

A Survivor's Guide For Presidential Nominees

Everything you need to know about working
for the 44th President of the United States,
including nomination and clearance,
Senate confirmation, and compliance with
ethics laws and financial disclosure rules

2008 EDITION

Edited by Christopher Connell



THE COUNCIL FOR
Excellence
IN GOVERNMENT

Contents: Getting the Most Out of the *Guide*

ACKNOWLEDGMENTS

INTRODUCTION: **When the Phone Rings**

CHAPTER 1: **First Things First**

Questions to ask yourself before saying yes to a nomination—and tips for improving your prospects of getting the White House nod.

CHAPTER 2: **The People and Places Along the Way**

A close look at the key people and offices you will be dealing with, from the White House Office of Presidential Personnel to the U.S. Office of Government Ethics to the Senate committee that will take up your confirmation.

CHAPTER 3: **Navigating the Senate**

An explanation of how the process works on the Hill, including questions posed by the 16 Senate committees with jurisdiction over nominees.

CHAPTER 4: **Tread Carefully Before You're Confirmed**

Practical advice on avoiding ethical and legal problems, both while serving in an acting capacity and after taking office.

CHAPTER 5: **Dealing with the Media**

Sage advice from seasoned journalists, Senate staff and former officials about what to say, or not say, to the press while awaiting confirmation.

CHAPTER 6: **Moving to Washington**

For those facing the added complication of when and whether to move to Washington, a quick look at such matters as neighborhoods, local schools, commutes, and the advantages of living in the District of Columbia, Maryland or Virginia.

CHAPTER 7: **The Ethics Rules and Life After Government**

An overview of the employment restrictions that face you upon return to private life.

CHAPTER 8: **Forms And Financial Disclosures**

A roadmap to filling out the maze of online and printed forms, along with tips on speeding the process.

CHAPTER 9: **Resources**



ACKNOWLEDGMENTS

The Council for Excellence in Government was created a quarter-century ago to help attract the nation's best talent to the difficult task of running the federal government. The Council's best known publication, *The Prune Book*, since 1988 has focused attention on the hardest management jobs in the executive branch. Twice in its history the Council also has commissioned "*Survivor's Guides*" with the explicit purpose of telling newly appointed senior executives what they need to know to survive and thrive in the often challenging environment of Washington, D.C., a place where President Harry S Truman famously quipped, "If you want a friend, get a dog."

Former Council Vice President John H. Trattner, author and editor of seven volumes in the *Prune Book* series between 1988 and 2004, also wrote the original *A Survivor's Guide for Government Executives: How to Succeed in Washington* in 1989 and enlisted Christopher Connell, a veteran journalist, to write *A Survivor's Guide for Presidential Nominees* in 2000, a book-length compendium of advice for those nominated by the President to senior positions in the Cabinet departments and agencies that require confirmation by the U.S. Senate. That *Survivor's Guide* was jointly sponsored by the Council for Excellence in Government and by the Brookings Institution's Presidential Appointee Initiative, with generous support from The Pew Charitable Trusts. Dubbed "a classic in how Washington works" by Constance J. Horner, then a Brookings guest scholar and former White House personnel director, the public service *Guide* was distributed to appointees by the new Bush administration, and became a useful resource for journalists and for officials at the General Services Administration and elsewhere during and beyond the truncated 2000-2001 transition. The original *Guide* drew on extensive interviews of incumbent and former senior officials conducted by the Council for the 2000 *Prune Book*, as well as on materials from a survey of 435 officials from the Reagan, first Bush and Clinton administration conducted by the Presidential Appointee Initiative under the leadership of Paul C. Light, then at Brookings and now the Paulette Goddard Professor of Public Service at New York University.



In 2008, with the nation fighting in prolonged conflicts in Afghanistan and Iraq and dealing with a daunting global financial crisis and continued threats to homeland security, and with no incumbent president or vice president on the ticket for the first time since 1952, the Council for Excellence in Government recognized that an updated *Survivor's Guide* could be of great service to the new administration that will take on these challenges as of noon on January 20, 2009. With the generous and enthusiastic support of Frank A. Weil, chairman of the New York investment firm of Abacus and Associates, Inc., and longtime member and former chairman of the board of directors of the Council for Excellence in Government, Council President Patricia McGinnis set out to make this happen with this newly updated *Survivor's Guide* that is being published online as a companion to the electronic 2009 *Prune Book*, both available in their entirety online for the first time at no cost. The Council again enlisted Mr. Connell, a former assistant bureau chief for The Associated Press, to research and revise this new, streamlined *Survivor's Guide*, which provides insights both from those interviewed for the original book and a new round of surveys for the online *Prune Book*.

It was an easy decision to go online for the new *Survivor's Guide* and *Prune Book*, which the Council now will be able to update and refresh constantly rather than waiting two, four or even eight years between new editions. The *Prune Book*, in particular, "is going to be a living, breathing, ongoing resource," instead of being frozen at a point in time, noted Weil, who once headed the International Trade Association at the U.S. Department of Commerce and coined the *Prune Book* name (a play on The Plum Book that lists all 7,000 jobs a president can fill). "This will give more light to the whole appointments process."

Weil also supported the Council's Prunes Online Steering Committee that undertook the task of narrowing down this list to the 100+ toughest jobs in government. The other Committee members were: Kenneth S. Apfel, former commissioner of Social Security and Professor of the Practice at the University of Maryland School of Public Policy; G. Edward DeSeve, former deputy director for management of the Office of Management and Budget and director of the Management, Finance and Leadership

Program at the University of Maryland's School of Public Policy; Tom Goodwin, former White House personnel officer and founder and president of the executive search firm, Goodwin & Company; Frank Hodsoll, longtime public servant, lawyer and former chair of the National Endowment for the Arts and current chair of the Center for Arts and Culture at George Mason University; Charles S. Ingersoll, Jr., former White House personnel official and leader of the Government Specialty Practice for the executive search firm Korn/Ferry International; Edward R. Jayne, II, former associate OMB director for national security and international affairs and partner at the executive search firm Heidrick & Struggles; John Koskinen, former OMB deputy director for management and president of the U.S. Soccer Foundation; David Mader, former assistant deputy commissioner of the International Revenue Service and vice president of Booz Allen Hamilton; Larry Matlack, former OMB associate director; Arnold J. Miller, former White House personnel director and founder of Isaacson Miller, the national recruiting firm; Charles Rossotti, former IRS commissioner and Senior Advisor at The Carlyle Group, and James Lee Witt, former FEMA director and chairman and CEO of the crisis management firm James Lee Witt Associates, LLC.

Three corporate sponsors and members of the Council for Excellence in Government made invaluable contributions in the design of the Council's new website and home for the online *Prune Book* and *Survivor's Guide*. They are:

- Avue Technologies Corporation
- Booz Allen Hamilton
- Touchstone

Special thanks to Martha Kumar, professor of political science at Towson University and executive director of the White House Transition Project, who gave generously of her time and advice on the project.

Thanks also to Kelly Anne Johnson, former Art Director of *Government Executive*, who designed this new look for the 2009 *Survivor's Guide*.

INTRODUCTION



When the Phone Rings

The phone rings. It's the White House calling, or the transition office of the president-elect. "We're looking to fill a senior position in the new administration, and we understand that you're one of most knowledgeable people in this field. Are you interested?"

You're honored and flattered. You may have been on pins and needles waiting for this call, or it may have come out of the blue. Either way, there's a new president in town, and he wants you to take a job important enough to require Senate confirmation.

But should you?

The Federal Bureau of Investigation (FBI) will pry into your personal and professional life and your finances will be bared in public. Months may pass before the White House makes up its mind and more months before the Senate confirms you. You may be left in the dark with your life on hold. Your nomination could get hung up or derailed for reasons that have nothing to do with your qualifications.

The White House Office of Presidential Personnel put it bluntly in public advice to those who sought appointment the last time the presidency changed hands read: The Bush administration's Office of Presidential Personnel gave this [blunt advice to aspirants](#):

To serve our country ... (is) both an honor and a privilege.
However, government service is not for everyone. Anyone thinking about applying should be aware that:

- The hours are long and the pace intense.
- There is much public/press scrutiny, as you would expect in an open, democratic form of government such as ours.



- Most applicants under serious consideration for an appointment will go through a full FBI background check in which their employment, professional, personal, travel, medical, financial, legal, military and educational histories will be reviewed and scrutinized.
- The financial holdings and sources of income for most applicants under serious consideration must be disclosed for review for possible conflicts of interest, and any conflicts must be remedied by divestiture, the creation of special trusts, etc.
- Most appointees' dealings with the Federal government during and for a period of time after their service will be significantly restricted to prevent possible conflicts of interest.¹

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Still, many who have served in senior positions attest that these were the most exciting and rewarding days of their life, and whatever sacrifices they had to make and waits they had to endure, it was well worth it.

But that's what almost all say when their public service is over. For now, you have more questions than answers. You want to find out what this would mean for you, your family and your career after government. You want a guide through the maze of financial and personal disclosure forms and other steps on the confirmation process.

That's where *A Survivor's Guide for Presidential Nominees* comes in. This is the second edition of the *Guide*, originally published in November 2000 by the nonpartisan Council for Excellence in Government and the Brookings Institution. This updated *Guide* attempts to explain in plain English what every prospective nominee needs to know about taking one of the 600 full-time presidential appointments across the Executive Branch that require Senate confirmation. These are the approximately 350 top jobs in the 15 Cabinet departments (including Cabinet secretaries, deputy secretaries, under secretaries, assistant secretaries and general counsels), and 250 other positions in independent or regulatory agencies. Five hundred-plus other presidential appointees also require Senate confirmation, but these include part-time appointments to boards and commissions as well as appointments to be U.S. attorneys or U.S. marshals and ambassadorial appointments, which are beyond the scope of the *Guide*. Judgeships, too, are in a class of their own, with home state senators by tradition exerting more of a say than is customary for other nominations.

Some of the *Guide's* information may prove useful to presidential appointees whose jobs do not require Senate confirmation. But the special focus of the book is on those nominees who must first pass the White House's muster and then convince

¹ From www.whitehouse.gov/appointments/

the U.S. Senate that they are worthy of high government office. A large majority of presidential nominees win confirmation without major difficulty.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The Burdens and Blessings of Public Service

Anyone taking on public service faces the nagging question of whether they really want to put up with the hassles that come with government work. In every administration, some senior officials get themselves into hot water by violating the conflict-of-interest rules, which are complex and unforgiving.

Why risk it?

There is important work to be done here. Those who answer the call to public service are following a noble tradition that can be traced back to the late 18th century when Thomas Jefferson and Alexander Hamilton helped guide policy as Cabinet secretaries during the presidency of George Washington. Presidential appointees have been a cornerstone of democracy ever since.

