

Filling Advice and Consent Positions at the Outset of Recent Administrations, 1981-2009

,name redacted,

Specialist in American National Government

,name redacted,

Analyst on the Congress and the Legislative Process

,name redacted,

Specialist on Congress and the Legislative Process

February 24, 2017

Congressional Research Service

7-....

www.crs.gov

R40119

Summary

The length of the appointment processes during presidential transitions has been of concern to observers for more than 30 years. The 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.

The appointment process has three stages: selection and vetting, nomination and 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 certain 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 or she 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 the last five transitions from 1981 through 2009 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 five 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 five 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 George H.W. Bush, Clinton, George W. Bush, and Obama transitions were notably longer than for the Reagan transition.

Contents

Introduction	1
The Appointment Process for PAS Positions.....	2
Selection and Vetting.....	3
Selection and Vetting During Presidential Transitions.....	4
Senate Consideration.....	5
The Senate Confirmation Process and Presidential Transitions.....	7
Appointment.....	9
Temporary Staffing of PAS Positions during Presidential Transitions	9
Designations under the Vacancies Act.....	9
Recess Appointments	10
Position-Specific Temporary Appointment Provisions	11
Unsuccessful Nominations and Payment Limitations.....	11
Consultants.....	12
The Length of the Appointment Process	12
Transition-Period Cabinet Appointment Intervals.....	14
Transition-Period Subcabinet Appointment Intervals	20

Figures

Figure 1. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Cabinet-Level Positions, by President, 1981-2009	15
Figure 2. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Selected Subcabinet Positions, by President, 1981-2009	21

Tables

Table 1. Political Appointees by Department and Appointment Type as of June 30, 2016	1
Table 2. Mean and Median Length of Appointment Process Intervals for Transition- period Cabinet-level Positions, 1981-2009	18
Table 3. Mean and Median Length of Appointment Process for Selected Transition-period Subcabinet Nominees, 1981-2009.....	23
Table A-1. Transition Period Nominations to Cabinet Positions, 1981-2009.....	24
Table A-2. Transition Period Nominations to Cabinet-Rank Positions, 1981-2009.....	30
Table B-1. Selected Subcabinet Positions	35
Table C-1. Transition Period Nominations to Selected Subcabinet Positions, 1981-2009.....	37

Appendixes

Appendix A. Transition Period Nominations to Cabinet Positions, 1981-2009	24
Appendix B. Subcabinet Position Selection Method.....	34

Appendix C. Transition Period Nominations to Selected Subcabinet Positions, 1981-2009	37
---	----

Contacts

Author Contact Information	57
----------------------------------	----

Introduction

The length of the appointment process during presidential transitions has been of concern to observers for more than 30 years.¹ 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%.² 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. In 2004, 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 that a new President is likely to need his or her top advisers in place to maintain continuity in this area.³ Furthermore, the President has limited time following his or her election to initiate an administrative and legislative agenda.

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 2,600 political appointees occupied positions in the 15 departments as of June 30, 2016. 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 resign when the Administration changes, especially if the incoming President is from a different party.⁴

Table 1. Political Appointees by Department and Appointment Type as of June 30, 2016

Department	Pres. Appt. Requiring Senate Approval	Pres. Appt. Not Requiring Senate Approval	Non-Career Senior Executive Service	Schedule C	Total
Agriculture	14	3	48	165	230
Commerce	22	1	39	106	168
Defense	52	0	77	109	238
Education	16	2	20	123	161

¹ 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.

² 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/>.

³ U.S. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), p. 422 (hereinafter referred to as *9/11 Commission Report*).

⁴ 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.

Department	Pres. Appt. Requiring Senate Approval	Pres. Appt. Not Requiring Senate Approval	Non-Career Senior Executive Service	Schedule C	Total
Energy	22	0	33	83	138
Health and Human Services	19	2	80	80	181
Homeland Security	18	7	50	82	157
Housing and Urban Development	14	0	28	41	83
Interior	18	0	37	52	107
Justice	210	14	55	55	334
Labor	17	2	26	88	133
State	266	4	38	123	431
Transportation	23	2	28	39	92
Treasury	33	3	36	56	128
Veterans Affairs	12	4	10	11	37
Total	756	44	605	1,213	2,618

Source: Table created by CRS using data drawn from the 2016 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*, S. Prt. 114-26, 114th Cong., 2nd sess. (Washington: GPO, 2016), pp. 213-216). The Office of Personnel Management provided the data for the Plum Book. The figures provided in this table include appointees in the offices of inspector general within each department.

This report describes and analyzes the processes, during a presidential transition, by which top-level executive branch PAS positions have been filled in the recent past. 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 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 the five transitions since 1980: Carter-Reagan (1980-1981), Reagan-Bush (1988-1989), Bush-Clinton (1992-1993), Clinton-Bush (2000-2001), and Bush-Obama (2008-2009). This report does not cover and will not track the 2016-2017 transition process.

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.⁵

⁵ For more on the appointment process for PAS positions, see CRS Report R44083, *Appointment and Confirmation of Executive Branch Leadership: An Overview*, by (name redacted) and (name redacted); and CRS Report RL31980, (continued...)

Selection and Vetting

In the first stage, the White House selects and clears a prospective appointee before sending the formal nomination to the Senate. With the assistance of, and preliminary vetting by, the White House Office of Presidential Personnel, the President selects a candidate for the position.⁶ Members of Congress and interested parties sometimes have recommended candidates for specific PAS positions.⁷ In general, the White House is under no obligation to follow such recommendations. In the case of the Senate, however, it has been argued that Senators are constitutionally entitled, by virtue of the advice and consent clause noted above, to provide advice to the President regarding his or her selection; the extent of this entitlement is a matter of some debate.⁸ As a practical matter, when Senators have perceived that insufficient pre-nomination consultation has occurred, they have sometimes exercised their procedural prerogatives to delay, or even effectively block, consideration of a nomination.⁹

Following this selection, the candidate needs to be cleared for nomination. During the clearance process,¹⁰ the candidate prepares and submits several forms, including the “Public Financial Disclosure Report” (Office of Government Ethics (OGE) 278), the “Questionnaire for National Security Positions” (Standard Form (SF) 86), a supplement to SF 86 (“86 Supplement”), and sometimes a White House Personal Data Statement.¹¹ The clearance process often includes a background investigation conducted by the Federal Bureau of Investigation (FBI), which prepares a report that is delivered to the White House. It also includes a review of financial disclosure materials by the OGE and an ethics official for the agency to which the candidate is to be nominated. If conflicts of interest are found during the background investigation, the OGE and the agency ethics officer may work with the candidate to mitigate the conflicts.

(...continued)

Senate Consideration of Presidential Nominations: Committee and Floor Procedure, by (name redacted) .

⁶ The current personnel selection and clearance process described here is the result of a number of historical developments in the post-World War II era in the White House’s Executive Office of the President. For more information about the historical development of personnel recruiting and other practices, see G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981); and Bradley H. Patterson and James P. Pfiffner, “The White House Office of Presidential Personnel,” *Presidential Studies Quarterly*, vol. 31, no. 3 (September 2001), pp. 418-420.

⁷ National Academy of Public Administration, *A Survivor’s Guide for Presidential Nominees*, Washington, DC, 2013 Edition, at <http://www.napawash.org/wp-content/uploads/2013/05/SurvivorsGuide2013.pdf>, p. 18. Hereinafter cited as *Survivor’s Guide*.

⁸ See, for example, Michael J. Gerhardt, *The Federal Appointments Process: A Constitutional and Historical Analysis* (Durham: Duke University Press, 2003), pp. 29-34.

⁹ See, for example, *ibid.*, pp. 152-153.

¹⁰ The White House process for clearing individuals before nominating them is distinct from the process that individuals undertake to obtain a formal security clearance to be eligible for access to classified information. Regarding the latter process, see CRS Report R43216, *Security Clearance Process: Answers to Frequently Asked Questions*, by (name redacted) .

¹¹ More detailed information about the selection and clearance process for nominees to executive branch positions can be found in a November 2012 study that was conducted pursuant to P.L. 112-166, the Presidential Appointment Efficiency and Streamlining Act. See Working Group on Streamlining Paperwork for Executive Nominations, *Streamlining Paperwork for Executive Nominations: Report to the President and the Chairs and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration*, November 2012, at <http://www.hsgac.senate.gov/download/report-of-working-group-on-streamlining-paperwork-for-executive-nominations-final>. According to this report, the Administration of former President Barack Obama did not use a White House Personal Data Statement. See also *Survivor’s Guide*.

Selection and Vetting During Presidential Transitions

An incoming President can, of course, begin the process of selecting the members of his or her 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.¹² Since 2008, candidates and their transition advisors have been aided in the selection of personnel by a provision of the Intelligence Reform and Terrorism Prevention Act of 2004 (known as the Intelligence Reform Act).¹³ This provision 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.¹⁴ 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 determinations be completed, as much as possible, by the day after the general election.¹⁵ 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 (PTA). 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.”¹⁶

More broadly, the PTA authorizes the General Services Administration to provide resources, services, and other support associated with the presidential transition process. In earlier decades, this support was provided only after a presidential election.¹⁷ Since the publication of the report of the 9/11 Commission, however, this statute has been amended to authorize support for eligible candidates prior to the election. As just noted, it was amended in 2004 by the Intelligence Reform Act. Further amendments came in 2010 and 2016. The aim of extending the act to encompass the pre-election period was to “strengthen the transition planning of the multiple parties whose active involvement is necessary for a successful transition: the incumbent president, major candidates, the president and vice-president-elect, senior career officials across the government, and the transition support team at GSA.”¹⁸ These latter amendments were first implemented during the 2016-2017 presidential transition.

¹² John P. Burke, *Presidential Transitions: From Politics to Practice* (Boulder: Lynne Rienner, 2000).

¹³ P.L. 108-458; 118 Stat. 3638.

¹⁴ P.L. 108-458, §8403(b); 118 Stat. 3870.

¹⁵ P.L. 108-458, §7601(c); 118 Stat. 3857.

¹⁶ P.L. 108-458, §7601(a); 118 Stat. 3856.

¹⁷ For more on the Presidential Transition Act of 1963, see CRS Report RS22979, *Presidential Transition Act: Provisions and Funding*, by (name redacted).

¹⁸ U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Presidential Transition* (continued...)

As amended, the PTA directs the President and incumbent Administration to establish a specified transition-related organizational infrastructure as well as to provide certain pre-and post- election support to eligible candidates and then to the President-elect. The statute also authorizes eligible candidates to fund pre-election transition activities through their campaigns. Arguably, beyond the provisions of the PTA that specifically apply to the selection and vetting of an incoming President's leadership team, the infrastructure and support provided for in the statute create conditions that have the potential to enhance, more generally, the ability for an incoming Administration to carry out these activities.¹⁹

Senate Consideration

Once the President has selected and vetted an individual and submitted a nomination, the Senate determines whether or not to confirm the nomination.²⁰ 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.²¹ Most nominations, however, proceed through the process in a routine, timely fashion. During the 111th Congress (2009-2010), the first Congress of the Obama Administration, the Senate took a median²² of 52 days to confirm a nomination to a full-time departmental position.²³

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.²⁴ 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.²⁵ After the hearing—if there is one—the committee usually votes on reporting the

(...continued)

Improvements Act of 2015, report to accompany S. 1172, 114th Cong., 1st sess., July 27, 2015, S.Rpt. 114-94 (Washington: GPO, 2015), p. 3.

