission, vice Timothy G. Massad, resigned.
3. Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years, vice Janet L. Yellen, term expiring.

VARIABLES

IDPos: This includes unique position identifiers.

Dep: This is a short acronym indicating the agency name at the highest level of aggregation. So, for sub-components of larger departments, this includes the department identifier (e.g., DOJ is entered for the Federal Bureau of Investigation).

Agcynname: This is the name for the agency name at the highest level of aggregation. So, for sub-components of larger departments, this includes the name of the department (e.g., DOJ is entered for the Federal Bureau of Investigation).

Orgname: This is the name of the sub-component of an agency if there is one. Within DOJ, for example, this would be Federal Bureau of Investigation for the Director the Federal Bureau of Investigation. For an agency without any sub-components, this is just the agency name (e.g., Administrative Conference of the United States is listed under both agcynname and orgname).

Location: The office location of the position.

Title: Title of the Senate confirmed position.

Nameofincumbent: The name of the person filling the job at the time the Plum Book was put together in the fall of 2016. If a position was vacant, this cell includes the word vacant. For positions added from Davis and Greene, this cell is often empty.

It should be noted, however, that the presence of an incumbent does not imply that the position is not vacant. Most executive appointees will leave prior to Inauguration Day on January 20, 2017. Others, particularly board or commission members, will stay until a replacement is confirmed. The statutes regarding whether/how long board members can stay in their positions after their terms have expired varies by agency (Selin and Lewis 2018).

Vacant (0,1): This variable is coded with a 1 if the position is available for presidential appointment and 0 otherwise. Either the position is listed as vacant in the Plum Book or an incumbent is listed but they can be replaced after a successful nomination and confirmation. Of the 1,332 positions, 1,146 were available for presidential appointment.

For commissions, the statutes governing many of these agencies allow members to continue serving even after their terms have expired, often until a replacement has been confirmed. Persons serving after expired terms are coded with a 1 since these positions are available for appointment. In the dataset, the variable **Nameofincumbent** includes the word “vacant” in cases where a position has no Senate confirmed person serving in that role. In cases where a Senate confirmed appointee serves after their term has expired, their name is listed. In these cases, where the position has a fixed term, the variable **Expires** is often blank where it includes a value for other commission members.

A significant number of positions in the NEH have terms that expire on January 26, 2017, shortly after inauguration. This positions are coded as not vacant.

U.S. attorneys and U.S. marshals are appointed for 4-year terms but the law provides that they “are subject to the removal by the President.” (28 U.S. Code sec. 541; 28 U.S. Code sec. 561) They are not considered to have fixed terms in this data since they serve at the pleasure of the president. Similarly, ambassadors serve at the pleasure of the president even though their terms are often informally 3 years.

Payplan: This variable includes letter codes that denote the pay system for the position listed. These include:

- AD = Administratively Determined Rates
- EX = Executive Schedule
- FA = Foreign Service Chiefs of Mission
- GS = General Schedule
- OT = Other Pay Plan* (all those not listed separately)
- PD = Daily Pay Rate* (per diem)
- SL = Senior Level
- WC = Without Compensation*

There are a number of agencies for which no pay plan is listed. Some are difficult to classify. For example, they might pay some nominal amount that is neither a real salary nor a per diem. Others are compensated according to the scheme of the larger organization if it is an organization that is a government corporation (e.g., Federal Agricultural Mortgage Corporation) or multilateral organization (e.g., European Bank for Reconstruction and Development).

Pay: This column includes a specified level or pay under each pay plan if one exists. If this cell is blank, the position does not have an established or fixed pay rate, rather it varies even for persons holding the same position.

Tenure: This is the terms or durations of positions in years. If there are no values in this column, there are no fixed terms. Values that occur in the data (with number of cases in parentheses) include:

- 1 Year (13)
- 2 Years (6)
- 3 Years (65)
- 4 Years (41)
- 5 Years (114)
- 6 Years (131)
- 7 Years (13)
- 9 Years (19)
- 10 Years (3)
- 14 Years (7)
- 15 Years (1)

United States Attorneys are considered removable even though they are considered having 4-year terms. Similarly, the FBI director is appointed for a 10 year term but he is listed as removable in the dataset. The Plum Book does not list a fixed term for either position.

Expires: This is the expiration date for time-limited appointments. If this cell is blank, either there is no fixed term or the person serves in a position under an expired term.

A significant number of positions in the NEH have terms that expire on January 26, 2017, shortly after inauguration. This positions are coded as not vacant.

Pborder: Within agencies the order a position is listed in the Plum Book.

MgtAgency (0,1): This variable is coded with a 1 if the agency is designed to focus on government-wide management issues. Agencies coded with a 1 include:

- Administrative Conference of the United States
- Architect of the Capitol
- Federal Labor Relations Authority
- Federal Mediation and Conciliation Service
- General Services Administration
- Government Accountability Office
- Library of Congress
- Merit Systems Protection Board
- Office of Government Ethics
- Office of Management and Budget
- Office of Personnel Management
- Office of Special Counsel

Among the agencies on this list the General Services Administration, Office of Management and Budget, Office of Personnel Management are the key executive branch agencies responsible for government-wide management.

POSITION CHARACTERISTICS

This coding is based upon the title of *positions* rather than the agency or responsibilities of positions not reflected in titles. For example, some agencies deal specifically with management (e.g., Office of Personnel Management). This coding is specific to *positions* within agencies rather than across agencies. So, for example, while the Office of Management and Budget deals with various aspects of agency management, only positions specifically related to management inside the agency are coded with a 1 (e.g., the Deputy Director for Management). Other positions within the agency are not.

Management (0,1): This variable is coded with a 1 for positions specifically designated for management in their title and 0 otherwise. Positions with titles such as Assistant/Under Secretary for Management, Chief Executive Officer, and Chief Management Officer.

This variable does not include deputy positions (e.g., deputy secretary) or positions specifically related to personnel, finances or acquisition (e.g. Chief Financial Officer, Assistant Secretary for Acquisition). These latter positions are coded separately and can be combined to create a larger variable for positions

specifically related to management. Some positions can be coded 1 for both management and another category (e.g., finance, human capital) such as Chief Financial Officer and Assistant Secretary for Administration.