“I’ve never done anything as a lawyer in private practice as much fun as the 22 months I had in the White House,” said Arthur “A.B.” Culvahouse Jr., who was White House counsel to President Ronald Reagan. Todd Dickinson went through the confirmation process twice in the Clinton administration as deputy commissioner and then commissioner of patents and trademarks in the Commerce Department. His first confirmation was delayed while certain senators pressured the secretary of commerce to appoint people they wanted to regional fishery boards. He encountered an even longer delay when the patents commissioner left, and most of 1999 passed before the Senate finally confirmed him. Dickinson said, “It’s one of those processes that seems very frustrating when you’re in it, but after it’s done, it’s like finding a parking place. It’s extremely annoying as time goes by, but once you find that place, well, the pain dissipates.”

Presidential appointments “come along only once in a lifetime for most people,” noted Dr. D. James Baker, under secretary of Commerce and administrator of the National Oceanic and Atmospheric Administration in the Clinton administration.

Lee Sachs, assistant secretary of the Treasury for financial markets under Clinton, observes, “The quality of people that I’ve had a chance to work with – including

Getting nominated and confirmed is “one of those processes that seems very frustrating when you’re in it, but after it’s done, it’s like finding a parking place. It’s extremely annoying as time goes by, but once you find that place, well, the pain dissipates.”

— FORMER COMMISSIONER OF PATENTS AND TRADEMARKS TODD DICKINSON

[Treasury secretaries] Bob Rubin and Larry Summers – and the issues that I got to wrestle with, well, you can't match that combination in the private sector.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

As difficult as the confirmation process can be, most nominees make it through unscathed. Bob J. Nash, former director of the White House Office of Presidential Personnel in the Clinton administration, made this observation: “Very few people ... get to serve at the highest levels of government. Public service is one of the highest callings in the land. You have an opportunity to make a positive impact on families, communities, states, and sometimes the world.”

Official duties aside, Washington offers rare pleasures and satisfactions to senior and even mid-level executives on the president's team: invitations to White House receptions and the Easter Egg roll, perhaps a seat at a state dinner, concert or lecture in the East Room. There are embassy parties, performances at the Kennedy Center, galas at Smithsonian museums, fireworks and festivals on the Mall, and family nights at the National Zoo. Then there are more quiet pleasures, such as walking beneath the cherry blossoms in springtime. Washington can be a tough city; it can wreak havoc on family life with long, unforgiving hours. But it can also provide the experiences and memories of a lifetime, which explains why many who move to Washington never leave it.

We hope *A Survivor's Guide for Presidential Nominees* will help you with that decision—and make the path smoother if you answer the call to service.

CHAPTER 1

First Things First



If the White House comes calling or you are eager to secure a presidential nomination, it pays to first ask yourself some hard questions.

- Do I want this particular job?
- Am I right for it?
- What will it mean financially and personally?
- Where can I find help getting through the long and sometimes precarious nomination and confirmation process?

Do I want this job?

It isn't easy to say no to the President of the United States. But no matter who is asking, take a hard look at the pros and cons of public service. If you can't convince yourself, you may have difficulty convincing the White House or the Senate that you deserve it. These are all-consuming jobs.

The drawbacks include uprooting yourself and your family and subjecting yourself to intense public scrutiny. Any misstep in office can be unfairly magnified in the Washington fishbowl, potentially scarring your reputation. If there are hidden skeletons in your life – from unpaid taxes or debts to a padded resume – they will be discovered. You must disclose them to the White House and be aware of the possibility that they may become public. Even for sub-Cabinet positions that normally do not attract an intense spotlight, a nominee must be ready for rough-and-tumble of political life.



“A tough skin”

The stakes are highest for Cabinet officers, but every post that requires Senate confirmation comes with challenges. As Charles Jeffress, a former Occupational Safety and Health administrator, put it, “Make sure you’ve got a tough skin.”

And be prepared to be knocked down a peg or two. Former IRS Commissioner Donald C. Alexander said those asked to join the Cabinet or run an agency “are about to enter a process that says to them in a lot of ways: ‘You’re not as good as you thought you were.’”

Dislocation

Presidential appointees typically stay two years or less – not very long if they hope to make a lasting impact. “Almost nobody has any sense before they come into government of the rhythm and flow of the budget process,” said Christopher Cross, a former assistant secretary of education. “To make significant change, it takes at least three years and a couple of budget cycles.”

Getting noticed

A few nominees come to their posts from the pinnacles of careers in business, academe or government, like Harold Varmus, the Nobel Prize winner in medicine who revitalized the National Institutes of Health, or Robert Rubin, the investment banker who won wide respect for his stewardship of the Treasury. Most nominees already have distinguished resumes, but some may be looking toward government service as a career builder. But if the job you really have your eye on is the one awaiting you after your government stint, you could be in for trouble.

“You should go in understanding it’s not the way to the pot of gold at the end of the rainbow,” said Cross. “You have to think in terms of the responsibilities of the office and doing the best job that you can. If you think of your own self-interest, you’re not going to be there very long and you’ll have a very rocky time.”

Still, there are far more people seeking these jobs than positions available. You must be your own strongest advocate to land a presidential appointment.

If you’ve waited until after the election to contact the president-elect and his team, you may have waited too long. The odds favor those who have already made themselves indispensable, or at least known, to the winning candidate. Bob Nash, White House director of presidential personnel in the Clinton administration, warned that if you wait until after the election to cold call the transition team, “you’re going to

be behind the eight ball as it relates to someone else equally capable and competent who has been connected with the new administration.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

But don't give up. Instead, look to tap any connection you may have, no matter how indirect. Perhaps your congressman is close to an incoming Cabinet secretary, or the Washington lobbyist of your professional organization raised money for the president's campaign. "It's very embarrassing to ask everybody you know to make phone calls on your behalf," said Gregory Baer, a former assistant secretary of the Treasury, but job seekers must "be absolutely shameless about it."

Obviously, it helps to have a powerful advocate such as a Cabinet secretary. But even that is no guarantee. Cabinet secretaries usually don't get to choose who gets the other top posts in their departments.

Am I the right person for this position?

It's hard to look in the mirror and frankly gauge your weaknesses as well as strengths. But before the White House passes judgment on you, take a close look at whether your managerial experiences match up well with the challenge at hand. Examine what this government job entails as closely as the White House and others will be examining you. The Council on Excellence in Government's [Prune Book](#) on the 100-plus toughest management jobs is a good place to start. The title is a play on the so-called [Plum Book](#), which Congress publishes after every presidential election year listing all the jobs that the President can fill. You can also find the Plum Book's list of jobs online at the Government Printing Office website, www.access.gpo.gov/plumbook/toc.html. You can also browse the entire 860-page [U.S. Government Manual](#) online. It contains the names, titles and phone numbers of senior officials and department heads across the government.

Some jobs and talents are transferable. Someone who knows how to work Capitol Hill could be the assistant secretary for legislation for the Department of Labor just as well as for the Department of Health and Human Services. The same may hold true for public affairs and general counsel positions. But most senior presidential appointments demand specific skills and expertise. Be sure a proffered position is right for you. Especially at the outset of an administration, a candidate may be considered for a number of openings. When one vacancy is filled, other candidates may be shopped around to various Cabinet departments. Don't let yourself be shuffled around to the point where the job in question makes no sense for you. And don't be swayed by grandiose titles. Find out if there is real work to be done, and room to do it.

You might be interested in knowing where a particular position falls in the executive branch hierarchy and salary structure. To find out whether a position is classified as

Executive Level I (secretary rank), II (deputy secretary rank) III (under secretary rank), IV (assistant secretary rank) or V (administrators, directors and commissioners), you can check out [The Plum Book](#), which shows what these jobs pay. The complete salary scale for Executive Schedule jobs appears on [The Office of Personnel Management website](#).

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Playing to strengths

You may know an agency's programs inside out and upside down. Does that mean you can run them? Some appointees are taken aback by the management demands of what they thought would be strictly policy jobs.

Hans Mark, a physicist and former chancellor of the 15-campus University of Texas System who held top jobs at the Pentagon and NASA, said presidential appointees should be accomplished in something more "than working the Washington political system." He suggested candidates ask themselves, "Have you managed a project? Have you run an organization, been a university president, run a company? Can you fire somebody? Can you do the things that a manager has to do?"

Too deeply involved?

Another issue to consider is whether you are so deeply involved in a particular field or an issue that it could tie your hands from making key decisions once confirmed.

If your law practice consists entirely of representing corporate clients in tax disputes with the IRS, you might be hamstrung by recusals if offered the job of IRS commissioner. Likewise, if you came to the Food and Drug Administration from the pharmaceutical industry, you might have to sit on the sidelines on major drug policy decisions. But many nominees work out sensible solutions on recusals with the U.S. Office of Government Ethics (OGE). The fact that your company or law firm was involved in a certain matter does not necessarily disqualify you from handling the issue once you enter government.

Getting nominated and confirmed is "one of those processes that seems very frustrating when you're in it, but after it's done, it's like finding a parking place. It's extremely annoying as time goes by, but once you find that place, well, the pain dissipates."

— FORMER COMMISSIONER OF PATENTS AND TRADEMARKS TODD DICKINSON

Learning about agencies

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Weeks may pass between when the White House publicly announces the President's "intention" to nominate someone to a senior post requiring Senate confirmation and the actual submission of the nomination to the Senate. When the name does go up to Capitol Hill, a nominee faces a new battery of forms and detailed policy questions from the Senate committee taking up the appointment. Here they can count on help from their department's legislative affairs staff in answering senators' written questions. They may get a thick briefing book from their department, but they should also do their own homework and be prepared for a tough grilling, even if that does not happen.

There's a wealth of information at your fingertips, including:

- General Accounting Office reports about federal programs that you can download from the web – www.gao.gov.
- Departmental websites, which include inspector general reports about troubled programs.
- Department and agency performance reports, which must be filed annually to Congress by March 31.
- The Library of Congress's indispensable website – <http://thomas.loc.gov> – with links to executive and judicial as well as legislative resources. Thomas, as the Library familiarly calls its portal, has a [web page devoted to presidential nominations](#) where the public can find out details on every presidential nomination, broken down by state, date and disposition: <http://thomas.loc.gov/home/nomis.html>
- The [OpenCongress](#) and [GovTrack](#) websites, nonpartisan websites that seek to make government and legislation information more readily available to citizens.
- The [Federal Register](#), which is searchable and contains all rules and notices issued by each agency.
- The [Government Printing Office website](#) links to each Senate committee.
- The White House website at www.whitehouse.gov.
- Congressional Research Service conducts public policy research for members of Congress, their committees and staffs. Not all are made

public, much to the frustration of open government organizations. You can request CRS reports through your member of Congress or search for them through federal depository libraries and other sources online.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

What restrictions will you face on post-government employment?

