



Filling Advice and Consent Positions at the Outset of a New Administration

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Summary

In its 2004 report, the 9/11 Commission identified what it perceived were shortcomings in the appointment process during presidential transitions. The report asserted that delays in filling top executive branch leadership positions, such as those experienced during the 2000-2001 transition, could compromise national security policymaking in the early months of a new Administration. Although the unique circumstances of the 2000 presidential race truncated the ensuing transition period, the commission's observations could be applied to other recent transitions; lengthy appointment processes during presidential transitions, particularly between those of different political parties, have been of concern to observers for more than 20 years. The process is likely to develop a bottleneck during this time, even under the best of circumstances, due to the large number of candidates who must be selected, vetted, and, in the case of positions filled through appointment by the President with the advice and consent of the Senate (PAS positions), considered by that body.

The appointment process has three stages: selection and vetting, Senate consideration, and presidential appointment. Congress has taken steps to accelerate appointments during presidential transitions. In recent decades, Senate committees have provided for pre-nomination consideration of Cabinet-level nominations; examples of such actions are provided in this report. In addition, recently adopted statutory provisions appear designed to facilitate faster processing of appointments during presidential transitions. Among the new statutory provisions were those enacted by Congress in response to 9/11 Commission recommendations, mainly in the Intelligence Reform and Terrorism Prevention Act of 2004. Also part of this act was a sense of the Senate resolution stating that nominations to national security positions should be submitted by the President-elect to the Senate by Inauguration Day, and that Senate consideration of all such nominations should be completed within 30 days of submission.

The President has certain powers—constitutional recess appointment authority and statutory authority under the Federal Vacancies Reform Act of 1998—that he could, under certain circumstances, use unilaterally to fill PAS positions on a temporary basis.

Analyses of data related to Cabinet and selected subcabinet appointments during four recent party-turnover transitions suggest the following: In general, transition-period Cabinet-level nominees were selected, vetted, considered, and confirmed expeditiously; they generally took office shortly after the new President's inauguration. Comparisons among the four transitions suggest that some Presidents announced their Cabinet-position selections sooner than did others, but that this did not appear to affect the pace of the overall appointment process. On average, the interval between election day and final disposition of nominations to selected subcabinet positions was more than twice as long as that of nominations to Cabinet-level positions, though nominees to subcabinet positions in some departments were faster than others. Comparisons among the median intervals for the four transitions suggest that (1) the time required for selection and vetting of nominees for these positions has grown longer; (2) the period of Senate consideration has also grown longer; (3) Senate consideration of nominations is generally faster than the selection and vetting process that precedes it; and (4) the median durations of the appointment process for the Clinton, George W. Bush, and Obama transitions were notably longer than for the Reagan transition.

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Introduction

In its July 22, 2004, report, the National Commission on Terrorist Attacks Upon the United States (known as the 9/11 Commission) identified what it perceived were shortcomings in the appointment process during presidential transitions that could compromise national security policymaking in the early months of a new Administration. The commission noted, in particular, the abbreviated transition period resulting from the delayed resolution of the 2000 presidential race. As the report stated, “Given that a presidential election in the United States brings wholesale change in personnel, this loss of time hampered the new administration in identifying, recruiting, clearing, and obtaining Senate confirmation of key appointees.”¹ The commission reported, among other findings, that “the new [George W. Bush] administration did not have its deputy cabinet officers in place until the spring of 2001, and the critical subcabinet officials were not confirmed until the summer—if then. In other words, the new administration—like others before it—did not have its team on the job until at least six months after it took office.”²

Although the unique circumstances of the 2000 presidential race truncated the ensuing transition period, the commission’s observations could be applied to other recent transitions. The length of presidential transitions, particularly between those of different political parties, has been of concern to observers for more than 20 years.³ The appointment process is likely to develop a bottleneck during this time due to the large number of candidates who must be selected, vetted, and, in the case of positions filled through appointment by the President with the advice and consent of the Senate (PAS positions), considered by that body. By the end of the first 100 days of the Reagan presidency, nominees had been confirmed for 19% of vacant PAS positions. At the same juncture at the outset of the Clinton Administration, nominees had been confirmed for 11% of these openings. The figure for the presidency of George W. Bush was 7%, and for the Obama Administration was 14%.⁴ Delays in installing new leadership would not be welcome by an Administration at any time, but they may be particularly problematic during the transition period between Presidents. As noted by the 9/11 Commission, a new President is likely to need his or her top advisers in place to maintain continuity in national security policymaking.⁵ Furthermore, the President has limited time following his or her election to initiate an administrative and legislative agenda.

As the 9/11 Commission pointed out, presidential transitions involve large-scale changes in the political leadership of the executive branch. **Table 1** summarizes Office of Personnel Management (OPM) data indicating that more than 2,500 political appointees occupied positions in the 15 departments as of September 1, 2008. These officials included top-level policymaking presidential appointees, political managers, and confidential support staff. Unlike career public service executives and employees, top political officials in the federal departments and agencies nearly always serve at the pleasure of the President or agency head. These officials typically

¹ U.S. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), p. 198 (hereafter referred to as *9/11 Commission Report*).

² *Ibid.*, p. 422.

³ See, for example, National Academy of Public Administration, *Leadership in Jeopardy: The Fraying of the Presidential Appointments System* (Washington: National Academy of Public Administration, 1985), pp. 9-10.

⁴ Figures based on calculations by the authors using data from the nominations database of the Legislative Information System (LIS), which is available to the congressional community at <http://www.congress.gov/nomis/>.

⁵ *9/11 Commission Report*, p. 422.

resign when the Administration changes, especially if the incoming President is from a different party.⁶

Table I. Political Appointees by Department and Appointment Type as of September 1, 2008

Department	Pres. Appt. Requiring Senate Approval	Pres. Appt. Not Requiring Senate Approval	Non-Career Senior Executive Service	Schedule C	Total
Agriculture	16	0	43	168	227
Commerce	23	2	33	103	161
Defense	53	0	94	134	281
Education	17	1	14	112	144
Energy	22	0	30	66	118
Health and Human Services	20	1	48	66	135
Homeland Security	20	1	61	102	184
Housing and Urban Development	15	0	18	49	82
Interior	17	0	30	36	83
Justice	223	0	45	68	336
Labor	19	0	29	105	153
State	222	3	36	125	386
Transportation	23	0	31	41	95
Treasury	33	0	23	45	101
Veterans Affairs	15	0	8	9	32
Total	738	8	543	1229	2518

Source: Table created by CRS using data drawn from the 2008 edition of the committee print commonly known as the “Plum Book” (U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, committee print, 110th Cong., 2nd sess., S.Prt. 110-36 (Washington: GPO, 2008), pp. 197-199). The Office of Personnel Management provided the data for the Plum Book.

This report describes and analyses the processes, during a presidential transition, by which top-level executive branch PAS positions are filled. Outside of top White House staff appointments, these are a new President’s earliest and arguably most important appointments. In the next section, the usual process is described in three stages: “Selection and Vetting,” “Senate Consideration,” and “Appointment.” That section also provides examples of ways the Senate has adapted its procedures during recent presidential transitions. The report then discusses processes—recess appointments and designations under the Federal Vacancies Reform Act of 1998—that could be used by the President to unilaterally fill positions on a temporary basis. The

⁶ Not all political appointees change with a change in Administration, however. Some presidential appointees, such as members of most regulatory commissions, serve in fixed-term positions, and these appointees may continue to serve out their terms when the President changes.

final portion of the report provides additional information on the length of time required in the past to fill Cabinet positions and certain national-security-related subcabinet positions. This section provides related data for four party-turnover transitions: Carter-Reagan (1980-1981), Bush-Clinton (1992-1993), Clinton-Bush (2000-2001), and Bush-Obama (2008-2009).

The Appointment Process for PAS Positions

Under the Constitution, the power to appoint the top officers of the United States is shared by the President and the Senate. The appointment process consists of three stages—selection and vetting, Senate consideration, and appointment.

Selection and Vetting

The first stage of the process begins with the President’s selection of a candidate for the position. Following this selection, the candidate needs to be cleared for nomination. The Office of the Counsel to the President oversees this part of the process, which usually includes background investigations conducted by the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Office of Government Ethics (OGE), and an ethics official for the agency to which the President wishes to appoint the candidate. Once the Office of the Counsel has cleared the candidate, the nomination is ready to be submitted to the Senate. Candidates for higher-level positions, such as Cabinet Secretaries, are often accorded priority in this process. A nominee has no legal authority to assume the duties and responsibilities of the position; the authority comes with Senate confirmation and formal presidential appointment.

Selection and Vetting During Presidential Transitions

An incoming President can, of course, begin the process of selecting the members of his Administration at any time. During recent decades, most major candidates have begun preparing for a potential presidency before election day by assigning a small number of advisors to begin developing transition plans.⁷ With regard to the selection of personnel, the 2008 candidates and their transition advisors were aided by a recently enacted statute. The Intelligence Reform and Terrorism Prevention Act of 2004 (known as the Intelligence Reform Act)⁸ included a provision that directs the Office of Personnel Management (OPM) to transmit an electronic record “on Presidentially appointed positions,” with specified contents, to each major party presidential candidate “not later than 15 days” after his or her nomination.⁹ The provision permits OPM to make such a record available to any other presidential candidate after these initial transmittals.

The Intelligence Reform Act also included several provisions that responded to 9/11 Commission recommendations regarding the vetting process. One provision of law permits each major party presidential candidate to submit, before the general election, security clearance requests for “prospective transition team members who will have a need for access to classified information” in the course of their work. The law directs that resulting investigations and eligibility

⁷ John P. Burke, *Presidential Transitions: From Politics to Practice* (Boulder: Lynne Rienner, 2000).

⁸ P.L. 108-458; 118 Stat. 3638.

⁹ P.L. 108-458, § 8403(b); 118 Stat. 3870.

determinations be completed, as much as possible, by the day after the general election.¹⁰ To the degree that transition team members go on to be nominees to positions in the new Administration, this proactive clearance process might also accelerate the transition period appointment process. The Intelligence Reform Act also amended the Presidential Transition Act of 1963. The amendments included a provision stating that the President-elect should submit, as soon as possible after the presidential election, the “names of candidates for high level national security positions through the level of undersecretary” of agencies and departments. A second provision requires the responsible agency or agencies to carry out background investigations of these candidates for high-level national security positions “as expeditiously as possible ... before the date of the inauguration.”¹¹

Senate Consideration

In the consideration stage, the Senate determines whether or not to confirm a nomination.¹² Once received from the President, each nomination is referred to the committee with jurisdiction over the agency in which the nominee would serve or the subject matter related to the nomination. Action at the committee level is at the discretion of the committee chair. No Senate or committee rule requires that a committee, or the full Senate, act on any nomination.¹³ Most nominations, however, proceed through the process in a routine, timely fashion. During the presidential transition in the 107th Congress, the Senate took a median¹⁴ of 36 days to confirm a nomination to a full-time departmental position.¹⁵

The Senate confirmation process begins at the committee level. The rules and procedures of the committees frequently include timetables specifying minimum periods between steps in the process. Committee activity on nominations generally includes investigation, hearing, and reporting stages. During the investigation phase, many committees require nominees to fill out questionnaires that the committee has prepared and to provide financial and biographical information. If the committee acts on a nomination, the process typically begins with a hearing, where the nominee and other interested parties may testify and Senators may question the nominee.¹⁶ After the hearing—if there is one—the committee usually votes on reporting the nomination to the Senate. The committee may choose to report the nomination favorably, unfavorably, or without recommendation.

¹⁰ P.L. 108-458, § 7601(c); 118 Stat. 3857.

¹¹ P.L. 108-458, § 7601(a); 118 Stat. 3856.

¹² For further information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted); and CRS Report RL31948, *Evolution of the Senate's Role in the Nomination and Confirmation Process: A Brief History*, by (name redacted).

¹³ A chair may decide not to schedule committee consideration of a nomination. Nominations on which the Senate does not act are returned to the President at the end of a session or if the Senate is adjourned for more than 30 days.

¹⁴ The median is the middle value in a numerical distribution. In this case, half the confirmations took less time, and half took more time.

¹⁵ See CRS Report RL31346, *Presidential Appointments to Full-Time Positions in Executive Departments During the 107th Congress, 2001-2002*, by (name redacted).

¹⁶ While most high-level nominations receive hearings, many other nominations, such as those for military promotions or public health officials, do not receive individual attention, and are acted upon by both the committee and the full Senate as a group. In such cases, there typically is no hearing.

The full Senate may then take up the nomination and vote on it. Confirmation of a nomination by the Senate requires a simple majority. If there is opposition to the nomination, however, opponents may try to prevent a vote on it, using what is known as a filibuster. If a nomination is subject to a filibuster, it can take 60 votes to bring an end to Senate consideration of the nomination (that is, invoke cloture) and get to a final vote. Senators may also place “holds” on nominations to prevent them from being considered, or for other reasons. A “hold” is an informal Senate practice in which a Senator requests that his or her party leader delay floor action on a particular matter, in this case a nomination. It is up to the Senate Majority Leader whether to honor the request of the Senator wishing the hold or to try to bring the nomination to a vote. A “hold” will not necessarily have the effect of killing a nomination, but it could signal that the Senate may not be able to consider the nomination without considerable delay and the need for a super-majority vote to invoke cloture.¹⁷

Although the Senate confirms most nominations, some are not confirmed. Rarely, however, is a nomination voted down on the Senate floor. Most rejections occur in committee, either by committee vote or by committee inaction. Rejections in committee occur for a variety of reasons, including opposition to the nomination, inadequate amount of time for consideration of the nomination, or factors that may have nothing to do with the merits of the nomination. If a nomination is not acted upon by the Senate by the end of a Congress, it is returned to the President. Pending nominations also may be returned automatically to the President at the beginning of a recess of 30 days or longer, but the Senate rule providing for this return is often waived.¹⁸

The 9/11 Commission, which expressed concern about delays in the confirmation process for the nation’s national security team, recommended that the Senate change its rules to require that all action on these nominations, such as hearings, committee meetings, and floor votes, be conducted within 30 days of the Senate’s receipt of the nomination.¹⁹ The Senate adopted a sense of the Senate resolution stating that the 30-day target should be the goal.²⁰ Such sense of the Senate language is not binding on the chamber, but represents a position that at least a majority of the Senators endorsed.