Deputy (0,1): In many large agencies the deputy serves as the inward focused political leadership. Deputy Secretaries, for example, are widely understood to take on departmental management responsibilities so that the Secretary can be outward focused. This variable is coded with a 1 if the position is the primary deputy to a more prominent official and 0 otherwise. Some agencies have several deputies and among these only generic positions or deputy positions focused toward management specifically are coded with a 1. For example the Deputy Administrator of FEMA is coded with a 1 but the Deputy Administrator of FEMA for Protection and National Preparedness is not. Under secretaries in the Military Services are coded with a 1.

HumanCapital (0,1): This variable is coded with a 1 if the position deals with personnel or human capital and 0 otherwise. Positions with titles such as the following are coded with a 1:

Finance (0,1): This variable is coded with a 1 if the position deals with agency finances, budgets, or spending and 0 otherwise. Positions with titles such as the following are coded with a 1:

- Assistant Secretary—Policy Management and Budget
- Chief Financial Officer
- Comptroller
- Controller
- Deputy Secretary of State for Management and Resources

The Chief Financial Officers Act of 1990 details CFOs in 25 different departments or agencies. Of these 25 positions, 17 may be filled through presidential nomination and Senate confirmation. The law allows, however, that the president may designate other Senate-confirmed appointees to fill this role -- in addition to the position to which they were already confirmed. For example, an Assistant Secretary for Management might also serve as CFO.

These data do not include all 17 possible Senate-confirmed CFO positions as distinct positions since this make determining their vacancy status and the date of nomination difficult. Rather, using the Plum Book as the guide, if the CFO job is listed separately as a PAS position within the agency, it is treated it as such in this data. This implies that the data may not properly identify all CFO positions in government.

Acquisition (0,1): This variable is coded with a 1 if the position – not agency -- deals with agency procurement and 0 otherwise. Positions with titles such as the following are coded with a 1:

- Administrator Office of Federal Procurement Policy
- Assistant Secretary of the Air Force (Acquisition, Technology, Logistics)
- Assistant Secretary of the Army (Acquisition, Logistics and Technology)
- Assistant Secretary of the Navy (Research Development and Acquisition)
- Assistant Secretary of Defense (Acquisition)
- Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics)
- Under Secretary of Defense (Acquisition, Technology, and Logistics)

Congress (0,1): This variable is coded with a 1 if the position deals with legislative affairs and 0 otherwise. Positions with titles such as the following are coded with a 1:

Assistant Administrator for Legislative and Public Affairs
Assistant Secretary for Congressional Relations
Assistant Secretary for Legislative and Intergovernmental Affairs

PublicAffairs (0,1): This variable is coded with a 1 if the position deals with public affairs or communications and 0 otherwise. Positions with titles such as the following are coded with a 1:

Assistant Secretary for Communications and Information
Assistant Secretary, Office of Communications and Outreach
Assistant Administrator for Legislative and Public Affairs

Policy (0,1): This variable is coded with a 1 if the position deals with policy and 0 otherwise. Positions with titles such as the following are coded with a 1:

Assistant Secretary for Planning, Evaluation, and Policy Development
Assistant Secretary for Policy Development and Research
Assistant Secretary - Policy Management and Budget
Principal Deputy Under Secretary of Defense for Policy

This variable only codes with a 1 positions that cover department-wide policy. So, it includes and Assistant Secretary for Transportation Policy but not an Assistant Secretary for Tax Policy or Disability Employment Policy. This is obviously relative to the unit of analysis but few sub-components have specific appointed positions for policy.

CEO (0,1): This variable is coded with a 1 if the position title includes a CEO title and 0 otherwise. Some examples include Chief Executive Officer of the Corporation for National and Community Service and the Chairman and CEO of the Chemical Safety and Hazard Investigation Board.

Programeval (0,1): This variable is coded with a 1 if the position title includes the word evaluation related to programs and 0 otherwise. Some examples include the Assistant Secretary of Health and Human Services for Planning and Evaluation.

Planning (0,1): This variable is coded with a 1 if the position title includes the word planning and 0 otherwise. Some examples include the Assistant Secretary of Health and Human Services for Planning and Evaluation, the Director of the Policy Planning Staff in the State Department, and the Assistant Secretary for Policy and Planning in the Department of Veterans Affairs.

Information (0,1): This variable is coded with a 1 if the position title indicates that the position involves information technology and 0 otherwise. Some examples include the Assistant Secretary for Information and Technology in the Department of Veterans Affairs.

CivilRights (0,1): This variable is coded with a 1 if the position deals with civil rights and 0 otherwise. Positions with titles such as the following are coded with a 1:

Assistant Secretary for Civil Rights

Assistant Secretary for Civil Rights
Director of the Office of Minority Economic Impact

Gcounsel (0,1): This variable is coded with a 1 if the position is a general counsel position and 0 otherwise. Positions with titles such as the following are coded with a 1:

Chief Counsel
General Counsel
Legal Adviser to the Department of State
Solicitor of Labor
Solicitor

Chair (0,1): This variable is coded with a 1 if the position is the chair of a board or commission and 0 otherwise.

Notably, there are some persons called chairs but their roles extend beyond being the head of a board or commission. Some chairs are also CEOs. These include such positions in the National Endowment for the Arts and Humanities and Millennium Challenge Corporation.

RD (0,1): This variable is coded with a 1 if the position deals research and development and 0 otherwise. Positions with titles such as the following are coded with a 1:

Assistant Administrator for Research and Development
Assistant Secretary of Defense for Research and Engineering
Assistant Secretary of the Navy (Research Development and Acquisition)
Assistant Secretary for Policy Development and Research
Assistant Secretary for Research and Technology
Director, Advanced Research Project Agency – Energy
Director, Office of Financial Research
Under Secretary for Research, Education and Economics

NonEB (0,1): This variable is coded with a 1 if the agency is located in the District of Columbia, Judicial Branch, Legislative Branch, a regional or international organization, or an entity whose board is selected by other persons other than the president and 0 otherwise. Some agencies coded with a 1 include:

Appalachian Regional Commission
Architect of the Capitol
Asian Development Bank
African Development Bank
Court Services and Offender Supervision Agency for the District of Columbia
Government Accountability Office
Government Publishing Office
International Monetary Fund
Library of Congress
United States Sentencing Commission

Commission (0,1): This variable is coded with a 1 if the agency is a multi-member body and 0 otherwise.

IG (0,1): This variable is coded with a 1 if the position is an inspector general position and 0 otherwise.

