

NALEO Presidential Appointment Primer



As new leadership prepares to enter the White House, its highest-level appointments must reflect the significant Latino presence in America today. Every four years, the incoming administration seeks to fill over 7,000 public service leadership and support positions in the executive branch of the federal government. As a key component of our mission, the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund is committed to ensuring that the new administration and its Presidential Transition Team appoint qualified Latinos to top government positions, including those in the Executive Office of the President, Cabinet-level agencies and the federal judiciary.

This *Primer* is the first in a series of publications on appointments that the NALEO Educational Fund will release from time to time during President Obama's administration. These publications will provide updated information about how to secure a position in the new administration, as well information about the progress being made by Latinos in the appointments process.

Background

During the 1980's, there were very few Latinos considered for appointments in the federal government. Some who held high level positions were: Secretary of Interior (Manuel Lujan), Secretary of Education (Lauro Cavazos), "Drug Czar" (former Governor Bob Martinez), Surgeon General (Antonia Novello), Assistant Secretary of Labor (Cari Dominguez), Assistant Secretary of State (Patricia Diaz Dennis), Assistant Secretary of Interior (Stella Guerra) and Assistant Secretary of Veterans Affairs (Sylvia Chavez-Long).

Starting in 1993, the Clinton and Bush administrations substantially increased the number of Latinos holding top federal positions. Both Presidents appointed Latinos to Cabinet and other top-level positions. Clinton appointees included Henry Cisneros, who served as Secretary of Housing and Urban Development; Federico Peña, who served as Secretary of Transportation and Secretary of Energy; and Bill Richardson, who served as Ambassador to the United Nations and Secretary of Energy. Bush appointees included Mel Martinez, who served as Secretary of Housing and Urban Development; Alberto Gonzalez, who served as Attorney General, and Carlos Gutierrez, who serves as Secretary of Commerce.

The *Washington Post* reports that when President Clinton first took office in 1993, six percent of about 500 Senate-confirmed appointees in his first round of selections were Latino, according to a Brookings Institution study.¹ The Clinton administration released data on its second Administration suggesting that the share of Latinos appointed by the President for various types of positions ranged from six to nine percent. According to the *Washington Post*, when President Bush took office in 2001, eight percent of his initial appointees were Latino. The NALEO Educational Fund believes that the records of the Clinton and Bush administrations serve as benchmarks that should be exceeded by the Obama administration, and our advocacy efforts will be aimed toward achieving that goal.

Available Positions

According to the *United States Government Policy and Supporting Positions*, the comprehensive listing of all of the jobs a President can fill, about 1,100 require Presidential nomination and Senate confirmation. According to the Council for Excellence in Government's *A Survivor's Guide for Presidential Nominees*, about 600-700 of these are full-time positions in the Executive Branch, and they include approximately 350 top jobs in the 15 Cabinet departments, including Cabinet secretaries, deputy secretaries, under secretaries, assistant secretaries and general counsels; and 250 posts in independent or regulatory agencies, such as the Small Business Administration.² More than 500 other presidential appointments also require Senate confirmation, including part-time appointments to boards and commissions, ambassadorial appointments, and appointments to be U.S. attorneys and marshals. Based on 2008 Executive Schedule pay levels, the annual compensation for these positions range from between \$139,600 for the lowest level positions to \$191,300 for Cabinet secretaries. The remaining positions do not require Senate confirmation. According to the Presidential Transition Office, the bulk of these jobs will be fully filled by November 2009.

As Latino elected and appointed officials and individuals, there may be qualified persons from your districts, cities and states -- or perhaps even yourself -- who may be seeking an appointed position in the new administration. The following is key information about applying for an appointed position.

How to Apply

To apply for a job in the Obama administration before inauguration, one should follow the procedures set forth on the Presidential Transition Team website, www.change.gov, which allows candidates for positions to submit an on-line Expression of Interest Form. According to the website, after candidates submit the form, they will receive an e-mail with a link to a more complete on-line application.

Administrations receive thousands of unsolicited job applications and resumes. If as an elected or appointed official, or civic leader, you have personal access to the new administration or a member of Congress, their recommendation may be helpful in securing careful consideration of an application. In reality, like most things in Washington, this is a very political process. However, it is also important to note that the law requires that "member" positions in certain agencies, such as boards, commissions and committees, be filled on a bipartisan basis.

1 Al Kamen, "Latinos and the Obama Cabinet," *Washington Post*, November 12, 2008.

2 Christopher Connell, ed., *A Survivor's Guide for Presidential Nominees*, 2008 edition, Council for Excellence in Government, Washington, DC, pages 2 and 44.