The Senate Confirmation Process and Presidential Transitions

Under regular procedure, Senate action on nominations is triggered by the President’s submission of the nomination to the Senate. During recent Presidential transitions, however, it appears that the Senate has developed a flexible, informal process to allow quick action on nominations to Cabinet and other high-level positions.

¹⁷ See CRS Report 98-712, “*Holds*” in the Senate, by (name redacted).

¹⁸ The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 106th Cong., 1st sess., S. Doc. 106-1 (Washington: GPO, 1999), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate. For an example of a waiver of the rule, see Sen. John E. Sununu, “Nomination in Status Quo,” *Congressional Record*, daily edition, vol. 149, July 31, 2003, p. S10844. The annual August recess is typically long enough that it triggers an automatic return of the pending nominations to the President. One or more pro forma sessions during this period, however, could have the effect of shortening the length of the recess to less than 30 days, and thus prevent this automatic return of nominations without the need for a waiver. A pro forma session delayed the beginning of the 2009 August recess in this way, and no nominations were returned to the President at that time. Without the pro forma session, this recess would have been 32 days long. With the pro forma session, this recess was 29 days long.

¹⁹ *9/11 Commission Report*, p. 422.

²⁰ P.L. 108-458, § 7601(b); 118 Stat. 3857.

When the President is sworn-in on January 20, one of his first official acts is typically to send to the Senate many, if not all, of his nominations to Cabinet positions and some other high-level positions.²¹ It is not uncommon for the Senate to confirm many of those individuals on January 20 or very soon thereafter. If the Senate did not act quickly, it is possible that the President could be in the position of trying to make new policy without his top people in place to carry out his plans. But the tight timeline would typically allow the Senate very little time to review the nominations to some of the most important positions in the federal government. The Senate appears to have developed a method for handling this situation by allowing its committees to act on an “anticipated” or “expected” nomination. As shown in **Appendix A**, which is discussed in detail later in this report, Senate committees held hearings on most nominations to Cabinet positions at the outset of the Reagan, Clinton, George W. Bush, and Obama Administrations before inauguration day. Some committees also reported out the nominations before January 20.

During the transition from President Carter to President Reagan, for example, Senate committees held confirmation hearings and voted to recommend confirmation of Reagan’s nominees to be secretaries of Defense, State, and Treasury before the formal submission of the nominees on January 20. That allowed the full Senate to vote almost immediately on those nominations. The Senate followed the same pattern for the three positions during the transition from President George H. W. Bush to President Clinton, and Senate committees reported nominations to two of the positions during the transition from President Clinton to President George W. Bush. (Delays in Senate organization at the start of the 107th Congress prevented the Senate Finance Committee from acting on the nominee for Secretary of the Treasury, and the committee consented to be discharged from its responsibilities on the nomination to allow the Senate to act on the nomination on January 20.)²² During the transition from President George W. Bush to President Obama, Senate committees held pre-inaugural hearings for at least 16 anticipated nominations. At least two of these anticipated nominations were formally endorsed by Senate committees before they were considered by the full Senate.

For example, the Senate Foreign Relations Committee voted to report the nomination of Alexander M. Haig, Jr., to be President Reagan’s Secretary of State on January 15, 1981, during the final session of its confirmation hearing on the nomination. The chair of the committee moved “that in anticipation of the nomination, that it be approved, subject to the formal receipt of it from the new President of the United States.”²³

When the Senate Finance Committee acted upon the nomination of Lloyd Bentsen to be President Clinton’s Secretary of the Treasury on January 12, 1993, the chair made the following motion before the hearing began: “I would ask that a vote be undertaken in the following form. The resolution will read, ‘The Committee on Finance, having under consideration the perspective (sic) nomination of Lloyd Bentsen to be Secretary of the Treasury, recommends that the nomination be confirmed when received by the Senate.’”²⁴

²¹ Prior to January 20, a President-elect does not have the authority to submit nominations to the Senate. That power is held by the sitting President until the new President is sworn in.

²² Sen. Charles Grassley, remarks in Senate, *Congressional Record*, daily edition, January 20, 2001, p. S65. By unanimous consent, the Treasury Secretary nomination, along with eight other nominations, was, upon receipt by the Senate, placed directly on the Executive Calendar. (Sen. Pat Roberts, “Executive Calendar,” remarks in the Senate, *Congressional Record*, daily edition, January 20, 2001, pp. S57-S58.)

²³ U.S. Congress, Senate Committee on Foreign Relations, *The Nomination of Alexander M. Haig, Jr., to be Secretary of State*, 97th Cong., 1st sess., January 9, 10, 12, 13, 14, 15, 1981, pt. 2, p. 115.

²⁴ Federal News Service transcript, hearing of the Senate Finance Committee, *Confirmation Hearing for Secretary of* (continued...)

The Senate Armed Services Committee, on January 19, 2001, acted on the “expected” nomination of Donald H. Rumsfeld to be Secretary of Defense. The committee reported the nomination to the full Senate with the recommendation that Rumsfeld be confirmed. The language in the committee’s legislative calendar for the 107th Congress notes that “On January 19, 2001, the Committee voted by a roll call vote of 19-0 in favor of a motion that the Committee recommend the Senate give its advise and consent to the nomination when it was received by the Senate from the President and without referral to the Committee.”²⁵

Other nominations to Cabinet or top-level positions also have been approved by committees in advance of their actual submission. On January 18, 2001, for example, the Senate Energy and Natural Resources Committee reported the nomination of Spencer Abraham to be Secretary of Energy. During the committee meeting, the chair said that the committee’s actions were “in keeping with the past practices of the committee in reporting cabinet nominations made by incoming presidents prior to their official receipt by the Senate....” In that case, the motion agreed to by the committee was to “move that the committee report favorably on the proposed nomination and recommend that when the nomination is received the Senate give its advice and consent.”²⁶

In January 2009, Senate committees formally endorsed at least two anticipated nominations prior to their submission to the Senate by President Obama. On January 15, the Senate Foreign Relations Committee agreed to a motion to “report the nomination of Sen. Hillary Rodham Clinton of New York to be secretary of State pending the receipt of formal nomination papers.”²⁷ A letter from the chair and ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry, introduced into the *Congressional Record* on January 20, indicated that members of the committee unanimously supported the nomination of Thomas J. Vilsack to be Secretary of Agriculture. According to the letter,

In anticipation of the [Vilsack] nomination, the Committee conducted a hearing on January 14, 2009, in public session, to carefully review the credentials and qualifications of Secretary-designate Vilsack. Governor Vilsack was the only witness at the hearing.

After the hearing and after Committee Members had the opportunity to review responses to written questions submitted for the record, the Committee polled all Members of the Committee to ascertain their positions regarding this nominee. We are please to report that the Committee on Agriculture, Nutrition, and Forestry unanimously supports the nomination of Thomas J. Vilsack for the position of Secretary of Agriculture.²⁸

(...continued)

the Treasury-Designate Senator Lloyd Bentsen, January 19, 1993. Accessed on Nexis.com on November 21, 2008.

²⁵ U.S. Congress, Senate Committee on Armed Services, *Legislative Calendar*, committee print, 107th Cong., 2nd sess. (Washington: GPO, 2002), p. 83.

²⁶ Federal News Service, transcript of the Senate Energy and Natural Resources Committee, *Nomination of Gale Norton As Secretary of the Interior*, January 18, 2001. Accessed on Nexis.com on November 20, 2008.

²⁷ Greg Vadala, “Panel Gives Endorsement to Clinton Nomination,” *CQ Committee Coverage*, January 15, 2009.

²⁸ Sen. Tom Harkin, “Inaugural and Vilsack Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 155, part 11 (January 20, 2009), p. S662.

Appointment

In the final stage, the confirmed nominee is given a commission signed by the President, with the seal of the United States affixed thereto, and is sworn into office. The President may sign the commission at any time after confirmation, and the appointment process is not complete until he or she does so. Once the appointee is given the commission and sworn in, he or she has full authority to carry out the responsibilities of the office. The length of the time between confirmation and appointment varies in accordance with the preferences of the Administration and appointee. It is usually shorter than either of the other two stages, and has not been identified as problematic by presidential appointment scholars.

Temporary Staffing of PAS Positions During Presidential Transitions

Several provisions of law allow for temporarily filling PAS positions without Senate approval during presidential transitions, as well as at other times. Congress has provided limited statutory authority for temporary presidential appointments under the Federal Vacancies Reform Act of 1998.²⁹ Appointees under the Vacancies Act are authorized to “perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations” provided in the act.³⁰ A temporary appointment under the Vacancies Act ordinarily may last up to 210 days (approximately seven months). During a presidential transition, however, the 210-day restriction period does not begin to run until either 90 days after the President assumes office (i.e., mid-April), or 90 days after the vacancy occurs, if it is within the 90-day inauguration period. Furthermore, the time restriction is suspended if a first or second nomination for the position has been submitted to the Senate for confirmation and is pending.

When an executive agency position requiring confirmation becomes vacant, it may be filled temporarily under the Vacancies Act in one of three ways. First, the first assistant to such a position may automatically assume the functions and duties of the office. This provision may be of limited utility to a new President, because he probably would not yet have installed a first assistant of his own choosing. Nonetheless, if the first assistant who becomes the acting leader is a career executive, he or she might lend continuity to agency operations and reduce organizational confusion and paralysis during the transition.

The Vacancies Act also provides that the President may direct an officer in any agency who is occupying a position requiring Senate confirmation to perform the tasks associated with the vacant position. Although this option would allow a new President to authorize one of his confirmed appointees to perform key tasks, it might be of limited utility in the early months of the new Administration when PAS positions in general are thinly staffed. Individuals the President might designate to serve under this provision include appointees of the President’s party who are

²⁹ P.L. 105-277, Div. C, Title I, § 151; 5 U.S.C. §§ 3345-3349d. The act does not apply to positions on multi-member regulatory boards and commissions, to certain other specific positions that may be filled temporarily under other statutory provisions, or to new positions that have never been filled. This law superseded previous, similar statutory provisions. For more on the Vacancies Act, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate’s Confirmation Prerogative*, by (name redacted).

³⁰ 5 U.S.C. § 3345(a)(1).

incumbents in fixed-term membership positions on boards and commissions and holdover appointees from the previous Administration who support the President's policy preferences.

Finally, the Vacancies Act provides that the President may temporarily fill the vacant position with any officer or employee of the subject agency who has been occupying a position for which the rate of pay is equal to or greater than the minimum rate of pay at the GS-15 level, and who has been with the agency for at least 90 of the preceding 365 days. Under this provision, the President could draw, for example, from among an agency's career Senior Executive Service (SES) members, and this might allow him to select, as a temporary office holder, an individual who supports his policy preferences. As the presidency lengthens, more of the new President's lower level political appointees (non-career SES and Schedule C) will meet the longevity requirements of the Vacancies Act, providing the President with an additional pool of individuals from which to draw.

A second form of limited-term appointment without Senate confirmation is a presidential recess appointment. The President's authority to make recess appointments is conferred by the Constitution, which states that "[t]he President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."³¹ Such appointments during within-session Senate breaks are termed *intrasession* recess appointments, and those which occur during between-session recesses are known as *intersession* recess appointments. Intrasession recess appointments have, sometimes provoked controversy in the Senate, and there is also an academic literature that has drawn their legitimacy into question.³² Notwithstanding the ongoing discourse in this area, recent Presidents have made recess appointments during both kinds of recesses. Recess appointments expire at the end of the next session of Congress. As a result, a recess appointment may last for less than a year, or nearly two years, depending on when the appointment is made.³³

Although a new President might elect to use his recess appointment authority during a Senate recess soon after he takes office, four recent Presidents used it sparingly during their first calendar years in office. President George H.W. Bush made five such appointments in November and December of 1989. President Clinton did not use this authority until 1994. President George W. Bush made one recess appointment during the Senate's August recess in 2001. President Obama did not make recess appointments until his second year in office. A fifth recent President, President Reagan, did not use this authority during his first six months in office, but he made 34 recess appointments between August and December of 1981.

³¹ Article 2, § 2, cl. 3 of the Constitution.

³² Regarding Senate controversy, see Sen. George Mitchell, "The Senate's Constitutional Authority to Advise and Consent to the Appointment of Federal Officers," *Congressional Record*, vol. 139, July 1, 1993, p. 15266; and Senate Legal Counsel, "Memorandum of United States Senate as Amicus Curiae in Support of Plaintiffs' Motion, and in Opposition to Defendants' Motions, for Summary Judgment on Count Two," U.S. District Court for the District of Columbia, *Mackie v. Clinton*, C.A. No. 93-0032-LFO, *Congressional Record*, vol. 139, July 1, 1993, pp. 15267-15274. For academic literature, see, for example, Michael A. Carrier, "When Is the Senate in Recess for Purposes of the Recess Appointments Clause?" *Michigan Law Review*, vol. 92, June 1994.

³³ For information on recess appointments generally, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted); and CRS Report RL33310, *Recess Appointments Made by President George W. Bush*, by (name redacted) and Maureen Bearden. For information on related legal issues, see CRS Report RL32971, *Judicial Recess Appointments: A Legal Overview*, by (name redacted); and CRS Report RL33000, *Recess Appointments: A Legal Overview*, by (name redacted).