Ambassador (0,1): This variable is coded with a 1 if the position is an ambassadorial position and 0 otherwise.

Concurrent (0,1): This variable is coded with a 1 if the position is an ambassadorial position but filled in a concurrent capacity and 0 otherwise. There are a number of ambassadorial positions where an ambassador confirmed to one position generally becomes ambassador to another country at the same time. For example, a recent nomination for Ambassador to Barbados reads:

Leandro Rizzuto, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of Saint Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Among the ambassadorships that fall in this category are the following:

1. AMB to Barbados (concurrently accredited to Dominica, Grenada, Antigua, St Kitts, St Nevis)
2. AMB for Senegal (Guinea-Bissau after 1998)
3. AMB for Sri Lanka (Maldives)
4. AMB for Mauritius (Seychelles after 1996)
5. AMB for Italy (San Marino)
6. AMB for Spain (Andorra)
7. AMB for Fiji (Tuvalu, Tonga, Kiribati)
8. AMB for Madagascar (Comoros)
9. AMB for Switzerland (Liechtenstein)
10. AMB for Gabon (Sao Tome)
11. AMB for Papua New Guinea (Solomon Islands and Vanuatu)
12. AMB for New Zealand (Samoa)
13. AMB for France (Monaco)

All the positions listed in parentheses are coded with a 1 and 0 otherwise.

USMarshal (0,1): This variable is coded with a 1 if the position is United States Marshal position and 0 otherwise. There were two nominations for Marshal positions not included in the 2016 Plum Book:

1. Gary G. Schofield, of Nevada, to be United States Marshal for the District of Nevada for the term of four years, vice Christopher Tobias Hoye, term expired.
2. David A. Weaver, of Colorado, to be United States Marshal for the District of Colorado for the term of four years, vice John Leroy Kammerzell, term expired.

USAttorney (0,1): This variable is coded with a 1 if the position is a United States Attorney position and 0 otherwise.

PartTime (0,1): This variable is coded with a 1 if the positions is a part time position and 0 otherwise. The source for this data was Davis and Greene 2017 and pay plans indicating that a person was paid per diem (PD) or served without compensation (WC). Davis and Greene 2017 includes a section for each committee that lists all part-time positions.

Eop (0,1): This variable is coded with a 1 if the agency is a component of the Executive Office of the President and 0 otherwise.

Cabinet (0,1): This variable is coded with a 1 if the position is part of an executive department 0 otherwise. This assumes 15 executive departments – State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Veterans Affairs, Homeland Security.

Indadmin (0,1): This variable is coded with a 1 if the position is a component of an independent administration and 0 otherwise. An independent administration is a federal agency that is part of the executive establishment but neither part of the EOP/Cabinet nor a commission. Some examples include the Environmental Protection Agency and the National Aeronautics and Space Administration. The source for this coding is Selin and Lewis 2018, Table 3 (p. 42).

One difficulty with coding these agencies is that some are run by one person but have a board also. It can be difficult to determine what is a board and what is an administration. Notably, the Broadcasting Board of Governors and the component parts of the National Foundation on the Arts and Humanities are coded as independent administrations, directed by single individuals but with boards attached. So, these agencies are coded as independent administrations but many of the Senate confirmed positions are to commissions that are part of these agencies.

Indcom (0,1): This variable is coded with a 1 if the position is part of an independent commission and 0 otherwise. Commissions that are not part of an executive department include agencies such as:

- Consumer Product Safety Commission
- Federal Reserve
- Federal Trade Commission
- National Labor Relations Board

Some agencies regularly treated as independent are situated by law within executive departments. Some examples include:

- Federal Energy Regulatory Commission (Energy)
- National Indian Gaming Commission (Interior)
- Pension Benefit Guaranty Corporation (Labor)
- Surface Transportation Board (Transportation)

These are coded as part of executive departments but they operate as independent of the executive departments.

Other (0,1): This variable is coded with a 1 if the position is a component of an entity that is not wholly part of the executive establishment and 0 if it is. This variable is coded with a 1 if the nominee is appointed to part of the District of Columbia government, Judicial Branch, Legislative Branch, a regional or international organization with shared governance, a non-profit, or an *independent* entity

whose board is selected by other persons other than the president and 0 otherwise.²¹ Some agencies coded with a 1 include:

Appalachian Regional Commission (others appoint leadership)
Architect of the Capitol (Legislative)
Asian Development Bank (others appoint leadership)
African Development Bank (others appoint leadership)
Court Services and Offender Supervision Agency for the District of Columbia (DC government)
Government Accountability Office (Legislative)
Government Publishing Office (Legislative)
International Monetary Fund (others appoint leadership)
Library of Congress (Legislative)
United States Sentencing Commission (Judicial)

Legbranch (0,1): This variable is coded with a 1 if the position is a component of an entity in the legislative branch and 0 otherwise. Some examples include the Architect of the Capitol and the Librarian of Congress.

Judbranch (0,1): This variable is coded with a 1 if the position is a component of an entity in the judicial branch and 0 otherwise. The U.S. Sentencing Commission is a good example.

Sharedgov (0,1) This variable is coded with a 1 if the position is a component of an entity whose leadership is selected partly by the president and partly by another entity and 0 otherwise. For example, the President nominates Trustees for the Harry S Truman Scholarship Foundation but not all of them. Other trustees are selected by the President of the Senate and the Speaker of the House. Similarly, a board governs the Metropolitan Washington Airport Authority and the President nominates 3 out of 17 members.

If a board includes members designated by other presidentially appointed or executive branch officials and the president, this is still coded with a 0. This is only coded 1 if board members are selected by other governments, shareholders, or persons on the judicial or legislative branches.

Ideology: This is the ideology of the agency from Richardson, Clinton, and Lewis 2018. Where sub-components were easily matched to ideology scores, those scores were used. Where matching was difficult or uncertain, the department estimate was used. Higher values imply more conservative agencies.

Committee: The name of the Senate Committee that considers nominations for this position. Some positions are referred to more than one committee. The details of such positions are included in Davis and Greene 2017.

Fixedterm: This is my own coding of fixed terms using data first from Davis and Greene and then data from the Plum Book. If there are no values in this column, there are no fixed terms. Values that

²¹ For example, if nominees to these positions are employees of the Department of State (e.g., special representatives to international organizations or ambassadors) they are coded with a 0. Persons named directly from the United States to an institution with shared governance (i.e., other entities also select organization leadership) they are coded with a 1.

occur in the data (with number of cases in parentheses) include: 1(13), 2 (4), 3(45), 4(36), 5(104), 6(116), 7(13), 9(19), 10(2), 14(7), 15(1).