During the pre-inauguration period, most presidents-elect try to choose the members of the Cabinet and perhaps a few other nominees for prominent positions such as Ambassador to the United Nations or head of the Environmental Protection Agency. Because of the economic challenges facing the nation, President-elect Obama has also started to select his top economic advisors, and he may select some of his Cabinet undersecretaries as well. This is the most personal phase of the appointment process, where the president is usually deeply involved and many of the people chosen for high-level positions are well known to him.

The appointments process changes dramatically after the inauguration. The President's attention is diverted to governing and the appointments process is now conducted through the routines and procedures established by the White House Office of Presidential Personnel. The second phase of staffing a new administration -- the post-inauguration phase -- begins to take on a life of its own as the President's personal involvement begins to diminish. An important reason for the change is the scope of the task. The President simply cannot commit much time to the selection of thousands of people who will fill positions in the new administration.

The White House Office of Presidential Personnel plays a central role in identifying vacancies, recruiting candidates, and assisting the President in choosing a nominee. In most recent administrations, Presidents have typically agreed to the recommendations provided by their personnel staffs. Once a nomination is posted to the Senate or an appointment is made (where no Senate confirmation is required), the Office's participation in the process usually concludes. To date, the Obama administration has not yet announced who will direct the Office of Presidential Personnel.

The *Plum Book* and the Levels of Appointment

A comprehensive listing of all of the jobs a President can fill is set forth in the publication formally titled *United States Government Policy and Supporting Positions*, but informally known as the "Plum Book." Every four years, the *Plum Book* is published alternately by the Senate Committee on Homeland Security and Governmental Affairs, or the House Committee on Government Reform. The 2008 edition of the *Plum Book* is available in both pdf and text format through the Government Printing Office's [website](#). In addition to listing position titles, the *Plum Book* provides information about the compensation paid to every position and the current incumbent serving in it.

The structure of political appointments is subject to federal guidelines, budgetary constraints, administrative priorities and political expediency; so the entire system and process can be slow and cumbersome. Structurally, political appointments are arranged in hierarchical fashion comprised generally of three levels, while the governmental units where appointees serve are commonly grouped horizontally into several categories of federal agencies or commissions.

1) Presidential Appointments that Require Senate Confirmation (PAS): These are the highest-level appointed positions, which typically include: Cabinet Secretary, Undersecretary, Assistant Secretary, Deputy Secretary or Administrator. Like all prospective appointees, PAS Appointees must undergo

personal security checks (“vetting”). In addition, they must also be reviewed and approved by a committee of Senators, and voted on by the full Senate. Consequently, they are sometimes the focus of intense political battles which can delay or derail their appointments. According to the *Plum Book*, there are 1,141 PAS positions, and according to the Council for Excellence in Government, about 600–700 are full-time.³

2) Senior Executive Service (SES): This next highest level of appointment generally consists of appointees who are second-in-command to an Assistant Secretary and/or who are in charge of major programs. The most common SES job titles are Deputy Assistant Secretary, Associate Deputy Secretary or Deputy Director.

3) Schedule C: According to the *Plum Book*, Schedule C positions are excepted from competitive service requirements because of their “confidential or policy-determining character.” Individuals in these posts are close aides to those in charge of agencies or programs. Their exact duties vary from one office to the next, but the general responsibilities are conveyed by Schedule C job titles like Special Assistant to the Assistant Secretary and Confidential Assistant to the Director.

4) Other Presidential Appointments: In addition to PAS, SES and Schedule C positions, there are also Presidential Appointments (PA), individuals are selected by the President (without need for Senate confirmation) for special positions in various government offices or programs. Flexibility and presidential discretion are key features of PA assignments. In some cases, the President may simply need a PA for a particular task. The President may also designate someone a PA because he knows that the person may face political obstacles to being approved by the Senate for a PAS post. In other cases, such as boards and commissions, PA assignments may be predetermined; these appointees may not hold their positions for a fixed period but instead remain in their posts “at the pleasure of the President.” The *Plum Book* categorizes 314 positions as PA posts.

Necessary Credentials

The Presidential transition team claims it is looking for applicants from all political parties, but in reality, applicants’ chances for the 1,100 key governmental jobs are best if they are Democrats or in a non-partisan elected or appointed position, politically well-connected, and an expert in the specific subject area of the appointment they seek.

Top level government officials come from a wide range of careers in both the public and private sector. In 2000, when the Brookings Institution surveyed 435 former and current senior-level appointees, it found that 35% came from the federal government; 18% had worked in a business or corporation; 17% were from law firms; 14% had worked in educational or research institutions and **8% had served in state or local government.**⁴

3 *A Survivor’s Guide for Presidential Nominees*, 2008 edition, pages 2 and 44.