¹⁹ The PTA also authorizes the Administrator to fund, during the transition, orientation activities, primarily for “individuals the President-elect or eligible candidate ... for President intends to nominate as department heads or appoint to key positions in the Executive Office of the President or executive agencies.” (3 U.S.C. §102 note; PTA, §3(a)(8)(B).) The purpose of these activities is to acquaint the incoming leadership “with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance.” (3 U.S.C. §102 note; PTA, §3(a)(8)(A)(i).)

²⁰ 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)

²¹ 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.

²² The median is the middle value in a numerical distribution. In this case, half the confirmations took less time, and half took more time.

²³ See CRS Report R43638, *Presidential Appointments to Full-Time Positions in Executive Departments During the 111th Congress, 2009-2010*, by (name redacted) and (name redacted).

²⁴ For information on the rules of each committee affecting nominations, see Table 3 in CRS Report R44369, *Senate Committee Rules in the 114th Congress: Key Provisions*, by (name redacted) .

²⁵ While most high-level nominations receive hearings, many other nominations, such as those for military promotions, do not receive individual attention, and are acted upon by both the committee and the full Senate as a group. In such (continued...)

nomination to the Senate. The committee may choose to report the nomination favorably, unfavorably, or without recommendation.

The full Senate may then take up the nomination and vote on it. Confirmation of a nomination by the Senate requires a simple majority, but no Senate Rule limits how long nominations may be considered on the floor. Many nominations are taken up and considered under the terms of a unanimous consent agreement that limits debate. In the absence of unanimous consent, a cloture process might be necessary to bring an end to Senate consideration of a nomination and get to a final vote. Invoking cloture on a nomination to a position other than to the Supreme Court requires a simple majority, under an interpretation of Senate rules established on November 21, 2013.²⁶ The cloture process, however, is potentially time consuming. After a nomination is called up, which a majority can do without delay, cloture can be filed on it. The cloture motion, however, does not mature until two days of session later. If cloture is then invoked, there may be up to a maximum of 30 hours of consideration of the nomination.

Because of the time necessary for a majority to invoke cloture, and the high number of nominations to be considered, the Majority Leader often seeks to arrange consideration of nominations by unanimous consent. It is therefore sometimes possible for Senators to place “holds” on nominations to delay or prevent their consideration (or for other reasons unrelated to the particular nomination). 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, because cloture could be attempted, but it could signal that the Senate may not be able to consider the nomination expeditiously.²⁷

Although the Senate confirms most nominations, some are not confirmed. Rarely, however, is a nomination voted down on the Senate floor. Most stall in committee, either by committee inaction or after an unsuccessful vote to report. The committee might not forward the nomination 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 end of the first session of a Congress or at the beginning of a recess of 30 days or longer, but the Senate rule providing for this return is often waived.²⁸

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

(...continued)

cases, there typically is no hearing.

²⁶ See CRS Report R43331, *Majority Cloture for Nominations: Implications and the “Nuclear” Proceedings*, by (name redacted).

²⁷ See CRS Report R43563, *“Holds” in the Senate*, by (name redacted).

²⁸ The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 112th Cong., 1st sess., S. Doc. 112-1 (Washington: GPO, 2011), p. 58, 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.

within 30 days of the Senate's receipt of the nomination.²⁹ The Senate adopted a sense of the Senate resolution stating that the 30-day target should be the goal.³⁰ 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.

After recent Presidents were sworn-in on January 20, one of their first official acts was to send to the Senate many, if not all, of their nominations to Cabinet positions and some other high-level positions.³¹ The Senate confirmed many of those individuals on January 20 or soon thereafter. If the Senate did not act quickly, 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 little time to review the nominations to some of the most important positions in the federal government. The Senate developed a method for handling this situation; committees act on "anticipated" or "expected" nominations. 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.³² Some committees also took votes in relation to the anticipated nominations before January 20 during these transitions.

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.³³ 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 publicly endorsed by Senate committees before they were considered by the full Senate.

²⁹ *9/11 Commission Report*, p. 422.

³⁰ P.L. 108-458, §7601(b); 118 Stat. 3857.

³¹ 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.

³² Although some hearings were held prior to President George H.W. Bush's inauguration, most were held after he took office.

³³ 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. 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.)

For example, the Senate Foreign Relations Committee voted in relation to 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."³⁴

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.'"³⁵

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 voted to recommend that the full Senate confirm the Rumsfeld nomination. 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."³⁶

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 voted in relation 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."³⁷

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."³⁸ 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,

³⁴ 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.

³⁵ Federal News Service transcript, hearing of the Senate Finance Committee, *Confirmation Hearing for Secretary of the Treasury-Designate Senator Lloyd Bentsen*, January 19, 1993. Accessed on Nexis.com on November 21, 2008.

³⁶ U.S. Congress, Senate Committee on Armed Services, *Legislative Calendar*, committee print, 107th Cong., 2nd sess. (Washington: GPO, 2002), p. 83.

³⁷ 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.

³⁸ Greg Vadala, "Panel Gives Endorsement to Clinton Nomination," *CQ Committee Coverage*, January 15, 2009.

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 pleased 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.³⁹

Appointment

In the third and final stage of the appointment process, 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.

Temporary Staffing of PAS Positions during Presidential Transitions

The Constitution and federal statutes provide several authorities for temporarily filling vacancies in PAS positions: the Federal Vacancies Reform Act of 1998, the President's constitutional recess appointment power, and position-specific temporary appointment provisions. Each of these authorities, discussed below, might be used during a presidential transition as well as later in the President's term.

Designations under the Vacancies Act

Congress has provided limited statutory authority for temporary presidential appointments under the Federal Vacancies Reform Act of 1998 (Vacancies Act).⁴⁰ 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.⁴¹ 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.

³⁹ Sen. Tom Harkin, "Inaugural and Vilsack Nomination," remarks in the Senate, *Congressional Record*, daily edition, vol. 155, part 11 (January 20, 2009), p. S662.

⁴⁰ 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) .

⁴¹ 5 U.S.C. §3345(a)(1).

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 or she 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 or her 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 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 or her to select, as a temporary office holder, an individual who supports his or her 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.

Notably, the U.S. Court of Appeals for the D.C. Circuit has held that a provision of the Vacancies Act limits the conditions under which an individual may serve in both an acting capacity in, and as the nominee to, the same position. The court's opinion appears to allow an individual to serve on this basis only if the individual has been confirmed as the first assistant to the vacant position or has served as first assistant for more than 90 of the preceding 365 days.⁴²

Recess Appointments

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."⁴³ A recess appointment expires at the sine die adjournment of the Senate's "next session." As a result, a recess appointment may last for less than a year, or nearly two years, depending on when the appointment is made.⁴⁴

⁴² *SW General, Inc. v. NLRB*, 796 F.3d 67 (D.C. Cir. 2015).

⁴³ Article II, Section 2, clause 3 of the U.S. Constitution.

⁴⁴ For information on recess appointments generally, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted); and CRS Report R42329, *Recess Appointments Made by President Barack Obama*, by (name redacted). For information on related legal issues, see CRS Report RL33009, *Recess Appointments: A Legal Overview*, by (name redacted).

Although a new President might elect to use his or her recess appointment authority during a Senate recess soon after he or she takes office, should such a recess arise, 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. 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.

Starting in the 110th Congress, the Senate and House have sometimes used certain scheduling practices as a means of precluding the President from making recess appointments.⁴⁵ The practices do this by preventing the occurrence of a Senate recess of sufficient length for the President to be able to use his recess appointment authority. In a June 26, 2014, opinion, the U.S. Supreme Court held that the President's recess appointment power may be used only during a recess of 10 days or longer.⁴⁶ Seemingly, the Senate, or the Senate and the House together, would determine if and when it will adjourn for a recess of 10 days or longer and thus allow for the possibility of recess appointments.

Position-Specific Temporary Appointment Provisions

In some cases, Congress has expressly provided for the temporary filling of vacancies in a particular PAS position, and such authorities might be used during a presidential transition. 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.⁴⁷

Unsuccessful Nominations and Payment Limitations

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.⁴⁸

⁴⁵ The evolution of this use of scheduling practices is discussed in greater detail in CRS Report R42329, *Recess Appointments Made by President Barack Obama*, by (name redacted).

⁴⁶ Nat'l Labor Relations Bd. v. Noel Canning, 134 S. Ct. 2550 (2014).

⁴⁷ For more, see CRS Report RS21412, *Temporarily Filling Presidentially Appointed, Senate-Confirmed Positions*, by (name redacted).

⁴⁸ P.L. 111-8, Div. D, §749; 123 Stat. 693.

Consultants

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 has been of concern to observers for more than 30 years.⁴⁹ 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.”⁵⁰ 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. It also amended the Presidential Transition Act in 2010 and 2016. This statute now directs the President and incumbent Administration to establish a specified transition-related organizational infrastructure as well as to provide certain pre-and post-election support to eligible candidates and then to the President-elect as he selects his appointees.⁵¹ (See “Selection and Vetting During Presidential Transitions” and “The Senate Confirmation Process and Presidential Transitions,” above.)

To assist Congress in determining whether the 2004 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 the four previous transitions: Carter-Reagan (1980-1981), Reagan-Bush (1988-1989), Bush-Clinton (1992-1993), and Clinton-Bush (2000-2001).⁵² 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 five 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 and economic and financial subcabinet positions during these transitions.

⁴⁹ 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.

⁵⁰ *9/11 Commission Report*, p. 422.

⁵¹ It could be argued that the Presidential Appointment Efficiency and Streamlining Act, enacted during the 112th Congress, also might have the effect of accelerating the selection, clearance and Senate consideration processes during a presidential transition by reducing the total number of advice and consent positions. See CRS Report R 41872, *Presidential Appointments, the Senate’s Confirmation Process, and Changes Made in the 112th Congress*, by (name redacted).

⁵² Data from the 2016-2017 presidential transition will be added after this process has been completed so as to assist Congress with assessing the impact of the 2010 and 2016 changes in the Presidential Transition Act.

Appendix B provides information on the method CRS used 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.⁵³ These points include election day, which is the point after which the successful candidate and his or her supporters fully turn their attention from campaigning to selecting a governing team,⁵⁴ 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.⁵⁵

The comparisons found that, 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. In some cases, however, Cabinet-level offices were not filled until more than six weeks after inauguration. For example, President George H.W. Bush's Secretary of Defense was not confirmed until March 17, President Clinton's Attorney General was not confirmed until March 11, and President Obama's nominations to be Secretary of Commerce and Secretary of Health and Human Services were not confirmed until March 24 and April 28, respectively. Filling the position of Director of ONDCP, which was accorded Cabinet rank by President Clinton and President George W. Bush, took far longer—more than six months in each case—than other Cabinet-level positions. Comparisons among the five transitions suggest that some Presidents announced their Cabinet-position selections sooner than did others, but that this did not appear to accelerate 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 (less than three months) to be selected, vetted, considered, and confirmed. Comparisons among the median intervals for the five 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 a nomination was generally faster than the selection and vetting process that preceded it; and (4) the median durations of the appointment process for the George H.W. Bush, 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 = 148 days).

⁵³ 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.)

⁵⁴ As noted elsewhere in this report, since 2001, candidate attention and government resources for pre-election selection and vetting appear to have increased. In order to allow for a comparison with earlier transitions, however, the report continues to use Election Day as a beginning point for the building of a new Administration.

⁵⁵ 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 rejection or return of the nomination by the Senate or withdrawal of the nomination by the President.