United States Attorneys are considered removable even though they are considered having 4-year terms. Similarly, the FBI director is appointed for a 10 year term but he is listed as removable in the dataset. The Plum Book does not list a fixed term for either position.

Secondcommittee: The name of a second Senate Committee that considers nominations for this position. Some positions are referred to more than one committee. Whenever I came across another committee I listed it in the database. I have not yet comprehensively searched to see whether each position has more than one committee. Davis and Greene 2017 would be the right source for such an effort.

Privileged (0,1): This variable is coded with a 1 if the this position was listed in Senate Resolution 116 of June 29, 2011.²² This resolution establishes expedited procedures for the consideration of less controversial nominations. The nominations listed in S. Res 116 are not referred to committee. Rather, they are placed directly on the Senate Executive Calendar under the title “Privileged Nominations—Information Requested.” The nominations remain in this status until the relevant committee chair notifies the executive clerk that the “appropriate biographical and financial questionnaires have been received.” At this point, the nomination is placed in “Privileged Nomination—Information Received” category for 10 days of a Senate session. After this, the nomination is moved to the “Nominations” section of the Senate Executive Calendar. During the period a nomination is in the “Privileged Nomination—Information Requested” or “Privileged Nomination—Information Received” sections of the Senate Executive Calendar, any Senator can direct the nomination be referred to the appropriate committee. This information is from Davis and Greene 2017, 3.

Notes: Text detailing issues or concerns about the entry

NotinPlum (0,1): This variable is coded with a 1 if the position was not included in the 2016 Plum Book and added based upon information in Davis and Greene 2017. This variable is also coded with a 1 if the position was included but it was not labeled as requiring Senate confirmation. For example, four commissioners on the Securities and Exchange Commission were listed as having no Senate confirmation requirement.

Deppriority (0,1): This variable is coded with a 1 if the department-level agency unit is responsible for carrying out an item on President Trump’s *Contract with the American Voter* and 0 otherwise.²³ Issues were pulled from this 2016 campaign document and connected with EOP agencies, executive departments or independent agencies by David Lewis on December 17, 2019.

This coding is at the highest level of aggregation. For example, the Office of Personnel Management is coded with a 1 since it is involved in a hiring freeze. Similarly, the Office of Management and Budget is coded with a 1 because of its role in regulatory reform. The Department of State is coded with a 1

²² For the full text see: <https://www.congress.gov/bill/112th-congress/senate-resolution/116/text>, accessed January 26, 2020.

²³ This comes from <https://assets.donaldjtrump.com/landings/contract/O-TRU-102316-Contractv02.pdf>, accessed December 17, 2019.

because of its role in pulling out of the Trans-Pacific Partnership (and other issues). A list of issues and their related agencies is included in Appendix A.

Bpriority (0,1): This variable is coded with a 1 if this subcomponent of a larger agency is specifically responsible for carrying out an item on President Trump’s *Contract with the American Voter*. For example, Immigration and Customs Enforcement, Citizenship and Immigration Services, and Customs and Border Protection are coded with a 1 because of their role in immigration enforcement. A list of issues and their related agencies is included in Appendix A. Positions in agencies with no subcomponents are coded with a 0.

This variable can be useful in specifications with department-level fixed effects to see if priority areas get filled first.

Extras from the initial Plum Book download

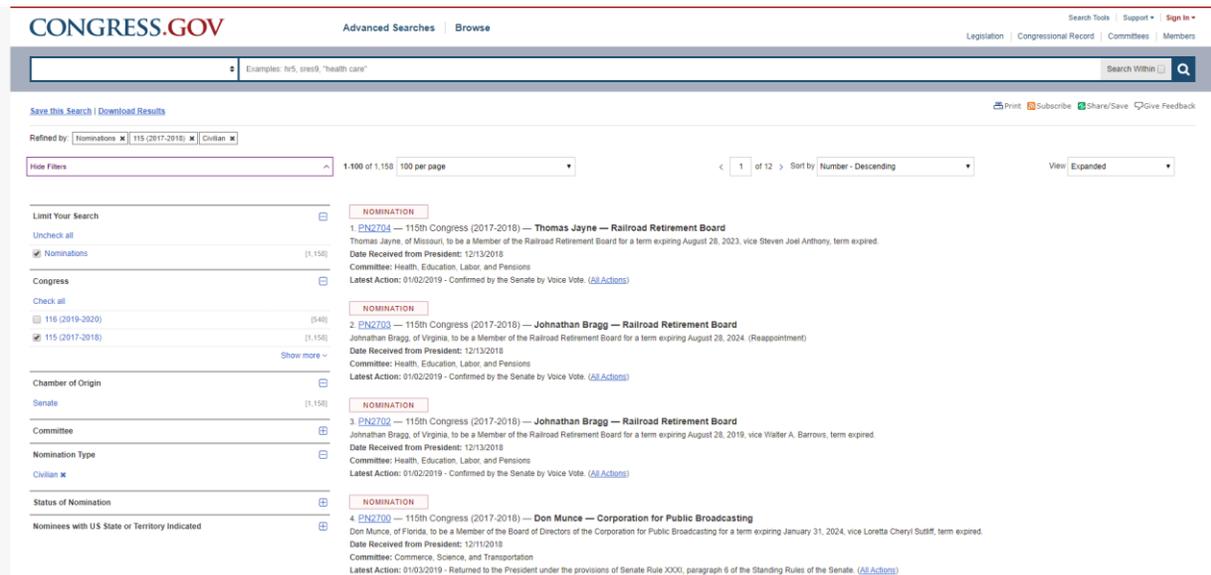
Pborgseq:

Pborgseqmanagedby:

Orgorder:

Nominations data

The nominations page from Congress.gov looked like the following and is the source of all variables related to nominations.

