



Senate Confirmation Process Slows to a Crawl

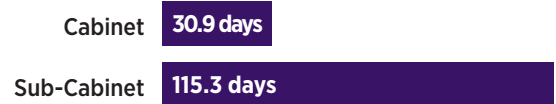
Confirmations Take Twice as Long Today as They Did During the Reagan Administration

Highlights

The average Senate confirmation process for presidential appointments takes more than twice as long under President Donald Trump (115 days) as it did during President Ronald Reagan's time in office (56.4 days).



The pace is particularly pronounced for sub-Cabinet roles. During President Barack Obama's administration and Trump's first three years, it took nominees for these jobs about 3.5 times as long to be confirmed as nominees for Cabinet positions, 115.3 days compared with 30.9 days.



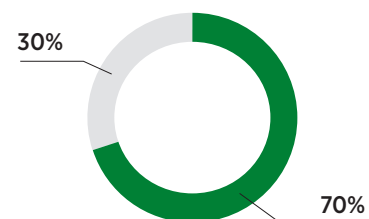
Divided government has not necessarily resulted in longer confirmation periods. When the same party controlled both the White House and Senate, the average confirmation took 83.3 days compared with 81.2 days when they were controlled by different parties.



Whoever is inaugurated a year from now—President Trump or the eventual Democratic nominee—would benefit from early planning to secure quick appointee confirmations. Presidents have the most success filling Senate confirmed positions during their first and fifth years in office. The average time for confirmation was faster in year one (61.7 days) than any other year. For second term presidents, year five confirmations (81.6 days) were faster than subsequent years.



This study *only* covers the period between a formal nomination and Senate confirmation—meaning the entire nomination process can take six months to a year for many nominees. This study does not cover the vetting, background checks and security clearances that take place before a formal nomination is sent to the Senate. According to [one study from 2010](#), the selection and vetting process takes about 70% of the overall time for presidential nominees while the Senate's role takes about 30%.



Both the Senate and executive branch have opportunities to streamline an increasingly lengthy confirmation process

A major presidential responsibility is to fill more than 1,200 political appointments requiring Senate confirmation. Few decisions have a greater impact on the success of an administration than the selection of its people in critical leadership roles. A president must not only select well-qualified appointees, but must also work with relevant federal agencies and the Senate to get appointees in their jobs quickly. This task is especially crucial for presidents beginning their first term, and those transitioning to a second term, as year five of an eight year term usually coincides with a turnover of more than 40% in senior leadership positions.

The confirmation process has become more cumbersome over time because the Senate's responsibility to "advise and consent" takes far longer now than it did in previous years.

Despite changes in technology and Senate rules, the official confirmation process takes more than twice as long now as it did during President Ronald Reagan's administration. During President Donald Trump's first three years in office, the Senate took an average of 115 days to confirm nominees compared with 56.4 days during Reagan's two terms.¹ In 2019 alone, the Senate took an average of nearly 136 days to confirm appointees.² During three of President Barack Obama's eight years in office, the average confirmation process exceeded 140 days.

This lengthy period only includes the time between a president's official nomination of appointees to the Senate and when the Senate votes on confirmation. In practice, the process begins much earlier with the identification and selection of the appointee, internal vetting and the time it takes for a potential nominee to complete forms, an FBI background check and a review by the Office of Government Ethics. This process alone can easily take months—far too long.

While the numbers fluctuate from year-to-year, the trend of slower confirmations is clear. During President Bill Clinton's two terms, the average time between the formal nomination and Senate confirmation was 81.2

days. For President Obama, the average was almost 40% longer—112.4 days.

These results are averages and the range is quite large. Some confirmations are completed in just a few weeks, even with Senate committee hearings. Others, however, can take much longer. Since 2009, there have been 31 appointments that took more than a full year to be confirmed. Of those, six took more than 500 days.

[Many factors](#) contribute to the length of time that nominations remain pending in the Senate. Senate rules are not built for quick decisions while time constraints and competing priorities crowd out speedy consideration of nominees. Applicants must fill out significant paperwork, and on some occasions, administrations have submitted incomplete or erroneous forms to the Senate. Any senator can place a "hold" on a nominee to attempt to extract concessions on matters unrelated to the nominee's qualifications. Some senators see political gain in objecting to virtually every nominee.

Another significant factor has been the increased use of Senate filibusters in recent years to delay nominations. Cloture votes, the Senate's [procedural motion](#) used to limit debate and overcome filibusters, have also increased dramatically to overcome filibusters. During the first terms of the Clinton, George W. Bush and Obama presidencies, there were only [31 cloture votes](#) on judicial and executive nominees combined. However, there were [150 cloture votes](#) on judicial and executive nominees in the two years following Obama's 2012 reelection. And in Trump's first two years in office, the Senate held [148 cloture votes](#) on such nominees.