In some cases, Congress has expressly provided for the temporary filling of vacancies in a particular PAS position. Generally, such provisions employ one or more of several methods: (1) a specified official is automatically designated as acting; (2) a specified official is automatically designated as acting, unless the President provides otherwise; (3) the President designates an official to serve in an acting capacity; or (4) the head of the agency in which the vacancy exists designates an acting official.³⁴

An individual serving in an acting or temporary capacity in an advice and consent position might not be paid for his or her services if he or she has been nominated to the position twice and the second nomination has been withdrawn or returned. A provision of the FY2009 Financial Services and General Government Appropriations Act states the following:

Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President.³⁵

At times, a nominee is hired as a consultant while awaiting confirmation, but he or she may serve only in an advisory capacity and may not take on the functions and duties of the office to which he or she has been nominated. A nominee to a Senate-confirmed position has no legal authority to assume the responsibilities of this position; the authority comes with one of the limited-term appointments discussed above, or with Senate confirmation and subsequent presidential appointment.

The Length of the Appointment Process

As noted at the outset of this report, the length of the appointment process during presidential transitions, particularly between incoming and outgoing Presidents of different political parties, has been of concern to observers for more than 20 years.³⁶ The 9/11 Commission drew fresh attention to this issue in 2004, recommending changes that might accelerate the selection, clearance, and Senate consideration processes, particularly for “national security positions.”³⁷ Congress responded by enacting new statutory provisions related to the selection and vetting process, as well as a provision expressing a “sense of the Senate” regarding a timetable for submission and consideration of high-level national security nominations during transitions. (See “Selection and Vetting During Presidential Transitions” and “The Senate Confirmation Process and Presidential Transitions,” above.) It could be argued that, with federal government efforts to address the nation’s economic and financial downturn underway during the 2008-2009 presidential transition, the pace at which top leadership positions in the Department of the Treasury are filled would also be of concern.

³⁴ For more, see CRS Report RS21412, *Temporarily Filling Presidentially Appointed, Senate-Confirmed Positions*, by (name redacted).

³⁵ P.L. 111-8, Div. D, § 749; 123 Stat. 693.

³⁶ See, for example, National Academy of Public Administration, *Leadership in Jeopardy: The Fraying of the Presidential Appointments System* (Washington: National Academy of Public Administration, 1985), pp. 9-10.

³⁷ *9/11 Commission Report*, p. 422.

To assist Congress in determining whether the statutory changes discussed above have had an impact on the length of the transition period appointment process, this section compares the length of the appointment process during the 2008-2009 Bush-Obama transition with the length of this process during three previous party-turnover transitions: Carter-Reagan (1980-1981), Bush-Clinton (1992-1993), and Clinton-Bush (2000-2001).³⁸ The section also compares the length of the transition-period appointment process among Cabinet positions and, for subcabinet positions, among agencies.

Two groups of appointed positions were selected for comparison based on the criteria discussed above. These groups and collected data are shown in appendices to this report. **Appendix A** provides nominee-level data on the length of the process for making appointments to Cabinet-level positions during the four transitions identified above. **Appendix C** provides nominee-level data on the length of the process for making appointments to selected higher-level national security-related subcabinet positions during these transitions. **Appendix B** provides information on the method for selecting the positions included in **Appendix C**.

Appendix A and **Appendix C** each provide information about the intervals, in elapsed days, between different points in the appointment process.³⁹ These points include election day, which is the point after which the successful candidate and his supporters turn their attention from campaigning to selecting a governing team, announcement of a proposed nominee, submission of a nomination, Senate committee hearing on the nomination, Senate committee report or discharge, and final disposition by the Senate.⁴⁰

The comparisons found that, in general, transition-period Cabinet-level nominees were selected, vetted, considered, and confirmed expeditiously; they generally take office shortly after the new President's inauguration. Nominations to be Director of ONDCP, a position that was accorded Cabinet rank by President Clinton and President George W. Bush, were different; they took far longer than other Cabinet-level nominations to be confirmed. Comparisons among the four transitions suggest that some Presidents announced their Cabinet-position selections sooner than did others, but that this did not appear to affect the pace of the overall appointment process.

The comparisons also found that, in general, initial nominees to the subcabinet positions studied took about twice as long (more than six months from election day) as Cabinet-level nominees

³⁸ The 2008-2009 transition during which the incoming President was of a political party different from the outgoing President. Arguably, other recent "party-turnover" transitions would be more comparable to this one than would be transitions between Presidents of the same political party. During such a transition, most politically appointed positions were vacated by the time of the inauguration of the new President. This would not necessarily be the case during transitions between two Presidents of the same political party. When President George H.W. Bush took office, for example, Treasury Secretary Nicholas Brady, Attorney General Richard Thornburgh, and Secretary of Education Lauro F. Cavazos, each of whom had been appointed by President Ronald W. Reagan, remained in office.

³⁹ The appendices differ slightly with regard to the intervals they provide, because the transition-period appointment process for Cabinet-level positions differs from the usual appointment process. **Appendix A** does not provide the interval between submission and final disposition, for example. As discussed in the sections identified, Senate committees often begin consideration of prospective Cabinet-level nominations before the new President takes office and has the authority to submit formal nominations. Consequently, the submission-to-final disposition interval would not be a meaningful measure of the Senate consideration period. (See "The Senate Confirmation Process and Presidential Transitions" above.)

⁴⁰ As noted earlier in the report, confirmation by the Senate must be followed by formal presidential appointment and swearing in, but these steps may be carried out quickly, at the discretion of the Administration, and are generally inconsequential in pace of the overall process. In a limited number of cases, final disposition consisted of withdrawal of the nomination by the President.

(less than three months) to be selected, vetted, considered, and confirmed. Comparisons among the median intervals for the four transitions suggest that (1) the time required for selection and vetting of nominees for these positions has grown longer; (2) the period of Senate consideration has also grown longer; (3) Senate consideration of nominations was generally faster than the selection and vetting process that preceded it; and (4) the median durations of the appointment process for the Clinton, George W. Bush, and Obama transitions were notably longer than for the Reagan transition.

A comparison among nominations to subcabinet positions in the federal organizations discussed in this report (six departments and the intelligence community) revealed notable differences in the average duration of the process. In general, intelligence community positions were filled most quickly (median = 92 days). Among the nominations to departmental positions, State Department nominations, on average, were submitted and confirmed most quickly (median = 145 days).

A more detailed discussion of the comparisons conducted for this report follows.

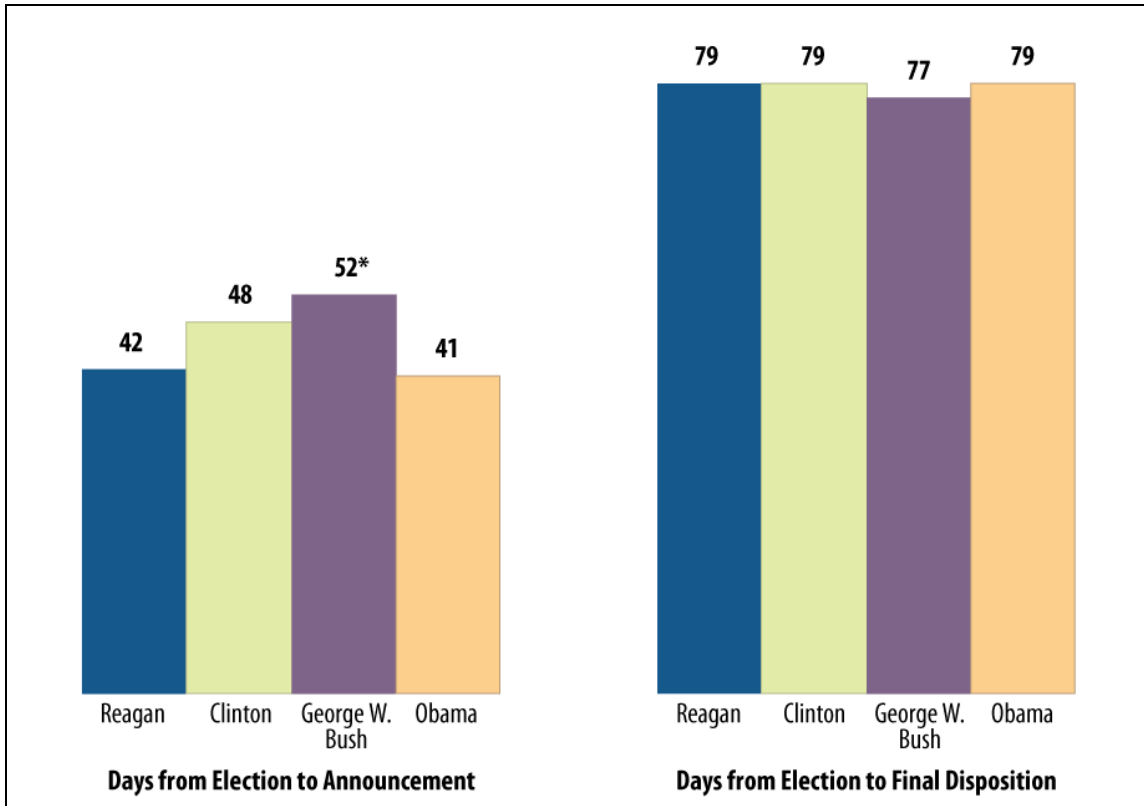
Transition-Period Cabinet Appointment Intervals

This subsection first provides a comparison, among the four transitions, of the pace of Cabinet appointments. It then provides a comparison, among the 19 positions, of the pace of these appointments. These comparisons are drawn from the data presented in **Appendix A**. Cabinet-level PAS positions considered in this analysis include all heads of departments,⁴¹ as well as the following positions that have often been accorded Cabinet rank: the Administrator of the Environmental Protection Agency (EPA), the Director of the Office of Management and Budget (OMB), the U.S. Trade Representative, and the Director of the Office of National Drug Control Policy (ONDCP).⁴²

⁴¹ As noted in the table, no nomination was made to the position of Secretary of Homeland Security during a presidential transition prior to 2009. The Department of Homeland Security, which was established in 2003, was not in existence during any earlier transition.

⁴² Department heads are generally considered to be members of the Cabinet by tradition. Other officials may be accorded Cabinet rank at the President's discretion. For the purposes of this table, the category of Cabinet-rank nominees includes nominees to the four additional PAS positions given Cabinet rank by President George W. Bush, who was in office when this report was initially published. All of these positions, as well as others, were given Cabinet rank by President Clinton. President Reagan accorded Cabinet rank to two of these positions—OMB Director and U.S. Trade Representative—as well as others. President Obama has accorded Cabinet rank to three of these positions—EPA Administrator, OMB Director, and U.S. Trade Representative—as well as others.

Figure 1. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Cabinet-Level Positions, by President



Source: Figure created by Congressional Research Service drawing on an analysis of the data presented in **Appendix A**.

Note: * The unique circumstances of the 2000 election truncated the ensuing transition period. This may have delayed the selection or announcement of some Cabinet-level nominees.

On the whole, the analysis of Cabinet appointments indicates that the transition-period appointment process has been effective, in recent decades, at installing the Cabinet of a new Administration soon after the new President takes office. The graph on the left side of **Figure 1** indicates that, on average, President-elect Obama announced his selections sooner than did the other three Presidents. The graph compares the median number of days from election day to the announcement of the President-elect’s nominees.⁴³ This suggests that, for this group of appointments, a President-elect could move as rapidly in 2008 as during any other party-turnover transition in the preceding 30 years. President-elect George W. Bush announced his selections later, on average, than did the other three Presidents-elect. This finding is not surprising, perhaps, given the unique circumstances of the 2000 presidential election and the truncated transition period that followed.

⁴³ Two measures of central tendency are presented here: the mean and the median. The mean is the more familiar measure, and it was calculated, in each instance, by adding together the elapsed times for all of the cases and dividing the resulting sum by the total number of cases. The median is the middle number in a set of observations (or, in this case, because of an even number of observations, the average of the two middle numbers). In data sets such as those under discussion here, where the data are skewed because of a limited number of extreme values, the median is often considered to be a more meaningful measure of central tendency.

The graph on the right side of **Figure 1** shows that the median Cabinet appointment was confirmed within days of inauguration day during each of the four transitions. It shows that, for each of the four transitions, the median Cabinet appointment was confirmed within 77-79 days of election day. This finding, when paired with the graph on the left, shows that, on average, the Senate confirmed these four Presidents' Cabinet members within days of inauguration regardless of the average pace of a President-elect's announcements.

The statistics presented in **Table 2** can be used to draw comparisons of the pace of appointment of the various Cabinet positions without regard to Administration. These statistics bear out the key finding seen in **Figure 1**: looking at the entire pool of Cabinet appointments across the four transitions, the median Cabinet nomination was confirmed within 79 days of the election—that is, within a few days of inauguration. The statistics in **Table 2** also show, however, that all Cabinet-level nominees do not move through the process at the same pace. On average, department head nominees go through the process more quickly (median election to final disposition = 79 days) than do Cabinet-rank nominees (median = 84 days). On average, department head nominees were announced sooner, brought before the committee of jurisdiction more quickly, and confirmed at an earlier date than Cabinet-rank nominees.

Perhaps more striking was a difference between the two groups in the variation in the median interval between election day and final disposition. Among department nominees, the median duration of the appointment process ranged from 76 days, for the Secretary of Defense, to 101 days, for the Secretary of Health and Human Services. Among Cabinet-rank nominees, the median interval for filling the position of OMB Director was the shortest, at 79 days. Most notably, nominations to the position of Director of the Office of National Drug Control Policy took far longer to go through every stage of the process than any other Cabinet nomination. The median interval for filling this position was 267 days, or approximately nine months.

All three transition period nominations to the position of ONDCP Director⁴⁴ were anomalous among all Cabinet-level nominations. As the data in **Appendix A** show, each of these nominations took much longer than other Cabinet nominations. The elapsed time between election day and final disposition for President George W. Bush's nomination of John P. Walters was 393 days, 209 days longer than the same period for President Obama's nomination of R. Gil Kerlikowske. Because of these extreme values, for Cabinet-rank nominees, the mean length of the process is much greater than the median.

⁴⁴ As noted in **Appendix A**, the position of ONDCP Director was established near the end of the Reagan Administration, so there were only three appointments during the four transitions under study.