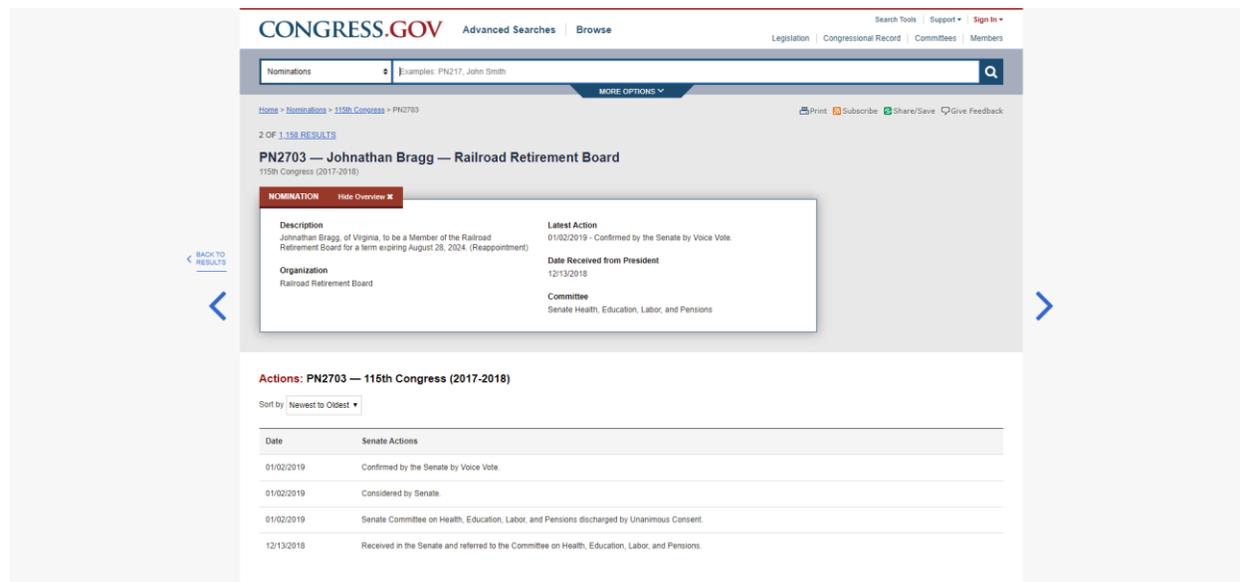


From this page a person can download information on nomination number, unique web page url for each nomination, Congress, name of nominee, organization, description of nomination (e.g., Jane Smith to be Assistant Secretary of Defense, vice Joe Smith, resigned), date received from President, committee, latest action date, latest action (e.g., confirmed by the Senate by voice vote, Returned to

the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate).

Nomination: This is a unique nomination identifier on congress.gov.

URL: This is the web address that details the history of this specific nomination. An example of such a page is:



Congress2: This is the number of the Congress that considered this nomination. In this dataset this column includes only two values, the 115th Congress (2017-2018) or 116th Congress (2019-).

Name: This is the name of the person nominated by the president for the vacant position.

Organization: This is the name of the organization to which the person has been nominated. These include positions in the legislative (e.g., Government Accountability Office), executive (e.g., Department of Agriculture), and judicial branches (e.g., U.S. Sentencing Commission) as well as positions in DC Government (e.g., Court Services and Offender Supervision Agency for the District of Columbia), regional (e.g., Appalachian Regional Commission), multilateral (e.g., Northern Border Regional Commission), and international organizations (e.g., Asian Development Bank).

Description: This is the information about the person, the position to which they have been nominated, whether they are replacing someone, and whether position holds a fixed term and when it expires.

Date Received From President: This is the date the Senate received the formal nomination from the President.

Committee2: This is the Senate committee to which the nomination was referred. For a comprehensive listing of positions by committee see Davis and Greene 2017.

Latest Action Date: The most recent date on which an action on this nomination was taken.

Latest Action: The most recent action taken by the Senate on this nomination. The primary categories include:

1. Confirmed by the Senate by Yea-Nay Vote [tally of vote]. Record Vote Number: [number of vote].
2. Confirmed by the Senate by Yea-Nay Vote [tally of the vote]
3. Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Nomination (0,1): This variable is coded with a 1 if the President nominated a person to fill this position between January 20, 2017 and January 20, 2019 and 0 otherwise.

Days: This is a count of the number of days between inauguration and the day the Senate received the nomination. Positions receiving no nomination prior to January 20, 2019 are coded with 730.

Inauguration: The date the President assumed office. In this dataset this value does not change: January 20, 2017.

References

Davis, Christopher M., and Michael Greene. 2017. *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*. CRS Report RL30959, May 3, 2017 (<https://fas.org/sgp/crs/misc/RL30959.pdf>, accessed December 16, 2019).

Davis, Christopher M., and Jerry W. Mansfield. 2012. *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*. CRS Report RL30959, November 15, 2012 (https://www.everycrsreport.com/files/20121115_RL30959_9cbaadd66d32666eb43af6a5cfa45f1a8f8181be.pdf, accessed January 18, 2020).

Richardson, Mark D., Joshua D. Clinton, and David E. Lewis. 2018. "Elite Perceptions of Agency Ideology and Workforce Skill." *Journal of Politics* 80(1):303-7.

Selin, Jennifer L., and David E. Lewis. 2018. *Sourcebook of United States Executive Agencies*, rev. ed. Report for the Administrative Conference of the United States (<https://www.acus.gov/publication/sourcebook-united-states-executive-agencies-second-edition>, accessed December 16, 2019).

Changes Across the Versions of the Dataset

Changes were made to this variable between the versions prior to **2016PlumBook121619.xls** and **2016PlumBook121619.xls**.

1. Notably, there were CFOs coded with a 1 for management and I changed the **management** variable to a 0 for these cases.
2. I also added a human capital variable to separate out personnel from general management (i.e., code management with 0 and human capital with 1).
3. I also double checked all codings of **deputy**.
4. I changed the coding on **noneb** to include all entities in DC, all regional agencies, appointments (other than ambassadors) to international bodies like the Asian Development Bank and International Monetary Fund, and entities where other persons select members of the board besides the president.
5. I have also deleted the columns for appointment type since they were all PAS and judges since there were none.
6. I changed the coding of **other** to be 1 for all appointees to international organizations
7. I consolidated notes that were in two separate columns into one called **Notes**.