Confirmation process takes even longer when excluding Cabinet positions

Cabinet secretaries generally receive the most attention from the Senate, White House, media and the public and as a result are confirmed at a much faster pace than other positions.

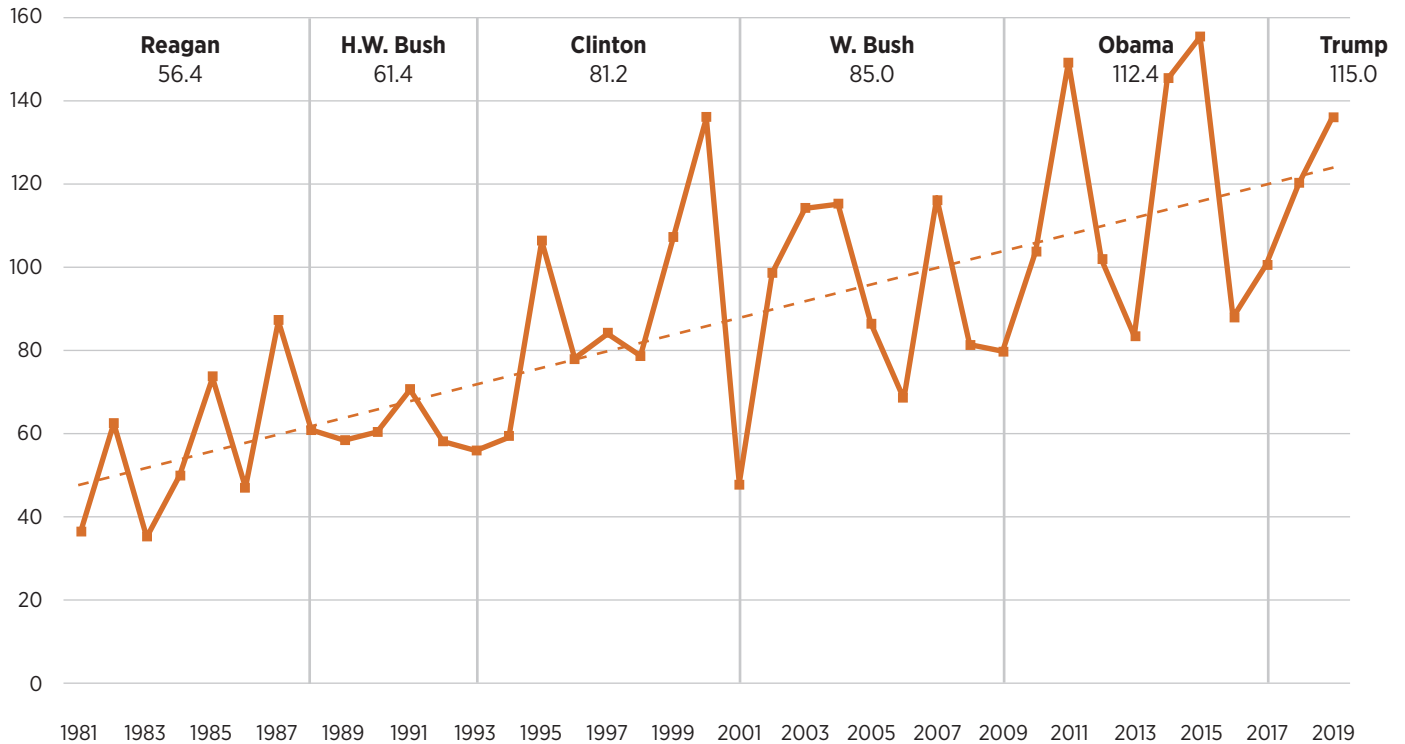
Over the past six administrations, Cabinet secretaries took an average of 21 days to win confirmation by the Senate. By contrast, the average for all sub-Cabinet confirmations was 83.6 days, nearly four times as long. Under Obama and Trump, these positions have taken an average of 115.2 days to be confirmed.

Even though Cabinet nominees have been confirmed at a much faster pace, their confirmations are taking longer as well. Cabinet nominees were confirmed in an average of 13.7 days under Reagan. Under Obama and Trump, Cabinet confirmations have taken an average of 30.9 days.

1 Data for the report only includes appointees who were confirmed. Data for the Trump administration includes nominations through Dec. 31, 2019. The data was compiled by the Partnership for Public Service's Center for Presidential Transition® and was gathered from Congress.gov. It includes civilian nominations with exceptions for part-time positions, judges, U.S. marshals, attorneys and positions in the legislative branch. The confirmation process is defined as the time between a president sending a formal nomination to the Senate and the confirmation vote.

