Ready, Set...Wait

Nominee Experiences through the Senate Confirmation Process

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Table of Contents

Introduction

"Hell." "Purgatory." "Invasive." "A root canal." These are not reports from a painful trip to the dentist, but the experiences of many Americans who have been nominated by presidents of both parties for Senate-confirmed positions in the federal government.

Over the last several decades, the Senate confirmation process has become ever slower and more dysfunctional. During the last six presidential administrations, the average time to confirm a president's nominee has nearly quadrupled, from an average of 49 days during the first term of the Ronald Reagan administration to 193 during the Joe Biden administration. During the first Donald Trump administration, it took his nominees an average of 161 days to be confirmed.

The Partnership for Public Service has examined the causes and consequences of this process breakdown from several angles. This includes the perspective of the president who is not able to get teams in place, and the Senate, which must spend increasing amounts of floor time voting on nominees at the expense of other business.

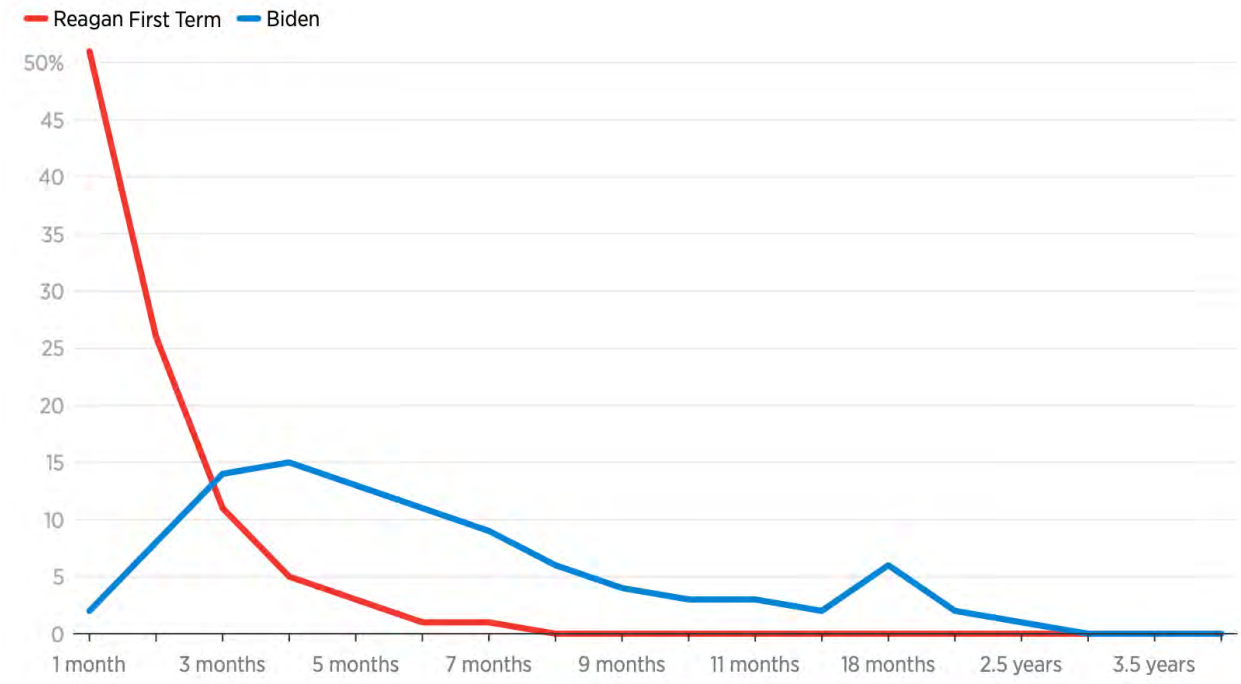
Another cost of the broken confirmation process, however, is the toll it takes on individual nominees – and sometimes on their families.

The opportunity to serve the public as a Senate-confirmed presidential appointee is an honor; many people consider it the capstone of a successful career. But the process of getting there can be grueling. Potential nominees undergo extensive vetting that includes detailed scrutiny of their finances, career history, personal conduct, public writing, speeches and travel. And they often find it necessary to hire attorneys and accountants to help. If all goes well, their nominations will be sent to the Senate. But successful and timely vetting of a nomination by the White House does not necessarily lead to speedy Senate confirmation.