Table 2. Mean and Median Length of Appointment Process Intervals for Transition-period Cabinet-level Nominees of President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Position (Number of Nominees)	Mean (or Median*) Elapsed Days			
	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Department heads				
Secretary of State (4)	39	30	38	77
Secretary of the Treasury (4)	34	36	44	78
Secretary of Defense (4) ^a	41	19	31	76
Attorney General (5)	52	31	41	93
Secretary of the Interior (4)	49	23	31	80
Secretary of Agriculture (4)	47	23	31	77
Secretary of Commerce (4)	58	22	35	93
Secretary of Labor (4)	48	22	44	91
Secretary of Health and Human Services (5)	56	28	45	101
Secretary of Housing and Urban Development (4)	44	27	35	79
Secretary of Transportation (4)	47	24	32	79
Secretary of Energy (4)	48	24	29	77
Secretary of Education (4)	52	18	26	77
Secretary of Veterans Affairs (3)	43	26	35	78
Secretary of Homeland Security (1) ^b	27 ^b	45 ^b	50 ^b	77 ^b
Department head nominees (58)—mean	47	26	36	83
Department head nominees (58)—median	44*	26*	34*	79*
Cabinet-rank positions				
Administrator of the Environmental Protection Agency (4)	58	39	48	106
Director of the Office of Management and Budget (4)	35	34	44	79
U.S. Trade Representative (4)	56	34	39	96

Position (Number of Nominees)	Mean (or Median*) Elapsed Days			
	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Director of the Office of National Drug Control Policy (3)	163	42	105	267
Cabinet-rank nominees (15)—mean	72	37	56	128
Cabinet-rank nominees (15)—median	45*	28*	42*	84*
All Cabinet nominees (73)—mean	52	28	40	93
All Cabinet nominees (73)—median	45*	26*	35*	79*

Source: Table created by CRS based on data from **Appendix A** of this report.

Note: n.a. = not applicable.

- a. The figures in this row are based on three nominations and one continuation. President Obama asked Robert Gates, who had been appointed as Secretary of Defense by President George W. Bush, to continue in that position during the Obama Administration. The calculation of the mean elapsed days from election day to announcement included the announcement of the Gates continuation. The other figures were calculated on the basis of the three earlier nominations.
- b. The Department of Homeland Security was established in 2003. President Obama was the first President to make an appointment to this position during a presidential transition period. The figures shown in this row are those for the nomination of Janet Napolitano, and are not means or medians.

Transition-Period Subcabinet Appointment Intervals

This subsection first provides a comparison, among the four transitions, of the pace of the selected subcabinet appointments. It then provides a comparison, among the seven organizations (six departments and intelligence community), of the pace of these appointments. These comparisons are drawn from the data presented in **Appendix C**. This appendix includes data on 109 nominations to 39 positions across the four party-turnover transitions identified above. Positions considered in this analysis include selected higher-level subcabinet posts in the federal government organizations that are most involved with policymaking related to national security and to the federal response to the economic and financial downturn. A complete list of these selected positions and a detailed explanation of the method by which they were chosen are provided in **Appendix B**.

Figure 2 includes three bar graphs that provide a comparison, among the four transitions, of three key intervals for these subcabinet appointments: election to nomination submission, submission to final disposition, and election to final disposition. The graphs suggest, with regard to nominees to these subcabinet positions, the following: (1) the selection and vetting of these nominees grew longer over the course of the four transitions; (2) the selection and vetting process does not seem to have been shortened by the changes enacted in response to the recommendations of the 9/11 Commission; (3) the Senate consideration process grew longer over the course of the four transitions; (4) on average, the Senate consideration process makes up a shorter portion of the appointment process for these positions than does the selection and vetting process; and (5) the median length of the process from election to final disposition during the Clinton, George W. Bush, and Obama transitions was notably longer than it was during the Reagan transition.

The graph on the left side of **Figure 2** indicates that, on average, the selection and vetting period grew longer, from 91 days under President Reagan to 167 days under President Obama, over these four transitions. The length of the period under President George W. Bush could be attributed, in part, to potential delays in the selection process that might have resulted from the truncated transition period following the 2000 election.

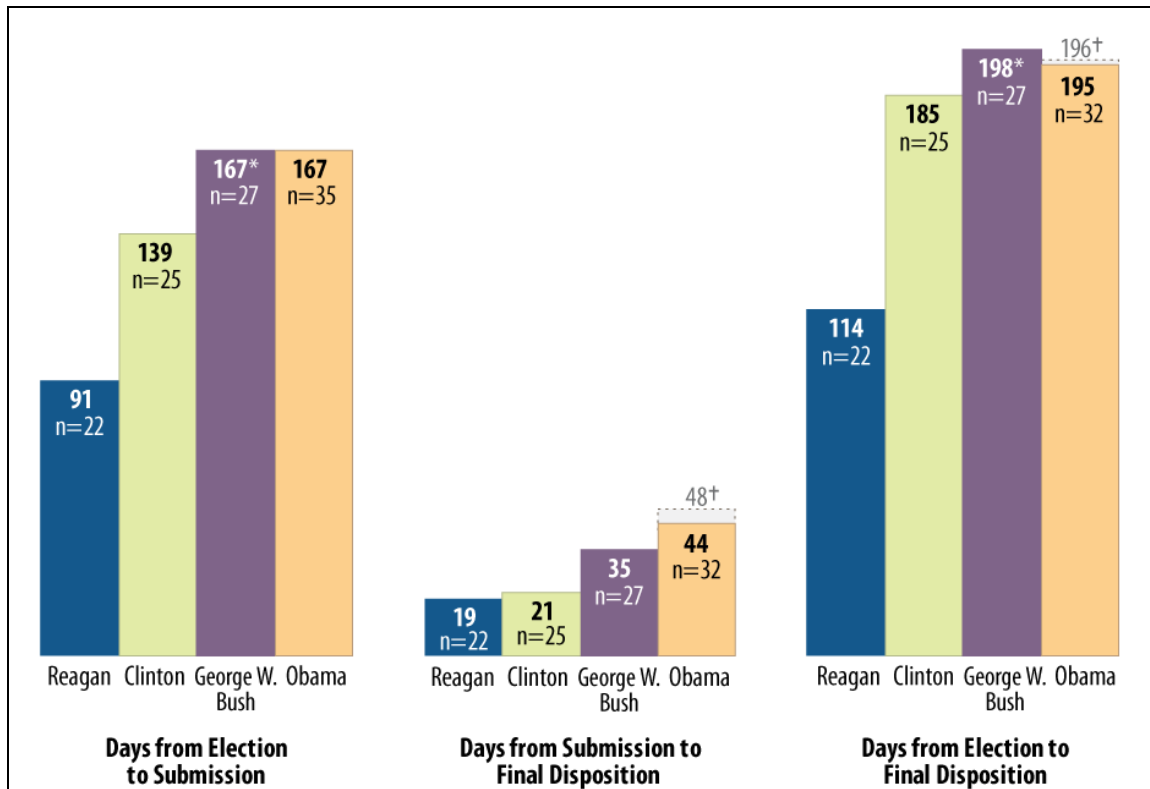
The graph in the center of **Figure 2** shows that the median number of days between the submission of a nomination and its final disposition (usually confirmation) grew longer, from 19 days under President Reagan to 44 days under President Obama. As of March 26, 2010, three Obama nominations to the selected positions remained under Senate consideration. If these three nominations had been confirmed on that day, the median length of Senate consideration for Obama nominations would be 48 days, as shown by the dotted line, rather than 44 days.

The graph on the right side of **Figure 2** compares, among the four transitions, the length of the appointment process from election day to final disposition.⁴⁵ The graph indicates that the median length of the process under President Reagan, at 114 days (about 4 months), was notably shorter than under any of the other three Presidents, at 185-195 days (6-6½ months).⁴⁶

⁴⁵ Intuition might suggest that the median length of the process from election day to final disposition would be equal to the sum of the median values for the two legs of the process discussed earlier. This is not the case, however. For each of the four transitions, the median length of the full process was arrived at by determining the total number of days from election to final disposition for each nomination and then identifying the central value of those totals.

⁴⁶ The median duration of the George W. Bush transition appointment process might have been longer as a result of the (continued...)

Figure 2. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Selected Subcabinet Positions, by President



Source: Figure created by CRS drawing on an analysis of the data presented in **Appendix C**.

Notes: *The unique circumstances of the 2000 presidential election truncated the ensuing transition period. This may have delayed the selection of some subcabinet nominees. †As of March 26, 2010, three of the selected Obama nominations remained under Senate consideration. If they had been confirmed on that date, the median would be as shown by the dotted line.

These statistics bear out the key finding seen in **Figure 1**: looking at the entire pool of Cabinet appointments across the four transitions, the median Cabinet nomination was confirmed within 79 days of the election—that is, within a few days of inauguration. The statistics in **Table 2** also show, however, that all Cabinet-level nominees do not move through the process at the same pace. On average, department head nominees go through the process more quickly (median election to final disposition = 79 days) than do Cabinet-rank nominees (median = 84 days). On average, department head nominees were announced sooner, brought before the committee of jurisdiction more quickly, and confirmed at an earlier date than Cabinet-rank nominees.

Table 3 provides statistics regarding intervals in the transition-period appointment process for selected subcabinet positions, without regard to Administration. The median length of the total process, from election day to final disposition, for all specified subcabinet nominees was 189

(...continued)

truncated transition period than it otherwise would have been. If the three Obama nominations that remained under consideration, as of March 26, 2010, had been confirmed on that day, the median length of the whole process for Obama nominations would be 196 days, rather than 195 days.

days.⁴⁷ This means that half of the nominees to positions in this group were confirmed within approximately six months of election day, or, in other words, within approximately 3½ months of inauguration day. The remaining half were confirmed after that point.

The statistics in **Table 3** can be used to draw comparisons of the pace of appointment to positions in the various departments, and the intelligence community, without regard to Administration. Positions in the intelligence community were filled, on average, much more swiftly than were positions in the other agencies. This finding may be an artifact of the small number of nominations in the dataset (five), as well as the fact that the majority of these were nominations to be Director of the Central Intelligence Agency, a high-profile subcabinet post. The median nomination to a position in the intelligence community reached the point of final disposition within 92 days, or about 3 months, of election day. For all but one of the intervals measured (submission to hearing), the median for a nomination to an intelligence community position was as short as, or shorter than, those of any of the departments.

Among the departments, State Department nominees, on average, completed the appointment process most quickly. Half the nominations reached the end of the process within 145 days (about five months) of election day. The median interval between election day and nomination submission, at 121 days, or roughly four months, was shorter for State Department nominees than it is for any of the other departments. The median period of Senate consideration (23 days) was also shorter than that of any of the other departments. Nominees to Department of Justice positions took the longest to be confirmed, on average. The median interval between election and confirmation was 206 days, or nearly seven months.

During the four party-turnover transitions studied, the incoming Administration has typically taken much longer to submit a nomination to one of the positions in this group than the Senate has taken to dispose of it, once it was submitted. As **Table 3** shows, for all selected subcabinet nominations, the median interval between election and submission is nearly five times longer than the median interval between submission and final disposition.

⁴⁷ For many of the intervals in **Table 3**, the mean is notably greater than the median. This suggests that these data include a limited number of extreme values. A review of the data in **Appendix C** verified that this is correct.

Table 3. Mean and Median Length of Appointment Process for Selected Transition-period Subcabinet Nominees of President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Department (Number of Nominees)	Elapsed Days											
	Election Day to Submission		Submission to Hearing		Hearing to Report or Discharge		Report or Discharge to Final Disposition		Submission to Final Disposition		Total: Election Day to Final Disposition	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
State (30)	136	121	23	17	6	6	6	1	33	23	169	145
Treasury (13)	159	139	54	20	14	6	36	19	60	50	212	195
Defense (27)	161	142	14	9	14	8	7	3	32	20	194	182
Justice (15)	195	155	49	15	21	12	9	6	79	50	275	206
Energy (9)	205	174	24	17	5	7	9	9	38	28	243	199
Homeland Security (10)	175	159	29	33	19	6	25	9	65	51	231	193
Intelligence Community (5)	119	78	22	10	7	6	3	1	27	13	146	92
All selected subcabinet nominees (109)	164	139	30	16	13	7	11	4	46	29	208	189

Source: Table created by CRS based on data from **Appendix C** of this report.