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

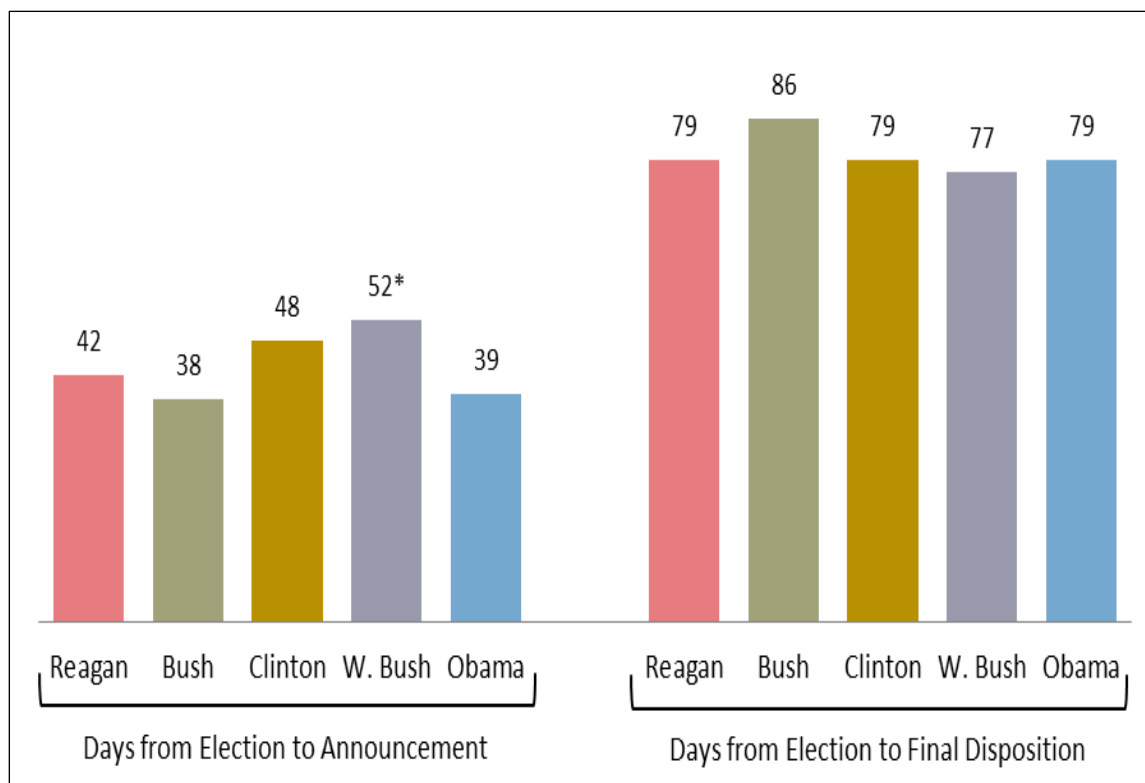
Transition-Period Cabinet Appointment Intervals

This subsection first provides a comparison, among the five transitions, of the pace of Cabinet appointments. It then provides a comparison, among the 21 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,⁵⁶ 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, the Director of the Office of National Drug Control Policy (ONDCP), the Chair of the Council of Economic Advisers, and the U.S. Permanent Representative to the United Nations.⁵⁷

⁵⁶ 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.

⁵⁷ 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 six additional PAS positions given Cabinet rank by two or more of the five Presidents covered at the outset of their administrations. Notably, this methodology excludes the position of Director of the Central Intelligence Agency, a position which was accorded Cabinet rank in the Reagan Administration but no other presidential administration since.

Figure 1. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Cabinet-Level Positions, by President, 1981-2009



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

Note: The median figures on the left include instances in which appointees from the previous Administration continued to serve in the new one, because such instances involved an announcement by the incoming President. Inasmuch as these instances did not involve a new nomination, the median figures on the right do not include them.

* The unique circumstances of the 2000 election truncated the ensuing transition period. This may have delayed the selection or announcement, by President-elect George W. Bush, 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 three of the four preceding Presidents. His pace was similar to that of President George H.W. Bush. The graph compares the median number of days from election day to the announcement of the President-elect's nominees or, in a limited number of instances, his decision to retain the incumbent appointee.⁵⁸ This suggests that, for this group of appointments, a President-elect could move as rapidly in 2008 as during any other transition in the preceding 30 years. President-elect

⁵⁸ Two measures of central tendency are presented in various parts of this report: 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.

George W. Bush announced his selections later, on average, than did the other four Presidents-elect. This finding is not surprising, perhaps, given the unique circumstances of the 2000 presidential election and the truncated transition period that followed.

The graph on the right side of **Figure 1** shows that the median Cabinet appointment was finalized—in most cases confirmed—within days of inauguration day during four of the five transitions. It shows that, for each of these four transitions—Reagan, Clinton, George W. Bush, and Obama—the median Cabinet appointment was finalized within 77-79 days of election day. This finding, when paired with the graph on the left, indicates 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 median Cabinet appointment was finalized less quickly—about a week later—during the transition from President Reagan to President George H.W. Bush. Notably, this transition was the sole instance among the five in which an incoming President was of the same party as the outgoing President. In addition, it is the only instance among the five in which the incoming President had been part of the previous Administration. These dynamics might have influenced the pace of this transition. Other factors, including opposition among some Senators to specific nominations—including the first nominee to be Secretary of Defense, who was rejected—might also have contributed to this higher median. In addition, three department heads serving at the end of the Reagan Administration—the Attorney General, the Secretary of Education, and the Secretary of the Treasury—continued to serve through the beginning of the incoming Bush Administration, a fact not reflected in the median shown in **Figure 1**.

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 five 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).⁵⁹ In general, department head nominees and Cabinet-rank nominees were announced equally quickly. However, on average, department head nominees were 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 77 days, for the Secretaries of State, Education, and Homeland Security, to 103 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 when it was designated as Cabinet rank was 309 days, or approximately ten months.

All four transition period nominations to the position of ONDCP Director⁶⁰ were anomalous when compared with all other Cabinet-level nominations. As the data in **Appendix A** show, each

⁵⁹ The statistics for Cabinet-rank positions discussed were calculated including only nominations to the positions when the nominating President had designated them to be of Cabinet-rank, as noted in **Table 2**.

⁶⁰ As noted in **Appendix A**, the position of ONDPC Director was established near the end of the Reagan (continued...)

of these nominations—including the two instances in which the President had designated the position to be of Cabinet-rank—took much longer than other Cabinet nominations. The elapsed time between election day and final disposition for President Clinton’s nomination of Lee Brown was 225 days, and that for President George W. Bush’s nomination of John P. Walters was 393 days. Because of these extreme values for this position, the mean length of the process for all Cabinet-rank nominees is 23 days longer than the median length.

(...continued)

Administration, so there were only four appointments during the five transitions under study.

Table 2. Mean and Median Length of Appointment Process Intervals for Transition-period Cabinet-level Positions, 1981-2009

Position (Number of Nominees or Announced Continuations from Prior Administrations)	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 (5)	31.6	38.2	45.6	77.2
Secretary of the Treasury (5) ^a	28.8	36.3	44.0	78.3
Secretary of Defense (6) ^b	54.0	20.0	36.4	95.8
Attorney General (6) ^c	45.5	31.4	41.4	93.4
Secretary of the Interior (5)	47.6	25.2	33.4	81.0
Secretary of Agriculture (5)	44.4	28.4	35.8	80.2
Secretary of Commerce (5)	52.0	27.2	39.2	91.2
Secretary of Labor (5)	47.2	22.8	41.4	88.6
Secretary of Health and Human Services (6)	54.3	34.8	49.0	103.3
Secretary of Housing and Urban Development (5)	43.0	29.2	37.0	80.0
Secretary of Transportation (5)	46.6	26.0	33.2	79.8
Secretary of Energy (5)	51.6	27.2	32.8	84.4
Secretary of Education (5) ^d	43.8	17.5	25.8	77.3
Secretary of Veterans Affairs (4) ^e	43.3	26.3	43.5	86.8
Secretary of Homeland Security (1) ^f	27.0 ^f	45.0 ^f	50.0 ^f	77.0 ^f
Department head nominees (73)—mean	45.3	28.2	38.8	85.9
Department head nominees (73)—median	43.0*	26.0*	35.0*	79.0*
Cabinet-rank positions ^g				
Administrator of the Environmental Protection Agency (3)	41.0	29.3	39.7	80.7
Director of the Office of Management and Budget (5)	30.6	39.2	48.4	79.0
U.S. Trade Representative (5)	50.6	37.8	42.6	93.2
Director of the Office of National Drug Control Policy (2)	180.5	52.5	128.5	309.0

Position (Number of Nominees or Announced Continuations from Prior Administrations)	Mean (or Median*) Elapsed Days			
	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Chair of the Council of Economic Advisors (2)	29.0	46.5	60.0	89.0
U.S. Representative to the United Nations (3)	41.3	33.0	41.7	83.0
Cabinet-rank nominees (20)—mean	53.6	38.5	53.8	107.4
Cabinet-rank nominees (20)—median	43.0*	31.0*	44.5*	84.0*
All Cabinet nominees (93)—mean	47.1	30.6	42.2	90.7
All Cabinet nominees (93)—median	43.0*	27.0*	38.0*	79.0*

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

Notes:

- a. The figures in this row are based on four nominations and one continuation. President Bush asked Nicholas Brady, who had been appointed as Secretary of the Treasury by President Ronald Reagan, to continue in that position during the Bush Administration. The calculation of the mean elapsed days from election day to announcement included the announcement of the Brady continuation. The other figures were calculated on the basis of the four other nominations.
- b. The figures in this row are based on five 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 five other nominations.
- c. The figures in this row are based on five nominations and one continuation. President G.H.W. Bush asked Richard Thornburgh, who had been appointed as Attorney General by President Ronald Reagan, to continue in that position during the G.H.W. Bush Administration. The calculation of the mean elapsed days from election day to announcement included the announcement of the Thornburgh continuation. The other figures were calculated on the basis of the five other nominations.
- d. The figures in this row are based on four nominations and one continuation. President G.H.W. Bush asked Lauro Cavazos, who had been appointed as Secretary of Education by President Ronald Reagan, to continue in that position during the G.H.W. Bush Administration. The calculation of the mean elapsed days from election day to announcement included the announcement of the Cavazos continuation. The other figures were calculated on the basis of the four other nominations.
- e. The Department of Veterans Affairs was established as a department in 1989. President G.H.W. Bush was the first President to make an appointment to the position of Secretary of Veterans Affairs during a presidential transition period.
- f. 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.
- g. Includes only positions afforded cabinet rank at the outset of an administration by two or more of the last five Presidents. The means (and the overall median) are calculated only for nominees to the position when it was afforded cabinet rank (i.e., for the non-shaded entries in **Table A-2**).

Transition-Period Subcabinet Appointment Intervals

This subsection first provides a comparison, among the five transitions, of the pace of the selected subcabinet appointments. It then provides a comparison, among the seven organizational units (six departments and the intelligence community), of the pace of these appointments. These comparisons are drawn from the data presented in **Appendix C**. This appendix includes data on 126 nominations to 38 positions across the five 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 at the time of the Bush-Obama transition. 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 five 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 five 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 five 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 four later 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 5 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.