For a variety of reasons – some of them procedural, many of them political – most nominees face a high degree of uncertainty about when they will be confirmed. Some wait months or years, only to then be confirmed on a largely bipartisan basis. The extended wait causes personal hardship for nominees as their careers, reputations, lives and even their incomes are put on hold. Their families are affected by the months and years in limbo waiting for a job that may never materialize. These impacts are a disservice to those seeking to serve their country and a deterrent to those who may be invited to serve in the future. As one nominee lamented, "Why should people come to an environment when you want to get things done and do right by your country, when the political partisanship stands in the way of doing the right thing, the right way, at the right time?"

> "Why should people come to an environment when you want to get things done and do right by your country, when the political partisanship stands in the way of doing the right thing, the right way, at the right time?"
>
> — Thomas Summers, acting chair of the Defense Nuclear Facilities Safety Board

The Increasingly Lengthy and Uncertain Senate Confirmation Process



Note: Chart plots the distribution of confirmation times for Senate-confirmed nominees in the first terms of the Reagan and Biden administrations. Data excludes judges, U.S. attorneys and U.S. marshals.
Chart: Partnership for Public Service

The above graph provides a glimpse into what is now a protracted and unpredictable confirmation process. During President Reagan's first term, over 90% of nominees were confirmed in under three months after their nominations were formally submitted to the Senate. In stark contrast, only 25% of President Biden's nominees were confirmed within the same time span; during President Trump's first term, 34% of nominees were confirmed during that timeframe. While the average time to confirmation was just under five months during the Biden administration, that figure obscures the hundreds of nominees who had to wait much longer. Delays in the process leave qualified nominees with more uncertainty than ever as to when they will start their political appointment, especially for lower-level nominations and members of federal boards and commissions.

To better understand the experience in the confirmation process and potential areas of reform, we interviewed more than 20 former nominees for Senate-confirmed roles from the Obama, Trump (first term) and Biden administrations. Nearly all of these nominees were ultimately confirmed with broad bipartisan support, but only after lengthy confirmation delays. The interviews revealed several key challenges faced during the confirmation process.

Uncertainty characterizes nearly every step of the confirmation process. Given delays that can occur during any part of the nomination process – pre-nomination vetting, Senate committee consideration, full Senate consideration – it is hard for the White House or the Senate to give a nominee an estimate of how long the nomination process may last. This lack of clarity about timing makes it difficult for nominees to plan for their transition from their current employment into the Senate-confirmed role, and to plan for changes that will impact their partners and children.

Long confirmation processes harm agencies and present national security risks. Acting officials cannot provide the same direction and leadership as a Senate-confirmed official, and delays eat into officials' terms, limiting their time and thus their effectiveness in office. In some cases, vacancies are even more consequential. Vacant ambassadorships create vulnerabilities abroad since official relationships can play a crucial role in national security and diplomacy.

The hurdles of the current confirmation process dissuade talented individuals from considering and accepting nominations. Nominees who are most likely to accept a nomination and then hang on despite delays tend to have certain advantages such as personal wealth. But many individuals have personal obligations that can't easily be put on hold, limiting the pool of potential nominees an administration might consider to those who can endure a lengthy process.

The American people benefit when talented individuals enter public service, but the barriers to entry are becoming too high. With this report, we highlight the challenges that nominees must overcome to serve in a Senate-confirmed appointment, describe the impact on agencies awaiting confirmed leadership and suggest improvements that could make the process less onerous for nominees and their families.

1. Barriers to Entry

Once under consideration for a Senate-confirmed position, nominees are vetted by the executive branch followed by formal nomination to the Senate. This begins a formal Senate committee process that may include additional vetting and a hearing. This period is historically the lengthiest part of the confirmation process once a formal nomination is made.

Cumbersome and Duplicative Paperwork

Prospective nominees undergo a series of intensive vetting and paperwork requirements as they begin the confirmation process. This includes an FBI background check, legally required financial disclosures through the Office of Government Ethics and other paperwork required by the Office of Presidential Personnel. Once these are complete, the White House formally submits the nomination to the Senate and the nominee is referred to the Senate committee of jurisdiction.[1]

While the overall process varies by committee, all committees review materials provided by the White House and often conduct their own information-gathering on the nominee. Further committee review includes staff research and requests for additional – and mostly duplicative – biographical and financial information. At the same time, senators and their staff engage with the nominees to delve further into their background and get their views on policy issues. This engagement may include oral or written questions that the nominee must answer, and during this process, nominees are expected to be available to meet with senators on the committee – especially the chair and ranking member – as well as with committee staff.