As prestigious as a presidential appointment may be, it can have detrimental effects on your income. There are two issues to consider: salary and post-employment restrictions. The [Executive Schedule](#) pay levels for 2008 were:

- Level I \$191,300
- Level II \$172,200
- Level III \$158,500
- Level IV \$149,000
- Level V \$139,600

These pay levels will be updated for 2009.

Level I is the Cabinet and positions with Cabinet rank. Level IV jobs include assistant secretaries and general counsels, and Level V jobs are the rung below that.

There are no stock options or bonuses for political appointees. By executive order, Cabinet secretaries, deputy secretaries and certain other high-level officials cannot “receive any earned income for any outside employment or activity performed during that Presidential appointment.” The prohibition includes speaking fees. Other rules and restrictions apply to those below this level. Political appointees do qualify for health insurance and other job benefits.

Ethics officials may also decide that you have to divest stocks to avoid a conflict of interest. But do not divest prematurely. You may qualify for a certificate of divestiture from the Office of Government Ethics allowing you to postpone payments of capital gains taxes when you sell the stocks and put the proceeds into an open-end, diversified mutual fund or U.S. Treasury notes or bonds. Taxes will eventually be due when you sell those assets, but this can spare you a hefty tax bill when you may be between jobs and incurring the expenses of moving to Washington. The OGE only grants these certificates, however, after it reviews your financial disclosure statement and decides that certain assets pose a genuine conflict of interest. It will not issue one retroactively if you have already sold the stock or property.

Employment Restrictions

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

As for the post-government employment restrictions, here is what federal law requires. Details are on the [U.S. OGE website](#).

The post-employment restrictions were extensively revised in July 2008 in the first major changes to those regulations since 1989.

- **Lifetime Ban.** An employee is prohibited from representing anyone else before the government on any matter in which he or she participated personally and substantially.
- **Two-Year Ban.** An employee is prohibited for two years from representing another person or entity on a matter he or she supervised or was responsible for during the last year of government service.
- **One-Year Prohibition.** Those who participated in trade or treaty negotiations cannot represent, aid or advise parties on these matters for a year.
- **“Cooling Off” Period.** Certain senior officials cannot represent anyone before their departments or agencies for a full year after leaving office. The cooling off period is two years for certain very senior officials.
- **Additional Ban.** Cabinet secretaries and other very senior officials cannot represent anyone before any federal department or agency – not just their own department – for one year post-employment.

On the very first day of his administration in 1993, President Bill Clinton signed an executive order banning his senior officials from lobbying their own departments for five years after leaving the administration. But on his way out of office in late 2000, Clinton rescinded the order so officials were subject only to the one-year lobbying ban.

There are also restrictions on working as agents for foreign governments or parties. U.S. trade negotiators cannot work for foreign businesses. With the exception of the restrictions on working for foreign governments, the law does not bar you from working for anyone you wish after you leave Uncle Sam’s payroll, including companies that you may have regulated or otherwise dealt with. But it imposes certain restrictions. There are special additional restrictions for procurement officers.

Still, don’t assume that the restrictions will be an albatross for you personally. There are blanket exceptions to the restrictions if you work for a state or local government, a college or other not-for-profit organization. Most officials returning to academia, the corporate world, medicine, the news media and other walks of life will experience little, if any, impact on their work.

What kind of help will I need to get through the nomination and confirmation process?

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

You'll need to tackle a pile of paperwork at the outset of the appointments process. Every nominee for posts requiring Senate confirmation must complete:

- The [Public Financial Disclosure Report \(SF-278\)](#) on income, assets and liabilities.
- The [Questionnaire for National Security Positions \(SF-86\)](#) used for the background investigation and security clearance.
- The White House Personal Data Statement.
- A separate background questionnaire required by the appropriate Senate committee.

As intimidating as the paperwork is, this is just one aspect of the vetting process. You will also be investigated by the FBI (and, in some cases, questioned by Senate committee investigators as well). Embarrassing details of your life could become public. Have you ever used alcohol excessively? Has anyone ever filed a sexual harassment case against you? Do you belong to a club that excludes women or minorities?

The paper maze

The majority of nominees successfully tackle the financial disclosure and other paperwork on their own. But if you have complex or extensive financial holdings, you will need help—and it may cost you thousands of dollars out of your own pocket.

The most difficult form is the SF-278, the financial disclosure form for the executive branch, which you must update each year you stay in government. It is a complex form, demanding a level of detail of income, assets and liabilities that few have at their fingertips.

Nominees with considerable wealth or complicated business holdings or severance arrangements should hire a private attorney or accountant.

Regardless of the size of your portfolio, the important thing is to get these forms filled out expeditiously. If you let them gather dust on your desk or dresser, you are creating your own confirmation delay.

Sticky situations

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The financial disclosure form (SF-278) is reviewed by the White House Counsel's Office, by the department the nominee is headed to and by the OGE prior to the confirmation hearing. The OGE must certify the report before it is sent to the Senate. OGE lawyers will analyze the nominee's holdings, discuss potential conflicts and propose remedies such as divestitures, recusals, setting up blind trusts and, in some instances, waivers. The nominee agrees in writing to carry out the recommended actions, usually within 90 days of being sworn in.

It is important that all the i's are dotted and t's crossed on these forms. Not to sound alarmist, but it is a felony to knowingly falsify or conceal a material fact on the SF-86 questionnaire—which is used by the FBI as the basis for your background investigation and for granting your national security clearance. The penalty is a fine up to \$10,000, five years in prison or both.

The Senate

Once you are through with the White House vetting process, you still face the hurdle of Senate confirmation. Diana Huffman, a former staff director of the Senate Judiciary Committee, said, "People need to understand that this is a political process and that sometimes they are their own advocates. They can't assume that their sponsors on the Hill or the White House are truly their advocates." If you have an in with a senator, ask him or her to help move your nomination forward. "People would be amazed to know how someone lands on a list for a hearing. It's bizarre, and it doesn't have a lot to do with merit," she said.

James Baker, former head of the National Oceanic and Atmospheric Administration, said, "It isn't merit alone that gets you a job. You have to do a campaign. You have to get all the interest groups that are involved in that subject to support you, or as many as you can, and as many important people whose names would be recognized. That is also critical. Other people will be pushing their names and you have to do that, too."

Don't assume the White House will expend much energy pushing through a second-tier nomination. Kent McGuire, who waited eight months before winning confirmation as assistant secretary of education in 1998, said, "Don't underestimate your responsibility to get yourself confirmed. In my opinion, it was only when I realized that I probably had to do this that it started to happen."

Nash, the White House personnel director under Clinton, said, "Nominees need to take a lot of initiative. They can't just sit back and say, 'O.K., tell me which way to turn? How high do I jump?'"

When to move

Those who want to join the new administration must be prepared to spend months in limbo, waiting for the White House to make up its mind, then waiting to pass clearance and waiting again to be confirmed. This poses special difficulties for those not already gainfully employed inside the Beltway. You may be able to join your future department as a full-time consultant. (See Chapter 4 for details.) But you will have to decide when to move your family to Washington and where to live. These are problems that inside-the-Beltway rivals for the same job won't have to wrestle with. If you come on board as a full-time consultant before moving to Washington, your department may pay for your eventual move. Otherwise, the move is on you.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

A Fallback Strategy

Once you go after a presidential appointment, prepare your fallback strategy. There's no job security in a presidential appointment. "These jobs are all at the pleasure of the president and you can get into a political situation where you might have to leave," said Baker, the former NOAA head. "There is no guarantee of a four-year term. You must know what you would do if it were clear that you are in an untenable situation."

CHAPTER ONE **KEY POINTS**

- Ask yourself whether you want to face the demands and conflicts that come with a presidential appointment. If ambivalent, you may not be able to do a good job in office.
- Evaluate your strengths and weaknesses to ensure that the proposed job is a good fit. Some positions demand specific skills; others can be filled by generalists.
- Analyze the effect that the appointment will have on your salary and finances. You may have to divest stocks and face post-government employment restrictions.
- Consider whether you want to subject yourself and your family to an FBI background investigation and to press scrutiny.
- Weigh the benefits and drawbacks of moving to Washington.
- Prepare a fallback strategy if things don't work out or if your appointment ends abruptly.

CHAPTER 2



People and Places Along the Way

These are the key offices and officials you will be dealing with on your nomination and confirmation journey:

- President-elect's transition team
- White House Office of Presidential Personnel and the director of presidential personnel
- Office of the Counsel to the President
- White House chief of staff
- U.S. Office of Government Ethics
- Federal Bureau of Investigation
- Internal Revenue Service
- U.S. Office of Personnel Management
- White House Office of Legislative Affairs
- Departmental Office of Legislative Affairs
- White House Executive Clerk
- Executive Clerk of the Senate
- Senators on the committee handling the nomination
- Other senators and members of the House



Consider the four principal stages of the confirmation process: selection, clearance, nomination, confirmation.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

STAGE ONE: **Selection**

The **White House Office of Presidential Personnel** plays the lead role in preparing a list of candidates for each position that requires Senate confirmation. At the beginning of an administration, the office is customarily flooded with literally tens of thousands and even hundreds of thousands of resumes. But even then there are positions of such importance to the success of the new administration and to the country that the White House will seek out candidates best suited to those challenges.

Customarily, the director of presidential personnel and the Cabinet secretary or the departmental chief of staff will select and interview a list of finalists for the position. The director of presidential personnel will recommend a top choice to the president. The candidate customarily makes a verbal agreement to accept the job before the president actually makes the offer.

Bob Nash, the director of presidential personnel for the Clinton administration, said, “We got recommendations from everywhere – senators, congressmen, White House staff, interest groups, associations.” Even before the formal background checks and vetting begins, the White House personnel office might make discreet calls to a prospective appointee’s associates, seeking a candid assessment without even revealing what job that person was being considered for. This will be done for a number of candidates until finally there is a short list. Then the director of presidential personnel etc. The director of presidential personnel forwards to the president through the White House chief of staff’s office a recommendation, with no more than a two-page description of the job, that candidate’s qualifications and why the director was recommending him or her. Ninety-nine times out of 100, Nash said, the president would concur.

Depending on the urgency of filling this president appointment, Stage One can take days, weeks or, as is common later in administrations, months.

“It isn’t merit alone that gets you a job. You have to do a campaign. You have to get all the interest groups that are involved in that subject to support you ... and as many important people whose names would be recognized. That is also critical. Other people will be pushing their names and you have to do that, too.”

