

Government programs headed by recess appointees have poorer performance than those managed by non-recess appointees and careerists

American politics is polarized as never before, something that is also reflected in Congress. This polarization means that it has become increasingly difficult for the Executive to gain approval for their government appointments in the Senate. One way that the President can circumvent this problem is to make appointments whilst the Senate is in recess. But what are the consequences of recess appointments? In new research, [Susan M. Miller](#) finds that government programs managed by recess appointees are associated with lower performance than those managed by non-recess appointments and career professionals. She argues that, in light of these findings, reforms such as last year's move to limit the threat of filibuster for executive and some judicial positions may be a step in the right direction towards reducing the Executive's need to make recess appointments.



There are over [1,200 executive branch positions](#) that are appointed by the president with Senate approval. In this era of [heightened polarization in the U.S. Congress](#), getting Senate confirmation for these positions can be difficult, particularly under divided government. In fact, prior to the [Senate rule change](#) that lowered the vote threshold required for invoking cloture on executive and non-Supreme Court judicial nominations, [Harry Reid](#) [stated](#) that “‘there isn’t enough time in the world’ to overcome all of the Senate holds on Obama’s nominees—and that there may be no ‘alternative’ but for the president to start installing nominees in office via recess appointments.”

Recess appointments enable presidents to unilaterally fill positions that would otherwise require Senate approval, while the Senate is in recess; these appointments are [time limited](#), expiring at the end of the following session of the Senate (or when the recess appointee or a different nominee is confirmed to the post). Since George Washington, presidents have used recess appointments to staff government positions, with recent presidents exercising this power quite routinely. Considering two-term presidents since Reagan, each has made over [100 recess appointments](#), with Reagan making over 200. As of June 2013, [Obama](#) had made 32 recess appointments. With the partisan divisions in Congress deepening, recess appointments may be an increasingly appealing option for presidents when staffing the executive branch, particularly under divided government (assuming Congress does not [cut off this option](#) by keeping the Senate in pro forma sessions).

What are the consequences of staffing the government via recess appointments? I examine one potential implication by looking at the relationship between recess appointments and the performance of government programs. Research has highlighted the importance of the way in which an administrator is selected – political appointee vs. career professional – for government performance (see [Lewis 2007](#) and [Gilmour and Lewis 2006](#)). [Gallo and Lewis \(2012\)](#), for example, find that programs managed by appointees connected to the president’s campaign or party perform relatively worse than programs headed by other appointees and career professionals.

Building on this line of research, I consider whether recess appointments might also have negative consequences for bureaucratic performance. I identify a couple of casual mechanisms that could potentially link recess appointments to performance. First, recess appointees may face distinct administrative challenges that could inhibit their ability to manage effectively. For example, given their limited tenure, recess appointees may have a hard time motivating employees to commit to their goals and their strategies to achieve those goals. They might also be disadvantaged in competing for resources from Congress. Second, because recess appointees are installed unilaterally without the ‘advice and consent’ of the Senate, the president’s selection calculus for recess appointees might prioritize certain characteristics, such as loyalty or a shared policy vision, above qualifications