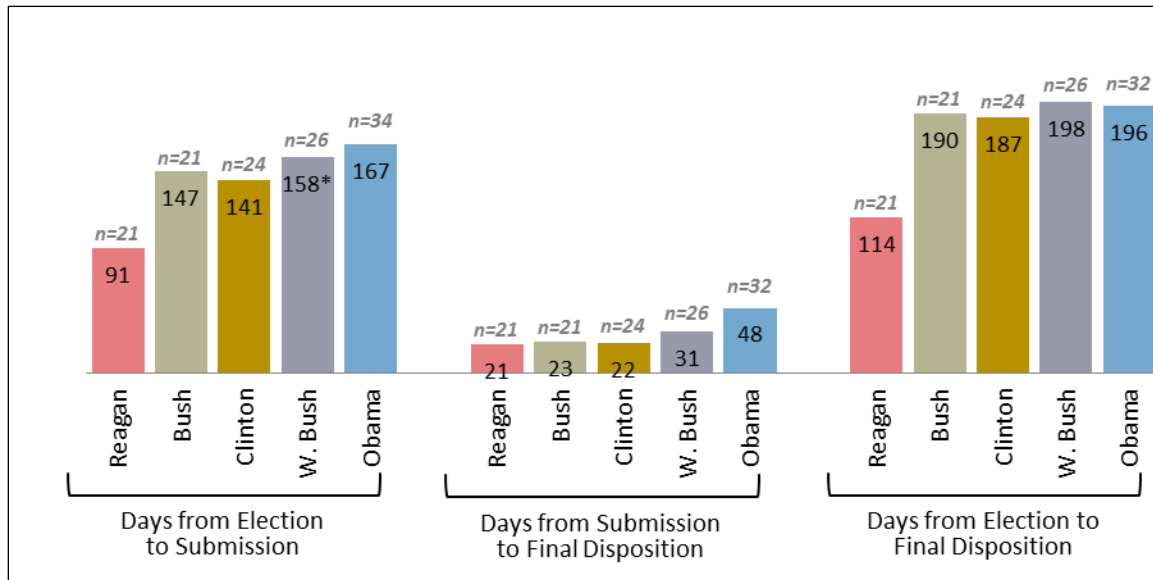
The graph in the center of **Figure 2** shows that the median number of days between the submission of a nomination and its final disposition (usually confirmation) more than doubled, from 21 days under President Reagan to 48 days under President Obama.

The graph on the right side of **Figure 2** compares, among the five transitions, the length of the appointment process from election day to final disposition.⁶¹ 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 four Presidents, at 187-198 days (6-6½ months).⁶²

⁶¹ 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 five 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.

⁶² The median duration of the George W. Bush transition appointment process might have been longer as a result of the truncated transition period than it otherwise would have been.

Figure 2. Median Elapsed Days for Selected Intervals in the Transition-Period Appointment Process for Selected Subcabinet Positions, by President, 1981-2009



Source: Figure created by CRS drawing on an analysis of the data presented in **Table C-1**.

Notes: The number of nominations represented by each of a President's three bars ("n=") may differ if one or more of the President's nominations was not confirmed, rejected or withdrawn.

*The unique circumstances of the 2000 presidential election truncated the ensuing transition period. This may have delayed the selection of some subcabinet 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,⁶³ for all specified subcabinet nominees was 189 days.⁶⁴ 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.

⁶³ For the purposes of **Table 3**, final disposition includes confirmation or rejection by the Senate, or withdrawal by the President. It does not include return by the Senate. Although the return of a nomination is also considered to be a form of final disposition, it sometimes follows a recess appointment in which a nominee, though not confirmed, takes office. Inclusion of such cases would, in most cases, result in significantly higher means and medians for the statistics presented here that involve final disposition. Because the central concern of this report is the pace at which a new President's Administration is assembled, the statistics that appeared to most closely match the pace at which that happened are used in the table.

⁶⁴ 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 Table C-1 verified that this is correct.

Among the departments, State Department nominees, on average, completed the appointment process most quickly. Half the nominations reached the end of the process within 148 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. However, the median period of Senate consideration for Department of Defense (20 days) nominees was shorter than that of State Department nominees (23 days) as well as that of nominations to positions in other departments. Nominees to Department of Justice positions took the longest to be confirmed, on average. The median interval between election and confirmation for these nominees was 206 days, or nearly seven months.

During the five transitions studied, the incoming Administration has typically taken much longer to submit a nomination to one of the subcabinet 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 roughly five times longer than the median interval between submission and final disposition.

Table 3. Mean and Median Length of Appointment Process for Selected Transition-period Subcabinet Nominees, 1981-2009

Department (Number of Nominees ^a)	Elapsed Days											
	Election Day to Submission		Submission to Hearing		Hearing to Report or Discharge		Report or Discharge to Final Disposition ^b		Submission to Final Disposition		Total: Election Day to Final Disposition	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
State (31)	136.9	121.0	19.9	16.0	6.1	6.0	5.5	1.0	31.5	23.0	168.5	148.0
Treasury (16)	153.4	139.0	53.3	22.0	11.6	5.0	35.0	11.5	82.0	52.0	228.3	190.0
Defense (34)	167.2	164.5	12.8	8.5	12.6	8.0	6.0	1.0	29.2	20.0	196.4	188.0
Justice (18)	220.4	155.0	46.4	25.5	19.9	13.5	7.5	4.0	73.9	49.5	294.3	206.0
Energy (11)	194.6	174.0	19.9	16.0	5.5	7.0	7.1	5.0	32.5	25.0	227.2	196.0
Homeland Security (11)	208.7	167.0	34.3	34.0	17.6	6.0	22.4	7.0	67.0	58.0	272.2	211.5
Intelligence Community (5)	118.8	78.0	22.3	9.5	7.0	5.5	3.0	0.5	27.4	13.0	146.2	92.0
All selected subcabinet nominees (126)	169.7	144.5	27.6	16.0	11.5	7.0	10.7	3.0	45.9	28.0	214.3	189.5

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

Note: In each instance, the statistics presented in this table are based on all of the nominations in the given group that completed both steps identified. That is, the cells in the table in Appendix C where “n.a.” occurs were not included in the calculation of these statistics.

- a. The figures in parentheses in this column do not include the six entries in the table in Appendix C that show an appointment continuing from the previous Administration.
- b. For the purposes of this table, final disposition includes confirmation or rejection by the Senate, or withdrawal by the President. It does not include return by the Senate. Although the return of a nomination is also considered to be a form of final disposition, it sometimes follows a recess appointment in which a nominee, though not confirmed by the Senate, takes office. Inclusion of such cases would, in most cases, result in significantly higher means and medians for the statistics presented here that involve final disposition. Because the central concern of this report is the pace at which a new President’s Administration is assembled, the statistics that appeared to most closely match the pace at which that happened are used here.

Appendix A. Transition Period Nominations to Cabinet Positions, 1981-2009

Table A-I. Transition Period Nominations to Cabinet Positions, 1981-2009

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Secretary of State (Committee on Foreign Relations)								
Alexander M. Haig Jr. (Reagan)	12/16/80	01/09/81, 01/10/81, 01/12/81, 01/13/81, 01/14/81 ^b	01/20/81	01/21/81	42	24	36	78
James A. Baker, III (G.H.W. Bush)	11/09/88	01/18/89	01/20/89	01/25/89	1	70	77	78
Warren Christopher (Clinton)	12/22/92	01/13/93, 01/14/93	01/20/93	01/20/93	49	22	29	78
Colin L. Powell (G.H.W. Bush)	12/16/00	01/17/01	01/20/01	01/20/01	39	32	35	74
Hillary R. Clinton (Obama)	12/01/08	01/13/09	01/20/09	01/21/09	27	43	51	78
<i>Mean elapsed days for initial appointments to be Secretary of State</i>					31.6	38.2	45.6	77.2
Secretary of the Treasury (Committee on Finance)								
Donald T. Regan (Reagan)	12/11/80	01/06/81	01/20/81	01/21/81	37	26	41	78
Nicholas F. Brady (G.H.W. Bush)	11/15/88	Continued from previous Administration.			7	n.a.	n.a.	n.a.
Lloyd Bentsen (Clinton)	12/10/92	01/12/93	01/20/93	01/20/93	37	33	41	78
Paul H. O'Neill (G.H.W. Bush)	12/20/00	01/17/01	01/20/01	01/20/01	43	28	31	74
Timothy F. Geithner (Obama)	11/24/08	01/21/09	01/20/09	01/26/09	20	58	63	83
<i>Mean elapsed days for initial appointments to be Secretary of the Treasury</i>					28.8	36.3	44.0	78.3
Secretary of Defense (Committee on Armed Services)								
Caspar W. Weinberger (Reagan)	12/11/80	01/06/81	01/20/81	01/20/81	37	26	40	77
John G. Tower (G.H.W. Bush)	12/16/88	01/25/89, 01/26/89, 01/31/89	01/20/89	(Rejected) 03/09/89	38	40	83	121
Richard B. Cheney (G.H.W. Bush)	03/10/89	03/14/89, 03/15/89	03/14/89	03/17/89	122	4	7	129

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearing(s)	Received in the Senate	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	01/7/93	01/20/93	01/20/93	49	16	29	78
Donald H. Rumsfeld (G.W. Bush)	12/28/00	01/11/01	01/20/01	01/20/01	51	14	23	74
Robert Gates (Obama)	12/01/08	Continued from previous Administration.			27	n.a.	n.a.	n.a.
Mean elapsed days for initial appointments to be Secretary of Defense					54.0	20.0	36.4	95.8
Attorney General (Committee on the Judiciary)								
William F. Smith (Reagan)	12/11/80	01/15/81	01/20/81	01/22/81	37	35	42	79
Richard L. Thornburgh (G.H.W. Bush)	11/21/88	Continued from previous Administration.			13	n.a.	n.a.	n.a.
Zoe Baird (Clinton)	12/24/92	01/19/93, 01/21/93	01/20/93	(Withdrawn) 01/26/93	51	26	33	84
Janet Reno (Clinton)	02/11/93	03/09/93, 03/10/93	02/26/93	03/11/93	100	26	28	128
John Ashcroft (G.W. Bush)	12/22/00	01/16/01, 01/17/01, 01/18/01, 01/19/01	01/29/01	02/01/01	45	25	41	86
Eric H. Holder Jr. (Obama)	12/01/08	01/15/09, 01/16/09	01/20/09	02/02/09	27	45	63	90
Mean elapsed days for initial appointments to be Attorney General					45.5	31.4	41.4	93.4
Secretary of the Interior (Committee on Energy and Natural Resources)								
James G. Watt (Reagan)	12/22/80	01/07/81, 01/08/81	01/20/81	01/22/81	48	16	31	79
Manuel Lujan, Jr. (G.H.W. Bush)	12/22/88	01/26/89	01/20/89	02/02/89	44	35	42	86
Bruce Babbitt (Clinton)	12/24/92	01/19/93, 01/21/93	01/20/93	01/21/93	51	26	28	79
Gale A. Norton (G.W. Bush)	12/29/00	01/18/01, 01/19/01	01/20/01	01/30/01	52	20	32	84
Kenneth L. Salazar (Obama)	12/17/08	01/15/09	01/20/09	01/20/09	43	29	34	77
Mean elapsed days for initial appointments to be Secretary of the Interior					47.6	25.2	33.4	81.0
Secretary of Agriculture (Committee on Agriculture, Nutrition and Forestry)								
John R. Block (Reagan)	12/23/80	01/06/81	01/20/81	01/22/81	49	14	30	79
Clayton Yeutter (G.H.W. Bush)	12/14/88	02/02/89	01/20/89	02/08/89	36	50	56	92