— DR. D. JAMES BAKER,
FORMER ADMINISTRATOR
OF THE NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION

STAGE TWO: **Clearance**

· [GO TO CONTENTS](#)

· [PRINT DOCUMENT](#)

The clearance process – during which the White House carefully vets each prospective nominee before the president announces his intention to appoint him or her – can be long and frustrating. The prospective nominee, once he or she has completed all the disclosure forms, allowed the White House to check his or her tax records, and been subject to an FBI background check, may not know for weeks on end where things stand on the clearance process. The weeks can stretch into months if the person’s financial holdings are large and complicated and if there are potential conflicts of interest that White House and Office of Government Ethics lawyers need to work out. Customarily, the White House says nothing to the other finalists for the job until the clearance process for the chosen one is complete. All this while, said former Secretary of the Army Louis Caldera, “you’re in limbo. You can’t go ask people for business. You can’t develop new business in good conscience when in fact you’re thinking about leaving. So your whole life is in limbo.”

White House lawyers will comb through the battery of forms and questionnaires you are required to complete [[see Chapter 8: Forms and Financial Disclosures](#)]. **The Office of the White House Counsel** will forward your [SF-278](#), the financial disclosure form, to the ethics office at your future department, with a copy sent as well to the U.S. Office of Government Ethics. Ethics lawyers from all three offices will confer about whether any of your holdings pose potential conflicts of interest and, if so, what arrangements need to be made to avoid those conflicts. They will negotiate with you, if necessary, what steps you will have to take, such as divesting certain stocks, putting assets into a blind trust or signing a recusal that restricts you from taking part in deciding certain matters. You will be required to sign an ethics agreement that the White House will forward to the Senate committee along with a letter from the Office of Government Ethics certifying that you are in compliance with the conflict-of-interest laws and regulations.

STAGE THREE: **Nomination**

With the paperwork complete, the FBI background investigation finished, the financial forms scrubbed and any potential conflicts addressed, the White House Office of the Counsel sends an email to the director of presidential personnel stating that this person has been cleared. In most cases, that is all the email says. It does not elaborate on anything discovered in your background investigation or describe the arrangement agreed to by the Office of Government Ethics. The director sends a memorandum to the president through the **Office of the Executive Clerk**, which prepares a small nomination parchment with your name, home state, prospective position and whom you will be replacing or succeeding. This document is placed in

an envelope, sealed with wax and hand-delivered to the Senate while it is session. You are now nominated.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

For many jobs requiring Senate confirmation, the White House already may have issued a short press release some time previously announcing the president's intention to nominate so-and-so to the position. These bare-bones announcements look like this:

The President intends to nominate **Holly A. Kuzmich**, of Indiana, to be **Assistant Secretary for Legislation and Congressional Affairs at the Department of Education**. Ms. Kuzmich currently serves as Deputy Chief of Staff for Policy and Programs at the Department of Education. Prior to this, she served as Associate Director of the Domestic Policy Council at the White House. Earlier in her career, she served as a Professional Staff Member on the Senate Committee on Health, Education, Labor and Pensions. Ms. Kuzmich received her bachelor's degree from Northwestern University.

Kuzmich made her trip through the confirmation process almost at warp speed. The former Senate staff member was nominated on June 24, 2008, and confirmed by unanimous consent vote on Aug. 1, 2008. The president signed her commission six days later.

STAGE FOUR: **Confirmation**

The executive clerk of the Senate enrolls your nomination by entering your name in a log in the Senate computer system and assigning a number to the nomination. When President Bill Clinton nominated Alan Greenspan to a fourth term on Jan. 4, 2000, Executive Clerk Michelle Haynes wrote "BK PN729" by hand on the upper right corner of the nomination parchment. That meant Greenspan was the 729th presidential nominee (PN) in the 106th Congress, and the Senate Banking, Housing and Urban Affairs Committee (BK in Haynes' shorthand) had jurisdiction.

Haynes – like all the clerks in Congress – is a nonpolitical appointee. She still serves as executive clerk of the Senate, where her duties include preparing the Executive Calendar as well as preparing the record of actions taken by the Senate during executive sessions on nominations and treaties. On Election Day 2008, the executive clerk's count of civilian nominees submitted in the 110th Congress stood at 799, with the possibility that the Bush administration would submit more in its final weeks.

If there is any doubt about which of the 16 Senate committees that handle nominations has jurisdiction, the executive clerk confers with the Senate parliamentarian and other staff before farming out the nomination. Usually there is no doubt (In

recent years, at least six nominations have been referred to two committees. They were: under secretary of commerce for international trade; assistant secretary of commerce for trade promotion; assistant secretary of energy for environmental management; assistant secretary of the interior for fish, wildlife, and parks; assistant secretary of labor for veterans' employment and training service; and director of the Pension Benefit Guaranty Corporation).

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The committee of competent jurisdiction gets copies of the nominee's SF-278 financial disclosure form, the SF-86 questionnaire and any signed ethics agreement. The committee sends nominees its own battery of questions, asking them to bare their life and career all over again.

Apart from standard questions, the committee may pose a raft of detailed policy questions, crafted with advice from the Government Accountability Office, about key issues confronting that department. Normally you can count on help from the department in articulating responses to these puzzlers.

In the weeks or months before the confirmation hearing, it is customary for nominees to make courtesy calls on each member of the committee, regardless of party affiliation. The congressional liaison at your department may help arrange these meetings. If not, schedule them yourself. Generally a representative from Legislative Affairs will accompany you. They may not delve beyond pleasantries, but some senators may probe you about your views and qualifications, or bend your ear about a pet peeve with the department. These private meetings can be cordial or a test of your mettle. Most of those you meet with probably won't show up for your hearing, but they will vote on your confirmation.

For an overwhelming majority of nominees, the hearing is blissfully uneventful. Often it is a joyous occasion for nominees and their families, listening to friendly senators salute your accomplishments and willingness to serve the nation. Sometimes a home state senator introduces the nominee to the committee.

Each committee follows its own rules for handling nominations. Normally, there is a specified interval of days between the confirmation hearing and the committee vote to send the nomination forward. The full Senate considers nominations in executive sessions, which are public and can occur at any time the Senate is in session. Nominations customarily are approved by voice vote, not by roll call.

When that vote finally is cast, the Senate clerk notifies her counterpart at the White

“It’s very embarrassing to ask everybody you know to make phone calls on your behalf (but) be absolutely shameless about it.”

— FORMER ASSISTANT SECRETARY OF THE TREASURY GREGORY BAER

House that the Senate has advised and consented to the nomination. The White House executive clerk already will have secured an 18-by-24-inch appointment document with your name and title penned in calligraphic script. The executive clerk sends this formal document to the president for his signature – the step that makes the appointment official.

It is then returned to the clerk's office, which pencils in the date and sends it to the Department of State, where the secretary of State counter signs it. Calligraphers finish their work and the Great Seal of the United States is affixed. A family heirloom has just been created. Five departments – Treasury, Defense, Justice, Commerce and Interior—use their own seals and create their own commissioning documents. Everyone else's comes from State, stamped with its Great Seal.

Congratulations. You now are ready to be sworn in, placed on the payroll and put to work.

Let's go back and revisit the gatekeepers along this route: the president-elect's transition team, the Office of Presidential Personnel, the Office of the Counsel to the President, the U.S. Office of Government Ethics and the Senate committees.

GATEKEEPERS: **The Transition Team**

While wary of tempting fate, presidential candidates usually quietly appoint a transition director well in advance of the November election. That person and his or her team will have their hands full on the day after and for months after Americans decide who they are sending to the White House. The General Services Administration will have office space and computers waiting for them. Squads of senior campaign officials, insiders and trusted confidantes will be given the task of heading teams to prepare for the takeover of various departments. Congress and the Bush administration have made a special effort to ensure that there is a smooth transition in 2008 at the Department of Homeland Security and other departments responsible for protecting the country from terror threats. In anticipation of this first post 9/11 transition, Congress enacted a law in 2004 allowing the candidates to submit before the election requests for security clearances for "prospective transition team members" who will need access to classified information to do their work.

Thousands of resumes will pour into the transition office by fax, email, mail, courier and every other conceivable method of delivery.

All of the Cabinet will be announced and very likely confirmed and sworn in, if not on Inauguration Day, then a day or two later. Other senior positions also are likely to be

filled quickly, especially in the national security and economic arena. But beyond that, things usually move at a slower pace.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Behind the scenes, White House and campaign officials will wrestle with Cabinet secretaries over who the deputy and assistant secretaries should be. The White House may settle on a candidate, then jettison him or her when they get a whiff of resistance from the Senate.

GATEKEEPERS: **White House Office of Presidential Personnel**

Unless you have an extraordinarily close tie with the president or someone in the inner circle, the first and most important starting point to land a nomination is the White House Office of Presidential Personnel.

A president has more than 1,000 executive branch appointments to make that require Senate confirmation (including Cabinet secretaries, deputy and assistant secretaries, ambassadors, U.S. attorneys and federal marshals) and more than 2,000 other political appointments that do not require Senate approval. The director of presidential personnel helps find candidates, narrows the field and makes the final recommendation to the president. The Office of the White House Counsel and the Department of Justice does this for judgeships.

Your credentials, experience, political and party affiliation, ethnicity and where you live all affect your chances getting a job. The next president will likely be choosing from a stack of 125,000 or more resumes. According to James Pfiffner, University Professor of Public Policy at George Mason University, Harry Truman had one person dealing with presidential personnel, John Kennedy three, Richard Nixon 35 to 40, Ronald Reagan 100 and Bill Clinton more than 200 (during the presidential transition). The official roster for the Office of Presidential Personnel is never that large. The White House borrows or “details” staff from departments and agencies to deal with the crush of work. The White House Office of the Counsel does the same, pulling in lawyers from across the executive branch to vet the financial disclosure forms and other paperwork nominees must fill out. These lawyers may stay a month, three months, six months or a year on the White House detail. The load is heaviest at the outset of an administration. Nash had just 27 people working for him at the close of the Clinton administration: a deputy, three associate directors, an information systems director and 22 support staff. Each associate director had specialties and a portfolio of Cabinet and agency jobs to manage.

Chase Untermeyer, who headed presidential personnel for President George H.W. Bush, said, “The greatest onslaught of names is right after the election. It’s only after that wave washes out that the presidential personnel office is able to do something

more akin to corporate recruiting and actually go looking for people rather than having to pick and choose amongst the many whose names are flying in through the transom.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

‘Where do I stand?’

When they are in the clearance process, candidates may have a tough time finding out from anyone inside the White House where things stand. Indeed, the White House itself may not know how far along the FBI is in the background check. “People call all the time and say, ‘Where am I? Where am I?’” recalled Nash. “Well, when you send something to the Internal Revenue Service and to the FBI, they don’t call you and say, ‘Oh, we’re a third of the way through’ or ‘we’re halfway through.’ When they finish, they tell you.”