There were also a few changes between **121619** and **121719**. Notably, after feedback from a former member of the Foreign Service (Professor Evan Haglund), I recoded Director General of the Foreign Service as human capital with a 1 and general management with a 0. I changed the Director of the Office of Foreign Missions as a 0. He wrote:

The one I would normally have said to exclude is the Deputy Secretary (not for Management and Resources); the separate position was created by statute in 2000, not filled until 2009, and now vacant again. It was really only the Obama administration that used both. So at this point you should include both. But the Under Secretary for Management is the real powerful one here, both in terms of position and, for a long time, because of who it was (Patrick Kennedy was a major empire builder within the department).

DG of the Foreign Service is very much an HR role and heavy into personnel policy direction, so definitely include it.

The Director of the Office of Foreign Missions is borderline, as that is really about protocol and dealing with other countries' embassies in DC. It is not necessarily managing a lot of resources; instead, it is making sure foreign diplomats get their visas, tax exemptions, etc. I would exclude it. Same for office of protocol--PAS but not really about management.

I also added coding for agency priority. I took out two duplicate cases since the inspectors general for the Small Business Administration and the Social Security Administration were included twice. I adjusted the IDpos variable to account for the exclusion of those cases. I also pasted in the confirmation data from 2017.

There were also a few changes between **121719** and **121819**. The **121819** version includes adjustments to the inclusion of nominees for chair positions on commissions. Specifically, I removed nominees for chair positions among members unless they were taking the commission slot held by the former chair. These cases include:

1. Ann Marie Buerkle, of New York, to be Chairman of the Consumer Product Safety Commission, vice Elliot F. Kaye
2. J. Christopher Giancarlo, of New Jersey, to be Chairman of the Commodity Futures Trading Commission, vice Timothy G. Massad, resigned.
3. Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years, vice Janet L. Yellen, term expiring.

This version also recoded the variables **Noneb** and **Other** and added variables **legbranch**, **judbranch**, and **sharedgov**. Originally, **Noneb** and **Other** coded State Department employees serving in leadership roles in international organizations as a 1. This was changed so that these positions were coded with a 0. They are now considered part of the executive branch (i.e., an executive department.). The Special Panel on Appeals was also recoded from **Other** to **Indcom**. **Noneb** was also adjust accordingly.

There were a few changes between the **121819** version and the **122619** version. Notably, I removed a few positions: Specifically, I removed:

1. The Commandant of the US Coast Guard (IDPos 261) since this is not a civilian nomination.
2. I removed one board member from the Social Security Advisory Board (IDPos 1212). The statute provides for 3 members out of 7 to be nominated by the President and confirmed by the Senate.

I also changed the coding of the Senate committees to account for the fact that many positions include more than one committee. I evaluated the primary committee for each position to reflect the main committee for positions in that agency. That is always committee 1 and a secondary committee is committee 2. For example, the Director, Office of Management and Budget is confirmed by the Homeland Security and Governmental Affairs Committee and the Budget Committee. Most other OMB positions are confirmed by Homeland Security and Governmental Affairs and so this is the first committee.

I also corrected a few mistakes in this coding:

1. Two FAMC members were incorrectly coded as have their nominations referred to Armed Services instead of Agriculture, Nutrition and Forestry.
2. Appointees to the NSA and NRO were incorrectly coded as have their nominations referred to Intelligence rather than Armed Services.
3. Three MWAA members were incorrectly coded as have their nominations referred to Banking, Housing and Urban Affairs instead of Commerce, Science, and Transportation.
4. AMTRAK board members were incorrectly coded as have their nominations referred to Banking, Housing and Urban Affairs instead of Commerce, Science, and Transportation.
5. St. Lawrence Seaway Development Corporation Advisory board members were incorrectly coded as have their nominations referred to Banking, Housing and Urban Affairs instead of Commerce, Science, and Transportation.
6. I changed the coding for independent administrations so that it is consistent with Selin and Lewis 2018, namely that the coding of independent administrations is consistent with Table 3, p. 42.

I added a few positions that were missing:

1. Special Inspector General for the Troubled Asset Relief Program: missing from the 2016 Plum Book.
2. Puerto Rico Financial Oversight and Management Board (6 positions): missing from the 2016 Plum Book.
3. Millennium Challenge Corporation, Board of Directors (4 positions): coded as not requiring Senate confirmation in 2016 Plum book.
4. Peace Corps, National Peace Corps Advisory Council (15 positions): missing from the 2016 Plum Book.
5. National Foundation on the Arts and the Humanities, National Council on the Humanities (5 positions): 5 members were missing from the 2016 Plum Book.

There were a few changes between the **122619** version and the **011420** version.

1. Specifically, there was a new position added to the USDA.²⁴ Ted McKinney, of Indiana, to be Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs. (New Position)
2. I recoded the Under Secretary of Defense (Comptroller) as having a privileged nomination.
3. I added Assistant Secretary of Defense for Global Strategic Affairs.
4. I changed the committee coding for the Corporation for Public Broadcasting to Commerce, Science, and Transportation. I had coded it incorrectly before.
5. I added Director, Office of Civilian Radioactive Waste Management in the Department of Energy, included in the CRS Report but not the Plum Book.
6. I cut out two positions from the United States International Trade Commission. There are 6 positions but the Plum Book includes positions for Chair and Vice Chair which make it look like there are 8 positions.
7. I added a separate Assistant Secretary of State for Budget and Planning since it was listed distinct from the Chief Financial Officer in the CRS Report.
8. I added a U.S. Deputy Representative to the International Atomic Energy Agency which was in the CRS report but not the Plum Book.
9. I added Assistant Administrators for Food Safety and Policy, Planning, and Learning to the US Agency for International Development.
10. I added one more board member to the African Development Foundation board, so that it has 7 rather than 6.
11. I added a fifth commissioner to the Federal Mine Safety and Health Review Commission.
12. I cut out 2 members of the United States Postal Service Board of Governors. There are 9 positions but the Plum Book includes positions for Chair and Vice Chair which make it look like there are 11 positions.
13. I added 9 missing US Marshal positions.

Some notes about the CRS Report:

There are some cases where there appear to be errors in the CRS Report itself. Here is a list of cases:

1. Department of Defense: There are several positions whose names changed between the 2008 and 2016 Plum Books that are not reflected in the 2017 CRS Report. There is an Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs. This becomes ASD for Nuclear, Chemical and Biological Defense Programs. There is a Director,

²⁴ I added Inspector General for USDA but Plum Book lists this as a PA rather than PAS position. I defer to CRS.