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Mike Espy (Clinton)	12/24/92	01/14/93	01/20/93	01/21/93	51	21	28	79
Ann M. Veneman (G.W. Bush)	12/20/00	01/18/01	01/20/01	01/20/01	43	29	31	74
Thomas J. Vilsack (Obama)	12/17/08	01/14/09	01/20/09	01/20/09	43	28	34	77
<i>Mean elapsed days for initial appointments to be Secretary of Agriculture</i>					44.4	28.4	35.8	80.2
Secretary of Commerce (Committee on Commerce, Science and Transportation)								
Malcolm Baldrige (Reagan)	12/11/80	01/06/81	01/20/81	01/22/81	37	26	42	79
Robert A. Mosbacher (G.H.W. Bush)	12/06/88	01/24/89	01/20/89	01/31/89	28	49	56	84
Ronald H. Brown (Clinton)	12/12/92	01/06/93	01/20/93	01/21/93	39	25	40	79
Donald L. Evans (G.W. Bush)	12/20/00	01/04/01	01/20/01	01/20/01	43	15	31	74
Gary Locke (Obama)	02/25/09	03/18/09	03/16/09	03/24/09	113	21	27	140
<i>Mean elapsed days for initial appointments to be Secretary of Commerce</i>					52.0	27.2	39.2	91.2
Secretary of Labor (Committee on Health, Education, Labor and Pensions (formerly Labor and Human Resources))								
Raymond J. Donovan (Reagan)	12/16/80	01/12/81, 01/27/81	01/20/81	02/03/81	42	27	49	91
Elizabeth H. Dole (G.H.W. Bush)	12/24/88	01/19/89	01/20/89	01/25/89	46	26	32	78
Robert B. Reich (Clinton)	12/11/92	01/07/93	01/20/93	01/21/93	38	27	41	79
Elaine L. Chao (G.W. Bush)	01/11/01	01/24/01	01/29/01	01/29/01	65	13	18	83
Hilda L. Solis (Obama)	12/19/08	01/09/09	01/20/09	02/24/09	45	21	67	112
<i>Mean elapsed days for initial appointments to be Secretary of Labor</i>					47.2	22.8	41.4	88.6
Secretary of Health and Human Services (Committee on Finance)								
Richard S. Schweiker (Reagan)	12/11/80	01/06/81	01/20/81	01/21/81	37	26	41	78
Louis W. Sullivan (G.H.W. Bush)	12/22/88	02/23/89 ^c	01/20/89	03/01/89	44	63	69	113
Donna E. Shalala (Clinton)	12/11/92	01/14/93 ^d	01/20/93	01/21/93	38	34	41	79

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Tommy G. Thompson (G.W. Bush)	12/29/00	01/18/01 ^e	01/20/01	01/24/01	52	20	26	78
Thomas A. Daschle (Obama)	12/11/08	none ^f	01/20/09	(Withdrawn) 02/09/09	37	n.a.	60	97
Kathleen Sebelius (Obama)	03/02/09	04/02/09 ^g	03/17/09	04/28/09	118	31	57	175
<i>Mean elapsed days for initial appointments to be Secretary of Health and Human Services</i>					54.3	34.8	49.0	103.3
Secretary of Housing and Urban Development (Committee on Banking, Housing, and Urban Affairs)								
Samuel R. Pierce Jr. (Reagan)	12/22/80	01/13/81	01/20/81	01/22/81	48	22	31	79
Jack Kemp (G.H.W. Bush)	12/19/88	01/27/89	01/20/89	02/02/89	41	39	45	86
Henry G. Cisneros (Clinton)	12/17/92	01/12/93	01/20/93	01/21/93	44	26	35	79
Mel Martinez (G.W. Bush)	12/20/00	01/17/01	01/20/01	01/23/01	43	28	34	77
Shaun L. S. Donovan (Obama)	12/13/08	01/13/09	01/20/09	01/22/09	39	31	40	79
<i>Mean elapsed days for initial appointments to be Secretary of Housing and Urban Development</i>					43.0	29.2	37.0	80.0
Secretary of Transportation (Committee on Commerce, Science and Transportation)								
Andrew L. Lewis Jr. (Reagan)	12/11/80	01/07/81	01/20/81	01/22/81	37	27	42	79
Samuel K. Skinner (G.H.W. Bush)	12/22/88	01/25/89	01/20/89	01/31/89	44	34	40	84
Federico Pena (Clinton)	12/24/92	01/07/93	01/20/93	01/21/93	51	14	28	79
Norman Y. Mineta (G.W. Bush)	01/02/01	01/24/01	01/24/01	01/24/01	56	22	22	78
Ray LaHood (Obama)	12/19/08	01/21/09	01/20/09	01/22/09	45	33	34	79
<i>Mean elapsed days for initial appointments to be Secretary of Transportation</i>					46.6	26.0	33.2	79.8
Secretary of Energy (Committee on Energy and Natural Resources)								
James B. Edwards (Reagan)	12/22/80	01/12/81	01/20/81	01/22/81	48	21	31	79
James D. Watkins (G.H.W. Bush)	01/12/89	02/22/89	01/20/89	03/01/89	65	41	48	113
Hazel R. O'Leary (Clinton)	12/21/92	01/19/93	01/20/93	01/21/93	48	29	31	79

Nominee (Nominating President)	Date of Action				Elapsed Days ^a			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Spencer Abraham (G.W. Bush)	01/02/01	01/18/01	01/20/01	01/20/01	56	16	18	74
Steven Chu (Obama)	12/15/08	01/13/09	01/20/09	01/20/09	41	29	36	77
<i>Mean elapsed days for initial appointments to be Secretary of Energy</i>					51.6	27.2	32.8	84.4
Secretary of Education (Committee on Health, Education, Labor, and Pensions)								
Terrel H. Bell (Reagan)	01/07/81	01/15/81	01/20/81	01/22/81	64	8	15	79
Lauro F. Cavazos (G.H.W. Bush)	11/21/88	Continued from previous Administration.			13	n.a.	n.a.	n.a.
Richard W. Riley (Clinton)	12/21/92	01/12/93	01/20/93	01/21/93	48	22	31	79
Roderick R. Paige (G.W. Bush)	12/29/00	01/10/01	01/20/01	01/20/01	52	12	22	74
Arne Duncan (Obama)	12/16/08	01/13/09	01/20/09	01/20/09	42	28	35	77
<i>Mean elapsed days for initial appointments to be Secretary of Education</i>					43.8	17.5	25.8	77.3
Secretary of Veterans Affairs (Committee on Veterans' Affairs)^h								
Edward J. Derwinski (G.H.W. Bush)	12/22/88	n.a.	01/20/89	03/02/89	44	n.a.	70	114
Jesse Brown (Clinton)	12/17/92	01/07/93	01/20/93	01/21/93	44	21	35	79
Anthony J. Principi (G.W. Bush)	12/29/00	01/18/01	01/20/01	01/23/01	52	20	25	77
Eric K. Shinseki (Obama)	12/07/08	01/14/09	01/20/09	01/20/09	33	38	44	77
<i>Mean elapsed days for initial appointments to be Secretary of Veterans Affairs</i>					43.3	26.3	43.5	86.8
Secretary of Homeland Security (Committee on Homeland Security and Governmental Affairs)ⁱ								
Janet A. Napolitano (Obama)	12/01/08	01/15/09	01/20/09	01/20/09	27	45	50	77
<i>Mean elapsed days for all appointments to department head positions</i>					45.3	28.2	38.8	85.9
<i>Median elapsed days for all appointments to department head positions</i>					43.0	26.0	35.0	79.0

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). 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 February 27, 1989.
- d. The Committee on Labor and Human Resources also held a hearing on this nomination on January 15, 1993.
- e. The Committee on Health, Education, Labor, and Pensions also held a hearing on this nomination on January 19, 2001.
- f. 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.
- g. The Committee on Health, Education, Labor, and Pensions also held a hearing on this nomination on March 31, 2009.
- h. The Department of Veterans Affairs was established as a department in 1989. President George H.W. Bush was the first President to make an appointment to the position of Secretary of Veterans Affairs.
- i. 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.

Table A-2. Transition Period Nominations to Cabinet-Rank Positions, 1981-2009

Nominee (Nominating President)	Date of Action				Elapsed Days			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Administrator of the Environmental Protection Agency (Committee on Environment and Public Works)								
Ann M. Gorsuch (Reagan)	02/21/81	05/01/81	03/03/81	05/05/81	109	69	73	182
William K. Reilly (G.H.W. Bush)	12/22/88	01/31/89	01/20/89	02/02/89	44	40	42	86
Carol M. Browner (Clinton)	12/10/92	01/11/93	01/20/93	01/21/93	37	32	42	79
Christine T. Whitman (G.W. Bush)	12/22/00	01/17/01	01/20/01	01/30/01	45	26	39	84
Lisa P. Jackson (Obama)	12/15/08	01/14/09	01/20/09	01/22/09	41	30	38	79
<i>Mean elapsed days</i>					55.2	39.4	46.8	102.0
<i>Mean elapsed days when position was accorded Cabinet rank at the time of transition</i>					41.0	29.3	39.7	80.7
Director of the Office of Management and Budget (Committee on the Budget; Committee on Homeland Security and Governmental Affairs)^a								
David A. Stockman (Reagan)	12/11/80	01/08/81	01/20/81	01/27/81	37	28	47	84
Richard G. Darman (G.H.W. Bush)	11/21/88	01/19/89, 01/23/89	01/20/89	01/25/89	13	59	65	78
Leon E. Panetta (Clinton)	12/10/92	01/11/93	01/20/93	01/21/93	37	32	42	79
Mitchell E. Daniels, Jr. (G.W. Bush)	12/22/00	01/19/01	01/20/01	01/23/01	45	28	32	77
Peter R. Orszag (Obama)	11/25/08	01/13/09, 01/14/09 ^b	01/20/09	01/20/09	21	49	56	77
<i>Mean elapsed days</i>					30.6	39.2	48.4	79.0
U.S. Trade Representative (Committee on Finance)								
William E. Brock III (Reagan)	01/07/81	01/19/81	01/20/81	01/21/81	64	12	14	78
Carla A. Hills (G.H.W. Bush)	12/06/88	01/27/89	01/20/89	01/31/89	28	52	56	84
Michael Kantor (Clinton)	12/24/92	01/19/93	01/20/93	01/21/93	51	26	28	79

Nominee (Nominating President)	Date of Action				Elapsed Days			
	Announcement	Committee Hearing(s)	Received in the Senate	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 (G.W. Bush)	01/11/01	01/30/01	01/29/01	02/06/01	65	19	26	91
Ronald Kirk (Obama)	12/19/08	03/09/09	01/20/09	03/18/09	45	80	89	134
<i>Mean elapsed days</i>					50.6	37.8	42.6	93.2
Director of the Office of National Drug Control Policy (Committee on the Judiciary)^c								
William J. Bennett (G.H.W. Bush)	01/12/89	03/1/89, 03/2/89	01/20/89	03/09/89	65	48	56	121
Lee P. Brown (Clinton)	04/28/93	05/25/93	05/20/93	06/16/93	176	27	49	225
John P. Walters (G.W. Bush) ^d	05/11/01	07/28/01	06/05/01	12/05/01	185	78	208	393
R. Gil Kerlikowske (Obama)	03/11/09	04/01/09	03/16/09	05/07/09	127	21	57	184
<i>Mean elapsed days</i>					138.3	43.5	92.5	230.8
<i>Mean elapsed days when position was accorded Cabinet rank at the time of transition</i>					180.5	52.5	128.5	309.0
Chair of the Council of Economic Advisors (Committee on Banking, Housing, and Urban Affairs)								
Murray L. Weidenbaum (Reagan)	01/23/81	02/05/81	01/30/81	02/24/81	80	13	32	112
Michael J. Boskin (G.H.W. Bush)	12/06/88	01/26/89	01/20/89	02/02/89	28	51	58	86
Laura D. Tyson (Clinton)	12/11/92	01/21/93	01/20/93	02/04/93	38	41	55	93
Robert G. Hubbard (G.W. Bush)	02/26/01	04/24/01	04/23/01	05/10/01	111	57	73	184
Christina D. Romer (Obama)	11/24/08	01/15/09	01/20/09	01/28/09	20	52	65	85
<i>Mean elapsed days</i>					55.4	42.8	56.6	112.0
<i>Mean elapsed days when position was accorded Cabinet rank at the time of transition</i>					29.0	46.5	60.0	89.0
U.S. Permanent Representative to the United Nations (Committee on Foreign Relations)								
Jeane J. Kirkpatrick (Reagan)	12/22/80	01/15/81	01/20/81	01/29/81	48	24	38	86