Administrations sometimes put nominees on departmental payrolls as consultants after they have been formally nominated. But they cannot begin acting in the position they have been nominated to fill simply because they cannot take on the decision-making authority for a position until they have been confirmed by the Senate.

Some nominees are surprised to find that the Office of Presidential Personnel – which has been all important to their candidacy up to the point of nomination – recedes from the picture once the nomination is sent to the Senate. The White House Office of Legislative Affairs as well as the legislative affairs office within each department are better positioned to help the nominees through confirmation, and the nominees should look to their own devices as well. Even though not yet confirmed and commissioned, nominees at this point are entitled to the full support of their departments.

GATEKEEPERS: **Office of the Counsel to the President**

When the Office of Presidential Personnel forwards your file to the White House Office of the Counsel, lawyers and paralegals there begin assembling a dossier on your life. They vet every form and scrap of information to make sure that nothing could prove an embarrassment to the president and that there are not ethical or legal barriers to your serving in the administration. It is the Office of the Counsel that sends the nominee the White House Personal Data Statement Questionnaire, with instructions to fill it out in 24 hours.

Those who have gone through this process all say the same thing: hold nothing back. Joel Klein, who headed the Justice Department’s antitrust division before

becoming the New York City schools chancellor, said, “As hard as it may be, it’s absolutely critical ... to be thoroughly truthful. Whatever your indiscretion, whatever your mistakes in life, they are less of a problem for you if they are fully dealt with at the outset than if they are incompletely dealt with – even if that means ultimately you’re not going to get the job. But the problems of being exposed and then having to be taken down on issues on which you weren’t thoroughly forthcoming and for which the administration therefore owes you no defense – that is a real tragedy.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Presidential nominees for appointments to part-time boards and commission must fill out the same forms and go through the same scrutiny as those who are being asked to run billion-dollar programs. Whether full-time or part-time, nominees need to move quickly to complete the disclosure forms and other paperwork, or else they are contributing to their own confirmation delay. “Get your part done,” said Jacob Lew, former director of the Office of Management and Budget. “There should never be a question about whether the nominee is eager for the job or ready to do what it takes to get confirmed quickly.”

‘Raw’ Information from the FBI

The White House counsel’s office – not the personnel office – gets the results of the FBI full-field background investigation. This includes raw information gathered by FBI agents who canvassed neighbors, relatives, business acquaintances, friends and foes of the nominee. A former Senate committee aide said the FBI “spits out whatever anybody says,” including rumors and opinions. The FBI tries to sort fact from fiction – but everything goes into the background report.

GATEKEEPERS: U.S. Office of Government Ethics

The Office of Government Ethics originally was part of the Office of Personnel Management, but the 1989 Ethics Reform Act made it an independent agency. It reviews and certifies the financial disclosure statements of the 1,000-plus presidential nominees who are subject to Senate confirmation.

Stephen Potts, a former director of the Office of Government Ethics, said the agency looks not only for economic conflicts of interest but also family conflicts that may raise questions about an official’s impartiality. Senior executive branch personnel may not personally handle any proposal, award or other matter in which they or an immediate family member or a business or organization they belong to has a financial interest. New conflicts can arise during a person’s service in office and they must be disclosed and dealt with as they come up.

The OGE has a staff of 80, one quarter of whom work for its Office of General Counsel and Legal Policy. The OGE has no prosecutorial powers itself, but works closely with the Office of Legal Counsel and the Public Integrity Section of the Department of Justice, both of which deal with criminal conflicts of interest cases. Routine ethics matters are handled in administrative proceedings by the departments and agencies themselves. Some of the criminal conflict of interest statutes date back to the Civil War, when Congress enacted tough measures to punish crooked Army suppliers.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Ethics Agreements

Before certifying that a nominee is in compliance with the conflict-of-interest laws, the OGE, departmental and White House lawyers may require the nominee to sign an ethics agreement committing him or her to take “remedial” measures within 90 days of being sworn in to resolve the conflict. These steps may include recusal agreements, waivers, qualified trusts and divestitures. Here is a brief description of each:

- **Recusal.** Nominees agree to disqualify themselves from participating in any discussion or decision on a matter that could affect their financial interests.
- **Waivers.** OGE may grant an individual a waiver from the conflict-of-interest laws when the holding in question is not substantial.
- **Trusts.** A blind trust may be set up to remedy the potential conflict of interest. It must have an independent trustee approved by OGE. Blind trusts are seldom resorted to, except for nominees with considerable wealth or complicated holdings.
- **Certificates of Divestiture.** OGE is empowered to issue these certificates that permit appointees to defer paying capital gains taxes on assets sold to comply with the ethics laws. The certificate of divestiture must be obtained from OGE before the sale occurs.

OGE grants scores of certificates of divestiture each year, but approves only a handful of blind trusts. In 2007 it issued 90 certificates of divestiture. As of October 2008, there were only three blind trusts for the entire Bush administration. In some years, a third or more of nominees entered into ethics agreements. Each department or independent agency has its own ethics officers, who work closely with OGE. The ethics rules apply to all federal employees, not just presidential appointees.

Exemptions

OGE has issued across-the-board exemptions from the conflict-of-interest laws for “particular interests are too remote or too inconsequential to affect the integrity of the services of employees to whom those exemptions apply.” These include exemptions for investments in diversified mutual funds, and stock holdings in individual companies that do not exceed \$5,000.

The next stop on the confirmation journey is the Senate.

· [GO TO CONTENTS](#)

· [PRINT DOCUMENT](#)

CHAPTER TWO KEY POINTS

- The president-elect’s transition office handles the task of selecting nominees before the Jan. 20 inauguration. Afterward, the White House Office of Presidential Personnel takes over the job, working with Cabinet agencies.
- The Office of the Counsel to the President oversees the clearance process. Fill out quickly, thoroughly and honestly all the forms you are asked to complete.
- Nominees often must work out an ethics agreement with the Office of Government Ethics and administration lawyers on how they will comply with the conflict-of-interest laws.
- The President will not formally nominate you until after the FBI background investigation is complete, White House lawyers have vetted your nomination and, if needed, the Office of Government Ethics has certified your ethics agreement.

CHAPTER 3



Navigating the Senate

The U.S. Senate has been called “the world’s greatest deliberative body.” It operates by its own rules and procedures, some of which have become enshrined more by practice and custom than by code. The Senate’s authority, however, to pass judgment on a president’s nominees comes directly from Article II, Section 2 of the U.S. Constitution, which states:

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

As a Congressional Research Service analyst has noted, “The Constitution gives the Senate a role in the presidential appointments process, but the parameters of that role have never been clearly defined. The current process is regulated by a mixture of formal rules and informal customs, as well as by political interactions between the President and Senators.”²

The Senate usually confirms a President’s Cabinet nominees without fuss or delay. Cabinet appointments engender far less controversy and scrutiny than lifetime

² Palmer, Betsy. Congressional Research Service. “[9/11 Commission Recommendations: The Senate Confirmation Process for Presidential Nominees.](#)” Updated March 23, 2005. RL32551



appointments to the Supreme Court. In the history of the Republic, only about 15 of the hundreds of men and women nominated to Cabinet jobs have failed to win Senate confirmation, with the last such rebuff in March 1989 when John Tower was rejected as secretary of defense in the first Bush administration. Only 47 of his former colleagues voted for the Tower nomination. Eight days later, the Senate voted 92-0 to confirm Dick Cheney as secretary of defense.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The Senate often approves a raft of Cabinet nominees on the day a new president takes the oath of office. Eleven members of President George W. Bush's Cabinet were confirmed on Jan. 20, 2001, before the Inaugural Parade had finished marching down Pennsylvania Avenue.

Action usually is not that swift for sub-Cabinet presidential nominees, but there, too, the odds that the Senate will approve the nomination are greatly in the nominees' favor.

But the Senate does so only when it is good and ready. As the Senate Historical Office put it in an essay on nominations, "From its earliest years, the Senate has jealously guarded its power to review and approve or reject presidential appointees to executive and judicial branch posts." The Senate in August 1789 rejected Benjamin Fishbourn, whom President George Washington had nominated to be the naval officer for the seaport of Savannah, Georgia. Fishbourn apparently had done something earlier in his career that earned him the enmity of Georgia Senator James Gunn. A chagrined Washington nominated someone else. The rejection, by secret ballot, was the first instance of "senatorial courtesy," in which home state senators can promote or effectively thwart appointees to certain positions in their back yards. "Though an unwritten tradition, senatorial courtesy has been honored, to some degree or another, by most Presidents," according to the Congressional Research Service.³ This "courtesy" customarily extends now only to judicial nominations, but not executive branch appointments.⁴ However, individual senators can and do hold up votes on any executive branch nomination, sometimes without explanation.

Still, as another CRS report noted, "Approximately 99 percent of presidential appointees are confirmed routinely by the Senate. With tens of thousands of nominations each Congress, the Senate cannot possibly consider them all in detail."⁵ But even with the odds in your favor, nominees must realize that once their name is

³Palmer, Betsy. Congressional Research Office. "[Evolution of the Senate's Role in the Nomination and Confirmation Process: A Brief History](#)." Updated March 29, 2005.

⁴Senate Historical Office. "[Nominations](#)." Downloaded Oct. 2, 2008.

⁵Rybicki, Elizabeth. Congressional Research Office. "[Senate consideration of Nominations and Floor Procedure](#)." RL31980. Updated May 24, 2005.

sent to the Hill, their fate rests in the hands of the 100 U.S. senators. As Chase Untermeyer, director of presidential personnel in the first Bush administration, observed, “Once you’re in the precincts of Capitol Hill, they are by far the supreme beings, not anybody from the executive branch.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

For those who chafed at long waits for the White House to make up its mind and then to get clearance, be prepared for a long and sometimes arbitrary wait for Senate confirmation. Weeks or months may pass before a hearing is scheduled. There is no Senate rule requiring that a nomination be acted upon in a fixed amount of time. Many, however, are confirmed in less time than it took for the White House to decide on a nominee, win clearance and formally submit the name to the Senate.

The 9/11 Commission, in response to the 2001 terrorist attacks, recommended that the Senate “adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.” The legislation subsequently signed by President Bush, the Intelligence Reform and Terrorism Prevention Act of 2004,⁶ stopped short of mandating that deadline for action, but expressed “the sense of the Senate” that these nominees should get “expedited consideration” including “to the fullest extent possible” committee hearings and a full Senate vote within 30 days. That law also allowed the presidential candidates to submit names of transition team members and candidates for national security positions through under secretary so that security clearances may be issued the day after the general election.