[1] In 2021, the Senate instituted a "privileged calendar" to create an expedited procedure for certain positions that typically are not controversial. While committees still review paperwork and qualifications of privileged nominees, the privileged calendar process allows the nominees to bypass committee proceedings and be placed on the Senate executive calendar unless a senator requests referral to committee within 10 session days of completion of the nominee's paperwork. Once on the executive calendar, though, they wait with all other nominees for a final vote by the full Senate. The Partnership's research has shown that privileged nominees take longer now to confirm than they did before the privileged calendar was created, and privileged nominees continue to take longer to confirm than nominees subject to the regular confirmation process.

The parallel executive branch and Senate procedures provide nominees with a heavy load of detailed paperwork. Nominees must pull together comprehensive information on their and their partner's assets and income, foreign travel, foreign contacts, all public writing, media interviews, social media, and complete professional history, among other information.[2]

Nominees report that providing this required information is burdensome. The vetting process was described as requiring "an extraordinary amount of time," as well as being "labor intensive," "absurdly comprehensive" and a "root canal process." In addition to spending hundreds of hours on paperwork that often asks for duplicative information, some nominees have to hire financial advisors and attorneys at their own expense to ensure that forms are filled out properly.

Prospective nominees may decide not to pursue a nomination due to the burdensome vetting process that they are often left to navigate with limited guidance or support. Alice Hill, a former nominee for the deputy administrator of the Federal Emergency Management Agency, highlighted this, stating that the process "was so thorough as to be a deterrent. It's a time drain."

> "The vetting and paperwork process "was so thorough as to be a deterrent. It's a time drain."
>
> — Alice Hill, former nominee for deputy administrator of FEMA

The executive branch and Congress need to coordinate on streamlining vetting processes for nominees, focusing on the key questions and information needed to review nominee backgrounds. They should also pursue a smart form application, which would automatically populate appointee answers to comparable questions across multiple forms for smoother input of information and ease the process on nominees. This effort could build on modernization efforts for the electronic filing systems for both background investigations and financial disclosure forms, which now auto-populate information already gathered from an applicant. This would allow easier updates from filers without having to fill out a form from scratch, and the ability for the forms to be used across years and across agencies for different positions.

Hearings and Getting Out of Committee

After completing all the necessary paperwork, questionnaires and staff interviews, nominees often testify before the committee of jurisdiction and then must be voted out of committee before being placed on the executive calendar for a vote by the full Senate.

Senate committees have full loads of work between hearings on substantive issues, business meetings to consider legislation and other priorities. Scheduling hearings for lower-profile Senate-confirmed positions may be deprioritized with little transparency for the nominee on when, or if, their hearing may occur. In some cases, committee members may intentionally try to delay hearings in order to negotiate with the administration about matters unrelated to the nominee.

For example, one ambassador reported that the Senate Foreign Relations Committee did not move their nomination forward while it negotiated with the State Department and White House about receiving information unrelated to them from the agency's Africa Bureau. It took over six months for this information to be shared, causing their nomination to stall through the entire period.

[2] The SF 86 Questionnaire for National Security Positions is 136 pages. The Office of Government Ethics 278 form is 23 pages with 378 pages of guidance.

2. Getting Through the Finish Line

Once nominees get out of committee and are placed on the Senate's executive calendar, they must be called up for a final vote to be confirmed. The time to move from the calendar to a final vote has grown over time, with average delays growing 15-fold from five to 70 days between the George H.W. Bush and Biden administrations. The nominees we spoke to highlighted two key reasons why they got held up. First, disagreements regarding agency or administration policy resulted in additional procedural hurdles. Second, the agency or position for which they were nominated was deprioritized in favor of more pressing business.

Holds

One of the features of the modern confirmation process is that a greater number of nominees face procedural barriers on their route to confirmation. While the Senate confirmation process historically operated under norms of unanimous consent and (for most nominees) voice votes, today it is common for an individual senator to object to the use of unanimous consent for the consideration of a nominee. When these "holds" are placed, nominees have to go through a series of votes and periods of debate that require significant floor time in the Senate to be confirmed.

Holds can be placed by any senator for any reason, often used as a negotiating tool with the administration on policy matters unrelated to the nominee or their qualifications for the position for which they have been nominated.