Nominee (Nominating President)	Date of Action				Elapsed Days			
	Announcement	Committee Hearing(s)	Received in the Senate	Confirmation or Other Final Disposition	Election Day to Announcement	Announcement to First Hearing Date	Announcement to Final Disposition	Total: Election Day to Final Disposition
Thomas R. Pickering (G.H.W. Bush)	12/06/88	02/23/89	01/20/89	03/07/89	28	79	91	119
Madeleine K. Albright (Clinton)	12/22/92	01/21/93	01/20/93	01/26/93	49	30	35	84
John D. Negroponte (G.W. Bush) ^e	03/06/01	09/13/01	05/14/01	09/14/01	119	191	192	311
Susan E. Rice (Obama)	12/01/08	01/15/09	01/20/09	01/22/09	27	45	52	79
<i>Mean elapsed days</i>					54.2	73.8	81.6	135.8
<i>Mean elapsed days when position was accorded Cabinet rank at the time of transition</i>					41.3	33.0	41.7	83.0
Mean elapsed days for all appointment intervals in table					61.5	46.2	60.3	121.8
Median elapsed days for all appointment intervals in table					45.0	40.0	52.0	86.0
Mean elapsed days when positions accorded Cabinet rank at time of transition					53.6	38.5	53.8	107.4
Median elapsed days when positions accorded Cabinet rank at time of transition					43.0	31.0	44.5	84.0

Sources: 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. Identification of positions accorded Cabinet rank at the outset of each Administration entailed research of the *Public Papers of the Presidents of the United States*, archived White House website information, contemporaneous news accounts, on-line information from the presidential libraries of the specified Presidents, and records of contemporaneous communications between CRS analysts and White House officials.

Notes: This table includes positions accorded Cabinet-rank by two or more administrations and which are filled through the advice and consent process. Notably, this methodology excludes the position of Director of the Central Intelligence Agency, a position which was accorded cabinet rank in the Reagan Administration but no other presidential administration since. Shaded entries indicate that an appointment was not accorded Cabinet rank at the time of transition to a new Administration. For example, the Director of the Office of National Drug Policy was not given cabinet rank in either the George H.W. Bush or Barack Obama Administrations and thus these entries appear shaded in the table above. The table does not include an individual whose selection was announced if he or she was not subsequently nominated.

- Pursuant to S.Res. 445 agreed to in the 108th Congress (2003-2004), the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs have joint jurisdiction over nominations to this position. All prior nominations were considered solely by the Committee on Governmental Affairs, as it was then called.
- The January 13, 2009 hearing was held by the Committee on the Budget and the January 14, 2009 hearing was held by the Committee on Homeland Security and Governmental Affairs.

- c. The Office of National Drug Control Policy was established by legislation enacted in 1988. President George H.W. Bush was the first President to appoint its leader.
- d. 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.
- e. 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.

Appendix B. Subcabinet Position Selection Method

This report includes analysis of nominations to a group of higher-level subcabinet positions in the departments most involved with policymaking related to national security and to economic and financial matters. 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 five 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.”⁶⁵ 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. Positions⁶⁶ 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, one exception to these criteria was 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.⁶⁷

During the 2008-2009 presidential transition, it was argued that the pace at which top leadership positions at the Department of the Treasury were filled would also be of concern due to federal government efforts to address the nation’s economic and financial downturn. For this reason, Treasury positions similar to those in the other organizations were included. Although they did not meet the criteria above, two other 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 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 five Administrations included in this study. The positions excluded on this basis are shown in italics.

⁶⁵ *9/11 Commission Report*, p. 422.

⁶⁶ 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.

⁶⁷ 28 U.S.C. §532 note, “Confirmation and Compensation of Director; Term of Service.”

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^a
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 International Affairs
Under Secretary for Terrorism and Financial Intelligence
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 of Defense for Business Management and Information^b
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 the Central Intelligence Agency

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 five Administrations that were included in this study.

- a. According to the 2016 *U.S. Government Manual*, the “United States Agency for International Development (USAID) is an independent Federal agency.” The leader of that agency is listed here as part of the Department of State because Section 6592 of Title 22 the *U.S. Code* provides that the “Administrator of the Agency for International Development ... shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.”
- b. P.L. 113-291, div. A, title IX, §901(m)(1) established this position. Under §901(a)(1) of the same statute, the establishment is to take effect as of February 1, 2017. As such, no nominations to this position were submitted prior to the 2016-2017 transition.

Appendix C. Transition Period Nominations to Selected Subcabinet Positions, 1981-2009

Table C-I. Transition Period Nominations to Selected Subcabinet Positions, 1981-2009

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
DEPARTMENT OF STATE										
Deputy Secretary (Committee on Foreign Relations)										
William P. Clark (Reagan)	01/26/81	02/02/81	02/13/81	02/24/81	83	7	11	11	29	112
Lawrence S. Eagleburger (G.H.W. Bush)	03/03/89	3/15/89, 3/16/89	03/16/89	03/17/89	115	12	1	1	14	129
Clifton R. Wharton Jr. (Clinton)	01/20/93	01/22/93	01/26/93	01/26/93	78	2	4	0	6	84
Richard L. Armitage (G.W. Bush)	03/08/01	03/15/01	03/23/01	03/23/01	121	7	8	0	15	136
James B. Steinberg (Obama)	01/20/09	01/22/09	01/28/09	01/28/09	77	2	6	0	8	85
<i>Mean elapsed days for initial appointments to be Deputy Secretary of State</i>					94.8	6.0	6.0	2.4	14.4	109.2

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Deputy Secretary for Management and Resources (Committee on Foreign Relations) (New position as of 2000 - 106th Congress)^a										
Jacob J. Lew (Obama)	01/20/09	01/22/09	01/28/09	01/28/09	77	2	6	0	8	85
Administrator of the U.S. Agency for International Development (USAID)^b (Committee on Foreign Relations)										
M. Peter McPherson (Reagan)	02/03/81	02/20/81	02/24/81	02/26/81	91	17	4	2	23	114
M. Alan Woods (G.H.W. Bush)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
J. Brian Atwood (Clinton)	04/05/93	04/29/93	05/06/93	05/07/93	153	24	7	1	32	185
Andrew S. Natsios (G.W. Bush)	03/22/01	04/25/01	04/26/01	04/26/01	135	34	1	0	35	170
Rajiv J. Shah (Obama)	11/10/09	12/01/09	12/08/09	12/24/09	371	21	7	16	44	415
<i>Mean elapsed days for initial appointments to be Administrator of the USAID</i>					187.5	24.0	4.8	4.8	33.5	221.0
Under Secretary for Arms Control and International Security (Committee on Foreign Relations) (New position as of 1999, 106th Congress)^c										
John R. Bolton (G.W. Bush)	03/08/01	03/29/01	04/26/01	05/08/01	121	21	28	12	61	182
Ellen O. Tauscher (Obama)	05/06/09	06/09/09	06/16/09	06/25/09	183	34	7	9	50	233
<i>Mean elapsed days for initial appointments to be Under Secretary for Arms Control and International Security</i>					152.0	27.5	17.5	10.5	55.5	207.5

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Democracy and Global Affairs (Committee on Foreign Relations)^d										
Robert C. McFarlane (Reagan)	02/03/81	02/20/81	02/24/81	02/26/81	91	17	4	2	23	114
Robert B. Zoellick (G.H.W. Bush)	02/08/89	02/21/89	02/28/89	03/01/89	92	13	7	1	21	113
Timothy E. Wirth (Clinton)	03/08/93	03/25/93	04/01/93	04/21/93	125	17	7	20	44	169
Paula Dobriansky (G.W. Bush)	04/04/01	04/25/01	04/26/01	04/26/01	148	21	1	0	22	170
Maria Otero (Obama)	06/09/09	06/25/09	07/08/09	08/07/09	217	16	13	30	59	276
<i>Mean elapsed days for initial appointments to be Under Secretary for Democracy and Global Affairs</i>					134.6	16.8	6.4	10.6	33.8	168.4
Under Secretary for Economic, Energy, and Agricultural Affairs (Committee on Foreign Relations)^e										
Myer Rashish (Reagan)	03/17/81	04/28/81	05/04/81	06/11/81	133	42	6	38	86	219
Richard T. McCormack (G.H.W. Bush)	03/17/89	04/10/89	04/13/89	04/13/89	129	24	3	0	27	156
Joan E. Spero (Clinton)	03/16/93	03/24/93	03/25/93	03/31/93	133	8	1	6	15	148
Robert D. Hormats (Obama)	07/20/09	09/09/09	09/17/09	09/22/09	258	51	8	5	64	322
<i>Mean elapsed days for initial appointments to be Under Secretary for Economic, Business, and Agricultural Affairs</i>					163.3	31.3	4.5	12.3	48.0	211.3

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Management (Committee on Foreign Relations)										
Richard T. Kennedy (Reagan)	02/03/81	02/18/81	02/24/81	02/26/81	91	15	6	2	23	114
Ivan Selin (G.H.W. Bush)	04/13/89	05/15/89	05/17/89	05/18/89	156	32	2	1	35	191
J. Brian Atwood (Clinton)	03/08/93	03/17/93	03/23/93	03/31/93	125	9	6	8	23	148
Grant S. Green Jr. (G.W. Bush)	03/08/01	03/21/01	03/27/01	03/28/01	121	13	6	1	20	141
Patrick F. Kennedy (Obama)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Mean elapsed days for initial appointments to be Under Secretary for Management					123.3	17.3	5.0	3.0	25.3	148.5
Under Secretary for Political Affairs (Committee on Foreign Relations)										
Walter J. Stoessel Jr. (Reagan)	02/03/81	02/18/81	02/24/81	02/26/81	91	15	6	2	23	114
Robert M. Kimmitt (G.H.W. Bush)	02/08/89	02/21/89	02/28/89	03/01/89	92	13	7	1	21	113
Peter Tarnoff (Clinton)	02/26/93	03/04/93	03/09/93	03/10/93	115	6	5	1	12	127
Marc I. Grossman (G.W. Bush)	03/08/01	03/20/01	03/23/01	03/23/01	121	12	3	0	15	136
William J. Burns (Obama)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Mean elapsed days for initial appointments to be Under Secretary for Political Affairs					104.8	11.5	5.3	1.0	17.8	122.5