Appendix A. Transition Period Nominations to Cabinet Positions by President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Table A-1. Transition Period Nominations to Cabinet Positions by President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
TRADITIONAL CABINET MEMBERS (HEADS OF THE 15 DEPARTMENTS)								
Secretary of State (Committee on Foreign Relations)								
Alexander M. Haig Jr. (Reagan)	12/16/80	1/9/81, 1/10/81, 1/12/81, 1/13/81, 1/14/81 ^b	1/20/81	1/21/81	42	24	36	78
Warren Christopher (Clinton)	12/22/92	1/13/93, 1/14/93	1/20/93	1/20/93	49	22	29	78
Colin L. Powell (Bush)	12/16/00	1/17/01	1/20/01	1/20/01	39	32	35	74
Hillary R. Clinton (Obama)	12/1/08	1/13/09	1/20/09	1/21/09	27	43	51	78
<i>Mean elapsed days for initial appointments to be Secretary of State</i>					39	30	38	77
Secretary of the Treasury (Committee on Finance)								
Donald T. Regan (Reagan)	12/11/80	1/6/81	1/20/81	1/21/81	37	26	41	78
Lloyd Bentsen (Clinton)	12/10/92	1/12/93	1/20/93	1/20/93	37	33	41	78
Paul H. O'Neill (Bush)	12/20/00	1/17/01	1/20/01	1/20/01	43	28	31	74
Timothy F. Geithner (Obama)	11/24/08	1/21/09	1/20/09	1/26/09	20	58	63	83
<i>Mean elapsed days for initial appointments to be Secretary of the Treasury</i>					34	36	44	78
Secretary of Defense (Committee on Armed Services)								
Caspar W. Weinberger (Reagan)	12/11/80	1/6/81	1/20/81	1/20/81	37	26	40	77

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Les Aspin (Clinton)	12/22/92	1/7/93	1/20/93	1/20/93	49	16	29	78
Donald H. Rumsfeld (Bush)	12/28/00	1/11/01	1/20/01	1/20/01	51	14	23	74
Robert Gates (Obama)	12/1/08	Continued from previous Administration.			27	n.a.	n.a.	n.a.
<i>Mean elapsed days for initial appointments to be Secretary of Defense</i>					41	19	31	76
Attorney General (Committee on the Judiciary)								
William F. Smith (Reagan)	12/11/80	1/15/81	1/20/81	1/22/81	37	35	42	79
Zoe Baird (Clinton)	12/24/92	1/19/93, 1/21/93	1/20/93	(Withdrawn, 1/26/93)	51	26	33	84
Janet Reno (Clinton)	2/11/93	3/9/93, 3/10/93	2/26/93	3/11/93	100	26	28	128
John Ashcroft (Bush)	12/22/00	1/16/01, 1/17/01, 1/18/01, 1/19/01	1/29/01	2/1/01	45	25	41	86
Eric H. Holder Jr. (Obama)	12/1/08	1/15/09, 1/16/09	1/20/09	2/2/09	27	45	63	90
<i>Mean elapsed days for initial appointments to be Attorney General</i>					52	31	41	93
Secretary of the Interior (Committee on Energy and Natural Resources)								
James G. Watt (Reagan)	12/22/80	1/7/81, 1/8/81	1/20/81	1/22/81	48	16	31	79
Bruce Babbitt (Clinton)	12/24/92	1/19/93, 1/21/93	1/20/93	1/21/93	51	26	28	79
Gale A. Norton (Bush)	12/29/00	1/18/01, 1/19/01	1/20/01	1/30/01	52	20	32	84
Kenneth L. Salazar (Obama)	12/17/08	1/15/09	1/20/09	1/20/09	43	29	34	77
<i>Mean elapsed days for initial appointments to be Secretary of the Interior</i>					49	23	31	80
Secretary of Agriculture (Committee on Agriculture, Nutrition and Forestry)								
John R. Block (Reagan)	12/23/80	1/6/81	1/20/81	1/22/81	49	14	30	79
Mike Espy (Clinton)	12/24/92	1/14/93	1/20/93	1/21/93	51	21	28	79
Ann M. Veneman (Bush)	12/20/00	1/18/01	1/20/01	1/20/01	43	29	31	74
Thomas J. Vilsack (Obama)	12/17/08	1/14/09	1/20/09	1/20/09	43	28	34	77

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
<i>Mean elapsed days for initial appointments to be Secretary of Agriculture</i>					47	23	31	77
Secretary of Commerce (Committee on Commerce, Science and Transportation)								
Malcolm Baldrige (Reagan)	12/11/80	1/6/81	1/20/81	1/22/81	37	26	42	79
Ronald H. Brown (Clinton)	12/12/92	1/6/93	1/20/93	1/21/93	39	25	40	79
Donald L. Evans (Bush)	12/20/00	1/4/01	1/20/01	1/20/01	43	15	31	74
Gary Locke (Obama)	2/25/09	3/18/09	3/16/09	3/24/09	113	21	27	140
<i>Mean elapsed days for initial appointments to be Secretary of Commerce</i>					58	22	35	93
Secretary of Labor (Committee on Health, Education, Labor and Pensions (formerly Labor and Human Resources))								
Raymond J. Donovan (Reagan)	12/16/80	1/12/81, 1/27/81	1/20/81	2/3/81	42	27	49	91
Robert B. Reich (Clinton)	12/11/92	1/7/93	1/20/93	1/21/93	38	27	41	79
Elaine L. Chao (Bush)	1/11/01	1/24/01	1/29/01	1/29/01	65	13	18	83
Hilda L. Solis (Obama)	12/19/08	1/9/09	1/20/09	2/24/09	45	21	67	112
<i>Mean elapsed days for initial appointments to be Secretary of Labor</i>					48	22	44	91
Secretary of Health and Human Services (Committee on Finance)								
Richard S. Schweiker (Reagan)	12/11/80	1/6/81	1/20/81	1/21/81	37	26	41	78
Donna E. Shalala (Clinton)	12/11/92	1/14/93 ^c	1/20/93	1/21/93	38	34	41	79
Tommy G. Thompson (Bush)	12/29/00	1/18/01 ^d	1/20/01	1/24/01	52	20	26	78
Thomas A. Daschle (Obama)	12/11/08	none ^e	1/20/09	(Withdrawn) 2/9/09	37	n.a.	60	97
Kathleen Sebelius (Obama)	3/2/09	4/2/09 ^f	3/17/09	4/28/09	118	31	57	175
<i>Mean elapsed days for initial appointments to be Secretary of Health and Human Services</i>					56	28	45	101
Secretary of Housing and Urban Development (Committee on Banking, Housing, and Urban Affairs)								
Samuel R. Pierce Jr. (Reagan)	12/22/80	1/13/81	1/20/81	1/22/81	48	22	31	79
Henry G. Cisneros (Clinton)	12/17/92	1/12/93	1/20/93	1/21/93	44	26	35	79

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Mel Martinez (Bush)	12/20/00	1/17/01	1/20/01	1/23/01	43	28	34	77
Shaun L. S. Donovan (Obama)	12/13/08	1/13/09	1/20/09	1/22/09	39	31	40	79
<i>Mean elapsed days for initial appointments to be Secretary of Housing and Urban Development</i>					44	27	35	79
Secretary of Transportation (Committee on Commerce, Science and Transportation)								
Andrew L. Lewis Jr. (Reagan)	12/11/80	1/7/81	1/20/81	1/22/81	37	27	42	79
Federico Pena (Clinton)	12/24/92	1/7/93	1/20/93	1/21/93	51	14	28	79
Norman Y. Mineta (Bush)	1/2/01	1/24/01	1/24/01	1/24/01	56	22	22	78
Ray LaHood (Obama)	12/19/08	1/21/09	1/20/09	1/22/09	45	33	34	79
<i>Mean elapsed days for initial appointments to be Secretary of Transportation</i>					47	24	32	79
Secretary of Energy (Committee on Energy and Natural Resources)								
James B. Edwards (Reagan)	12/22/80	1/12/81	1/20/81	1/22/81	48	21	31	79
Hazel R. O'Leary (Clinton)	12/21/92	1/19/93	1/20/93	1/21/93	48	29	31	79
Spencer Abraham (Bush)	1/2/01	1/18/01	1/20/01	1/20/01	56	16	18	74
Steven Chu (Obama)	12/15/08	1/13/09	1/20/09	1/20/09	41	29	36	77
<i>Mean elapsed days for initial appointments to be Secretary of Energy</i>					48	24	29	77
Secretary of Education (Committee on Health, Education, Labor, and Pensions)								
Terrel H. Bell (Reagan)	1/7/81	1/15/81	1/20/81	1/22/81	64	8	15	79
Richard W. Riley (Clinton)	12/21/92	1/12/93	1/20/93	1/21/93	48	22	31	79
Roderick R. Paige (Bush)	12/29/00	1/10/01	1/20/01	1/20/01	52	12	22	74
Arne Duncan (Obama)	12/16/08	1/13/09	1/20/09	1/20/09	42	28	35	77
<i>Mean elapsed days for initial appointments to be Secretary of Education</i>					52	18	26	77
Secretary of Veterans Affairs (Committee on Veterans' Affairs)^b								
Jesse Brown (Clinton)	12/17/92	1/7/93	1/20/93	1/21/93	44	21	35	79

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Anthony J. Principi (Bush)	12/29/00	1/18/01	1/20/01	1/23/01	52	20	25	77
Eric K. Shinseki (Obama)	12/7/08	1/14/09	1/20/09	1/20/09	33	38	44	77
<i>Mean elapsed days for initial appointments to be Secretary of Veterans Affairs</i>					43	26	35	78
Secretary of Homeland Security (Committee on Homeland Security and Governmental Affairs)^h								
Janet A. Napolitano (Obama)	12/1/08	1/15/09	1/20/09	1/20/09	27	45	50	77
<i>Mean elapsed days for all appointments to department head positions</i>					47	26	36	83
<i>Median elapsed days for all appointments to department head positions</i>					44	26	34	79
ADDITIONAL ADVICE AND CONSENT POSITIONS THAT HELD CABINET RANK DURING THE GEORGE W. BUSH ADMINISTRATION								
Administrator of the Environmental Protection Agency (Committee on Environment and Public Works)								
Ann M. Gorsuch (Reagan)	2/21/81	5/1/81	3/3/81	5/5/81	109	69	73	182
Carol M. Browner (Clinton)	12/10/92	1/11/93	1/20/93	1/21/93	37	32	42	79
Christine T. Whitman (Bush)	12/22/00	1/17/01	1/20/01	1/30/01	45	26	39	84
Lisa P. Jackson (Obama)	12/15/08	1/14/09	1/20/09	1/22/09	41	30	38	79
<i>Mean elapsed days for initial appointments to be Administrator of the Environmental Protection Agency</i>					58	39	48	106
Director of the Office of Management and Budget (Committee on Homeland Security and Governmental Affairs; Committee on the Budget)ⁱ								
David A. Stockman (Reagan)	12/11/80	1/8/81	1/20/81	1/27/81	37	28	47	84
Leon E. Panetta (Clinton)	12/10/92	1/11/93	1/20/93	1/21/93	37	32	42	79
Mitchell E. Daniels Jr. (Bush)	12/22/00	1/19/01	1/20/01	1/23/01	45	28	32	77
Peter R. Orszag (Obama)	11/25/08	1/13/09, 1/14/09	1/20/09	1/20/09	21	49	56	77
<i>Mean elapsed days for initial appointments to be Director of the Office of Management and Budget</i>					35	34	44	79
U.S. Trade Representative (Committee on Finance)								
William E. Brock III (Reagan)	1/7/81	1/19/81	1/20/81	1/21/81	64	12	14	78
Michael Kantor (Clinton)	12/24/92	1/19/93	1/20/93	1/21/93	51	26	28	79

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearings	Submission	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Robert B. Zoellick (Bush)	1/11/01	1/30/01	1/29/01	2/6/01	65	19	26	91
Ronald Kirk (Obama)	12/19/08	3/9/09	1/20/09	3/18/09	45	80	89	134
<i>Mean elapsed days for initial appointments to be U.S. Trade Representative</i>					56	34	39	96
Director of the Office of National Drug Control Policy (Committee on the Judiciary) new position - P.L. 100-690 signed into law					11/18/1988, Title I, Subtitle A, Section 1002(b)			
Lee P. Brown (Clinton)	4/28/93	5/25/93	5/20/93	6/16/93	176	27	49	225
John P. Walters (Bush) ^j	5/11/01	7/28/01	6/5/01	12/5/01	185	78	208	393
R. Gil Kerlikowske (Obama)	3/11/09	4/1/09	3/16/09	5/7/09	127	21	57	184
<i>Mean elapsed days for initial appointments to be Director of the Office of National Drug Control Policy</i>					163	42	105	267
Mean elapsed days for all appointments to Cabinet rank positions					72	37	56	128
Median elapsed days for all appointments to Cabinet-rank positions					45	28	42	84
MEAN ELAPSED DAYS FOR ALL APPOINTMENTS					52	28	40	93
MEDIAN ELAPSED DAYS FOR ALL APPOINTMENTS					45	26	35	79

Source: Table created by CRS using data gathered from the nominations database of the Legislative Information System (LIS), which is available to the congressional community at <http://www.congress.gov/nomis/>, various Senate committee calendars, various hearing records, various volumes of the *Journal of the Executive Proceedings of the Senate of the United States of America*, and the *U.S. Code*. Announcement dates were drawn from contemporary news accounts (articles available from the authors), and from Charles O. Jones, *Passages to the Presidency: From Campaigning to Governing* (Washington: Brookings, 1998), p. 97.

Notes: This table includes, in sequential sections, the traditional Cabinet positions that are filled through the advice and consent process (i.e., heads of departments), and the four additional PAS positions given Cabinet rank by President George W. Bush, who was President when this table was first created. (It has since been updated.) All four positions, as well as others, were given Cabinet rank by President Clinton. President Reagan accorded Cabinet rank to two of these positions—OMB Director and U.S. Trade Representative—as well as others. President Obama has accorded Cabinet rank to three of the four positions, as well as others. Not included in the Obama Cabinet is the Director of the Office of National Drug Control Policy. In each of these sections, the positions are listed in the order they were established as advice and consent positions. The table does not include an individual whose selection was announced if he or she was not subsequently nominated.

- a. This table does not provide the interval between submission and final disposition. As discussed in the body of this report, Senate committees often begin consideration of prospective Cabinet-level nominations before the new President takes office and has the authority to submit formal nominations. Consequently, the submission-to-final disposition interval would not be a meaningful measure of the Senate consideration period. (See “The Senate Confirmation Process and Presidential Transitions” above.)
- b. The record of hearings concerning the nomination of Alexander M. Haig Jr. before the Senate Committee on Foreign Relations includes a transcript of the January 15, 1981, meeting of the committee to review and vote on the nomination. (U.S. Congress, Senate Committee on Foreign Relations, *Nomination of Alexander M. Haig, Jr.*,

hearings on the nomination of Alexander M. Haig, Jr., to be Secretary of State, 97th Cong., 1st sess., January 9, 10, 12, 13, 14, 15, 1981 (Washington: GPO, 1981.) The committee does not appear to have heard any testimony on the 15th, however. In addition, the committee calendar does not include January 15, 1981, as a hearing date. (U.S. Congress, Senate Committee on Foreign Relations, *Legislative Calendar, Final Edition*, committee print, 97th Cong., 2nd sess. (Washington: GPO, 1983).) Consequently, this date is not included here.