> "There were a series of holds over the summer and into the fall. To my knowledge, there were four Senators who put some sort of hold on me for reasons unrelated to me or my qualifications: two Republicans, two Democrats. You know what they say, with friends like these..."
>
> —A Senate-confirmed Biden administration official

For example, Michael Desmond, former chief counsel of the Internal Revenue Service, described how a hold was placed on his nomination: "I was omitted from the unanimous consent list several times. A single senator wanted to use my nomination as a talking point around [state and local tax (SALT) deductions. I didn't get why I had anything to do with this; I was just being used as a vehicle to talk about SALT."

Chris Koos, member of the Amtrak board, said he faced a hold despite having the support of the senator who placed it on his nomination: "He was very supportive of me but concerned with the White House because the board was supposed to have a mix of representatives from the northeast corridor and the rest of the system. He was using that as leverage for more appointees from the broader nation."

The holds placed on Desmond and Koos resulted in each taking a year or more to be confirmed despite bipartisan support. Both received more than 80 affirmative votes for their confirmation.

Deprioritization

The increased partisan politicking of the modern-day Senate makes it more difficult and lengthier for any individual action to be completed. In this environment, the Senate leadership must decide how to allocate limited floor time between legislation, executive nominations, judicial nominations and other business.

During the Biden and first Trump administrations, both the White House and their majority counterparts in the Senate made confirmation of judges a major focus. Since judges can serve for decades, in contrast to executive appointees who serve for only about two years on average[3], judicial nominees are viewed as worthier of the time investment. A former assistant secretary highlighted this prioritization: "The issue became that they were pushing judges through and because I would take up floor time, there wasn't a real interest to get [my role] confirmed."

> "It was just a matter of getting floor time. It was a surreal process watching 100 senators do the cloture vote, then the final vote, all for a noncontroversial nominee who was ultimately confirmed by an overwhelming majority"
>
> — Michael Desmond, former chief counsel of the Internal Revenue Service

There also is a hierarchy of prioritization among executive branch nominees. While Cabinet department secretaries may see their nominations move within weeks, lower-level nominees and those on smaller independent boards and commissions may experience months or even years of delay.

Nominees commonly reported how they were made to feel like a low priority. Jonathan Elkind, a former assistant secretary in the Department of Energy, said, "I was not the person whose candidacy was a high priority for anyone on any side to bring to closure other than myself and my spouse." One ambassador explained how this was communicated: "I was told by [Senate] staffers, the White House doesn't care about you, the career nominees."

Advocating for Yourself

While waiting in limbo for months or even years with limited information, several nominees reported that they had to rely on their personal networks in an effort to do whatever they could to get their nomination to move forward.

[3] https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1540-6210.2012.02676.x

While most larger agencies have designated congressional affairs personnel to help nominees navigate through the process, smaller agencies do not always have this built in support. Joyce Connery, a former member of the Defense Nuclear Facilities Safety Board, described how they had to improvise to ensure a nominee to their board would be confirmed so they would retain a quorum: "We started cold calling senators ourselves… we went through the book, saw who we could get to."

The need to rely on personal networks causes an unfortunate bias in who can become a Senate-confirmed official. Alex Beehler, a former assistant secretary in the Department of the Army, expressed the difficulty of navigating the confirmation process without personal contacts: "It's much harder to go through the process without someone of significant pull helping you through it personally." As a result, those without established, politically connected networks may face a harder time getting through the confirmation process.

> "I've been around D.C. I have a lot of friends including on the Republican side of the aisle, but at first, I didn't really engage any of them to help my confirmation. I said I'm not controversial, let this happen on the merits. I don't want to put friends in uncomfortable positions. Then I realized all the other nominees were lobbying their friends on the Hill."
>
> — A Senate-confirmed Biden administration official

3. While You Wait

Personal Impact

During the wait for confirmation, nominees not only risk their job prospects, but also their reputations and professional status. These potential burdens worsen the longer it takes to get confirmed. "You want to say it's not personal, but it feels awfully personal because it's your reputation on the line," said Chris Lu, a former representative to the United Nations for Management and Reform. "Nowadays, it's not uncommon for most nominees to be raked through the coals, and the scrutiny is often unfair and completely unrelated to the nominee's qualifications. It's emotionally draining."

The uncertainty of a final confirmation falls particularly hard on the children of nominees, who may struggle to thrive amidst the uncertainty. Jen Gavito, former nominee for U.S ambassador to Libya, illustrates the toll that an extended confirmation process takes on an entire family. After undergoing a lengthy pre-nomination process, her nomination waited in the Senate for nearly a year before she asked for her nomination to be withdrawn. "We [had] been existing in a transient status for three years on one bureaucratic salary," said Gavito. "After my hearing in June, my colleague from the other side of the aisle informed me that [a senator] was going to put a hold on my nomination. After getting off the phone, my son asked, sobbing, what I had done wrong to cause that. [My kids] had thought they were leaving. You see it in them. The younger one had not invested in any relationships because he thought we were moving on soon." Ultimately, Gavito said, she withdrew because "I could no longer prioritize this at the expense of my family."