During the 109th Congress (2005-2006), the President submitted to the Senate 283 nominations to executive department full-time positions. Some 233 were confirmed, nine were withdrawn, and 41 returned to the president in accordance with Senate rules. For those confirmed, an average of 75 days elapsed between nomination and confirmation; the median number of days elapsed was 57. This does not count days during which the Senate was adjourned for summer recesses and between sessions.⁷

Presidents can put someone into a high-level job by recess appointment, done when the Senate is out of session. These appointments can last until the end of that two-year session of Congress. President Bill Clinton made 139 recess appointments during his eight years in office, including 95 to full-time positions. President George W. Bush made 171 recess appointments during his first seven years in office, including 105 to full-time positions. At best, recess appointments are a fallback measure. Some recess appointees later win Senate confirmation to stay on the job.

⁶ General Services Administration. [Intelligence Reform and Terrorism Prevention Act](#).

⁷ Congressional Research Service. [“Presidential Appointments to Full-Time Positions in Executive Departments During the 109th Congress, 2005-2006 Congressional Research Service.”](#)

Often delays have little or nothing to do with the candidate's credentials. They may have more to do with other business that the Senate deems more important or, as is often the case, policy quarrels that individual senators may have with that particular department or even the entire administration. When NASA scientist Carolyn Huntoon was nominated to be assistant secretary of energy, she was surprised during her courtesy calls how many questions senators posed on Energy Department issues outside her area. "I was not fully prepared for the amount of departmental politics that my nomination would get caught in. I thought more people would care about environmental management," said the former director of the Johnson Space Flight Center.

Many nominees are surprised to learn how much their success in winning confirmation depends upon their own initiative. The legislative affairs office of their future department may furnish a briefing book on key issues facing the department and proffer advice on how to deal with individual senators. But unless you are ticketed for a high-profile position, you will have to function as your own chief advocate.

Christopher Cross, a former U.S. Department of Education official, said, "What you have to understand is that you're very much at the whim and personality ... of the chair of the committee your name gets referred to. You need to cultivate some relationships with the staff of that committee and find somebody who will be your angel."

The biggest challenge is to win the support of individual senators, especially the 18 or so on the committee hearing your nomination. Reach out first to your home state senators and ask them to introduce you at your confirmation hearing. It doesn't matter if they don't know you from Adam, said Bob Nash, the former director of presidential personnel. "Go see them and say, 'I'm from your state. Here's who I am. I'm capable. I'm qualified. I want to do public service. You don't know me, but I've followed your career, and I need your help.' They will help you. Senators always like to make friends," said Nash. Down the road, when you are serving as deputy secretary or assistant secretary, don't be surprised when a call comes from that senator asking for your help.

Above all, be circumspect. Raymond Kammer, former director of the National Institute of Standards and Technology in the Commerce Department, offered this advice: "Say less, make no promises that you're not sure you can live with and remember: It's not against the law to say, 'I don't know.'"

Senate committees ask their own battery of questions to nominees about their personal and professional backgrounds (see Sample Senate Questions, p. 33-34). Often, they pose a separate list of detailed policy questions about issues on that department's front burner.

Now that you are an official administration nominee, you can count on help from the department's legislative office with preparing responses to the policy questions. But whatever you do, make these responses your own. Don't just cut and paste what the department tells you into the Senate questionnaire.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Two Clinton nominees to the Commerce Department learned that lesson the hard way when they submitted identical, typed responses to the Senate Commerce Committee's policy questions in advance of their confirmation hearing. A committee aide erroneously had told them that would not be a problem. But they incurred the wrath of Senator John McCain (R-Arizona), then-chairman of the committee, who dressed the nominees down and abruptly cancelled the confirmation hearing. The contrite nominees later submitted separate, personalized responses.

Most confirmation hearings are more affable than acrimonious. Still, nominees should be deferential at all times, always address their interlocutors as "Senator" and remember that many senators like to hear themselves talk even more than they are eager to hear a nominee's answers. Tom C. Korologos, a Republican lobbyist and former ambassador to Belgium who has personally guided hundreds of nominees to confirmation, advises nominees to follow the 80-20 rule and let the senators do 80 percent of the talking. If the balance tips the other way, he warns, the nomination is headed into trouble.

Senate committees often consider nominations in batches, which leaves even less time for any one nominee to fill, and that is usually a good thing.

Senate Holds on Nominations

Committees generally require at least two days to pass after a confirmation hearing before voting on a nomination. There is no limit under Senate rules on how long consideration of a nomination may last, and even a single senator can delay a final vote for an extended period. Various attempts have been made to end the custom of allowing senators to secretly place a hold on nominations. The Congressional Research Service, in a 2007 report, said, "Today, holds are often used to stall action on legislation or nominations in order to extract concessions from other Senators or the Administration. They are also employed to 'take hostages.' Senators may delay bills or nominations, which they do not oppose, so they might gain political or procedural leverage to achieve other extraneous objectives."⁸

The Senate can and does on occasion invoke cloture, which requires a three-fifths

⁸ Congressional Research Service. "[Proposals to Reform 'Holds' in the Senate.](#)" RL31685. Updated Dec. 20, 2007.

majority (60 votes) and limits further consideration to 30 hours. Cloture votes were first allowed on nominations in 1949. Through 2004, cloture was sought on 49 nominations, and debate was limited on 21 of them. Ultimately 35 of these nominees were confirmed and 14 were rejected, withdrawn or never came to a final vote. Most of these cases involved judgeships (including President Lyndon Johnson's failed effort to elevate Abe Fortas to chief justice of the Supreme Court in 1968), but there also have been cloture battles over nominees for surgeon general and the administrator of the Environmental Protection Agency.⁹

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

But most nominees move through the Senate without a fight or major opposition. Unless there is something especially controversial about a nominee, most senators subscribe to the view that a president is entitled to staff the Cabinet and sub-Cabinet with capable people who espouse the administration's political philosophy. Sooner or later, when the stars align in the right constellation, the Senate likely will approve your nomination, probably by voice vote.

Nominees should keep a low profile and avoid giving interviews or making speeches. Senators want to hear from you in private and at your confirmation hearing before they start reading your views in the newspaper.

Don't forget to cultivate contacts with members of the House, as well, especially those lawmakers who hold key positions on the authorizing and appropriations committees for your department. While they do not have a vote on nominations, House members still play a large role in determining what gets done in Washington. Most representatives have keen political instincts kept sharp by having to seek re-election every two years instead of the six years afforded senators. House committee staff work closely with their Senate counterparts and may know ways to nudge your nomination along.

The Pentagon is particularly adept at getting its nominees to work both sides of Capitol Hill. Joshua Gotbaum, a senior official at DOD and OMB in the Clinton administration, said, "If you're not from the Hill, there is no such thing as spending too much time getting to know the Congress. When I showed up at DOD, they said, 'You will do courtesy calls on Democrats and Republicans, House and Senate, authorizers and appropriators.' It was very good advice."

Presidential nominees and other political appointments account for just a few thousand of the 50,000-plus appointments and promotions that the White House submits to Congress each year. The Senate usually considers most of these nonpolitical appointments in large bunches and approves them by unanimous consent without committee action. They include military promotions and new

⁹ Congressional Research Service. "[Cloture Attempts on Nominations](#)." RL32878. April 22, 2005.

assignments and promotions in the Foreign Service, the Public Health Service and the National Oceanic Atmospheric Administration.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The Senate website, www.senate.gov, offers excellent resources about nominations, including a link to a search tool on the Library of Congress's [THOMAS website](#) that includes information on every nomination submitted to the Senate since 1987. See: <http://www.senate.gov/reference/Nominations/Index.htm>.

CHAPTER THREE KEY POINTS

- The overwhelming majority of presidential nominees make it through the Senate without problems. But it is not easy to forecast which nominations will encounter rough seas. Think positively, but steel yourself for opposition or delays.
- Meet with every senator on the committee considering your nomination.
- Each Senate committee has its own questionnaire for nominees. Some conduct their own investigation of your background.
- To win confirmation, solicit support from home state senators, friendly House members and key interest groups.
- Don't hog the microphone at your confirmation hearing. Don't be evasive or uncooperative, but the less you talk and the more you listen, the better.
- If you're not nervous going into your confirmation hearing, you should be.
- For a historical perspective on presidential nominations, read the [excellent essay](#) on the Senate website. See: <http://www.senate.gov/artandhistory/history/common/briefing/Nominations.htm>

Korologos's Commandments

Tom C. Korologos, the Republican lobbyist and former ambassador who has steered scores of high profile nominees through confirmation, offers this succinct advice:

- Model yourself after a bridegroom at a wedding. Be on time, stay out of the way and keep your mouth shut.
- Before confirmation, give no speeches, write no letters, make no public appearances. Senators do not like to read about grant plans of an unconfirmed nominee.
- You may have been a brilliant success in the corporate world or some other field of endeavor, but the Senate expects you to be suitably humble and deferential, not cocky.
- There is no subject on this Earth that the Senate is not free to probe. Be ready with polite and persuasive answers.
- The purpose of the hearing is to get in and get out. Follow the 80-20 rule. If the senators are talking 80 percent of the time and you are talking 20 percent, you are winning ... If it's 60-40, you've got a problem. If it's 50-50, you're losing and the confirmation is in trouble.
- The Constitution stops at the hearing room door. There are no rules of evidence There will be hearsay questions, irrelevant questions and even some stupid questions. Be ready for all of them.

Senate Committee Questions

Here are some questions posed to nominees by Senate committees:

Senate Banking, Housing and Urban Affairs Committee:

- List all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.
- List the titles, publishers and dates of books, articles, reports or other published materials you have written.
- List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
- Itemize all political contributions of \$500 or more.... during the last eight years
- State fully your qualifications to serve in the position to which you have been named.
- Has anybody made you a commitment to a job after you leave government?
- List any lobbying activity during the past ten years in which you have engaged.
- Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State or local agency in which you were the subject of the inquiry or investigation.

Senate Committee Questions, *continued*

Senate Committee on Environment and Public Works

- If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.
- Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.
- Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?
- Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of a conflict of interest, with the position to which you have been nominated.
- If there is any additional information that you believe may be pertinent to the Members of the Committee in reaching their decision, you may include that here.

Senate Armed Services Committee

The Senate Armed Services Committee, chaired by Sen. Carl Levin (D-Michigan) sent all civilian nominees in the 110th Congress [this 22-page notice](#) providing information about how the committee handles nominations. It includes 16 pages of questions and a sample letter addressing what the nominee is doing about possible conflicts of interest.

CHAPTER 4



Tread Carefully Before You're Confirmed

Some of President Barack Obama's appointees will come straight off the campaign trail. Some will work first as staff or volunteers in the transition. But most will be giving up their regular jobs – in elected offices, law firms, universities, businesses, non-profits, associations and from many other walks of life – to answer the call to public service.