2 On April 4, 2019, the Senate changed its rules to decrease the amount of time allowed for debating nominations from 30 hours to two hours. This change sped up the process for subsequent appointments made by the president. Confirmations for nominees submitted after the April 4 rule change until the end of the year took an average of 104.5 days.

Average number of days for the Senate to confirm presidential nominations



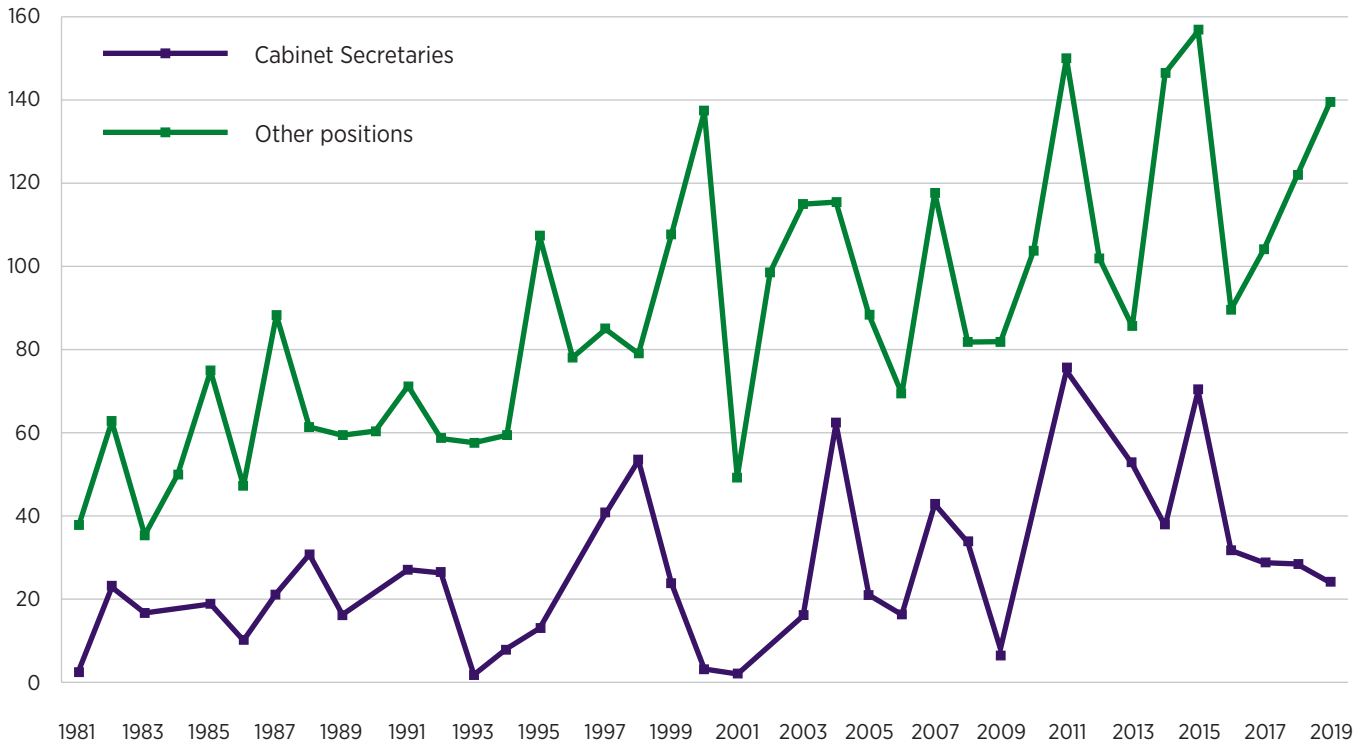
Data compiled by the Center for Presidential Transition from Congress.gov. Only includes confirmed civilian nominations.

Recommendations for improving the Senate confirmation process

The Partnership for Public Service advocates for changes that would streamline the confirmation process. The recommendations include:

- Presidential transition teams should identify and select well-qualified candidates for Senate-confirmed positions before the presidential election.
- The Senate should reduce the number of presidential appointments subject to Senate confirmation.
- All officials should work to change the presumption that well-qualified appointees serving in management positions will be replaced when there is a change in administration.
- Congress and the executive branch should simplify paperwork to reduce the burden on nominees.
- Congress and the incumbent administration should ensure the FBI, Office of Government Ethics and relevant agencies are prepared for a surge in nominations in the first and fifth years of a presidency.
- The administration and nominees should submit timely, accurate and complete paperwork to the Senate to minimize the delay caused by revisions.
- The Senate should reexamine the “privileged calendar” to expedite noncontroversial nominations.
- The legislative and executive branches should work across party lines to ensure the most important Senate-confirmed positions are filled in the first 100 days of a first or second term.

