



SLOW NOMINATIONS AND CONFIRMATIONS POSE A THREAT TO NATIONAL SECURITY

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PARTNERSHIP FOR PUBLIC SERVICE

CENTER *for* PRESIDENTIAL TRANSITION

About the Center for Presidential Transition

The Partnership for Public Service's Center for Presidential Transition is the nation's premier nonpartisan source of information and resources designed to help presidential candidates and their teams lay the groundwork for a new administration or for a president's second term.

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Photo Credit: Department of Homeland Security/Tara A. Molle

Executive Summary

Experts have long agreed the transition from one presidential administration to another is a vulnerable time for the country, and that new presidents and Congress each have an obligation to fill top national security positions as quickly as possible. As the pandemic, events in Ukraine and other global challenges have demonstrated, continuity in national security leadership is crucial for the security of the U.S. and its allies and partners. Data from the Partnership for Public Service's Center for Presidential Transition, however, reveals chronic delays at nearly every step of the nomination and confirmation process—even for the national security positions that all stakeholders agree are essential to minimize threats during the first months of a new administration.

How many days it has taken new presidents to nominate officials for key national security positions 2000-2021

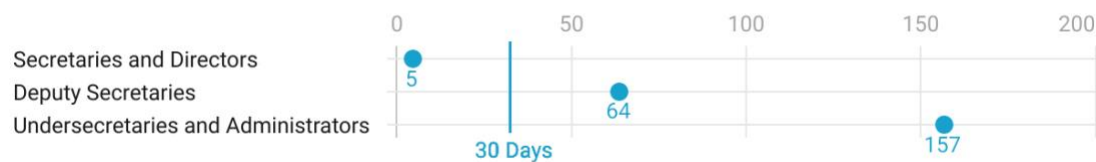


Chart: Partnership for Public Service's Center for Presidential Transition® • Source: Congress.gov • Created with Datawrapper

How many days it has taken the Senate to confirm officials for key national security positions 2000-2021

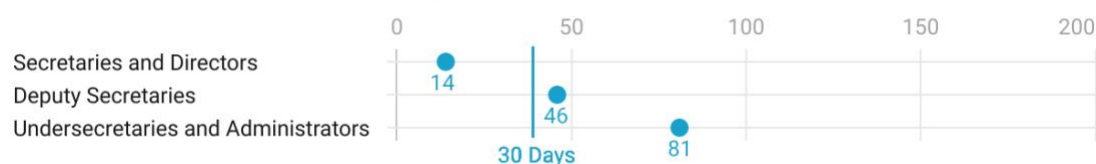


Chart: Partnership for Public Service's Center for Presidential Transition® • Source: Congress.gov • Created with Datawrapper

New presidents have about 4,000 political appointments to fill, including about 1,200 subject to Senate confirmation, and must make so many appointments that even top national security positions cannot be treated with the urgency each administration agrees they deserve—and the Senate cannot confirm them. Our data shows no recent president has managed to fill all such crucial positions in a timely manner as recommended by bipartisan reviews of the last 20 years.

One of the key findings of the congressionally mandated bipartisan [National Commission on Terrorist Attacks Upon the United States](#), also known as the 9/11 Commission, was that a delayed presidential transition in 2000 “hampered the new [George W. Bush] administration in identifying, recruiting, clearing, and obtaining Senate confirmation of key appointees.” [The Intelligence Reform and Terrorism Prevention Act of 2004](#) recommended that new administrations submit nominations for key national security positions by Inauguration Day and that the Senate vote on each nominee within 30 days of receiving each one.

Nominations of top Senate-confirmed national security positions at the beginning of each administration

President	Number of positions*	Number of holdovers who stayed at least 100 days	Positions with a holdover or nominee by Inauguration Day	Positions with a holdover or nominee by Day 30	Positions with a holdover or nominee by Day 100
W. Bush	32	4	8 (25%)	11 (34%)	22 (69%)
Obama	43	8	20 (47%)	23 (53%)	29 (67%)
Trump	45	4	13 (29%)	15 (33%)	20 (44%)
Biden	46	4	16 (35%)	18 (39%)	35 (76%)

*The number of positions differ because new positions and agencies have been created over time. See Appendix for details.

Note: Positions filled or nominated means either a Senate-confirmed official was serving in the position, or the administration had officially sent a nominee for that position to the Senate.