- c. The Committee on Labor and Human Resources also held a hearing on this nomination on January 15, 1993.
- d. The Committee on Health, Education, Labor, and Pensions also held a hearing on this nomination on January 19, 2001.
- e. The Committee on Finance did not hold a hearing on this nomination. The Committee on Health, Education, Labor, and Pensions held a hearing on this nomination on January 8, 2009.
- f. The Committee on Health, Education, Labor, and Pensions also held a hearing on this nomination on March 31, 2009.
- g. The Department of Veterans Affairs was established as a department in 1989. President Clinton was the first President to make an appointment to the position of Secretary of Veterans Affairs during a party turnover transition period.
- h. The Department of Homeland Security was established in 2003. President Obama was the first President to make an appointment to the position of Secretary of Homeland Security during a transition period.
- i. According to the Legislative Information System, the Stockman nomination was also referred to the Committee on Finance. The Panetta and Daniels nominations were considered only by the Committee on Governmental Affairs, as it was then known. Beginning in the 109th Congress, all nominations to this position have been jointly referred as shown.
- j. This row summarizes President George W. Bush's two sequential nominations of Walters to the position. The first nomination, on June 5, 2001, was returned to the President on August 3, 2001, at the beginning of the Senate's August recess, under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. The President renominated Walters to the position on September 4, 2001, and the nomination was confirmed on December 5, 2001. The two nominations are combined here to provide a more accurate understanding of the length of the entire process.

Appendix B. Subcabinet Position Selection Method

This report includes analysis of a group of higher-level subcabinet positions in the departments most involved with policymaking related to national security and to the federal response to the economic and financial downturn. A two stage process was used to select this group. First, relevant criteria were used to identify an appropriate pool of positions. Second, those positions to which a nomination had been made during at least one of the four presidential transitions included in this study were selected from this pool.

The inclusion of the national security related positions was based on a 9/11 Commission recommendation that the “president-elect ... submit the nominations of the entire new national security team, through the level of under secretary of cabinet departments, not later than January 20,” and that the “Senate ... adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.”⁴⁸ The commission did not further specify which departments or under secretaries should be treated in this manner. In an effort to select positions for analysis that might match those intended by the commission, criteria similar to those in the passages above were adopted. Positions⁴⁹ were to be part of the Department of State, the Department of Defense, the Department of Justice, the Department of Energy, the Department of Homeland Security, or the Intelligence Community and either (1) at Level I of the Executive Schedule and not included in the Cabinet position data provided elsewhere in the report; (2) at Level II of the Executive Schedule; (3) titled as under secretaries; or (4) for those organizations without under secretaries, equivalent in title and at Level III of the Executive Schedule. With regard to the agencies listed above, two exceptions to these criteria were made. The Director of the Federal Bureau of Investigation (FBI) was excluded, although as a Level II position, it met the criteria. The position was excluded because it has a 10-year term and therefore has not been routinely filled at the beginning of a new Administration. On the other hand, the position of U.S. Permanent Representative to the United Nations was included, although, as a Level IV position, it did not meet the criteria. It was included because incumbents have been given Cabinet rank in some Administrations (including the Obama Administration), and this suggests the position is at a higher level than its compensation ranking indicates.

It could be argued that, with federal government efforts to address the nation’s economic and financial downturn that were underway during the 2008-2009 presidential transition, the pace at which top leadership positions at the Department of the Treasury were filled would also be of concern. For this reason, Treasury positions similar to those in the other organizations were included. Although they did not meet the criteria above, two new positions, the Assistant Secretary for Financial Stability and the Special Inspector General for the Troubled Asset Relief Program, were also included because they were specifically associated with the federal government’s efforts.

Table B-1 identifies the positions that were selected based on the process specified above. The positions are listed by organization, and the organizations are listed in the order established. The subcabinet positions that were actually subject to analysis in this report were drawn from this

⁴⁸ *9/11 Commission Report*, p. 422.

⁴⁹ Only advice and consent positions were included. For this reason, the Director of the National Counter Proliferation Center was not included. Although this position is compensated at Level II of the Executive Schedule, it is filled through appointment by the Director of National Intelligence.

pool. Given the nature and purpose of the study, the group selected for analysis excluded those positions to which no nomination was made during the first year of at least one of the four Administrations included in this study. The positions excluded on this basis are shown in italics.

Table B-I. Selected Subcabinet Positions

Department of State

Deputy Secretary
Deputy Secretary for Management and Resources
Administrator of the U.S. Agency for International Development
U.S. Permanent Representative to the United Nations
Under Secretary for Arms Control and International Security
Under Secretary for Democracy and Global Affairs
Under Secretary for Economic, Energy, and Agricultural Affairs
Under Secretary for Management
Under Secretary for Political Affairs
Under Secretary for Public Diplomacy and Public Affairs

Department of the Treasury

Deputy Secretary
Under Secretary for Domestic Finance
Under Secretary for Terrorism and Financial Intelligence
Under Secretary for International Affairs
Assistant Secretary for Financial Stability
Special Inspector General for the Troubled Asset Relief Program

Department of Defense

Deputy Secretary
Secretary of the Army
Secretary of the Navy
Secretary of the Air Force
Under Secretary for Acquisitions, Technology, and Logistics
Under Secretary - Comptroller
Under Secretary for Intelligence
Under Secretary for Personnel and Readiness
Under Secretary for Policy

Department of Justice

Deputy Attorney General
Administrator of Drug Enforcement
Associate Attorney General
Solicitor General
Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives

Department of Energy

Deputy Secretary

Under Secretary

Under Secretary for Nuclear Security/Administrator of the National Nuclear Security Administration

Under Secretary for Science

Department of Homeland Security

Deputy Secretary

Administrator of the Federal Emergency Management Agency

Under Secretary for Intelligence and Analysis

Under Secretary for Management

Under Secretary (National Protection and Programs Directorate)

Under Secretary for Science and Technology

Intelligence Community

Director of National Intelligence

Director of Central Intelligence

Principal Deputy Director of National Intelligence

Director of the National Counterterrorism Center

Source: Table created by CRS based on information synthesized from the *U.S. Code*, agency websites, and the 2008 “Plum Book” (U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, committee print, 110th Cong., 2nd sess., S.Prt. 110-36 (Washington: GPO, 2008)).

Notes: Positions were selected using the process specified in the text. Each position shown in italics was excluded from the final group of subcabinet positions studied because no nomination to the office had been submitted during the first year of any of the four Administrations that were included in this study.

Appendix C. Transition Period Nominations to Selected Subcabinet Positions by President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Table C-1. Transition Period Nominations to Selected Subcabinet Positions by President Ronald W. Reagan, President William J. Clinton, President George W. Bush, and President Barack H. Obama

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
DEPARTMENT OF STATE										
Deputy Secretary (Committee on Foreign Relations)										
William P. Clark (Reagan)	1/26/81	2/2/81	2/13/81	2/24/81	83	7	11	11	29	112
Clifton R. Wharton Jr. (Clinton)	1/20/93	1/22/93	1/26/93	1/26/93	78	2	4	0	6	84
Richard L. Armitage (Bush)	3/8/01	3/15/01	3/23/01	3/23/01	121	7	8	0	15	136
James B. Steinberg (Obama)	1/20/09	1/22/09	1/28/09	1/28/09	77	2	6	0	8	85
<i>Mean elapsed days for initial appointments to be Deputy Secretary of State</i>					90	5	7	3	15	104
Deputy Secretary for Management and Resources (Committee on Foreign Relations) (New position as of 2000 - 106th Congress) ^a										
Jacob J. Lew (Obama)	1/20/09	1/22/09	1/28/09	1/28/09	77	2	6	0	8	85
Administrator of the U.S. Agency for International Development (USAID) (Committee on Foreign Relations)										
M. Peter McPherson (Reagan)	2/3/81	2/20/81	2/24/81	2/26/81	91	17	4	2	23	114
J. Brian Atwood (Clinton)	4/5/93	4/29/93	5/6/93	5/7/93	153	24	7	1	32	185
Andrew S. Natsios (Bush)	3/22/01	4/25/01	4/26/01	4/26/01	135	34	1	0	35	170
Rajiv J. Shah (Obama)	11/10/09	12/1/09	12/8/09	12/24/09	371	21	7	16	44	415
<i>Mean elapsed days for initial appointments to be Administrator of the USAID</i>					188	24	5	5	34	221
U.S. Permanent Representative to the United Nations (U.N.) (Committee on Foreign Relations)										

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
Jeane J. Kirkpatrick (Reagan) ^b	1/20/81	1/15/81	b	1/29/81	77	n.a. ^b	n.a. ^b	n.a. ^b	9	86
Madeleine K. Albright (Clinton)	1/20/93	1/21/93	1/26/93	1/26/93	78	1	5	0	6	84
John D. Negroponte (Bush) ^c	5/14/01	9/13/01	9/13/01	9/14/01	188	122	0	1	123	311
Susan E. Rice (Obama)	1/20/09	1/15/09	1/21/09	1/22/09	77	n.a.	6	1	2	79
<i>Mean elapsed days for initial appointments to be U.S. Permanent Representative to the U.N.</i>					105	62	4	1	35	140
Under Secretary for Arms Control and International Security (Committee on Foreign Relations) (New position as of 1999, 106th Congress) ^d										
John R. Bolton (Bush)	3/8/01	3/29/01	4/26/01	5/8/01	121	21	28	12	61	182
Ellen O. Tauscher (Obama)	5/6/09	6/9/09	6/16/09	6/25/09	183	34	7	9	50	233
<i>Mean elapsed days for initial appointments to be Under Secretary for Arms Control and International Security</i>					152	28	18	11	56	208
Under Secretary for Democracy and Global Affairs (Committee on Foreign Relations) ^e										
Robert C. McFarlane (Reagan)	2/3/81	2/20/81	2/24/81	2/26/81	91	17	4	2	23	114
Timothy E. Wirth (Clinton)	3/8/93	3/25/93	4/1/93	4/21/93	125	17	7	20	44	169
Paula Dobriansky (Bush)	4/4/01	4/25/01	4/26/01	4/26/01	148	21	1	0	22	170
Maria Otero (Obama)	6/9/09	6/25/09	7/8/09	8/7/09	217	16	13	30	59	276
<i>Mean elapsed days for initial appointments to be Under Secretary for Democracy and Global Affairs</i>					145	18	6	13	37	182
Under Secretary for Economic, Energy, and Agricultural Affairs (Committee on Foreign Relations) ^f										
Myer Rashish (Reagan)	3/17/81	4/28/81	5/4/81	6/11/81	133	42	6	38	86	219
Joan E. Spero (Clinton)	3/16/93	3/24/93	3/25/93	3/31/93	133	8	1	6	15	148
Robert D. Hormats (Obama)	7/20/09	9/9/09	9/17/09	9/22/09	258	51	8	5	64	322
<i>Mean elapsed days for initial appointments to be Under Secretary for Economic, Business, and Agricultural Affairs</i>					175	34	5	16	55	230
Under Secretary for Management (Committee on Foreign Relations) ^g										
Richard T. Kennedy (Reagan)	2/3/81	2/18/81	2/24/81	2/26/81	91	15	6	2	23	114

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
J. Brian Atwood (Clinton)	3/8/93	3/17/93	3/23/93	3/31/93	125	9	6	8	23	148
Grant S. Green Jr. (Bush)	3/8/01	3/21/01	3/27/01	3/28/01	121	13	6	1	20	141
<i>Mean elapsed days for initial appointments to be Under Secretary for Management</i>					112	12	6	4	22	134
Under Secretary for Political Affairs (Committee on Foreign Relations) ^h										
Walter J. Stoessel Jr. (Reagan)	2/3/81	2/18/81	2/24/81	2/26/81	91	15	6	2	23	114
Peter Tarnoff (Clinton)	2/26/93	3/4/93	3/9/93	3/10/93	115	6	5	1	12	127
Marc I. Grossman (Bush)	3/8/01	3/20/01	3/23/01	3/23/01	121	12	3	0	15	136
<i>Mean elapsed days for initial appointments to be Under Secretary for Political Affairs</i>					109	11	5	1	17	126
Under Secretary for Public Diplomacy (Committee on Foreign Relations) (New position as of 1998 - 106th Congress) ⁱ										
Charlotte L. Beers (Bush) ^j	6/29/01	9/24/01	9/25/01	9/26/01	234	87	1	1	89	323
Judith A. McHale (Obama)	4/20/09	5/13/09	5/20/09	5/21/09	167	23	7	1	31	198
<i>Mean elapsed days for initial appointments to be Under Secretary for Public Diplomacy</i>					201	55	4	1	60	261
Mean elapsed days for appointments to selected Department of State positions					136	23	6	6	33	169
Median elapsed days for appointments to selected Department of State positions					121	17	6	1	23	145
DEPARTMENT OF THE TREASURY										
Deputy Secretary (Committee on Finance)										
R. T. McNamar (Reagan)	2/2/81	2/6/81	2/6/81	2/16/81	90	4	0	10	14	104
Roger Altman (Clinton)	1/20/93	1/13/93	^k	1/21/93	78	n.a. ^k	n.a. ^k	n.a. ^k	1	79
Kenneth W. Dam (Bush)	3/8/01	3/29/01	5/1/01	8/3/01	121	21	33	94	148	269
Neal S. Wolin (Obama)	4/20/09	5/8/09	5/12/09	5/18/09	167	18	4	6	28	195
<i>Mean elapsed days for initial appointments to be Deputy Secretary of the Treasury</i>					114	14	12	37	48	162
Under Secretary (Domestic Finance) (Committee on Finance) ^l										
Norman B. Ture (Reagan)	3/17/81	3/20/81	3/25/81	3/27/81	133	3	5	2	10	143

