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Let's Get It Started

What President-elect Obama can learn from previous administrations in making political appointments

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Executive summary

If President-elect Obama follows the example of recent presidents, he will finalize his initial top picks for the cabinet and heads of other major agencies by Inauguration Day but will take much longer to select individuals for lower layers of the bureaucracy. Staffing these lower but still critical positions is remarkably challenging. It takes many months to get the first wave of appointees into the bureaucracy. Once filled, these positions do not stay occupied for long. And near the end of a term or administration, these political positions empty out yet again.

This report analyzes comprehensive new data on delays in the appointments process as well as appointee turnover in Senate-confirmed positions in executive agencies over the past five administrations. In particular, this analysis reveals:

- **Presidents take many months to fill Senate-confirmed positions in executive agencies at the start of their administrations.** President Clinton took the longest of the past four presidents, at an average of 267 days to fill Senate-confirmed agency positions. He is followed by President George W. Bush at 242 days, President Reagan at 194 days, and President George H.W. Bush at 163 days.
- **Presidents fill the highest positions in cabinet departments relatively quickly when they take office, but staff lower-level positions in cabinet departments and other executive agencies much more slowly.** It took President Clinton an average of 457 days to fill deputy agency head positions, for example, while it took President George W. Bush an average of 422 days to fill technical positions.
- **Executive agency positions were vacant an average of 25 percent of the time over the past five administrations.** The percentage of time that Senate-confirmed positions were not filled with appointees from 1979 to 2003 ranged from nearly 12 percent in 1990 and 1994 to approximately 50 percent in 1992 and 2000. The percentage of time a position was vacant was highest in the final year of each administration and was greater when party control of the White House changed. It was also highest in the final year of each four-year term.
- **It typically takes presidents far longer to nominate executive agency leaders than for the Senate to confirm them.** Although presidents often complain about the length

of the confirmation process, the nomination process actually accounts for more delay in filling positions—except in the case of cabinet secretaries where both confirmation and nomination delays are minimal. For example, from 1987 to 2005, it took presidents an average of 173 days to nominate non-cabinet agency heads, and it took the Senate an average of 63 days to confirm these nominations. An even bigger difference exists for deputy non-cabinet agency heads—it took presidents an average of 301 days to nominate and the Senate 82 days to confirm.

- **Presidents have frequently left Senate-confirmed positions in executive agencies empty or filled with an acting official for many months at the end of their administrations.** This problem is pronounced in two-term presidencies. At the end of the Clinton and Reagan administrations, positions had been left vacant for an average of 231 days and 159 days, respectively. Lower-level jobs have far more vacancies at the end of presidential administrations than those at the cabinet secretary and deputy cabinet secretary levels, where long vacancies are rare. Under secretary positions, for example, were vacant an average of 358 days at the end of the Reagan administration; 341 days at the end of the Clinton administration; 82 days at the end of the George H. W. Bush administration; and 55 days at the end of the Carter administration.
- **Vacancies vary widely by agency, but follow nearly identical patterns for two-term Presidents Reagan and Clinton.** This report specifically examines vacancies at the Environmental Protection Agency, Federal Emergency Management Agency, Department of Justice, and Department of the Treasury during the Reagan, George H.W. Bush, and Clinton administrations. The Reagan and Clinton administrations show consistent patterns, but there is a great deal of variation from agency to agency. Recent presidents have initially filled spots at Treasury faster than at the EPA and FEMA, while leaving a considerable number of positions vacant at the EPA near the end of their administrations. While presidents nominated Treasury positions faster, the Senate confirmation process consumed a larger percentage of the vacancy period than positions at the other three agencies examined, except under President George H.W. Bush.

Frequent and lengthy vacancies carry serious consequences for agency performance. Agencies without appointed leaders to set direction and initiate action will be less likely to address critical problems or quickly respond to emergencies. Less than a year before Hurricane Katrina, for example, more than one-third of FEMA's policy positions were vacant. This absence of leadership may help explain FEMA's poor response to the disaster in New Orleans and the Gulf Coast.

Acting officials are not seen as backed by the president. As a result, they generally lack sufficient authority to direct career civil servants. They may also be reluctant to initiate action for fear that it will not be supported by an eventual appointee. In this environment, careerists may become confused as to what they should do, which abets bureaucratic inertia.

Vacancies also undermine agency accountability and public trust. The legitimacy of the vast American administrative state rests, in large part, on its accountability to the president and to Congress through its appointed leadership. Frequent and lengthy vacancies may result in agencies that are less responsive to elected leaders and the public.

President-elect Obama can avoid these problems through an improved presidential appointments process. This report proposes six steps, summarized in the box below, that the Obama administration should take to decrease the number and length of such vacancies. These are simple and feasible reforms that, with one exception, are within the direct control of the White House. History shows that presidents often get stuck in the appointments process. By taking these steps, President-elect Obama can put himself in a stronger position to achieve his agenda.

Recommendations

1. The president should get executive agency officials to commit to serve for a full presidential term. It would be easy to ask applicants to make this commitment as part of President-elect Obama's extensive vetting form.
2. All agency leaders should receive more comprehensive and institutionalized training, similar to training available to new members of Congress. If agency leaders perform better and face less hostile oversight, they will be more likely to serve longer.
3. Congress should increase agency leaders' salary and benefits. Increased pay decreases the opportunity cost of entering public service for several years.
4. The president should pay more attention to lower-level appointments in executive agencies. Although lower-level appointments do not grab headlines, they will be instrumental in carrying out the president's agenda and thus should be treated as presidential priorities.
5. The presidential personnel office should plan for future appointments after initial appointees take their positions. The personnel office should anticipate that each Senate-confirmed executive agency position will be filled, on average, by at least two people during a presidential term. This will allow the president to respond quickly when key appointees leave.
6. The president should ask political appointees in federal agencies to provide four weeks notice of resignation. This notice would allow the presidential personnel office to start actively vetting individuals for appointment before the presiding office holder departs.

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