Some may be placed on the payroll of their future department as advisers or consultants pending confirmation. They cannot assume the duties of their future post on an acting basis, but they can perform other work while drawing a salary and other benefits, including health insurance.

There are pros and cons to getting an early start this way. Some may already be working as a paid adviser or consultant when the president nominates them to a full-time job requiring Senate confirmation. Especially if they are coming to Washington from outside government, this may help them learn the ropes and prepare for their new responsibilities. But if they get thrust into the thick of policy discussions and debates inside a department, they could get themselves into hot water with the Senate committee considering their nomination. That is a situation that prudent nominees would do well to avoid.

But financial considerations – including health insurance – may enter into this. If you have left your old job and moved to Washington, you may need to get a spot on the federal payroll as a consultant while you wait for clearance, nomination and confirmation. You became a lame duck on your old job the minute you announced your intention to leave. If you are self-employed or providing professional services, you cannot very well take on new clients or responsibilities knowing full well that you are on your way out the door.



The president will tap some nominees for important sub-Cabinet jobs from among those already serving a rung or two lower in the same department or agency. Normally, when a PAS (Presidential Appointment with Senate confirmation) position becomes vacant, the job can be filled temporarily on an acting basis either by the top deputy or “first assistant,” or by another presidential appointee designated by the president, or by certain senior agency personnel designated by the president. There is a general 210-day limit on serving in an acting PAS capacity.

Nominees can qualify for health benefits, life insurance, and retirement coverage if the administration gives them a noncareer or limited appointment to the Senior Executive Service while they await Senate confirmation. The limited emergency of limited term appointment must be designated as a “provisional appointment” on the SF-50, Notification of Personnel Action.¹⁰

Sometimes the acting official winds up being the one nominated by the White House. That happened to Joel Klein, who held the No. 2 position in the antitrust division at the Justice Department in 1997 when his boss, Anne Bingaman, resigned. Klein, who had also been a deputy counsel in the Clinton White House, said later, “Generally speaking, it was a mistake that had to be made under the circumstances. I would not recommend to anybody to take a position as acting, because inevitably you have to make some tough decisions that are going to make people unhappy with you.”

“There’s a lot of senators and any one or two of them can make problems for you if you take specific actions that can be controversial, but which you have no ability to avoid if you’re acting,” said Klein, who led the antitrust case against Microsoft Corp. Klein made the best of a ticklish situation and it worked out fine. After the White House sent up his nomination, senators were “uniformly cordial, professional,” he said, and four months later they confirmed him, by an 88-12 vote.

William Apgar, a former federal housing commissioner, said he was glad he signed on as a consultant at HUD well before he was nominated to the housing job. Colleagues on the faculty at Harvard University had counseled him not to leave Cambridge or quit his academic job prematurely. “Fortunately, I rejected” that advice, he said. “They said you shouldn’t pick up your family and move until you’ve been confirmed. But that would have been a mistake.

“My sense is: just jump in the pond. It was six months into the second year of a second presidential term when I got the call. It was going to take six or eight months before I got confirmed. Whether I was going to be successful depended on whether I could work well with (HUD Secretary) Andrew Cuomo. I literally didn’t know him,

¹⁰ Office of Personnel Management. “[Transition to a New Presidential Administration](#).” Appendix E.

and he didn't know me at all. The only way to figure out if I could work with him was to be here, so I came down, was an adviser, and all the things I'd heard about him turned out to be true: a really amazing fellow. And I'd have missed all that sitting up at Harvard waiting for the nomination process to take its course."

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

William Reinsch signed on as a consultant before he was nominated to serve as under secretary of commerce for export administration. Reinsch, who had worked for 16 years on Capitol Hill, said, "They make you the highest career civil service grade, a 15, step 10, and they treat you like a career employee." But he never tried to fill the under secretary role until after confirmation. That would have been "presumptuous," said Reinsch.

Todd Dickinson, under secretary of commerce for patents, also came to that department as a consultant and senior adviser to Secretary William Daley. He'd been practicing law in Philadelphia. "My job was basically a political Senior Executive Service job. It gave me the opportunity to learn the system from the inside and begin to work on some of the issues that were important to me and important to the patent commissioner at the time who wanted to delegate them to me. But I didn't have any formal responsibility It allowed me, coming from the private sector, to get my feet wet. There's a lot to learn about the federal government that you don't really know – how it's organized, and how it's managed."

But Dickinson stressed: "Resist the temptation to act like you were in that job at all costs. There are eyes on you all the time You have to be extremely prudent how you operate in that kind of situation."

The experience of Jacques Gansler, under secretary of defense for acquisition and technology, offers more reason for caution. "Don't give up your [old] job if you have one during this time," he advised. Senators upset about White House plans to close some Army depots held up Gansler's nomination for months. He said he felt like a hostage.

Cross, the former Education Department official, said nominees should resist the temptation to sign on early as consultants. "You end up being in a very compromised situation," said Cross. "Inevitably you will get into conversations and even appear to be involved in policy decisions—which is illegal. Word will get back to the Hill that this is going on, and it will be used against you when you do finally get a hearing, if you get one. In every agency, there are people who are connected to various folks on the Hill who are looking for ammunition."

Mary Jo Bane, who was New York's social services commissioner before becoming an assistant secretary of health and human services in the Clinton administration, pushed the envelope by taking part as a consultant in an HHS welfare reform task

force before she was confirmed. “That was a little tricky, and I probably pushed the rules a little more than I should have,” she said. Bane’s advice: “Don’t go down there until you’re formally nominated. It’s a very difficult period.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The Office of Personnel Management (OPM) – the main human resources arm for the federal government – addressed many of these issues in its [Presidential Transition Guide to Federal Human Resources Management](#), published in June 2008. That guide states:

Agencies may appoint experts and consultants to positions that primarily require performance of advisory services, rather than performance of operating functions, without regard to competitive civil service requirements [5 U.S.C. 3109]. Agencies may use expert and consultant appointments for individuals who have been nominated by the President, but not yet confirmed.

OPM’s guide notes:

Agencies may pay travel and transportation expenses for travel to and from pre-employment interviews to any individual they consider for employment. Travel expenses to attend confirmation hearings are considered part of the pre-employment interview process. Agencies may also pay the travel expenses of a new appointee from his or her place of residence at the time of selection or assignment to the duty station.

While a president can fill about 700 full-time executive branch positions that require Senate confirmation, there are also several thousand so-called Schedule C political appointments that do not require Senate confirmation. Schedule C jobs can range from mid-level aides and assistants – even stenographers – to senior policy and management positions paid at the highest level of the civil service pay scale – GS-15. The GS-15 jobs started in 2008 at \$115,317; Step 10 paid \$149,000. The president gets to fill up to 10 percent of the more than 7,300 Senior Executive Service positions, the elite rank for top executives in the civil service. The SES pay scale ranged in 2008 from \$114,468 to \$172,200.

The OPM reports that as of September 30, 2008, there were 7329 members of the Senior Executive Service, including 6,541 career appointees and 657 noncareer. The 131 others were individuals on time-limited SES appointments.

During the first year of a new presidential administration, or following the appointment of a new agency head, OPM allows departments and agencies to fill “temporary transitional Schedule C positions” for up to 120 days with the possibility of an extension for 120 more days beyond that. The agency must certify that the

position was not created solely or primarily for the purpose of detailing the incumbent to the White House and must identify the position and incumbent. Agencies also are allowed to make some Senior Executive Service appointments to limited, 36-month terms. They can terminate these appointments with one day's notice.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

All political appointees, from Cabinet secretaries to Schedule C's, serve at the pleasure of the president and may be asked to resign or be dismissed at any time. "They are not covered by standard civil service removal procedures and generally have no right to appeal terminations, unless they are alleging that such action was taken for prohibited discriminatory reasons," OPM said.

Presidential appointments subject to Senate confirmation (PAS) are effective on the date the president signs the commission document. However, the individual's pay does not begin until the appointee is sworn in and signs the oath of office.

CHAPTER FOUR KEY POINTS

- New administrations may put future or current presidential appointees to work as consultants to their future department while they await Senate confirmation.
- Nominees generally cannot serve in an acting capacity in their future job before confirmation. They should not participate in any policy-making discussions or perform any official duties of that job.
- Political appointees, from the highest to the lowest, serve at the discretion, will or pleasure of the president and the agency they work for. They can be asked to resign or be dismissed without notice.
- There are pros and cons to joining an administration before the Senate confirms you. Newcomers may find a consultancy invaluable in getting to know the Cabinet secretary and in learning how a department or agency works. But tread carefully, watch what you say and do, and do not try to exercise power before the Senate confirms you to your position.

CHAPTER 5



Dealing with The Media

If you have craved media attention, Washington is a great place to work – but watch what you wish for. Washington is awash in reporters, with 6,800 members of the media accredited by the congressional galleries, a number that has swelled by 1,800 in just the past eight years.

From newspapers and television networks to newsletters and trade publications that are the bibles of their industries, the federal government and its activities are tracked by an army of correspondents, producers and, yes, bloggers. What happens in Washington doesn't stay here. It is quickly reported to the nation and the rest of the world. Washington is a fish bowl, and if you want to make a name for yourself, this is the place to do it, although it may not be quite the name you had in mind.

Many nominees may have dealt with reporters in their previous jobs, in state capitals, the business world, the military or Congress itself. But no matter how much experience they have, the intensity of the scrutiny in Washington often comes as a surprise. Much of the news that fills nightly telecasts and the front pages of major newspapers emanates from Washington. Their viewership and circulation numbers are declining, but outlets are proliferating in the internet age. Make a gaffe at a news conference or at a Senate hearing and you can be almost certain the video will be on YouTube in a New York minute.

Covering the launch of a new administration, reporters often produce flattering profiles of the new folks in charge and their ambitious plans to bring change to their federal bailiwick. A few weeks or months later, the same reporters will be quick to chronicle the new team's every mistake. In the media spotlight, both beauty spots and blemishes get exaggerated.

During the 77-day transition between the election and Inauguration Day, the media



will vie for scoops on who is getting what jobs. They will report who is in the running for the plum positions, from short lists leaked by insiders. Some of these names are trial balloons; others may be little more than flattery or educated guesswork. A newspaper may carry a long account if it can break news of a senior appointment. But if the transition team or the White House announces it first to all, the same paper may not write more than sentence or two. Journalists prize their scoops, however small or short-lived.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Nominees are well advised to refrain from talking with the news media, either on background or on the record, before they are confirmed. They should not give interviews. If a reporter is preparing a profile, ask someone else to run interference for you on the press calls and, if appropriate, to provide biographical information or other details in the public domain. Wayne Pines, a public relations executive and former spokesman for the Food and Drug Administration, said, “I see no benefit, in advance of being nominated, in speaking with the media. The only people who do that are those who feel their nomination is on the ropes and they have nothing to lose, or who are not going to take the job and want the visibility that goes with having been considered. If I asked someone I was considering for a job not to speak with the media, and he or she did, I would cross that person off my list.”