Source: Partnership for Public Service's Center for Presidential Transition • Created with Datawrapper

The Bush administration—which entered the White House prior to the enactment of the law—filled or nominated individuals for only 25% of top national security leadership positions by Inauguration Day, and only 34% by day 30. Since then, the last three administrations have not come close to filling these positions quickly either. Increasingly complex vetting and disclosure requirements have contributed to the delay. The administrations of Presidents Barack Obama, Donald Trump and Joe Biden were not able to nominate even half of top national security positions needing Senate confirmation by the time they took office.¹ By their 30th day, none of the three presidents had nominated or filled as many as 55% of these positions.

¹ For purposes of this report, an administration is considered to have moved to fill a position if it had a holdover official serving from a previous administration or had officially sent a nomination of a new person to the Senate for confirmation.

The issue does not center on the top-ranked, most visible positions. In fact, Cabinet secretaries and agency director positions are often nominated and confirmed on or near Day One of a new administration, demonstrating the confirmation process can work quickly. It is the other crucial levels of leadership—such as deputy secretaries and undersecretaries—that often take much longer to get through the nomination and confirmation process. Yet the 2004 law explicitly acknowledged the importance of roles beyond the Cabinet as it suggested new presidents nominate officials for roles “through the level of undersecretary in cabinet departments.”

For example, deputy secretaries have taken an average of 64 days from inauguration to get nominated by new presidents. The Senate has averaged another 46 days to complete the confirmation process. In other words, crucial positions such as deputy secretary of Defense and deputy attorney general have taken an average of 110 days to take the oath of office—the equivalent of May 9 of a president’s first year.

To understand how effectively recent administrations and the Senate have filled important national security positions, the Center for Presidential Transition compiled a list of 46 positions that must go through the confirmation process.² These include Senate-confirmed members of the National Security Council and top levels from the departments of State, Justice, Homeland Security and Defense, along with select intelligence agencies. See the Appendix for the full list.



The Intelligence Reform and Terrorism Prevention Act of 2004

The [law was passed](#) with broad bipartisan support in the House and Senate, and signed by President George W. Bush on Dec. 17, 2004.

The law enacted many of the recommendations from the 9/11 Commission and reorganized the intelligence community, including the establishment of the Office of the Director of National Intelligence.

In addition, the law offered specific guidance for getting important national security leadership positions filled quickly for new presidents. Specifically, “the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President.”

The law also placed responsibility on the Senate. It said, “For all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.”

² Not all 46 positions existed for all four presidents. See Appendix for details.



Photo Credit: Department of Homeland Security/Benjamin Applebaum

Key National Security Positions Have Not Been Filled Quickly at the Beginning of Recent Administrations for Two Primary Reasons

REASON 1: RECENT ADMINISTRATIONS HAVE ENCOUNTERED DELAYS IN NOMINATING OFFICIALS FOR ALL LEVELS BEYOND CABINET SECRETARIES AND DIRECTORS.



Effective transition planning should include the vetting and naming of nominees to top national security positions prior to Inauguration Day, but vetting and disclosure requirements are increasingly complex. Recent administrations have cut through these challenges and moved efficiently in nominating Cabinet secretaries. Obama, Trump and Biden each had a person nominated or serving in the roles of secretary of Defense, Energy, Homeland Security, State and Treasury by their inaugurations.

However, the pathway to nomination has moved much more slowly on lower-level positions. During the past four administrations, it took an average of 64 days to nominate deputy secretaries and 157 days to nominate individuals for undersecretary and administrator roles. And the 2004 law did not seem to have much of an impact either. The Bush administration—which assumed office prior to the passage of the 2004 law—took an average of about 109 days for each undersecretary and administrator. The subsequent three administrations took an average of 167 days.

How long it has taken new presidents to nominate officials for key national security positions needing Senate confirmation

President	Secretaries and Directors		Deputy Secretaries		Undersecretaries and Administrators		Total	
	Number	Avg. days	Number	Avg. days	Number	Avg. days	Number	Avg. days
W. Bush	5	1.8	7	79.4	12	108.6	24	77.8
Obama	7	1.4	8	41.3	18	138.9	33	86.1
Trump	8	0	8	83.6	19	237.4	35	148
Biden	9	12.3	10	54.4	18	121.7	37	76.9
Combined	29	4.5	33	63.6	67	156.8	129	98.7

Note: Excludes holdover officials who served through the end of one administration and at least 100 days into a new administration.