Professional Impact

Delays impact the careers of nominees before they are confirmed. Nominees lucky enough to continue holding jobs during the wait are hamstrung as "lame ducks" in their existing roles. Whether in the public or private sector, once a nomination is officially announced, a nominee's colleagues know that they're not long for the role, which many nominees cite as a challenge. Their looming exit may prevent them from taking on new work or effectively completing current tasks; too often, it can damage relationships with their colleagues, forcing them to end roles on a sour note.

> "Once I was named officially for the nomination, I became a lame duck to my colleagues since they would ask, 'Aren't you leaving? Aren't you going to your new post?' This…eroded my effectiveness."
>
> — A U.S. ambassador

A key feature of the confirmation process is the freezing effect that it has on those in the midst of it: nominees cannot take on new roles or make major life changes while they wait, or they risk having to revisit and update their vetting paperwork – to reflect changing financial and background information.
Withdrawing from the process can also damage professional relationships and reputations. Nominees who have been waiting a long time and suffering the consequences can find themselves trapped in a catch-22. "You can drop out and apply for other positions," said Pam Tremont, U.S. ambassador to Zimbabwe, "but doing that after two years – forcing the agency to start from scratch – would likely have burnt bridges."

Financial Impact

For nominees who find themselves out of work and unable to take on new jobs while waiting for confirmation, delays create financial difficulties that fall particularly hard on long-time civil servants without large reserves of wealth.

Nominees who are coming from other government jobs may be able to keep serving until their confirmation, but some end up like Joyce Connery, who had been an agency detailee to the National Security Council when she was nominated to the Nuclear Defense Facilities Safety Board. Once nominated, she helped find a successor for her NSC role but then couldn't be sent back to her agency because of a potential conflict of interest. "I negotiated a role to sit as a detailee somewhere else," said Connery, "because I didn't know how long I would wait." In the end, she waited 114 days.

An official up for renomination to the Postal Regulatory Commission faced an even more frustrating situation. Despite being renominated in a timely manner, the official's holdover year expired while waiting for reconfirmation and they retired under involuntary separation status for just under a year until they were reconfirmed and rejoined the Commission. "It was very frustrating to find myself retired when I wasn't expecting it," said the official. "I had lost my income. That in itself is a hardship. And not knowing what was going to happen – when do I start looking for a job?"

Former nominees who managed to wait out a gap in employment leaned on partners or prior income to do so, though these individuals tended to come from the private sector and jobs more lucrative than those in government. "Being in government, it's much harder to go paycheck to paycheck, role to role," said Jim Schwab, former director of the Office of Management Strategy and Solutions at the State Department. "The wealthier you are, the more options you have. If you're wealthy, you can wait for a year, work on your ranch, sit on boards, or do advisory work, then say, 'Oh hey, my hearing's next week… time to go back to D.C.'" A nominee without these resources may not be able to afford waiting for a confirmation that might never come. Excessive delays hinder the government's ability to draw the best talent for appointed positions from across the economic spectrum.

The confirmation process itself also incurs expenses. "Nobody's paying for your travel expenses or reimbursing you for lost compensation. Like me, many nominees have to stop working to avoid potential conflicts arising from their nominations," said Michael Desmond, a former IRS chief counsel who lived in California at the time of his nomination. Nominees like Chris Koos, who was based in Illinois, can run up major bills. To keep his nomination moving, Koos needed to make multiple cross-country trips to Washington, D.C., during the 630 days that his nomination to the Amtrak board of directors was pending, all of which he paid for out of pocket. Nominees may need to pay for professional support to get them through the process. From financial advisors to lawyers, administrative assistants and even public relations consultants, professionals can help nominees but come with a hefty price tag. Steve Preston, the former head of the Small Business Administration and

later the Department of Housing and Urban Development, said that it was costly when he was up for his nomination to HUD in 2008, "It was over $17,000 simply to update my previous filing. It's very expensive and keeps a lot of people away."