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
Frank N. Newman (Clinton)	3/22/93	4/26/93	4/28/93	5/11/93	139	35	2	13	50	189
Peter R. Fisher (Bush)	4/30/01	5/10/01	5/24/01	8/3/01	174	10	14	71	95	269
Jeffrey A. Goldstein (Obama)	7/22/09	3/2/10	—	— ^m	260	223	n.a.	n.a.	n.a.	n.a.
<i>Mean elapsed days for initial appointments to be Under Secretary (Domestic Finance)</i>					177	68	7	29	52	200
Under Secretary (International Affairs) (Committee on Finance) (New position as of 1985 - 99th Congress) ⁿ										
Lawrence H. Summers (Clinton)	3/2/93	3/18/93	3/24/93	3/31/93	119	16	6	7	29	148
John B. Taylor (Bush)	4/4/01	4/26/01	5/1/01	5/26/01	148	22	5	25	52	200
Lael Brainard (Obama)	3/23/09	11/20/09	12/23/09	—	139	242	33	n.a.	n.a.	n.a.
<i>Mean elapsed days for initial appointments to be Under Secretary (International Affairs)</i>					135	93	15	16	41	174
Under Secretary for Terrorism and Financial Crimes (Committee on Finance) ^o										
James Gurule (Bush)	4/30/01	5/16/01	5/24/01	8/3/01	174	16	8	71	95	269
Assistant Secretary for Financial Stability (Banking, Housing, and Urban Affairs) (New position as of 2008 – 110th Congress) ^p										
Marisa Lago (Obama)	9/25/09	11/5/09	12/17/09	2/11/10	325	41	42	56	139	464
<i>Mean elapsed days for appointments to selected Department of the Treasury positions</i>					159	54	14	36	60	212
<i>Median elapsed days for appointments to selected Department of the Treasury positions</i>					139	20	6	19	50	195
DEPARTMENT OF DEFENSE										
Deputy Secretary (Committee on Armed Services)										
Frank C. Carlucci (Reagan) ^q	1/22/81	1/13/81	1/29/81	2/3/81	79	n.a. ^q	16	5	12	91
William J. Perry (Clinton)	2/24/93	2/25/93	3/5/93	3/5/93	113	1	8	0	9	122
Paul Wolfowitz (Bush)	2/15/01	2/27/01	2/28/01	2/28/01	100	12	1	0	13	113
William J. Lynn III (Obama) ^r	1/20/09	1/15/09	2/5/09	2/11/09	77	n.a. ^r	21	6	22	99
<i>Mean elapsed days for initial appointments to be Deputy Secretary of Defense</i>					92	7	12	3	14	106
Secretary of the Army (Committee on Armed Services)										

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
John O. Marsh Jr. (Reagan)	1/23/81	1/26/81	1/29/81	1/29/81	80	3	3	0	6	86
Togo D. West Jr. (Clinton)	11/5/93	11/18/93	11/18/93	11/20/93	367	13	0	2	15	382
Thomas E. White (Bush)	5/1/01	5/10/01	5/21/01	5/24/01	175	9	11	3	23	198
John M. McHugh (Obama)	7/6/09	7/30/09	8/4/09	9/16/09	244	24	5	43	72	316
<i>Mean elapsed days for initial appointments to be Secretary of the Army</i>					217	12	5	12	29	246
Secretary of the Navy (Committee on Armed Services)										
John F. Lehman Jr. (Reagan)	1/23/81	1/28/81	1/29/81	1/29/81	80	5	1	0	6	86
John H. Dalton (Clinton)	7/1/93	7/13/93	7/20/93	7/21/93	240	12	7	1	20	260
Gordon England (Bush)	4/30/01	5/10/01	5/21/01	5/22/01	174	10	11	1	22	196
Raymond E. Mabus Jr. (Obama)	4/20/09	4/28/09	5/14/09	5/18/09	167	8	16	4	28	195
<i>Mean elapsed days for initial appointments to be Secretary of the Navy</i>					165	9	9	2	19	184
Secretary of the Air Force (Committee on Armed Services) ^s										
Verne Orr (Reagan)	1/23/81	1/28/81	2/5/81	2/6/81	80	5	8	1	14	94
Sheila E. Widnall (Clinton)	7/22/93	7/29/93	7/30/93	8/5/93	261	7	1	6	14	275
James G. Roche (Bush)	5/7/01	5/10/01	5/21/01	5/24/01	181	3	11	3	17	198
<i>Mean elapsed days for initial appointments to be Secretary of the Air Force</i>					174	5	7	3	15	189
Under Secretary for Acquisitions, Technology, and Logistics (Committee on Armed Services) (New position 1986, 99th Congress) ^t										
John M. Deutch (Clinton)	3/25/93	3/30/93	3/31/93	4/1/93	142	5	1	1	7	149
Edward C. Aldridge (Bush)	4/23/01	4/26/01	5/1/01	5/8/01	167	3	5	7	15	182
Ashton B. Carter (Obama)	3/18/09	3/26/09	4/1/09	4/23/09	134	8	6	22	36	170
<i>Mean elapsed days for initial appointments to be Under Secretary for Acquisitions, Technology, and Logistics</i>					148	5	4	10	19	167
Under Secretary - Comptroller (Committee on Armed Services) (New position as of 1986, 99th Congress) ^u										

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
John J. Hamre (Clinton)	8/4/93	9/23/93	10/21/93	10/25/93	274	50	28	4	82	356
Dov S. Zakheim (Bush)	3/13/01	4/24/01	5/1/01	5/1/01	126	42	7	0	49	175
Robert F. Hale (Obama) ^v	1/20/09	1/15/09	2/5/09	2/9/09	77	n.a.	21	4	20	97
<i>Mean elapsed days for initial appointments to be Under Secretary - Comptroller</i>					159	46	19	3	50	209
Under Secretary for Personnel and Readiness (Committee on Armed Services) (New position as of 1993, 103rd Congress) ^w										
David S. C. Chu (Bush)	4/30/01	5/10/01	5/21/01	5/26/01	174	10	11	5	26	200
Clifford L. Stanley (Obama)	10/15/09	11/19/09	12/2/09	2/9/10	345	35	13	69	117	462
<i>Mean elapsed days for initial appointments to be Under Secretary for Personnel and Readiness</i>					260	23	12	67	72	331
Under Secretary for Policy (Committee on Armed Services)										
Fred C. Ikle (Reagan)	3/17/81	3/26/81	3/26/81	3/27/81	133	9	0	1	10	143
Frank G. Wisner (Clinton)	2/24/93	3/4/93	6/30/93	7/1/93	113	8	118	1	127	240
Douglas J. Feith (Bush)	4/30/01	6/5/01	7/11/01	7/12/01	174	36	36	1	73	247
Michele A. Flournoy (Obama)	1/20/09	1/15/09	2/5/09	2/9/09	77	n.a.	21	4	20	97
<i>Mean elapsed days for initial appointments to be Under Secretary for Policy</i>					124	18	44	2	58	182
Mean elapsed days for appointments to selected Department of Defense positions					161	14	14	7	32	194
Median elapsed days for appointments to selected Department of Defense positions					142	9	8	3	20	182
DEPARTMENT OF JUSTICE										
Deputy Attorney General (Committee on the Judiciary)										
Edward C. Schmults (Reagan)	1/30/81	2/5/81	2/5/81	2/6/81	87	6	0	1	7	94
Philip B. Heymann (Clinton)	5/7/93	5/18/93	5/24/93	5/28/93	185	11	6	4	21	206
Larry D. Thompson (Bush)	3/22/01	4/5/01	5/10/01	5/10/01	135	14	35	0	49	184
David W. Ogden (Obama)	1/26/09	2/5/09	2/26/09	3/12/09	83	10	21	14	45	128
<i>Mean elapsed days for initial appointments to be Deputy Attorney General</i>					123	10	16	5	31	153

Nominee (Nominating President)	Date of Action				Elapsed Days					
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Administrator of Drug Enforcement (DEA) (Committee on the Judiciary) *										
Francis M. Mullen Jr. (Reagan) ^y	3/29/82	6/15/83	9/30/83	10/7/83	510	443	107	7	557	1067
Thomas A. Constantine (Clinton)	1/26/94	3/2/94	3/9/94	3/10/94	449	35	7	1	43	492
Asa Hutchinson (Bush)	6/12/01	7/17/01	7/26/01	8/1/01	217	35	9	6	50	267
<i>Mean elapsed days for initial appointments to be Administrator of Drug Enforcement</i>					392	171	41	5	217	609
Associate Attorney General (Committee on the Judiciary)										
Rudolph W. Giuliani (Reagan)	3/17/81	3/27/81	4/8/81	4/27/81	133	10	12	19	41	174
Webster L. Hubbell (Clinton)	4/7/93	5/19/93	5/24/93	5/28/93	155	42	5	4	51	206
Jay B. Stephens (Bush)	9/10/01	9/20/01	10/4/01	11/8/01	307	10	14	35	59	366
Thomas J. Perrelli (Obama)	1/30/09	2/10/09	3/5/09	3/12/09	87	11	23	7	41	128
<i>Mean elapsed days for initial appointments to be Associate Attorney General</i>					171	18	14	16	48	219
Solicitor General (Committee on the Judiciary)										
Rex E. Lee (Reagan)	6/11/81	7/14/81	7/14/81	7/31/81	219	33	0	17	50	269
Drew S. Days III (Clinton)	4/7/93	5/20/93	5/24/93	5/28/93	155	43	4	4	51	206
Theodore B. Olson (Bush)	3/13/01	4/5/01	5/24/01	5/24/01	126	23	49	0	72	198
Elena Kagan (Obama)	1/26/09	2/10/09	3/5/09	3/19/09	83	15	23	14	52	135
<i>Mean elapsed days for initial appointments to be Solicitor General</i>					146	29	19	9	56	202
Mean elapsed days for appointments to selected Department of Justice positions					195	49	21	9	79	275
Median elapsed days for appointments to selected Department of Justice positions					155	15	12	6	50	206
DEPARTMENT OF ENERGY										
Deputy Secretary (Committee on Energy and Natural Resources)										
W. Kenneth Davis (Reagan)	4/27/81	5/13/81	5/13/81	5/14/81	174	16	0	1	17	191
William H. White (Clinton)	5/18/93	6/8/93	6/16/93	6/25/93	196	21	8	9	38	234

Nominee (Nominating President)	Date of Action				Elapsed Days					
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Francis S. Blake (Bush)	4/30/01	5/9/01	5/16/01	5/25/01	174	9	7	9	25	199
Daniel B. Poneman (Obama)	4/20/09	5/5/09	5/13/09	5/18/09	167	15	8	5	28	195
<i>Mean elapsed days for initial appointments to be Deputy Secretary of Energy</i>					178	15	6	6	27	205
Under Secretary (Committee on Energy and Natural Resources)										
Guy W. Fiske (Reagan)	8/28/81	9/14/81	9/16/81	9/18/81	297	17	2	2	21	318
Charles B. Curtis (Clinton)	11/20/93	2/1/94	2/2/94	2/7/94	382	73	1	5	79	461
Robert G. Card (Bush)	5/2/01	5/9/01	5/16/01	5/25/01	176	7	7	9	23	199
Kristina M. Johnson (Obama)	3/23/09	4/23/09	4/30/09	5/19/09	139	31	7	19	57	196
<i>Mean elapsed days for initial appointments to be Under Secretary of Energy</i>					249	32	4	9	45	294
Under Secretary for Science (Committee on Energy and Natural Resources) (New position as of 2005, 109th Congress) ^z										
Steven E. Koonin (Obama)	3/26/09	4/23/09	4/30/09	5/19/09	142	28	7	19	54	196
<i>Mean elapsed days for appointments to selected Department of Energy positions</i>					205	24	5	9	38	243
<i>Median elapsed days for appointments to selected Department of Energy positions</i>					174	17	7	9	28	199
DEPARTMENT OF HOMELAND SECURITY ^{aa}										
Deputy Secretary (Committee on Homeland Security and Governmental Affairs) ^{bb}										
Jane H. Lute (Obama)	2/25/09	3/26/09	4/1/09	4/3/09	113	29	6	2	37	150
Administrator of the Federal Emergency Management Agency (FEMA) (Committee on Homeland Security and Governmental Affairs) ^{bb}										
Louis O. Giuffrida (Reagan)	4/3/81	5/6/81	5/12/81	5/19/81	150	33	6	7	46	196
James L. Witt (Clinton)	3/16/93	3/31/93	4/1/93	4/5/93	133	15	1	4	20	153
Joe M. Allbaugh (Bush)	2/6/01	2/13/01	2/15/01	2/15/01	91	7	2	0	9	100
W. Craig Fugate (Obama)	3/17/09	4/22/09	4/27/09	5/12/09	133	36	5	15	56	189
<i>Mean elapsed days for initial appointments to be Director of the Federal Emergency Management Agency</i>					127	23	4	7	33	160
Under Secretary for Intelligence and Analysis (Select Committee on Intelligence)										

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Submission to Final Disposition	Total: Election to Final Disposition
Philip Mudd (Obama)	5/4/09	—	—	(Withdrawn) 7/6/09	181	n.a.	n.a.	n.a.	n.a.	n.a.
Caryn A. Wagner (Obama) ^{cc}	10/26/09	12/1/09	12/10/09	2/11/10	356	36	9	63	108	464
<i>Mean elapsed days for initial appointments to be Under Secretary for Intelligence and Analysis</i>					269	n.a.	n.a.	n.a.	n.a.	n.a.
Under Secretary for Management (Committee on Homeland Security and Governmental Affairs) ^{bb}										
Rafael Borrás (Obama)	7/6/09	7/29/09	10/28/09	— ^m	244	23	91	n.a.	n.a.	n.a.
Under Secretary (National Protection and Programs Directorate) (Committee on Homeland Security and Governmental Affairs) ^{bb}										
Rand Beers (Obama)	4/20/09	6/2/09	6/8/09	6/19/09	167	43	6	11	60	227
Under Secretary for Science and Technology (Committee on Homeland Security and Governmental Affairs) ^{bb}										
Tara J. O'Toole (Obama)	5/6/09	6/10/09	7/29/09	11/4/09	183	35	49	98	182	365
Mean elapsed days for appointments to selected Department of Homeland Security positions					175	29	19	25	65	231
Median elapsed days for appointments to selected Department of Homeland Security positions					159	33	6	9	51	193
INTELLIGENCE COMMUNITY ^{bb}										
Director of National Intelligence (Select Committee on Intelligence)										
Dennis C. Blair (Obama)	1/20/09	1/22/09	1/28/09	1/28/09	77	2	6	0	8	85
Director of the Central Intelligence Agency (CIA) (Select Committee on Intelligence) ^{cc}										
William J. Casey (Reagan) ^{dd}	1/20/81	1/13/81	—	1/27/81	77	n.a.	n.a.	n.a.	7	84
R. James Woolsey (Clinton)	1/20/93	2/2/93	2/3/93	2/3/93	78	13	1	0	14	92
Leon E. Panetta (Obama)	1/30/09	2/5/09, 2/6/09	2/11/09	2/12/09	87	6	5	1	13	100
<i>Mean elapsed days for initial appointments to be Director of the Central Intelligence</i>					81	10	3	1	81	10
Principal Deputy Director of National Intelligence (Select Committee on Intelligence)										
David C. Gompert (Obama)	8/6/09	10/13/09	10/29/09	11/9/09	275	68	16	11	95	370