Source: Partnership for Public Service's Center for Presidential Transition • Created with Datawrapper

For context, it is important to note that each president had some officials as “holdovers” from the previous administration—meaning a Senate-confirmed official who served during a prior administration continued to serve into the new administration for a significant period of time. Eight officials from the Bush administration served into the Obama administration for at least 100 days, including Secretary of Defense Robert Gates and Secretary of the Air Force Michael Donley. While such holdovers can play an important role in maintaining continuity between administrations, the practice has been less common since. The Trump and Biden administrations held over just four officials each for at least 100 days.



Photo Credit: U.S. Secretary of Defense/Erin A. Kirk-Cuomo

REASON 2: THE SENATE HAS MOVED TOO SLOWLY TO CONFIRM MOST NOMINEES.



The Senate confirmation process takes longer now than ever before, and not just in the national security area. The average length of time to confirm any nominee takes about twice as long than it did in the 1980s. Yet the delays in confirming leaders for national security positions leave the country vulnerable at a crucial time.

The Senate can move quickly to confirm nominees when it so chooses. Since 2000, Cabinet secretaries and agency directors have been confirmed in an average of 14 days. Almost one-third of such officials have been confirmed on Inauguration Day itself.

However, the Senate has moved much more slowly for lower-level positions. The average time to confirm a deputy secretary among key national security roles is 46 days. For undersecretaries and administrators, the average is 81 days.

How long it has taken the Senate to confirm officials for key national security positions

	Secretaries and Directors		Deputy Secretaries		Undersecretaries and Administrators		Total	
	Number	Avg. days	Number	Avg. days	Number	Avg. days	Number	Avg. days
W. Bush	5	0.6	7	37.4	12	35.6	24	28.8
Obama	7	5.9	8	30.6	18	67.7	33	45.6
Trump	8	19.1	8	52.9	19	101.8	35	71.7
Biden	9	22.8	10	59.5	18	102.9	37	71.7
Combined	29	13.9	33	46.2	67	81.1	129	57.1

Note: Excludes holdover officials who served through the end of one administration and at least 100 days into a new administration.
Source: Partnership for Public Service's Center for Presidential Transition • Created with Datawrapper

The trend for the Senate is going in the wrong direction. In 2000, prior to the 9/11 terrorist attacks, the Senate took an average of 37 days to confirm Bush’s nominees for deputy secretaries, while undersecretaries and administrators took 36 days. Since then, the timing has increased despite the 30 day-goal set by Congress. Under Biden, deputy secretaries have taken an average of 60 days to make their way through the Senate while undersecretaries and administrators have taken 103 days.



Photo Credit: Shutterstock

SOME KEY NATIONAL SECURITY POSITIONS HAVE BEEN WITHOUT A SENATE-CONFIRMED OFFICIAL FOR YEARS



The problem of filling some key national security positions does not just occur during the beginning of new administrations. Since 2000, 13 of these 46 national security positions had no Senate-confirmed official for more than two years. There was no Senate-confirmed undersecretary for Civilian Security, Democracy and Human Rights at the State Department for more than four years from January 2017—the beginning of the Trump administration—until July 2021—six months into Biden’s term. Even some of the highest-ranking security positions in the government have been without a confirmed nominee for a long time. There was no Senate-confirmed secretary of the Department of Homeland Security from April 2019 to February 2021.

There are [many reasons](#) why a particular position will be vacant or filled by an acting official for long periods of time. In some cases, vacancies may reflect an administration’s priorities or policies. In others, administrations have struggled to find people who could be confirmed in a fiercely divided Senate. Regardless of the reason, the length of time without a confirmed official in place introduces capacity and authority gaps, places a significant burden on acting officials who may be filling multiple roles, and prevents the sort of agility and long-range planning necessary to important national security activities.

As of May 2022, two high-level positions at the Department of Homeland Security—undersecretary for Science and Technology and undersecretary for Management—have been without a Senate-confirmed official for more than three years. Biden put forward nominees for both of these positions in 2021, but one was just withdrawn in May 2022 after not receiving a vote from the Senate for more than nine months while the other has been under consideration for more than six months.