4 Paul Light and Virginia Thomas, *The Merit and Reputation of An Administration: Presidential Appointees on the Appointments Process*, Brookings Institution Presidential Appointee Initiative, Washington, DC, April 2000, page 18.

The 10 Steps in the Presidential Appointments Process

- 1) The White House Office of Presidential Personnel narrows the candidate list, checks references and makes a single recommendation to the President.
- 2) Candidate completes battery of forms in preparation for various background checks.
- 3) Office of the White House Counsel oversees background check through the FBI, IRS, the Office of Government Ethics and the ethics official of the agency who will employ the candidate.
- 4) If no conflicts are found, the Counsel will clear the candidate.
- 5) If conflicts are found, the Office of Government Ethics and the agency's ethics official work with the candidate to address potential problems or conflicts.
- 6) Once cleared, the Office of Presidential Personnel submits nomination to Senate through the Office of the Executive Clerk, if Senate confirmation is required.
- 7) The Senate committee with jurisdiction over the position generally sends additional questions to the nominee, holds a confirmation hearing and then votes.
- 8) The nomination moves to full Senate for vote.
- 9) If the Senate does not approve the nomination, it ends here. If approved, the President signs commission.
- 10) The Appointee is sworn in.

Is it Worth it?

Because of the arduous process and the difficulties in obtaining and keeping a political job, the question an applicant must ask is: Is it worth it? According to the 2000 Brookings Institution survey of past appointees, respondents noted that the most satisfying aspects of their jobs included: meeting and working with stimulating people, accomplishing important public objectives, serving a president they admired, participating actively in important historical events, dealing actively with challenging and difficult problems, helping to save taxpayers' money, and learning new skills.⁵ Serving in a presidential administration can also enhance an appointee's long-term career opportunities. Most importantly, for qualified Latinos it contributes to the larger goal of shaping public policy, furthering Latino political progress and opening the door to the federal government for future generations of Latinos.

The Advocacy Efforts of the NALEO Educational Fund and the National Hispanic Leadership Agenda

Over the past two decades, the NALEO Educational Fund has been a strong advocate for the appointment of qualified Latinos to top federal positions. We will continue our efforts to ensure the accountability of the Obama administration, and we will work closely with the National Hispanic Leadership Agenda (NHLEA) to achieve this goal. The NHLEA is a coalition of 26 national and regional Latino groups which seeks to bring together Hispanic leaders to establish policy priorities that address, and raise public awareness of, the major issues affecting the Latino community and the nation as a whole. The NHLEA will identify qualified Hispanic candidates for Cabinet, judicial and political appointments across the Administration and identify certain posts that it will expect appointees, Latino or not, to be knowledgeable and sensitive to our community's needs. Together with representatives

5 *The Merit and Reputation of An Administration: Presidential Appointees on the Appointments Process*, page 5.

of other NHLA organizations, we will meet with key people in certain departments and agencies that address policy issues of particular importance to the Latino community, such as economic and labor issues, health care, education, and immigration. More information about the NHLA's appointments work is available at its [website](#).

The NALEO Educational Fund will focus much of its appointments advocacy on those positions which have the most significant impact on our core policy issues, such as naturalization, comprehensive immigration reform, the Census and voting rights. The positions which are particularly critical for these policy areas include the Attorney General, the Secretary of Homeland Security, the Secretary of Commerce, the Director of the United States Citizenship and Immigration Services, and the Director of the Census Bureau.

Other Resources

The following is a list of websites and publications that may be useful for persons seeking appointments in the Obama administration:

Presidential Transition Team website, www.change.gov

[*The Plum Book*](#)

[*The National Hispanic Leadership Agenda*](#)

The Council for Excellence in Government's [Presidential Appointments Resources](#), which include links to the 2008 edition of *A Survivor's Guide for Presidential Nominees*; the Presidential Appointee Roadmap (an interactive tool); and the 2008 *Prune Book*, which "describes the toughest management and policymaking jobs in Washington and the skills needed to tackle them."

[The U.S. Government Manual](#), the official handbook of the federal government, which provides comprehensive information on the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies, international organizations in which the United States participates, and boards, commissions, and committees.

For more information about the Presidential appointment process, contact William A. Ramos, Washington, DC Director at 202-546-2536, or by e-mail at wramos@naleo.org; or Rosalind Gold, Senior Director of Policy, Research and Advocacy at 213-747-7606, ext. 4420, or by e-mail at rgold@naleo.org.

The NALEO Educational Fund is the leading organization that facilitates full Latino participation in the American political process, from citizenship to public service. The NALEO Educational Fund is a national non-profit, non-partisan organization whose constituency includes the more than 6,000 Latino elected and appointed officials nationwide.