Defense Research and Engineering that become ASD for Research and Engineering during Obama. There is a Director, Operational Energy Plans and Programs that becomes ASD for Operational Energy Plans and Programs.²⁵

2. OFHEO: The CRS report includes Director, Office of Federal Housing Enterprise Oversight (five-year) and this position was no longer in existence in 2016. The OFHEO was combined with the Federal Housing Finance Board to create the Federal Housing Finance Agency in 2008.
3. Surface Transportation Board: The CRS has the wrong number of Surface Transportation Board commissioners. It expanded from 3 to 5 members in 2015.
4. Environmental Protection Agency: The CRS report includes two positions—Prevention, Pesticides, and Toxic Substances and Toxic Substances that appear to be the same position.
5. African Development Bank: The African Development Fund is part of the African Development Bank and they are listed separately in the CRS report.
6. National Science Board/Foundation: The CRS still lists members of the National Science Board as Senate confirmed.
7. United States Institute of Peace: The CRS lists 12 members of the USIP board and the board itself lists 12 members and the Plum Book includes 13 (but no vacancies).
8. US Marshals and Attorneys: The CRS says there are 93 US Marshals but the Department of Justice claims there are 94 (<https://www.justice.gov/usao/us-attorneys-listing>, accessed January 18, 2020).

There are a few other issues to note in the CRS Report:

1. There were two positions in Commerce that were in the CRS report but not the Plum Book, namely the Assistant Secretary for Manufacturing and Services and the Assistant Secretary for Technology Policy. Both do not appear to exist but had nominees in previous administrations. I believe that one is now the Assistant Secretary for Industry and Analysis and the other no longer exists.
2. The CRS report includes two positions Import Administration and Market Access and Compliance but not Export Administration or Export Enforcement. I went with Partnership list which includes that latter and not the former.

There were a few changes between the **011420** version and the **012320** version. Notably, I added in a nominee for the Assistant Secretary of Transportation, Research and Technology. See footnote 10 above.

There were a few changes between the **012320** version and the **012820** version. Specifically:

²⁵ These details included in HR 6523, January 5, 2010.

1. I had a blank cell for one value of nomination for a case that had received no nominee. I inserted the proper value.
2. I also had not coded the Puerto Rico Financial Stability Oversight and Management Board as a commission. It is now coded as a commission.
3. I had ACUS coded as a commission rather than independent administration.
4. I had the Broadcasting Board of Governors as a commission but it is an independent administration (despite having an oversight board).
5. I had coded the Harry S Truman Scholarship Foundation and the James Madison Memorial Fellowship Foundation as “Other” rather than an independent commission. I changed this.
6. The position as secretary of labor was listed as not vacant in error.

There were a few changes between the **01228200** version and the **022620** version. Specifically:

1. I recoded the ideology variable for a few cases in the Department of Agriculture and the Department of State. In the former, some of the under secretaries are effectively bureau chiefs and I now code them that way. In the latter, I had miscoded the departmental offices. I discovered this when combining the 2008 and 2016 datasets.
2. I also recoded the Pension Benefit Guarantee Corporation as an independent administration rather than as part of the cabinet. Like the Federal Energy Regulatory Commission, people disagree about whether it is part of a cabinet department or independent.

There were some significant changes between the **022620** version and the **2016PlumBook_115th_Congress_031020.xls** version. Most importantly, nominations data for the remainder of the 115th Congress (through January 3, 2019) were added and the days to nomination and nomination indicator have been changed.

In addition there were some nominations included in the Senate data that were not included in either the Plum Book or in Davis and Greene 2017. Some of these were new positions created after the publication of the Plum Book and Davis and Greene but before January 20, 2017. These positions were added to the database. These include:

1. Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors.²⁶ (New Position)
2. Veronica Daigle, of Virginia, to be an Assistant Secretary of Defense, vice Frederick Vollrath, resigned. (Position existed before with different name but excluded)
3. William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center. (New Position)
4. Brett P. Giroir, of Texas, to be Representative of the United States on the Executive Board of the World Health Organization, vice Thomas Frieden, resigned.
5. Michael S. Klecheski, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mongolia.

²⁶ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020).

Some of these were new positions created after January 20, 2017 and were therefore excluded from the data. These include:

7. Aimee Kathryn Jorjani, of Wisconsin, to be Chairman of the Advisory Council on Historic Preservation for a term expiring January 19, 2021, vice Milford Wayne Donaldson, term expired. (Now Senate confirmed after January 20, 2017).²⁷
8. John H. Gibson II, of Texas, to be Chief Management Officer of the Department of Defense. (New Position).²⁸
9. Lisa Porter, of Virginia, to be a Deputy Under Secretary of Defense (Policy and Plans). (New Position).²⁹
10. Alan Ray Shaffer, of Virginia, to be Deputy Under Secretary of Defense for Acquisition and Sustainment.³⁰ (New Position)
11. Karen S. Evans, of West Virginia, to be an Assistant Secretary of Energy (Cybersecurity, Energy Security and Emergency Response).³¹ (New Position)

Finally, there were some additional “U.S. Representative and Alternate Representative to sessions of the General Assembly and other United Nations bodies—numerous positions (terms of office depends on length of session)” nominated at the discretion of the president. These include:

1. Ron Johnson, of Wisconsin, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
2. Jeff Merkley, of Oregon, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
3. Margarita Palau-Hernandez, of California, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.
4. Elizabeth Erin Walsh, of the District of Columbia, to be a Representative of the United States of America to the Seventy-third Session of the General Assembly of the United Nations.

Between the **052620** and **031120** versions of the dataset, I made three changes.

1. I recoded the commission variable on all shared governance agencies. All shared governance agencies are commissions.
2. I recoded the shared governance variable for the Social Security Advisory Board and the Barry Goldwater Scholarship and Excellence in Education Foundation. Each has members selected outside the executive branch.

²⁷ See bio for Aimee Jorjani, Chairman of the Council (<https://www.achp.gov/about/council-members>, accessed May 26, 2020).

²⁸ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

²⁹ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

³⁰ This new position was created on December 23, 2016 as part of the National Defense Authorization Act for Fiscal Year 2017 (<https://www.govinfo.gov/content/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf>, accessed March 11, 2020). This was not implemented until 2018.

³¹ <https://www.powermag.com/doe-establishes-office-dedicated-to-cybersecurity-energy-security-emergency-response/>

3. I recoded the shared governance variable for the Securities Investor Protection Corporation. This board is not a shared governance entity.