> "Nobody's paying for your travel expenses or reimbursing you for lost compensation. That often has the effect of limiting the nominee pool to a select group of independently wealthy people who can afford to travel, relocate to Washington and forego work indefinitely, ultimately taking office at a compensation level that is often a fraction of what they were previously earning. This is why it is often only millionaires and billionaires who are able to take these positions: because no one else can afford the process."
>
> — Michael Desmond, former IRS chief counsel

Family Impact

Delays in the confirmation process impact not just the individual under consideration, but also their families. Partners and children of nominees may find themselves in limbo about whether and when they may need to relocate. This uncertainty becomes a particularly challenging hurdle for nominees with children, who need to plan around school schedules.

Multiple ambassadorial nominees shared stories of needing to leave their children behind to complete school while they went on to new jobs overseas. Former nominee to be U.S. ambassador to Libya Jen Gavito's son was an eighth grader when she was first nominated. By the time of her withdrawal, he was a high school junior.

Other members of the Gavito family felt the impact of the confirmation delay, too. "We have been existing in a transient status for three years on one bureaucratic salary," Gavito said. "My son plays travel soccer [that we had to sign on for in the spring], which is about $3,500 that we would have forfeited if confirmed. We had to re-sign our lease in May and my hearing was in June. Had I been confirmed, we would have paid a significant fee to break that." The individual they were renting the home from then returned, forcing their family of four to move into a 1,100 square foot apartment in Washington, D.C., where they were still living at the time of our interview. The stress weighed on all of them: "My husband woke up on multiple nights wondering what he had done, in his words, 'to derail my career,'" Gavito said.

> "The process took a significant toll on the health of my family…the impact of this on people is not understood. I can go on and on about the impact on my family, financial security, college savings, quality of life."
>
> — Jen Gavito, former nominee for U.S. ambassador to Libya

> "I had to leave my assignment in Sweden while my son was completing his IB program and we weren't sure if there would be the right course offerings in Zimbabwe. We paid…for boarding school but it was expensive and being across the ocean for the last two years of my son's high school was extremely difficult."
>
> — Pam Tremont, U.S. ambassador to Zimbabwe

Another nominee from the West Coast spoke about the layers of stress with the uncertainty of the confirmation process. Because they didn't know the timing of confirmation, should it occur, he and his wife struggled to figure out when she needed to start applying to jobs in Washington, D.C., as well as when to move their two school-age children, including one with a disability. Ultimately, they chose to move the family to Washington the summer after the nomination was announced so that the children would be able to start school in the new year, but the nominee himself then waited in limbo until the following April when he was finally confirmed. Unable to take on new roles or opportunities, he spent this time learning what he could from current and former officials and stakeholders, but the strain and expense of moving cross-country and the time out of work had a real impact on his family.

Notably, of the nominees we interviewed who were ultimately confirmed, most did not have young children while attempting the confirmation process and many cited this as a factor enabling them to wait it out. Self-selection of parents out of consideration for roles that require Senate confirmation eliminates a major proportion of mid-career talent that have much to offer as potential appointees.

4. Effects of the Empty Chair

Beyond the negative effects of delays on the nominees and their families, agencies must reckon with gaps in leadership and key personnel to carry out critical functions. This was a recurring theme brought up during interviews with nominees.

Career civil servants and political appointees who do not require Senate confirmation must step up to keep agencies running, but this is meant as only a temporary measure. Without permanent leadership in place, greater strain is placed on federal workers and appointees to grapple with strategic decision-making and the limits of their position to direct new and ongoing programs.

Former nominees with whom we spoke agreed that vacancies impede agencies' ability to pursue their mission, highlighting a range of additional issues including national security risks, disruption of government services to the public and discouragement of future leaders to consider public service. These challenges resulting from nomination delays make it even harder for appointees to do their jobs once they finally get confirmed – adding to the burden of accepting an appointment subject to the advice and consent of the Senate.

> "How are senators advancing their core responsibilities by letting bureaucracy or acrimony derail the [confirmation] process? Why have we set ourselves up to allow that kind of inertia to get in the way of doing good for the American people? If you don't fill those leadership roles, you're getting in the way."
>
> — John Lowry, a former assistant secretary in the Department of Labor

Delays and vacancies create national security risks

Vacancies and delays hinder agencies tasked with ensuring our national security, both domestically and abroad. Vacant ambassadorships create vulnerabilities abroad since official relationships can play a crucial role in national security and diplomacy.

One currently serving ambassador explained that, "For a lot of countries, going without a confirmed ambassador for many months or years really does harm the bilateral relationship. I think if we had to go for years potentially without an ambassador to my country of service, we would have lost high-level access. It would have been a real setback in the relationship."