Key national security positions with the longest absence of a Senate-confirmed official since 2000

	Agency	Position	Date the last Senate-confirmed official left office	Date of confirmation of next official	Days elapsed
1	Homeland Security	Director of the U.S. Immigration and Customs Enforcement	1/20/2017		1,938*
2	Homeland Security	Undersecretary for Science and Technology	5/30/2017		1,807*
3	State	Undersecretary for Civilian Security, Democracy and Human Rights	1/20/2017	7/13/21	1,635
4	State	Deputy Secretary of State for Management and Resources	1/20/2017	3/18/21	1,518
5	Homeland Security	Deputy Secretary, Homeland Security	4/15/2018	6/17/21	1,159
6	Homeland Security	Undersecretary for Management	4/10/2019		1,128*
7	Homeland Security	Commissioner of U.S. Customs and Border Protection	4/11/2019	12/7/21	971
8	Defense	Undersecretary for Personnel and Readiness	3/31/2015	11/16/17	961
9	Defense	Undersecretary of the Air Force	8/31/2007	3/4/10	916
10	State	Undersecretary for Economic Growth, Energy and the Environment	1/20/2017	6/20/19	881
11	State	Undersecretary for Management	1/26/2017	5/6/19	840
12	Homeland Security	Director of the U.S. Citizenship and Immigration Services	6/1/2019	7/30/21	790
13	Defense	Undersecretary of the Navy	4/7/2020	4/7/22	730
14	Office of the Director of National Intelligence	Deputy Director of National Intelligence	8/15/2019	8/3/21	719
15	Defense	Undersecretary of Defense (Comptroller) and Chief Financial Officer	7/31/2019	5/28/21	667
16	Homeland Security	Secretary of Homeland Security	4/10/2019	2/2/21	664

*Position is not currently filled. Number of days as of May 12, 2022.

Source: Partnership for Public Service's Center for Presidential Transition • Created with Datawrapper



Photo Credit: Department of Homeland Security/Barry Bahler

Conclusion

Our government is best able to manage national security challenges and keep its people safe when it has a full team of capable and committed career public servants and political appointees—especially in national security leadership roles. However, the slow nomination and confirmation of individuals for many of these key positions at the start of a new administration creates uncertainty during a time when the country is vulnerable and communication between administrations is crucial. Even though the 9/11 Commission raised the alarm and the Senate acknowledged the challenge when it passed the Intelligence Reform and Terrorism Prevention Act of 2004, the issue remains. New administrations have not met the recommendations for nominating officials quickly, and the Senate has not moved with urgency to confirm nominees once they receive them. Structural problems, such as the approximately 1,200 positions requiring Senate confirmation and challenges associated with vetting nominees, have contributed to the delays.

Since 2001, the Partnership for Public Service has contributed to making government more effective and efficient. In 2011, the Partnership supported the [Presidential Appointment Efficiency and Streamlining Act](#), which reduced the overall number of Senate-confirmed positions by 163.

Last year, the Partnership’s Center for Presidential Transition, the premier nonpartisan source of information and resources for presidential candidates and their teams, published [Unconfirmed: Why Reducing the Number of Senate-confirmed Positions Can Make the Government More Effective](#). In that report, we offered seven approaches for rethinking Senate-confirmed positions, consistent with the Senate’s constitutional advice and consent role and its oversight responsibilities. From converting Senate-confirmed positions to noncareer Senior Executive Service positions and allowing for political appointments that do not need Senate confirmation, to eliminating redundant and consistently vacant appointments, the approaches are meant to start a conversation—one that is aimed at resetting the appointments process while maintaining its core principles and intent. Only through cooperation between the executive and legislative branches can the appointments process be reformed from the unsustainable status quo.

Authors



Carlos Galina writes and produces research around presidential appointments and institutional trends, updating and managing nominations and confirmations data in our Presidential Appointments Tracker with the Washington Post that inform his research. His academic background in American Politics and the interest in applying his skills beyond academia led him to his current work. Carlos' favorite public servant is Pete Buttigieg, the first openly gay cabinet secretary.



Paul Hitlin manages research for the Partnership's Center for Presidential Transition including the organization's presidential appointment tracker produced in collaboration with The Washington Post. He also helps lead the Partnership's research on public trust of the federal government. Paul believes information should be a public good, an idea that informed his work at the Pew Research Center where he studied media, technology and data science. Paul's favorite public servant is former Minnesota Senator Paul Wellstone who was well-known for his commitment to community organizing and campaign finance reform.