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Public Diplomacy (Committee on Foreign Relations) (New position as of 1998 - 106th Congress)^f										
Charlotte L. Beers (G.W. Bush) ^g	06/29/01	09/24/01	09/25/01	09/26/01	234	87	1	1	89	323
Judith A. McHale (Obama)	04/20/09	05/13/09	05/20/09	05/21/09	167	23	7	1	31	198
<i>Mean elapsed days for initial appointments to be Under Secretary for Public Diplomacy</i>					200.5	55.0	4.0	1.0	60.0	260.5
<i>Mean elapsed days for appointments to selected Department of State positions</i>					136.9	19.9	6.1	5.5	31.5	168.5
<i>Median elapsed days for appointments to selected Department of State positions</i>					121.0	16.0	6.0	1.0	23.0	148.0
DEPARTMENT OF THE TREASURY										
Deputy Secretary (Committee on Finance)										
R. T. McNamar (Reagan)	02/02/81	02/06/81	02/06/81	02/16/81	90	4	0	10	14	104
Charles H. Dallara (G.H.W. Bush)	03/08/89	05/09/89	05/09/89	05/10/89	120	62	0	1	63	183
Roger Altman (Clinton)	01/20/93	01/13/93	— ^h	01/21/93	78	n.a. ^h	n.a. ^h	n.a. ^h	1	79
Kenneth W. Dam (G.W. Bush)	03/08/01	03/29/01	05/01/01	08/03/01	121	21	33	94	148	269
Neal S. Wolin (Obama)	04/20/09	05/08/09	05/12/09	05/18/09	167	18	4	6	28	195
<i>Mean elapsed days for initial appointments to be Deputy Secretary of the Treasury</i>					115.2	26.3	9.3	27.8	50.8	166.0

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary (Domestic Finance) (Committee on Finance)ⁱ										
Norman B. Ture (Reagan)	03/17/81	03/20/81	03/25/81	03/27/81	133	3	5	2	10	143
Robert R. Glauber (G.H.W. Bush)	04/04/89	05/04/89	05/09/89	05/17/89	147	30	5	8	43	190
Frank N. Newman (Clinton)	03/22/93	04/26/93	04/28/93	05/11/93	139	35	2	13	50	189
Peter R. Fisher (G.W. Bush)	04/30/01	05/10/01	05/24/01	08/03/01	174	10	14	71	95	269
Jeffrey A. Goldstein (Obama)	07/22/09	03/02/10	—	— ^j	260	223	n.a.	n.a.	n.a.	n.a.
<i>Mean elapsed days for initial appointments to be Under Secretary (Domestic Finance)</i>					170.6	60.2	6.5	23.5	49.5	197.8
Under Secretary (International Affairs) (Committee on Finance) (New position as of 1985 - 99th Congress)^k										
David C. Mulford (G.H.W. Bush)	03/08/89	05/04/89	05/09/89	05/17/89	120	57	5	8	70	190
Lawrence H. Summers (Clinton)	03/02/93	03/18/93	03/24/93	03/31/93	119	16	6	7	29	148
John B. Taylor (G.W. Bush)	04/04/01	04/26/01	05/01/01	05/26/01	148	22	5	25	52	200
Lael Brainard (Obama)	03/23/09	11/20/09	12/23/09	04/20/10	139	242	33	393	532	393
<i>Mean elapsed days for initial appointments to be Under Secretary (International Affairs)</i>					131.5	84.3	12.3	39.5	136.0	267.5
Under Secretary for Terrorism and Financial Crimes (Committee on Finance)^l										
James Gurule (G.W. Bush)	04/30/01	05/16/01	05/24/01	08/03/01	174	16	8	71	95	269

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Assistant Secretary for Financial Stability (Banking, Housing, and Urban Affairs) (New position as of 2008 – 110th Congress) ^m										
Marisa Lago (Obama)	09/25/09	11/05/09	12/17/09	02/11/10	325	41	42	56	139	464
Mean elapsed days for appointments to selected Department of the Treasury positions					153.4	53.3	11.6	35.0	82.0	228.3
Median elapsed days for appointments to selected Department of the Treasury positions					139.0	22.0	5.0	11.5	52.0	190.0
DEPARTMENT OF DEFENSE										
Deputy Secretary (Committee on Armed Services)										
Frank C. Carlucci (Reagan) ⁿ	01/22/81	01/13/81	01/29/81	02/03/81	79	n.a. ⁿ	16	5	12	91
Donald J. Atwood (G.H.W. Bush)	03/17/89	04/05/89	04/18/89	04/19/89	129	19	13	1	33	162
William J. Perry (Clinton)	02/24/93	02/25/93	03/05/93	03/05/93	113	1	8	0	9	122
Paul Wolfowitz (G.W. Bush)	02/15/01	02/27/01	02/28/01	02/28/01	100	12	1	0	13	113
William J. Lynn III (Obama) ^o	01/20/09	01/15/09	02/05/09	02/11/09	77	n.a. ^o	21	6	22	99
Mean elapsed days for initial appointments to be Deputy Secretary of Defense					99.6	10.7	11.8	2.4	17.8	117.4

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Secretary of the Army (Committee on Armed Services)										
John O. Marsh Jr. (Reagan)	01/23/81	01/26/81	01/29/81	01/29/81	80	3	3	0	6	86
Michael P.W. Stone (G.H.W. Bush)	07/25/89	07/31/89	08/03/89	08/04/89	259	6	3	1	10	269
Togo D. West Jr. (Clinton)	11/05/93	11/18/93	11/18/93	11/20/93	367	13	0	2	15	382
Thomas E. White (G.W. Bush)	05/11/01	05/10/01	05/21/01	05/24/01	175	9	11	3	23	198
John M. McHugh (Obama)	07/06/09	07/30/09	08/04/09	09/16/09	244	24	5	43	72	316
<i>Mean elapsed days for initial appointments to be Secretary of the Army</i>					225.0	11.0	4.4	9.8	25.2	250.2
Secretary of the Navy (Committee on Armed Services)										
John F. Lehman Jr. (Reagan)	01/23/81	01/28/81	01/29/81	01/29/81	80	5	1	0	6	86
H. Lawrence Garrett, III (G.H.W. Bush)	04/19/89	05/03/89	05/11/89	05/12/89	162	14	8	1	23	185
John H. Dalton (Clinton)	07/01/93	07/13/93	07/20/93	07/21/93	240	12	7	1	20	260
Gordon England (G.W. Bush)	04/30/01	05/10/01	05/21/01	05/22/01	174	10	11	1	22	196
Raymond E. Mabus Jr. (Obama)	04/20/09	04/28/09	05/14/09	05/18/09	167	8	16	4	28	195
<i>Mean elapsed days for initial appointments to be Secretary of the Navy</i>					164.6	9.8	8.6	1.4	19.8	184.4

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Secretary of the Air Force (Committee on Armed Services)										
Verne Orr (Reagan)	01/23/81	01/28/81	02/05/81	02/06/81	80	5	8	1	14	94
Donald B. Rice (G.H.W. Bush)	05/12/89	05/16/89	05/17/89	05/18/89	185	4	1	1	6	191
Sheila E. Widnall (Clinton)	07/22/93	07/29/93	07/30/93	08/05/93	261	7	1	6	14	275
James G. Roche (G.W. Bush)	05/07/01	05/10/01	05/21/01	05/24/01	181	3	11	3	17	198
Michael B. Donley (Obama)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Mean elapsed days for initial appointments to be Secretary of the Air Force					176.8	4.8	5.3	2.8	12.8	189.5
Under Secretary for Acquisitions, Technology, and Logistics (Committee on Armed Services) (New position 1986, 99 th Congress) ^p										
John A. Betti (G.H.W. Bush)	07/18/89	08/03/89	08/03/89	08/04/89	252	16	0	1	17	269
John M. Deutch (Clinton)	03/25/93	03/30/93	03/31/93	04/01/93	142	5	1	1	7	149
Edward C. Aldridge (G.W. Bush)	04/23/01	04/26/01	05/01/01	05/08/01	167	3	5	7	15	182
Ashton B. Carter (Obama)	03/18/09	03/26/09	04/01/09	04/23/09	134	8	6	22	36	170
Mean elapsed days for initial appointments to be Under Secretary for Acquisitions, Technology, and Logistics					173.8	8.0	3.0	7.8	18.8	192.5

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary - Comptroller (Committee on Armed Services) (New position as of 1986, 99th Congress)^q										
Sean C. O'Keefe (G.H.W. Bush)	05/12/89	05/18/89	05/18/89	05/18/89	185	6	0	0	6	191
John J. Hamre (Clinton)	08/04/93	09/23/93	10/21/93	10/25/93	274	50	28	4	82	356
Dov S. Zakheim (G.W. Bush)	03/13/01	04/24/01	05/01/01	05/01/01	126	42	7	0	49	175
Robert F. Hale (Obama) ^r	01/20/09	01/15/09	02/05/09	02/09/09	77	n.a.	21	4	20	97
<i>Mean elapsed days for initial appointments to be Under Secretary - Comptroller</i>					165.5	32.7	14.0	2.0	39.3	204.8
Under Secretary for Personnel and Readiness (Committee on Armed Services) (New position as of 1993, 103rd Congress)^s										
David S. C. Chu (G.W. Bush)	04/30/01	05/10/01	05/21/01	05/26/01	174	10	11	5	26	200
Clifford L. Stanley (Obama)	10/15/09	11/19/09	12/02/09	02/09/10	345	35	13	69	117	462
<i>Mean elapsed days for initial appointments to be Under Secretary for Personnel and Readiness</i>					259.5	22.5	12.0	37.0	71.5	331.0

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Policy (Committee on Armed Services)										
Fred C. Ikle (Reagan)	03/17/81	03/26/81	03/26/81	03/27/81	133	9	0	1	10	143
Paul D. Wolfowitz (G.H.W. Bush)	04/17/89	04/19/89	05/04/89	05/10/89	160	2	15	6	23	183
Frank G. Wisner (Clinton)	02/24/93	03/04/93	06/30/93	07/11/93	113	8	118	1	127	240
Douglas J. Feith (G.W. Bush)	04/30/01	06/05/01	07/11/01	07/12/01	174	36	36	1	73	247
Michele A. Flournoy (Obama)	01/20/09	01/15/09	02/05/09	02/09/09	77	n.a.	21	4	20	97
<i>Mean elapsed days for initial appointments to be Under Secretary for Policy</i>					131.4	13.8	38.0	2.6	50.6	182.0
Mean elapsed days for appointments to selected Department of Defense positions					167.2	12.8	12.6	6.0	29.2	196.4
Median elapsed days for appointments to selected Department of Defense positions					164.5	8.5	8.0	1.0	20.0	188.0
DEPARTMENT OF JUSTICE										
Deputy Attorney General (Committee on the Judiciary)										
Edward C. Schmults (Reagan)	01/30/81	02/05/81	02/05/81	02/06/81	87	6	0	1	7	94
Donald B. Ayer (G.H.W. Bush)	09/13/89	10/20/89	11/02/89	11/03/89	309	37	13	1	51	360
Philip B. Heymann (Clinton)	05/07/93	05/18/93	05/24/93	05/28/93	185	11	6	4	21	206
Larry D. Thompson (G.W. Bush)	03/22/01	04/05/01	05/10/01	05/10/01	135	14	35	0	49	184
David W. Ogden (Obama)	01/26/09	02/05/09	02/26/09	03/12/09	83	10	21	14	45	128
<i>Mean elapsed days for initial appointments to be Deputy Attorney General</i>					159.8	15.6	15.0	4.0	34.6	194.4

