



A LATE START TO A TRANSITION CAN DELAY FILLING KEY LEADERSHIP POSITIONS CRITICAL FOR THE AMERICAN PEOPLE

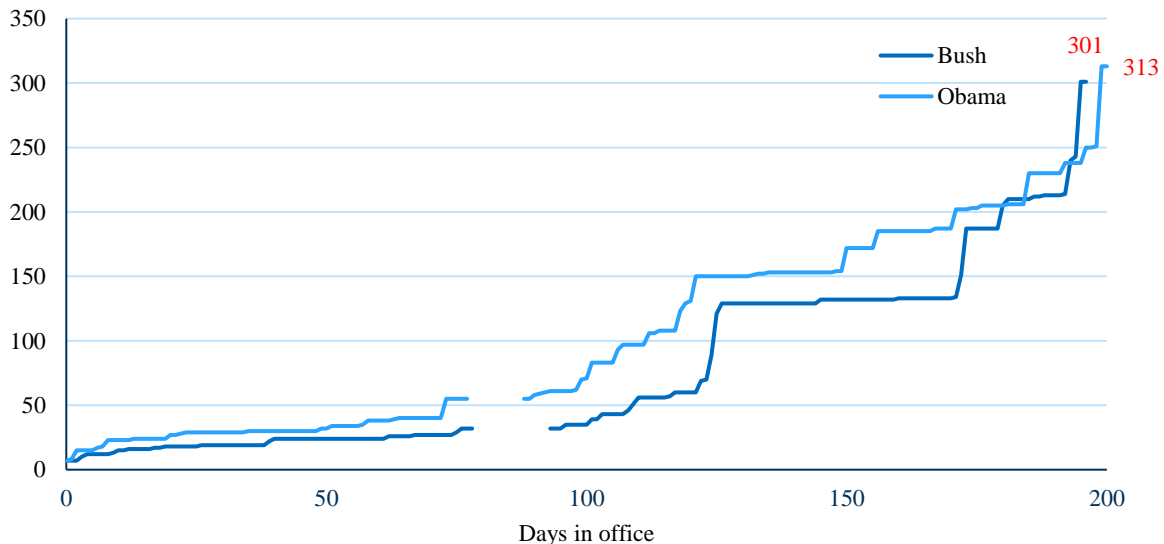
By Christina Condrey

Further delays by the General Services Administration in recognizing the outcome of the Nov. 3 election could impede the ability of President-elect Joe Biden to make timely and critical appointments for key COVID-19 and national security-related positions, thereby weakening the government's ability to protect our nation and distribute life-saving vaccines.

Having the right appointees in place quickly is essential for the federal government to protect and advance American interests, particularly at a time of crisis.

An analysis by the Center for Presidential Transition shows that the shortened transition in 2000 resulted in President George W. Bush having half as many top appointees in place – including critical national security roles – at the 100-day mark of his term as President Barack Obama did eight years later.

Number of Senate Confirmations in an Administration's First 200 days



Data compiled by the Center for Presidential Transition from Congress.gov. Only includes Senate-confirmed civilian nominations and confirmations. This includes multiple confirmations for concurrent positions (e.g. ambassador to the United Nations and ambassador to the United Nations Security Council; appointment to and chair of a board or commission, etc.).

A key component of a smooth and effective presidential transition is the appointment of officials to important government leadership positions, including more than 1,200 who require Senate confirmation.

Staffing a new administration is a difficult task in normal times. In a crisis, particularly a pandemic, staffing becomes more crucial. Effective selection and placement of personnel becomes even more difficult when a president-elect does not have full and complete access to government resources

during the entire 77-day period between the election and the inauguration to help vet high-level appointees.