Between the **052620** and **060320** versions I changed the coding on the FSOC to be part of Treasury.

Between the **060320** and **061520** versions I made a series of changes related to coding of management positions. These emerged from trying to reconcile the three versions of the dataset (2000, 2008, 2016) and code appropriately for relevant management positions. Here are the changes:

1. I created four new variables, those for Chief Executive Officer (CEO), program evaluation, planning, and information (IT).
2. I changed all CEO coding so that it was now 0 for management and 1 for the new CEO variable. This includes positions in the Broadcasting Board of Governors, Corporation for National and Community Service, the Millennium Challenge Corporation, and the Overseas Private Investment Corporation.
3. In the earlier version the Assistant Secretary (Financial Management and Comptroller)—Air Force was not coded 1 for financial management. That was changed.
4. In the earlier version the Assistant Secretary for Planning, Evaluation, and Policy Development in the Department of Education was coded 1 for management. This was changed.
5. In the earlier version the Assistant Secretary of Veterans Affairs for Information and Technology coded 1 for management. This was changed.
6. In the earlier version the Assistant Secretary of Veterans Affairs for Policy and Planning coded 1 for management. This was changed.
7. In the earlier version the Assistant Administrator for Administration and Resources Management in the Environmental Protection Agency was coded 0 for finances. This was changed.
8. In the earlier version the Assistant Secretary of Health and Human Services for Planning & Evaluation was coded 1 for management. This was changed.
9. In the earlier version the Assistant Secretary - Policy, Management, and Budget was written as Policy Management and Budget and coded 0 for management. Both things were changed.
10. In the earlier version the Assistant Administrator for Policy, Planning, and Learning in the U.S. Agency for International Development was coded 1 for management. This was changed.
11. In the earlier version I had coded positions in commissions with other offices in them, like the Office of General Counsel in the NLRB as not commissions. I changed this. Now the consistent rule is that all positions in commissions outside the executive departments are coded with a 1 for commission. All positions inside executive departments that are commissions are also coded with a 1.
12. I also cleaned up some coding related to what was an independent commission and what was an independent administration. For guidance I relied on Selin and Lewis 2018 and who is listed as agency head. One agency, the Broadcasting Board of Governors switched from an independent commission to an independent administration since Congress created a CEO position in 2016. I made consistent that the coding of all shared governance agencies outside an executive department are coded as “Other” rather than an independent commission.

Between the **061520** and **070720** versions I added positions nominated between the end of the 115th Congress and January 20, 2019. I also fixed an error in the nomination to ambassador to Barbados. None of the concurrent ambassadorships were filled with the data from this nomination. I also added a new position for Chair of the Advisory Council on Historic Preservation that appeared in the nominations data.

Appendix A. Coding of Agency Priority, Trump Administration, 2017

Policy Issue	Agency--Department Level	Agency--Bureau Level
Term limits	Department of Justice	
Hiring freeze	Office of Personnel Management	
Regulatory policy	Office of Management and Budget	Office of Information and Regulatory Affairs (OMB)
Ethics	Office of Government Ethics	
NAFTA	Office of the United States Trade Representative; Department of State	Economic Growth, Energy, and the Environment (STAT); Bureau of Economic and Business Affairs (STAT)
TPP	Office of the United States Trade Representative; Department of State	Economic Growth, Energy, and the Environment (STAT); Bureau of Economic and Business Affairs (STAT)
Currency Manipulation ³²	Department of the Treasury	International Affairs (TREAS)
Trade Abuses ³³	Department of the Treasury; Department of Commerce; Office of the United States Trade Representative; Department of State; US Agency for International Development, US International Trade Commission, US Trade and Development Agency, Department of Agriculture	International Trade Administration, Foreign Agricultural Service, Bureau of Industry and Security, U.S. Commercial Service, Trade Adjustment Assistance, Treasury (International), International Affairs (Energy), EPA (International Programs)
Energy production	Department of the Interior; Department of Energy	Office of Fossil Energy; Bureau of Ocean Energy Management; Office of Surface Mining and Enforcement; Bureau of Land Management; Land and Minerals Management
Keystone Pipeline	Department of State	
Climate Change	Environmental Protection Agency; Department of State; Department of Commerce; Council on Environmental Quality	National Oceanic and Atmospheric Administration

³² <https://home.treasury.gov/system/files/206/2019-05-28-May-2019-FX-Report.pdf>

³³ <https://ustr.gov/about-us/trade-toolbox/us-government-trade-agencies>

Executive Orders	Department of Justice	Office of Legal Counsel (DOJ)
Gorsuch Nomination	Department of Justice	Office of Justice Policy (DOJ)
Sanctuary Cities	Department of Justice	
Immigration enforcement	Department of Homeland Security	Immigration and Customs Enforcement; Citizenship and Immigration Services; Customs and Border Protection
Visas	Department of State; Department of Homeland Security	Bureau of Consular Affairs; Citizenship and Immigration Services
Tax Relief	Department of the Treasury; Council of Economic Advisers	Tax Section; Internal Revenue Service
Offshoring	Department of the Treasury	Internal Revenue Service
Infrastructure ³⁴	Department of Transportation; Department of Defense; Environmental Protection Agency; Department of Veterans Affairs; Department of Agriculture	Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, Army Corps of Engineers; Federal Aviation Administration; Maritime Administration; Veterans Health Administration; EPA (Water Infrastructure); Rural Development (USDA)
School choice	Department of Education	Office of Elementary and Secondary Education
Obamacare	Department of Health and Human Services	Centers for Medicare and Medicaid Services
Childcare and eldercare	Department of Treasury	Internal Revenue Service
Border wall	Department of Homeland Security	Customs and Border Protection; Immigration and Customs Enforcement
Violent crime	Department of Justice	
Military Spending	Department of Defense	Comptroller; Department of the Army; Department of the Navy; Department of the Air Force
Veterans	Department of Veterans Affairs	Veterans Health Administration
Cyber security	Department of Defense; Department of Homeland Security; Central Intelligence Agency; Office of the Director of National Intelligence	National Security Agency

³⁴https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/fact_sheets/2018%20Budget%20Fact%20Sheet_Infrastructure%20Initiative.pdf

Red tape at FDA
Medicaid

Department of Health and Human Services
Department of Health and Human Services

Food and Drug Administration
Centers for Medicare and Medicaid Services