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Administrator of Drug Enforcement (DEA) (Committee on the Judiciary) ^c										
Francis M. Mullen Jr. (Reagan) ^u	03/29/82	06/15/83	09/30/83	10/07/83	510	443	107	7	557	1067
Robert C. Bonner (G.H.W. Bush)	06/11/90	07/11/90	07/26/90	07/27/90	580	30	15	1	46	626
Thomas A. Constantine (Clinton)	01/26/94	03/02/94	03/09/94	03/10/94	449	35	7	1	43	492
Asa Hutchinson (G.W. Bush)	06/12/01	07/17/01	07/26/01	08/01/01	217	35	9	6	50	267
Michele M. Leonhart (Obama) ^v	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Mean elapsed days for initial appointments to be Administrator of Drug Enforcement					439.0	135.8	34.5	3.8	174.0	613.0
Associate Attorney General (Committee on the Judiciary)										
Rudolph W. Giuliani (Reagan)	03/17/81	03/27/81	04/08/81	04/27/81	133	10	12	19	41	174
Francis A. Keating, II (G.H.W. Bush)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Webster L. Hubbell (Clinton)	04/07/93	05/19/93	05/24/93	05/28/93	155	42	5	4	51	206
Jay B. Stephens (G.W. Bush)	09/10/01	09/20/01	10/04/01	11/08/01	307	10	14	35	59	366
Thomas J. Perrelli (Obama)	01/30/09	02/10/09	03/05/09	03/12/09	87	11	23	7	41	128
Mean elapsed days for initial appointments to be Associate Attorney General					170.5	18.3	13.5	16.3	48.0	218.5

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Solicitor General (Committee on the Judiciary)										
Rex E. Lee (Reagan)	06/11/81	07/14/81	07/14/81	07/31/81	219	33	0	17	50	269
Kenneth W. Starr (G.H.W. Bush)	04/04/89	05/02/89	05/18/89	05/18/89	147	28	16	0	44	191
Drew S. Days III (Clinton)	04/07/93	05/20/93	05/24/93	05/28/93	155	43	4	4	51	206
Theodore B. Olson (G.W. Bush)	03/13/01	04/05/01	05/24/01	05/24/01	126	23	49	0	72	198
Elena Kagan (Obama)	1/26/09	02/10/09	03/05/09	03/19/09	83	15	23	14	52	135
<i>Mean elapsed days for initial appointments to be Solicitor General</i>					<i>146.0</i>	<i>28.4</i>	<i>18.4</i>	<i>7.0</i>	<i>53.8</i>	<i>199.8</i>
Mean elapsed days for appointments to selected Department of Justice positions					220.4	46.4	19.9	7.5	73.9	294.3
Median elapsed days for appointments to selected Department of Justice positions					155.0	25.5	13.5	4.0	49.5	206.0

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
DEPARTMENT OF ENERGY										
Deputy Secretary (Committee on Energy and Natural Resources)										
W. Kenneth Davis (Reagan)	04/27/81	05/13/81	05/13/81	05/14/81	174	16	0	1	17	191
W. Henson Moore (G.H.W. Bush)	04/04/89	04/05/89	04/12/89	04/12/89	147	1	7	0	8	155
William H. White (Clinton)	05/18/93	06/08/93	06/16/93	06/25/93	196	21	8	9	38	234
Francis S. Blake (G.W. Bush)	04/30/01	05/09/01	05/16/01	05/25/01	174	9	7	9	25	199
Daniel B. Poneman (Obama)	04/20/09	05/05/09	05/13/09	05/18/09	167	15	8	5	28	195
<i>Mean elapsed days for initial appointments to be Deputy Secretary of Energy</i>					171.6	12.4	6.0	4.8	23.2	194.8
Under Secretary (Committee on Energy and Natural Resources)										
Guy W. Fiske (Reagan)	08/28/81	09/14/81	09/16/81	09/18/81	297	17	2	2	21	318
John C. Tuck (G.H.W. Bush)	04/04/89	04/05/89	04/12/89	04/12/89	147	1	7	0	8	155
Charles B. Curtis (Clinton)	11/20/93	02/01/94	02/02/94	02/7/94	382	73	1	5	79	461
Robert G. Card (G.W. Bush)	05/02/01	05/09/01	05/16/01	05/25/01	176	7	7	9	23	199
Kristina M. Johnson (Obama)	03/23/09	04/23/09	04/30/09	05/19/09	139	31	7	19	57	196
<i>Mean elapsed days for initial appointments to be Under Secretary of Energy</i>					228.2	25.8	4.8	7.0	37.6	265.8

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Science (Committee on Energy and Natural Resources) (New position as of 2005, 109th Congress)^w										
Steven E. Koonin (Obama)	03/26/09	04/23/09	04/30/09	05/19/09	142	28	7	19	54	196
Mean elapsed days for appointments to selected Department of Energy positions					194.6	19.9	5.5	7.1	32.5	227.2
Median elapsed days for appointments to selected Department of Energy positions					174.0	16.0	7.0	5.0	25.0	196.0
DEPARTMENT OF HOMELAND SECURITY^x										
Deputy Secretary (Committee on Homeland Security and Governmental Affairs)^y										
Jane H. Lute (Obama)	02/25/09	03/26/09	04/01/09	04/03/09	113	29	6	2	37	150
Administrator of the Federal Emergency Management Agency (FEMA) (Committee on Homeland Security and Governmental Affairs)^y										
Louis O. Giuffrida (Reagan)	04/03/81	05/06/81	05/12/81	05/19/81	150	33	6	7	46	196
Wallace E. Stickney (G.H.W. Bush)	05/07/90	08/01/90	08/02/90	08/04/90	545	86	1	2	89	634
James L. Witt (Clinton)	03/16/93	03/31/93	04/01/93	04/05/93	133	15	1	4	20	153
Joe M. Allbaugh (G.W. Bush)	02/06/01	02/13/01	02/15/01	02/15/01	91	7	2	0	9	100
W. Craig Fugate (Obama)	03/17/09	04/22/09	04/27/09	05/12/09	133	36	5	15	56	189
Mean elapsed days for initial appointments to be Director of the Federal Emergency Management Agency					210.4	35.4	3.0	5.6	44.0	254.4

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
Under Secretary for Intelligence and Analysis (Select Committee on Intelligence)										
Philip Mudd (Obama)	05/04/09	—	—	(Withdrawn) 07/06/09	181	n.a.	n.a.	n.a.	63	244
Caryn A. Wagner (Obama) ^z	10/26/09	12/1/09	12/10/09	02/11/10	356	36	9	63	108	464
<i>Mean elapsed days for initial appointments to be Under Secretary for Intelligence and Analysis</i>					268.5	n.a.	n.a.	n.a.	n.a.	n.a.
Under Secretary for Management (Committee on Homeland Security and Governmental Affairs)^y										
Rafael Borrás (Obama)	07/06/09	07/29/09	10/28/09	— ⁱ	244	23	91	n.a.	n.a.	n.a.
Under Secretary (National Protection and Programs Directorate) (Committee on Homeland Security and Governmental Affairs)^y										
Rand Beers (Obama)	04/20/09	06/02/09	06/08/09	06/19/09	167	43	6	11	60	227
Under Secretary for Science and Technology (Committee on Homeland Security and Governmental Affairs)^y										
Tara J. O'Toole (Obama)	05/06/09	06/10/09	07/29/09	11/4/09	183	35	49	98	182	365
<i>Mean elapsed days for appointments to selected Department of Homeland Security positions</i>					208.7	34.3	17.6	22.4	67.0	272.2
<i>Median elapsed days for appointments to selected Department of Homeland Security positions</i>					167.0	34.0	6.0	7.0	58.0	211.5

Nominee (Nominating President)	Date of Action				Elapsed Days					
	Received in the Senate	Committee Hearing(s)	Reported or Discharged	Confirmation or Other Final Disposition	Election to Receipt	Receipt to Hearing	Hearing to Report or Discharge	Report or Discharge to Final Disposition	Receipt to Final Disposition	Total: Election to Final Disposition
INTELLIGENCE COMMUNITY^{aa}										
Director of National Intelligence (Select Committee on Intelligence)										
Dennis C. Blair (Obama)	01/20/09	01/22/09	01/28/09	01/28/09	77	2	6	0	8	85
Director of the Central Intelligence Agency (CIA) (Select Committee on Intelligence)^{bb}										
William J. Casey (Reagan) ^{cc}	01/20/81	01/13/81	—	01/27/81	77	n.a.	n.a.	n.a.	7	84
William H. Webster (G.H.W. Bush)	Continued from previous Administration.				n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
R. James Woolsey (Clinton)	01/20/93	02/02/93	02/03/93	02/03/93	78	13	1	0	14	92
Leon E. Panetta (Obama)	01/30/09	02/05/09, 02/06/09	02/11/09	02/12/09	87	6	5	1	13	100
<i>Mean elapsed days for initial appointments to be Director of the Central Intelligence</i>					80.7	9.5	3.0	0.5	11.3	92.0
Principal Deputy Director of National Intelligence (Select Committee on Intelligence)										
David C. Gompert (Obama)	08/06/09	10/13/09	10/29/09	11/09/09	275	68	16	11	95	370
<i>Mean elapsed days for appointments to selected Intelligence community positions</i>					118.8	22.3	7.0	3.0	27.4	146.2
Median elapsed days for appointments to selected Intelligence community positions					78.0	9.5	5.5	0.5	13.0	92.0
MEAN ELAPSED DAYS FOR ALL SELECTED APPOINTMENTS					169.7	27.6	11.5	10.7	45.9	214.3
MEDIAN ELAPSED DAYS FOR ALL SELECTED APPOINTMENTS					144.5	16.0	7.0	3.0	28.0	189.5

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.

- 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. According to the 2016 *U.S. Government Manual*, the "United States Agency for International Development (USAID) is an independent Federal agency." The leader of that agency is listed here as part of the Department of State because Section 6592 of Title 22 the *U.S. Code* provides that the "Administrator of the Agency for International Development ... shall report to and be under the direct authority and foreign policy guidance of the Secretary of State."
- c. 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.
- d. 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).
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. This position is entitled simply "Under Secretary" in statute, and has been named in various ways by different Administrations.
- j. 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>.
- k. 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. Mulford was the first individual nominated to the post. The position, which is entitled simply "Under Secretary" in statute, has generally been known as Under Secretary for International Finance under various Administrations.

- l. 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 was 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.
- m. 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.
- n. 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.
- o. 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.
- p. 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). Betti's nomination to the position was the first during a presidential transition.
- q. 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). O'Keefe's nomination to the Comptroller position was the first during a presidential transition. Zakheim's nomination was the first to the position, as it is currently titled and compensated, during a presidential transition.
- r. 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.
- s. 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.
- t. 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.
- u. 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.
- v. 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.

- w. 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.
- x. 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.
- y. This committee was known as the Senate Committee on Governmental Affairs prior to the 109th Congress.
- z. 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.
- aa. 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.
- bb. 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.
- cc. The position of Director of the Central Intelligence Agency was accorded Cabinet rank in the Reagan Administration, but not in the G.H.W. Bush, Clinton, G.W. Bush, or Obama Administrations. As a result, President Reagan's nomination is represented in the table above along with the preceding administration's nominations to the same position. 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.

Author Contact Information

(name redacted)
Specialist in American National Government
[redacted]@crs.loc.gov7-....

(name redacted)
Specialist on Congress and the Legislative Process
[redacted]@crs.loc.gov7-....

(name redacted)
Analyst on the Congress and the Legislative Process
[redacted]@crs.loc.gov7-....

Acknowledgments

(name redacted), formerly an analyst on Congress and the Legislative Process at CRS, and Maureen Bearden, formerly an information research specialist at CRS, coauthored this report. CRS Visual Information Specialist Amber Wilhelm created the figures in this report

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.