Average number of days for Senate confirmations for Cabinet secretaries and others



Data compiled by the Center for Presidential Transition from Congress.gov. Only includes confirmed civilian nominations. Cabinet secretaries are for the 15 Cabinet-level executive branch departments. There were no Cabinet nominations in 1984, 1990, 1996, 2002, 2010 and 2012.

Presidents have the most success filling Senate-confirmed positions during their first and fifth years in office

The Senate confirmed presidential nominations faster in an administration's first year than in any other year of a president's term. For the past six presidents, the confirmation process during the first year averaged 61.7 days, more than 18 days faster than any other year. This is in part because presidents often have a honeymoon period soon after their inauguration and because many early nominations involve highly ranked positions that receive priority. Even so, the process remains slow. For example, during the last four decades, Reagan had the most success in clearing nominations early in his first term. Even with this success, however, Reagan only had 81 confirmed appointees in place after 100 days while about 50 more nominations were still working their way through the Senate.

Average number of days for the Senate to confirm presidential nominations	
President's year in office	
1	61.7 days
2	80.0
3	102.1
4	79.6
5	81.7
6	89.2
7	113.2
8	87.1
Total	82.4
President's term	
First	76.8
Second	92.6

Data compiled by the Center for Presidential Transition from Congress.gov. Includes only confirmed nominations from 1981 to 2019.

Data for the Trump administration is for first three years in office, 2017 to 2019.

Confirmations move faster for presidents in first terms than in second terms

Presidents in their first terms secured confirmations faster (an average of 76.8 days) compared with those in second terms (92.6 days).

Presidents entering a second term have strong incentives to make nominations early. Year five provided the shortest average time for nominations during second terms (81.7 days). That was a full month less than nominations during year seven, for example, where the average was 113.2 days.

Divided government does not necessarily mean a slower confirmation process

Many observers presume that when a single party controls both the Senate and the White House, confirmation processes would be much faster. However, data from the past four decades show this is not necessarily the case. When the same party controlled both the Senate and the White House, the average confirmation took 83.3 days. When different parties controlled the presidency and the Senate, the confirmation process took about the same amount of time—an average of 81.2 days.³

However, the story of divided government is more complicated. At times, opposing parties have confirmed nominees quickly. For example, during the 101st Congress (1989-1990) when George H. W. Bush was president and Democrats controlled the Senate, confirmations took an average of 58.9 days. By contrast, when Obama was president during the 112th Congress (2011-2012) with a Democratic-led Senate, the average was 137.3 days—the third-highest average for any year during the past four decades.

³ This data considers the 107th Congress (2001-2002) as being under Democratic control. Democrats controlled the Senate for most of the 107th Congress, but Republicans had control for about six months in early 2001 until Senator Jim Jeffords switched his party affiliation to Independent, handing control to Democrats for the rest of the term. If the 107th Congress is excluded from this data, the numbers change only slightly. In that case, when the same party controls both the Senate and White House, the average confirmation took 83.3 days compared with 85.7 days when the two are controlled by different parties.

Conclusion

Presidential appointees requiring Senate confirmation face a process that is longer, harder, more public and more complex than their predecessors faced 40 years ago. While our nation relies on talented individuals to assume leadership roles in government, the difficulty of navigating the Senate confirmation process makes the prospect of a presidential appointment daunting. Many service-minded people even forego a presidential appointment because the lengthy process takes a heavy toll on their professional and personal lives.

The federal government will operate most effectively—and be most accountable to the public—when the best and the brightest are moved to serve their country. Senators should work across party lines to confirm qualified appointees and consider reforms to make the process run smoothly. And every administration will benefit from starting early and moving with speed to staff the government.

Methodology

All data was downloaded from the nomination information available on Congress.gov. The study includes 8,551 confirmed presidential nominations needing Senate approval from Jan. 20, 1981, through Dec. 31, 2019. Most civilian appointments were included with some exceptions. Part-time positions were excluded along with judges, marshals, attorneys and positions in the legislative branch. Military appointments were excluded unless they are designated by statute as a civilian appointment or otherwise mentioned explicitly in the report. Reappointments are included.

For the sake of the study, Dec. 31, 2019, was considered the end of Trump's third year in office.

For individuals confirmed to multiple positions at nearly the same time, only data from the highest-ranking position was included. For example, Inez Moore Tenenbaum was nominated twice on June 9, 2009: once to be chairman of the Consumer Product Safety Commission, and separately to be a commissioner on the Consumer Product Safety Commission. For the sake of the study, only her nomination for the chairman position was included.

Nominations were considered Cabinet positions for the 15 Cabinet-level departments. These are the departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Justice, Labor, State, Interior, Treasury, Transportation and Veterans Affairs.

The 107th Congress was unique because the Senate switched majorities from Democratic to Republican and then back to Democratic control. For the study, the 107th Congress was counted as being led by Democrats because they were the majority for most of the session.