Nominee (Nominating President)	Date of Action				Elapsed Days				Total: Election to Final Disposition	
	Submission	Committee Hearing(S)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Submission	Submission to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition		Submission to Final Disposition
<i>Mean elapsed days for appointments to selected Intelligence Community positions</i>					<i>119</i>	<i>22</i>	<i>7</i>	<i>3</i>	<i>27</i>	<i>146</i>
<i>Median elapsed days for appointments to selected Intelligence Community positions</i>					<i>78</i>	<i>10</i>	<i>6</i>	<i>1</i>	<i>13</i>	<i>92</i>
MEAN ELAPSED DAYS FOR ALL SELECTED APPOINTMENTS					164	30	13	11	46	208
MEDIAN ELAPSED DAYS FOR ALL APPOINTMENTS					139	16	7	4	29	189

Source: Table created by CRS using information gathered from the nominations database of the Legislative Information System (LIS), which is available to the congressional community at <http://www.congress.gov/nomis/>, various Senate committee calendars, various volumes of the *Journal of the Executive Proceedings of the Senate of the United States of America*, and the *U.S. Code*.

Notes: This table includes advice and consent positions in the listed organizational units that are either (1) at Level II of the Executive Schedule; (2) titled as under secretaries; or (3) for those organizations without under secretaries, the equivalent title at Level III of the Executive Schedule. The table includes only those positions to which a nomination has been made during at least one presidential transition. Positions that have come into existence since the 2000-2001 transition are not included. The table reflects nomination status as of March 27, 2010.

- a. The position of Deputy Secretary of State for Management and Resources was established by P.L. 106-553 (114 Stat. 2762). Lew's nomination to the position was the first during a presidential transition, as well as the first to be confirmed.
- b. The Kirkpatrick nomination was one of a group of nominations that was submitted to the Senate by President Reagan on January 20, 1981, and, by unanimous consent, held at the desk (not referred to committee). Consequently, there is no entry in this row for date of committee report or discharge, and no entries for the elapsed days between this date and other dates. The Committee on Foreign Relations held hearings on the anticipated Kirkpatrick nomination before the President-elect took office and had the authority to formally submit the nomination to the Senate. As a result, the elapsed time from submission to hearing is not applicable. The elapsed time from the committee hearing to confirmation was 14 days.
- c. This row summarizes President George W. Bush's two successive nominations of Negroponte to the position. The first nomination, on May 14, 2001, was returned to the President on August 3, 2001, at the beginning of the Senate's August recess, under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. The President re-nominated Negroponte to the position on September 4, 2001, and the nomination was confirmed on September 14, 2001. The two nominations are combined here to provide a more accurate understanding of the length of the entire process.
- d. The position of Under Secretary of State for Arms Control and International Security was established by P.L. 105-277, § 1213 (112 Stat. 2681-767). Bolton's nomination to the position was the first during a presidential transition.
- e. This Under Secretary position has been entitled differently, under prior administrations, as, for example, Under Secretary for Global Affairs. Furthermore, its predecessor position was "Counselor" prior to the enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236; 108 Stat. 382). The Counselor was compensated at Level IV of the Executive Schedule until 1983, when it became a Level III position (5 U.S.C. § 5314).
- f. This Under Secretary position was entitled differently, under earlier administrations, as, for example, Under Secretary for Economic Affairs and Under Secretary for Economic and Agricultural Affairs. No new appointment was made to the position at the outset of the George W. Bush presidency. The incumbent in this under

secretary position at the end of the Clinton Administration, Alan P. Larson, continued to serve during the first year of the Bush Administration; no nomination to this position was submitted during the 2000-2001 transition.

- g. The Under Secretary of State for Management at the end of the George W. Bush Administration, Patrick F. Kennedy, continued to serve during the first year of the Obama Administration; no nomination to this position was submitted during the 2008-2009 transition.
- h. The Under Secretary of State for Political Affairs at the end of the George W. Bush Administration, William J. Burns, continued to serve during the first year of the Obama Administration; no nomination to this position was submitted during the 2008-2009 transition.
- i. The position of Under Secretary of State for Public Diplomacy was established by P.L. 105-277, § 11313 (112 Stat. 2681-776). Beers' nomination to the position was the first during a presidential transition. As of January 4, 2010, the State Department used the title "Under Secretary for Public Diplomacy and Public Affairs" for this position.
- j. This row summarizes President George W. Bush's two successive nominations of Beers to the position. The first nomination, on June 29, 2001, was returned to the President on August 3, 2001, at the beginning of a 31-day Senate Recess, under the provisions of Senate Rule XXXI, paragraph 6, of the Standing Rules of the Senate. The President re-nominated Beers to the position on September 4, 2001, and the nomination was confirmed on September 26, 2001. The two nominations are combined here to provide a more accurate understanding of the length of the entire process.
- k. The Altman nomination was one of a group of nominations that was submitted by President Clinton on January 20, 1993, and, by unanimous consent, placed directly on the Executive Calendar (and not referred to committee). Consequently, there is no entry in this row for date of committee report or discharge, and there are no entries for elapsed days between this date and other dates. The Committee on Foreign Relations held hearings on the anticipated Altman nomination before the President-elect took office and had the authority to formally submit the nomination to the Senate. As a result, the elapsed time from submission to hearing is not applicable. The elapsed time from the committee hearing to confirmation was eight days.
- l. This position is entitled simply "Under Secretary" in statute, and has been named in various ways by different Administrations. As of January 4, 2010, the Treasury Department used the title "Under Secretary for Domestic Finance" for this position.
- m. On March 27, 2010, the White House announced that President Obama intended to recess appoint Jeffrey Goldstein and Rafael Borrás, among others, to the positions for which they had been nominated. White House, "President Obama Announces Recess Appointments to Key Administration Positions," press release, March 27, 2010, <http://www.whitehouse.gov/the-press-office/president-obama-announces-recess-appointments-key-administration-positions>.
- n. This under secretary position was established by P.L. 99-190, § 141 (99 Stat. 1324). It replaced the position of Under Secretary for Monetary Affairs. Summers' nomination to the position was the first during a party turnover presidential transition. (A nomination had been submitted during the Reagan-Bush transition in 1989.) The position, which is entitled simply "Under Secretary" in statute, has generally been known as Under Secretary for International Finance under various Administrations.
- o. The position of Under Secretary of the Treasury for Enforcement was established by P.L. 103-211, § 2003 (108 Stat. 24). Gurules's nomination to the position, which has referred to the Committee on Finance, was the first during a presidential transition. He was succeeded in that position by Stuart Levey, whose nomination was sequentially referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs. The position of Under Secretary of the Treasury for Terrorism and Financial Crimes was established as a successor position to the Under Secretary for Enforcement by P.S. 108-447, division H, Title II, § 222 (118 Stat. 3242). Levey continued to serve in this new position. He also continued to serve during the first year of the Obama Administration; no nomination to this position was submitted during the 2008-2009 transition. As of January 4, 2010, the Treasury Department used the title "Under Secretary for Terrorism and Financial Intelligence" for this position.
- p. The position of Assistant Secretary for Financial Stability was established by P.L. 110-343, § 101(a)(3) (122 Stat. 3767). Lago's nomination to the position was the first during a presidential transition.
- q. Hearings on the anticipated Carlucci nomination were held before President-elect Reagan took office and had the authority to formally submit the nomination to the Senate. Consequently, the elapsed time from submission to hearing is not applicable.

- r. Hearings on the anticipated Lynn nomination were held before President-elect Obama took office and had the authority to formally submit the nomination to the Senate. Consequently, the elapsed time from submission to hearing is not applicable.
- s. The Secretary of the Air Force at the end of the George W. Bush Administration, Michael B. Donley, continued to serve during the first year of the Obama Administration; no nomination to this position was submitted during the 2008-2009 transition.
- t. The position of Under Secretary of Defense for Acquisition was established in 1986 by P.L. 99-348, § 501(a) (100 Stat. 707). The position has since been retitled in statute as “Under Secretary of Defense for Acquisition, Technology, and Logistics” (10 U.S.C. § 133). Deutch’s nomination to the position was the first during a party turnover presidential transition.
- u. The position of Comptroller of the Department of Defense was established by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (P.L. 99-433, § 107; 100 Stat. 998), and this position was compensated at Level IV of the Executive Schedule. The National Defense Authorization Act for Fiscal Year 1994 enhanced the status of the position by changing its compensation to Level III of the Executive Schedule (P.L. 103-160, § 901; 107 Stat. 1547). This act also established the Comptroller as the “agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31” (the Chief Financial Officers Act) (§ 902). In 1994, the title of the position was changed to “Under Secretary of Defense (Comptroller)” (P.L. 103-337, Division A, § 903(a); 108 Stat. 2823). Hamre’s nomination to the Comptroller position was the first during a party turnover presidential transition. He was confirmed shortly before enactment of the provisions enhancing the position’s compensation. Zakheim’s nomination was the first to the position, as it is currently titled and compensated, during a presidential transition.
- v. Hearings on the anticipated Hale nomination were held before President-elect Obama took office and had the authority to formally submit the nomination to the Senate. Consequently, the elapsed time from submission to hearing is not applicable.
- w. The position of Under Secretary of Defense for Personnel and Readiness was established in 1993 by P.L. 103-160, § 903 (107 Stat. 1727). Chu’s nomination to the position was the first during a presidential transition.
- x. During each of the first three transitions covered by this table, incumbents from the preceding Administration remained in the office of Administrator of the Drug Enforcement Administration (DEA) for a number of months after the new President’s inauguration, but did not continue for the entire first year of the new presidency: Mullen’s predecessor, Peter B. Bensinger, stayed on until July 10, 1981; Constantine’s predecessor, Robert C. Bonner, stayed on until October 31, 1993; and Hutchinson’s predecessor, Donnie R. Marshall, stayed on until June 30, 2001. At the end of the George W. Bush Administration, the position was held on an acting basis by the Deputy Administrator of DEA, Michele M. Leonhart. DEA Administrator Karen Tandy left office in November 2007, and Leonhart appears to have begun holding the position on an acting basis at that time. She continued to hold the position on an acting basis during the first year of the Obama Administration. Although no nomination to this position was submitted during the 2008-2009 transition, Leonhart was nominated to the post on February 2, 2010. Leonhart had previously been nominated by President Bush to be DEA Administrator on April 15, 2008, but her nomination was not confirmed and was returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6, of the Standing Rules of the Senate.
- y. This row summarizes President Reagan’s three successive nominations of Mullen to the DEA Administrator position. The first nomination, on March 29, 1982, was returned to the President on December 27, 1982, after the Senate adjourned sine die near the end of the 97th Congress, under the provisions of Senate Rule XXXI, paragraph 6, of the Standing Rules of the Senate. The President re-nominated Mullen to the position on January 25, 1983, and this nomination was returned, under the same provisions, at the beginning of a 39-day Senate recess. After the end of the recess, on September 9, 1983, the President re-nominated Mullen again, and Mullen was confirmed on October 7, 1983. The three nominations are combined here to provide a more accurate understanding of the length of the entire process.
- z. The position of Under Secretary of Energy for Science was established in 2005 by P.L. 109-58, Title X, § 1006(a) (119 Stat. 930, 921). Koonin’s nomination to the position was the first during a presidential transition.
- aa. The Department of Homeland Security (DHS) was established in 2003 by P.L. 107-296 (116 Stat. 2135). With the exception of the Administrator of the Federal Emergency Management Agency (FEMA), each of the positions in this section had not been filled during a presidential transition prior to 2009. FEMA predates DHS, however, and prior transition-period nominations are shown here.
- bb. This committee was known as the Senate Committee on Governmental Affairs prior to the 109th Congress.

- cc. The Wagner nomination was referred to the Senate Select Committee on Intelligence, which held hearings as shown. The Senate Committee on Homeland Security and Governmental Affairs also held hearings on the nomination on December 3, 2009.
- dd. The leadership structure of the Intelligence Community changed as a result of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458; 118 Stat. 3638). With the exception of the Director of the Central Intelligence Agency (CIA), each of the positions in this section had not been filled during a presidential transition prior to 2009. The CIA predates the 2004 leadership structure changes, and prior transition-period nominations are shown here.
- ee. The CIA Director at the end of the Clinton Administration, George Tenet, continued to serve during the first year of the George W. Bush Administration; no nomination to this position was submitted during the 2000-2001 transition.
- ff. The Casey nomination was one of a group of nominations that was submitted by President Reagan on January 20, 1981, and, by unanimous consent, held at the desk (not referred to committee). Consequently, there is no entry in this row for date of committee report or discharge, and no entries for elapsed days between this date and other dates. The Select Committee on Intelligence held hearings on the anticipated Casey nomination before the President-elect took office and had the authority to formally submit the nomination to the Senate. As a result, the elapsed time from submission to hearing is not applicable. The elapsed time from the committee hearing to confirmation was 14 days.

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