Mary-Courtney Murphy supports the Center for Presidential Transition through research and data analysis on a variety of projects, including presidential nominations and Senate-confirmed positions. Her passion for public service stems from a familial background in local service through the fire department. Mary-Courtney developed an awareness of the need for robust and effective governance during her M.A. in International Security, where she concentrated on emerging security threats to democracy. Her favorite public servant is Samantha Power, current head of the U.S. Agency for International Development and author of *A Problem from Hell* because she has spent her career representing the U.S. on critical humanitarian issues.

Methodology

The list of 46 important national security positions compiled for this study were selected from the Senate-confirmed positions at the undersecretary level and above from the departments of State, Justice, Homeland Security and Defense, and the intelligence agencies. [See 9/11 Commission Recommendations: The Senate Confirmation Process for Presidential Nominees \(congress.gov\) for more detail.](#) Senate-confirmed members of the National Security Council are included. Positions that can be appointed by a president without Senate approval are not included. This study only includes nominees who were officially submitted to Congress and were confirmed. A small number of nominations were withdrawn or returned to the president which are not included. The positions considered are only the initial nominations for each position.

The time for each administration to nominate an official runs from Inauguration Day to the official submission to the Senate. In some instances, this was the same day. The time for the Senate to confirm each official includes the time of the official submission to the day of the confirmation vote.

Officials are considered holdovers if they served for at least 100 days into the new administration. It is not uncommon for officials in some positions to serve for short periods of a new administration to assist with continuity of leadership. Positions filled with holdovers who served at least 100 days were excluded from the calculations regarding the time to submit nominations to the Senate and for the Senate to confirm nominees.

Header photo credit: U.S. Department of Homeland Security/Jetta Disco

Appendix

The following 46 positions were included in this study. Only positions requiring Senate confirmation were included.

SECRETARIES AND DIRECTORS

Central Intelligence Agency

Director of the Central Intelligence Agency*

Department of Defense

Secretary of Defense*

Department of Energy

Secretary of Energy*

Department of Homeland Security

(established 2003)

Secretary of Homeland Security*

Department of Justice

Attorney General*

Director of the Federal Bureau of Investigation

Department of State

Secretary of State*

Department of the Treasury

Secretary of the Treasury*

Executive Office of the President

National Cyber Director (established 2021)

Office of the Director of National

Intelligence (established 2005)

Director of National Intelligence*

DEPUTY SECRETARIES

Department of Defense

Deputy Secretary

Secretary of the Air Force

Secretary of the Army

Secretary of the Navy

Department of Justice

Deputy Attorney General

Department of State

Ambassador of the United States of America to the United Nations

Deputy Secretary

Deputy Secretary for Management and Resources

Department of Homeland Security

(established 2003)

Deputy Secretary

Office of the Director of National

Intelligence (established 2005)

Deputy Director of National Intelligence

UNDERSECRETARIES AND ADMINISTRATORS

Department of Defense

Undersecretary for Acquisition and Sustainment

Undersecretary for Intelligence

Undersecretary for Personnel and Readiness

Undersecretary for Policy

Undersecretary for Research and Engineering

Undersecretary of Defense (Comptroller) and Chief Financial Officer

Undersecretary of the Air Force

Undersecretary of the Army

Undersecretary of the Navy

Department of Homeland Security

(established 2003)

Administrator of the Federal Emergency

Management Agency

Administrator of the Transportation Security

Administration

Commissioner of U.S. Customs and Border

Protection

Director of the Cybersecurity and

Infrastructure Security Agency (established

2018)

Director of U.S. Citizenship and Immigration
Services

Director of U.S. Immigration and Customs

Enforcement

Undersecretary for Intelligence and Analysis

Undersecretary for Management

Undersecretary for Science and Technology

Undersecretary for Strategy, Policy, and Plans

(established 2019)

Department of Justice

Assistant Attorney General for the National

Security Division

Department of State

Undersecretary for Arms Control and

International Security Affairs

Undersecretary for Civilian Security,

Democracy and Human Rights

Undersecretary for Economic Growth, Energy

and the Environment

Undersecretary for Management

Undersecretary for Political Affairs

Undersecretary for Public Diplomacy

*Indicates a National Security Council
position.

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