Gaps in State Department networks around the world create challenges in diplomacy, trade and monitoring the influence of foreign adversaries. "Zimbabwe went nearly three years without an ambassador. The U.S.-Zimbabwe relationship is adversarial, and the embassy needs a confirmed leader given U.S. sanctions on Zimbabwe's leadership," explained U.S. Ambassador to Zimbabwe Pamela Tremont. "We have an embassy of nearly 400 people and a vacancy doesn't model a system to aspire to for authoritarian regimes. It's a bad look on our democracy."

Jim Schwab, former director of the Office Management and Strategy Solutions at the Department of State during the first Trump administration, sees these vacancies as harmful to U.S. influence abroad vis-à-vis other powerful states: "For the last year [of the administration], we had no ambassador in Pakistan — pretty important country. We didn't have an ambassador in Panama for a while – pretty strategic place, pretty heavy Chinese activity there. [It's not good] to not have an ambassador looking out for our interests."

> "We have an embassy of nearly 400 people and a vacancy doesn't model a system to aspire to for authoritarian regimes. It's a bad look on our democracy."
>
> — Pamela Tremont, U.S. ambassador to Zimbabwe

The Department of Defense, in addition to having the most personnel and largest budget of all Cabinet departments, has a complex leadership structure. Uniformed officers and civilian department leadership must cooperate to lead the armed forces, political appointees and the career civil servants effectively in the interest of the country's safety and security.

Delays getting key civilian leadership in place limit an administration's ability to carry out its agenda at the Department of Defense. Pursuant to the Constitution, the uniformed military is under civilian control. Political appointees are necessary to set new priorities and coordinate national security agencies in line with the president's national security and defense strategy. Vacancies disrupt leadership and undermine the ability of political appointees to lead, as Alex Beehler, former assistant secretary of the Army described: "Political appointees are doing major catch-up…Everyone knows political leadership is, at best, serving for two or three years. Generals can be in leadership for decades."

Confirmed – not acting – leadership is needed long-term

Increasing confirmation delays for politically appointed officials have extended the period for which many acting officials must fill their place. Acting officials have the important duty to maintain the necessary agency functions, but in many cases, they are limited in authority, either because of their temporary status, their status as a career civil servant (if applicable), or by other formal limitations of duties.[4]

In recent decades, the White House has relied more on acting officials to carry out the president's agenda. Long-term leadership is essential for agencies to fulfill their missions effectively, and political appointees have

[4] Delegable authorities of Senate-confirmed politically appointed positions can vary significantly depending on the position itself, the relevant agency and other applicable laws and regulations. The Partnership's Center for Presidential Transition offers a guide that walks through components of the Federal Vacancies Reform Act and important details concerning the limitations of acting officials: presidentialtransition.org/reports-publications/federal-vacancies-guide/

the prerogative to implement presidential priorities and direct agencies expeditiously towards those ends. When delays persist, agencies are left with more limited capacity to establish new priorities as John Lowry, a former assistant secretary in the Department of Labor, said: "They [career senior executives] don't have the political horsepower to make a declaration of, 'these are the priorities, this is where we're going.' You need a political appointee in there to take some of that risk…"

While civil servants in acting roles can provide deep expertise and temporary leadership, key decisions and direction are put on hold until a confirmed appointee is able to step in.

Even for political appointees in acting positions, their impact directing agency personnel and resources is limited due to their temporary status. "The reality is that when you are in an acting capacity and equally when in a role [waiting for confirmation], you operate differently, with a more tentative sense than when you're confirmed in the role. With having acting in front of your name, there are some things you [might] fight for full-throatily (budgetary issues, etc.) but [for] others you act differently," said Jonathan Elkind, a former assistant secretary in the Department of Energy, highlighting the delicate circumstances acting officials must navigate.

Temporary leadership creates uncertainty around what priorities to pursue with agency resources and whether they can or should be carried out before permanent leadership arrives. Agency programs and initiatives operate on multi-year timelines, and turnover in leadership can impact their development and delivery to the public.

Delays create backlogs and often limit agency resources dedicated to their mission and priorities

Another significant consequence of vacancies in agency leadership is the direct strain it places on programs and personnel resources. Many nominees found that their agencies struggled in managing and delivering some programs due to vacancies.