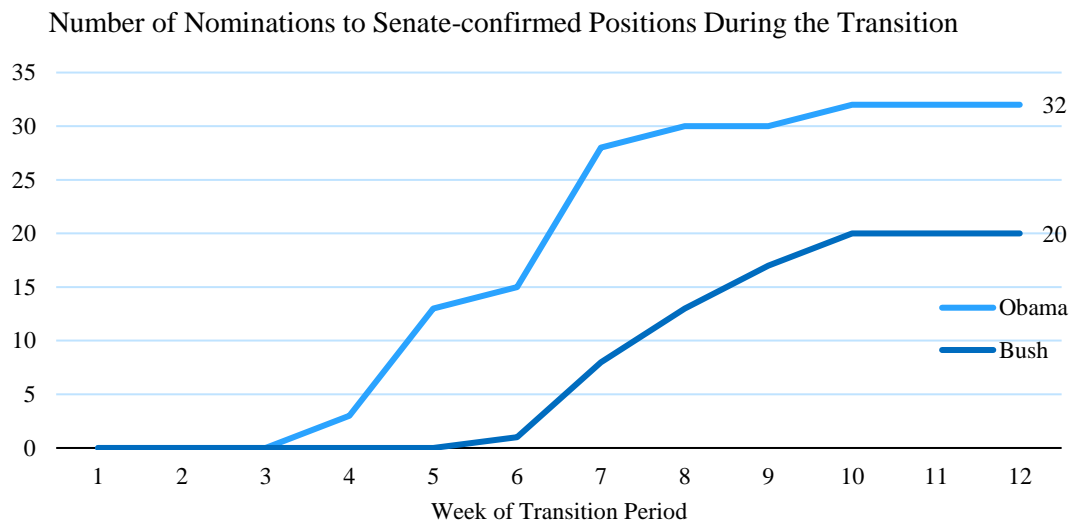
With the GSA delaying government support, including access to ethics reviews and background investigations for potential appointees, Biden’s ability to quickly get nominees into key government jobs could be delayed.

The only transition which previously faced a delay by the GSA occurred in 2000 when that election outcome was in dispute between George W. Bush and his opponent, Vice President Al Gore. Bush was declared the winner on Dec. 13, 2000, following a recount of votes in Florida, leaving him with only 37 days before the inauguration to initiate the formal government appointee review process.

While the factual conditions of today’s situation are [different than in 2000](#), the shortened timeframe prevented Bush from nominating and securing as many confirmations as Obama in 2009. Bush had a highly professional, experienced personnel operation. However, at the 100-day mark, Bush had only half as many Senate-confirmed officials in place than President Obama did eight years later.

Early delays in the nomination process are difficult to overcome

Bush made the first announcement for a Senate-confirmed position on Dec. 16, 2000. At the equivalent time in 2008, Obama had announced 15 key officials, including seven Cabinet secretaries.



Note: Bush was not declared the winner of the 2000 election until week six of the transition period. Only includes nominations officially submitted to the Senate.
 Data compiled by the Center for Presidential Transition

Biden is appropriately continuing his transition work, including with respect to personnel announcements. However, until the GSA ascertains the outcome, the Biden transition team is unable to formally process those nominations. To do so, they require: final FBI background checks; processing of the nominations by the Office of Government Ethics; and review and resolution of any disclosure, divestment and recusal obligations to ensure that nominees comply with federal ethics in government laws and regulations.

To help prepare incoming administrations, the Senate holds pre-inaugural confirmation hearings for the highest priority nominees. That process cannot start until the nominations are sent to the Senate. The Senate held 40% fewer pre-inaugural hearings for Bush nominees than it did eight years later for Obama.

The slower pace of personnel announcements continued into the first year of the Bush administration. By day 100 of his presidency, Bush had only 35 senior officials confirmed by the Senate compared with 69 for Obama. Bush submitted his 100th nomination to the Senate on April 30, 2001 – 101 days into his administration. Obama hit that milestone more than a month earlier, on March 24, 2009. Even though Bush's party held a slimmer majority in the Senate than Obama's in 2009, the difference did not impact the pace of nominations.

Vital national security positions go unfilled – and implications for COVID

[The 9/11 Commission](#), which studied the conditions surrounding the terrorist attacks of Sept. 11, 2001, found Bush's national security team was not fully in place in part to a delayed transition. Former Homeland Security Secretary Michael Chertoff, who was at the Department of Justice on Sept. 11, 2001, discussed the challenges of being short staffed at the time of the attack during a recent [University of Virginia Miller Center program](#).

By Bush's 100th day in office, the Senate had only confirmed two of the major national security leadership positions – the secretary and deputy secretary of the Department of Defense. By the end of June, just 12 of the 45 Senate-confirmed positions at DOD were filled. If the same slow pace of appointments were to occur this year with respect to health and COVID-19 related positions, the negative implications on the government's response could be significant.

Subsequent presidents have benefited from the commission's proposals, which included expedited background checks for transition team members and expedited security clearances for national security positions.

By the 100-day mark of Obama's first year, the Senate confirmed seven top defense officials, including positions like the deputy secretary, undersecretary for policy, comptroller and undersecretary for acquisition. (Defense Secretary Robert Gates remained in his position from the Bush administration.) By the end of June 2009, 11 more key Defense Department officials had been confirmed.

This trend occurred throughout the federal government. At the 100-day mark of the Bush administration, nine of the 15 Cabinet agencies did not have anyone confirmed beyond the Cabinet secretary, compared with only four at the same point in the Obama administration.

A delayed start to the transition places a new administration, and more importantly the nation, at risk and far behind in advancing policy goals.