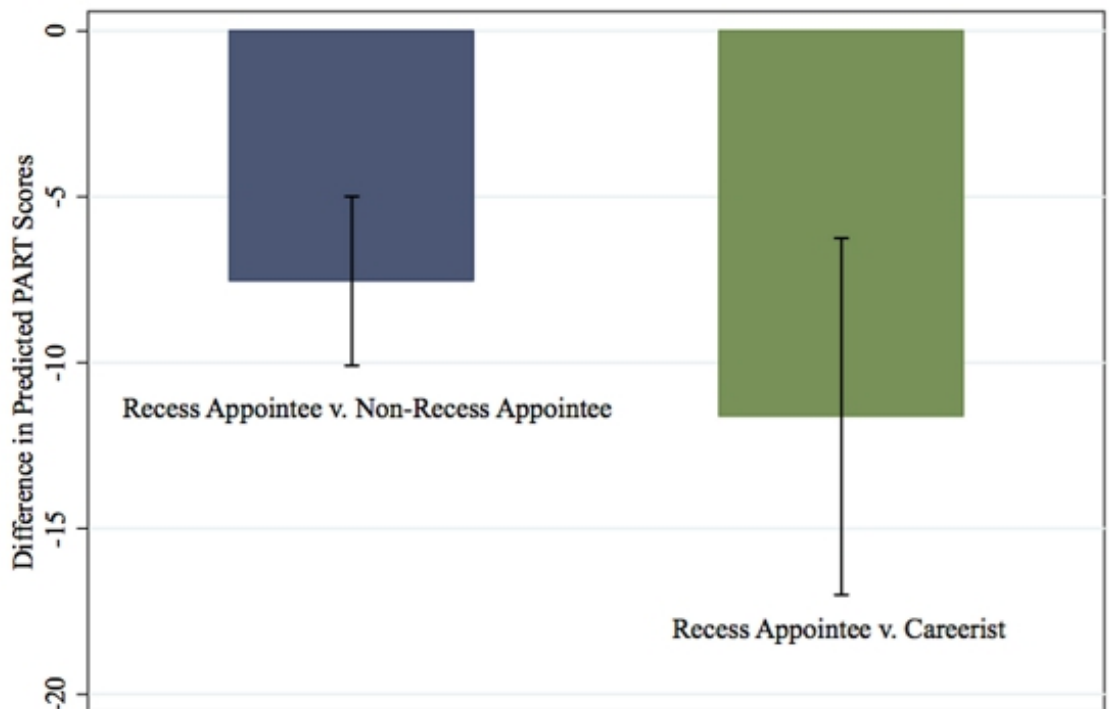
for the post. One, of course, does not necessarily have to come at the expense of the other, but it may in some instances.

To evaluate the relationship between recess appointees and government program performance, I use the Program Assessment Rating Tool (PART) scores from the George W. Bush administration. The Office of Management and Budget assigned the PART scores to programs for different dimensions of performance (program purpose and design, strategic planning, program management, and program results). [Close to all federal programs](#) were evaluated using the PART process. The total weighted score, which is the performance measure I use, could range from 0 to 100.

After accounting for a number of potentially confounding factors, I find that government programs that are headed by recess appointees are associated with lower performance scores than programs that are managed by non-recess appointees and career professionals. The predicted PART score for programs headed by a recess appointee is 7.5 points lower than that for programs managed by non-recess appointees and 11.6 points lower than that for programs managed by career professionals. These relationships are illustrated in Figure 1. Figure 1 presents the difference in predicted PART scores for federal government programs – recess appointee vs. non-recess appointee and recess appointee vs. career professional.

Figure 1 – Difference in Government program assessment scores (with 95 percent confidence interval)

Based on these findings, we could, of course, consider eliminating or restricting the president's recess appointment power. Among other potential issues with this approach, these types of reforms may result in many important executive branch positions remaining vacant. Thus, reform options that address the reasons why presidents use recess appointments might be preferable.



The Senate undertook one such reform in November 2013, when they moved from a 60-vote cloture threshold to a simple majority threshold for the confirmation of executive and judicial (non-Supreme Court) nominees. The removal of the 60-vote hurdle might make recess appointments a less appealing (or, at least, a less publicly justifiable) option for presidents, at least when their party controls the Senate. Based on my research, this change, and other reforms (reducing the total number of political appointees, for example) that seek to tackle the some of the more publicly defensible rationales for using recess appointments (gridlock, numerous vacant positions), may have positive consequences for bureaucratic performance, while leaving the recess appointment power intact.

*This article is based on the paper “[The Relationship Between Short-Term Political Appointments and Bureaucratic Performance: The Case of Recess Appointments in the United States](#)”, in the *Journal of Public Administration Research and Theory*.*

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About the author

Susan M. Miller – *University of South Carolina*

Susan M. Miller is an Assistant Professor in the Department of Political Science at the University of South Carolina. Her research centers on American political institutions and public administration.

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