"The [Amtrak] board was significantly understaffed — at the time…There are 5 subcommittees on the Amtrak board and every member is a member of every committee because there weren't enough board members. It increased the workload of every board member," said Chris Koos, member of the Amtrak board of directors.

These increased workloads place a strain on political leadership and in some instances strain those who deliver programs to the public. Jonathan Elkind, a former State Department assistant secretary for international affairs, shared a similar managerial experience due to the protracted vacancy in his role: "With me in the confirmation process, what that meant was we were down one senior manager because I was acting [assistant secretary,] but doing so from the principal deputy slot. Just as a matter of workload, it was that much more. We had 20% fewer senior managers doing all the things senior managers do."

Delays also directly impact the public through agency programs. Hunter Kurtz, former assistant secretary for Public and Indian Housing at the Department of Housing and Urban Development, reflected on how his confirmation delay (about 630 days) impacted Americans who rely on public housing assistance and tribal communities that benefit from economic and community development programs.

"You have housing authorities that are performing poorly, [so] we put them in receivership where HUD takes over.[5] It's difficult if not impossible to do that without a political person in that role, so there became a backlog of housing authorities that needed to be placed in receivership that were being poorly managed…there's

[5] Receivership for public housing authorities occurs when the housing authority is placed under the management of an employee at the Department of Housing and Urban Development or a contractor. This is usually performed when the housing authority has long-standing management issues that other forms of intervention (e.g. sanctions or technical assistance) fail to remedy.

a real argument that that wouldn't have happened had I or somebody been in place," Kurtz said. "These programs at HUD support over three million households that require federal assistance, and vacancies in leadership roles extend these negative consequences onto the public."

Some nominees also recounted that the absence of leadership delayed or prevented decision-making for key programs at the cost of the American people.

Across the federal government, gaps in leadership lead to negative impacts felt nationally and globally. Thomas Summers, acting chairman of the Defense Nuclear Facilities Safety Board, summarized how these consequences ripple beyond just the nominees and agencies themselves: "It's frankly a disservice to our country. For the government to work and be effective, it would be useful to have the people in place that are expected to do the job. And when they're not, agencies are less effective. And so by the confirmation process being so long and drawn out, you put individuals in an uncertain position, you put agencies in an uncertain position. You delay decisions that can have a significant impact to our nation and the citizens of the United States."

While qualified nominees in particular bear the burden of confirmation delay, the public depends on effective government, which requires the timely installment of top federal leadership.

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Conclusion

Presidential nominees who undergo the Senate confirmation process face significant burdens and uncertainty. Former nominees expressed how their service was a great honor and firmly believed in the mission and impact of their agency. At the same time, the current confirmation process creates undue burdens on the personal and professional lives of nominees who experience protracted delays.

Many nominees shared concerns that the delays and uncertainties on their path to confirmation have discouraged and continue to inhibit future talent from stepping up for these leadership roles. One former nominee said, "It discourages qualified people to look at the positions because why would I go through that hell?" Another remarked, "You want to go through the confirmation process? Good luck."

Not only do the hurdles of the confirmation process shrink the overall talent pool, they also tilt the process towards particular kinds of nominees. Certain advantages, like personal wealth and political networks, can help a nominee endure a long wait and navigate the confirmation process. A process that – even inadvertently – rewards these advantages, makes it increasingly difficult for talented individuals of a variety of backgrounds across America to bring their expertise and perspective to serve. While traits like personal wealth and deep networks are not inherently undesirable for political nominees, a federal government made up of only individuals with these profiles does not accurately represent nor best serve the full American public.

Urgent reform is needed to ensure that presidential administrations can attract and efficiently place the best talent to serve in leadership roles across the government. These reforms should include:

- Reducing the number of Senate-confirmed positions by converting them to positions not requiring confirmation, thereby allowing a president to get a greater number of appointees in place faster. Positions for possible consideration include those on part-time boards and commissions, management positions, those that are persistently vacant and those furthest down agency hierarchies.
- Streamlining vetting processes and paperwork to cover core, essential information across executive branch agencies and Senate committees.

- Enforcing an existing Senate resolution to require transparency around the placement of holds on nominees.
- Improving the "privileged nomination" process, which provides for streamlined Senate procedures for considering nominations for typically non-controversial positions.
- Allowing nominations to be bundled and considered together to reduce the number of procedural barriers needed to reach confirmation for noncontroversial nominees.

Without such reforms, the confirmation process will continue to serve as a barrier to filling top agency leadership positions and nominees, agencies and the public will be the ones that most feel the impact.

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