Diana Huffman, a former staff director for the Senate Judiciary Committee and managing editor of National Journal, called it “a huge mistake” for people to let it be known publicly that their names are under consideration. “Don’t be in such a rush to have everybody know. You’ve got to make it through the vetting process. It’s to your advantage to be quiet and to let the process work.”

“You’re ahead in the game if the first publicity comes when the White House actually announces its intention to nominate you,” she said.

Gene Gibbons, executive editor of Stateline.org and a former White House correspondent for Reuters, cautioned against putting too much credence in short lists. “Names of people who don’t have a snowball’s chance of getting nominated are often leaked by the incoming administration to make those folks feel good,” Gibbons said. “It’s political puffery without a price tag. Unless you’ve heard from the horse’s mouth that you’re a serious candidate for a job, you probably aren’t.”

And if you do speak with reporters “on background” or “off the record,” make sure

Diana Huffman, a former staff director for the Senate Judiciary Committee and managing editor of National Journal, called it “a huge mistake” for people to let it be known publicly that their names are under consideration.

both of you agree what those ground rules mean. Said Gibbons: “‘Background,’ ‘Deep background’ and ‘Off-the-record’ mean different things to different folks. Strictly speaking, ‘on background’ means the information can be used but not attributed to a specific individual. ‘Deep background’ means the information can be used, but without attribution of any kind. Most serious news organizations won’t agree to this, because it effectively makes them vouch for the truthfulness of the information and puts their credibility at risk. ‘Off the record’ means the information can’t be used — period. But, practically speaking, there is no such thing as off the record — a journalist with a nugget of news will find some way to get it out.”

Don’t make the mistake of thinking you can enhance your chances of being appointed and confirmed by courting press coverage. Brit Hume, the Fox News anchor and former ABC White House correspondent, said, “the chances of your saying just the right thing and having it come out sounding just the right way are sufficiently remote that it’s not worth risking.”

Freedom of the Press

As the press will gladly remind you, they have a job to do, and it is a job - like public service - of importance to democracy. Public officials at times may sympathize with the character in a Tom Stoppard play who says, “I’m with you on the free press. It’s the newspapers I can’t stand.” Reporters respond to such sentiments with their highest authority on these matters, Thomas Jefferson. In a 1787 letter, the author of the Declaration of Independence observed:

The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them.

To those who believe that public discourse and the media have become debased in modern times, it helps to remember that the papers in Jefferson’s day often were slipshod and recklessly partisan, boiling with barbs and propaganda and hardly deserving of “such high praise as agencies of public enlightenment,” as Jefferson biographer Dumas Malone put it. Jefferson knew that, but he also understood the important role the press played in keeping the public informed about the activities of those who govern the Republic. The First Amendment gives the media certain rights to do their job. And when news erupts, those obstreperous reporters and camera crews camped outside your office and sometimes on your lawn won’t let you forget it.

CHAPTER FIVE **KEY POINTS**

- When in doubt, don't talk with reporters. It could cost you an administration post.
- When you do talk with reporters, do not lie or mislead them. Better to say no comment than to utter a mistruth.
- Don't expect reporters to report everything you said. Make your points succinctly.
- Don't be rude or dismissive. Reporters, too, play an important part in the workings of democracy.
- Don't believe everything you read – especially flattering portraits of yourself.

• [GO TO CONTENTS](#)
• [PRINT DOCUMENT](#)

CHAPTER 6

Moving to Washington



More than half the nominees in the past four presidential administrations won't need to review this chapter. They already were living inside the Beltway before being nominated to high government offices. In fact, more than a third of the Reagan, Bush senior and Clinton appointees surveyed by the Presidential Appointee Initiative in 1999-2000 said they had been working for Uncle Sam – in the executive branch or on Capitol Hill – at the time they were nominated.

Those who live in Washington have a leg up in the nomination and confirmation process. They do not have to worry about relocating their family during what can be a long waiting period. As denizens, many are well acquainted with the White House, their prospective department or agency, and Congress. They may be able to keep their old job right up until confirmation and still devote a significant amount of time to preparing for their new responsibilities.

Those coming from elsewhere may hear conflicting advice about how to arrange their life and affairs in the interim. Some former nominees caution against selling the house back home, severing ties at work, and putting yourself and your family out on a financial limb until you are certain that this federal post is really going to come through. Others counsel those who really want to work in a new administration to sign on at the earliest opportunity, whether that means volunteering at first or accepting a temporary position as a consultant.

This chapter offers practical advice about life in Washington and the surrounding Virginia and Maryland suburbs. President John F. Kennedy once described Washington as “a city of Southern efficiency and Northern charm.” Washington's population actually peaked above 800,000 in 1950, but shrank as people moved out to the suburbs in the decades that followed. With 588,000 residents, it is the nation's



21st largest city, but boasts cultural and other amenities that few cities can match. As a region, the capital sits in the heart of the nation's 8th largest metropolitan area, with more than 5 million residents and some of the highest family incomes and house prices in the country.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The federal city, originally a square with 10-mile sides, was whittled down to 68 square miles when Congress returned Alexandria (then a center of the slave trade) and other land to Virginia in 1846. Even at that reduced size, it is still three times the size of Manhattan. While government remains the hub of activity, the Washington area's economy has burgeoned, especially in the technology, telecommunications, and bioscience fields. It may be an exaggeration to call Washington recession-proof, but efforts to privatize and outsource federal work have just added to the region's growth, as has the post 9/11 build-up in national defense and homeland security activities.

Washington is also home to 3,600 trade, professional and non-profit associations and organizations, 174 diplomatic missions, the World Bank, the International Monetary Fund and the Organization of American States. The District, which hovered near bankruptcy in the mid-1990s, has undergone an economic and cultural renaissance. Even professional baseball is back in the nation's capital after a 34-year hiatus, with a new park a short walk down South Capitol Street from the U.S. Capitol. While District residents get to vote for president (the District has three electoral votes), the lack of a voting representative in Congress for the city of 588,000 people remains a thorn of contention.

With growth also has come some of the worst traffic congestion in the country. Washington's population doubles each weekday with the influx of commuters. The 106-mile Metro rail system extends into the suburbs and is the nation's second largest rail transit system; Metro also runs the fifth largest bus network in the country.

But with long hours and free parking at work, a great many of those nominated to high-level jobs will wind up driving to work and, even if they come in early and leave late, taking their chances on rush hour traffic. The Beltway (I-495) is not the only artery known for congestion; so are I-95 and I-395 headed into the District from Virginia and I-95 and the Baltimore Washington Parkway in Maryland, both of which connect Washington with Baltimore, and the I-270/70 corridor in Maryland leading out to Rockville, Gaithersburg and Frederick. Although home buyers will pay a premium to live in Washington or such nearby suburbs as Chevy Chase and Silver Spring, Maryland, and McLean, Arlington and Alexandria, Virginia, that may make their commute more tolerable. Still, there are commuter rail lines running out to more distant suburbs. MARC trains run up to Baltimore and out to Frederick, Maryland, and even farther out to Harpers Ferry and Martinsburg, West Virginia. The Virginia

Railway Express brings commuters in from Fredericksburg, Virginia. The intrepid who are ready to dare the traffic can consider driving in from Virginia's horse country or the foothills of the Blue Ridge Mountains, or from Annapolis, Maryland, or communities along Chesapeake Bay. Maryland's Prince George's County, the wealthiest majority black county in the country, has experienced a boom in construction of both new homes and shopping centers. Washington itself has old, established neighborhoods like Chevy Chase and Glover Park and hip enclaves such as Adams Morgan and Dupont Circle. In much of the District, crime rates are low. Washington is served by three major airports: Dulles Airport in Chantilly, Virginia, located 26 miles from downtown; Reagan National Airport, just 10 minutes from downtown and on the Metro, also in Virginia, and Baltimore/Washington International Thurgood Marshall Airport, 35 miles north of town and a hub for low fare Southwest Airlines.

Washington is a great place for spouses to find jobs. Unemployment for the region usually runs well below the national average. There is no rule against both spouses working in the same administration (although they generally do not work for or with one another).

The Tax Foundation calculated that Maryland residents bear the heaviest tax burden in the region, paying 10.8 percent of income in state and local taxes, the fourth highest rate in the country. Virginians pay 9.8 percent, just above the national average of 9.7 percent and 18th among the states. District residents pay 10.3 percent, which tied Vermont for the 8th heaviest burden. The local housing market has not escaped the national downturn, although home prices remain relatively high. In 2007, the median sales price for a single family home or townhouse was \$480,000 in the District of Columbia, \$495,000 in Montgomery County, Maryland, and \$520,000 in Fairfax County, Virginia. The Virginia Association of Realtors reported that median sales prices in Northern Virginia fell to \$412,000 in the second quarter of 2008, down almost 14 percent from \$477,000 a year earlier.

For those who don't want to buy a house in Washington, there is a healthy market in rentals. State Department and military families that buy homes during tours here often rent them while assigned overseas. Washington and the close-in suburbs also offer numerous choices of apartments. Stately apartment buildings line Connecticut Avenue up to the National Zoo and beyond, and there are well-kept apartment complexes in Arlington and the Maryland suburbs. Whether buying or renting, stay as close to a Metro stop as possible, even if you plan to drive to work. That will pay off not only in foul weather, but when you want to make a quick trip downtown for dinner or a show without the hassle of locating a parking space.

More than 100,000 people move in and out of the Washington area each year, so there are numerous real estate companies, movers, and others eager to get your

business. There is a wealth of information available online, including a special section of the Washington Post's website, www.washingtonpost.com, devoted to newcomers. For a generation or more, the Post's Saturday real estate section has been the bible for anyone looking to buy or sell a home in the area; much of that information is now available online as well.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Here's where to find the area's Realtors:

- Greater Capital Area Association of Realtors
www.gcaar.com; (301) 590-2000
- Northern Virginia Association of Realtors
www.nvar.com; (703) 207-3200
- Virginia Association of Realtors
www.varealtor.com; (800) 755-8271
- Maryland Association of Realtors
www.mdrealtor.org; (800) 638-6425

Schools and Colleges

A new chancellor strongly supported by Washington Mayor Adrian Fenty is trying to shape up Washington's low performing public schools. One quarter of the District's pupils attend charter schools. More affluent sections of the city tend to have stronger public schools. Washington's suburbs boast some of the nation's finest public schools, especially such magnets as Fairfax County's Thomas Jefferson High School for Science and Technology in Annandale, Virginia, and Montgomery Blair High School in Silver Spring, Maryland. Both the Fairfax County, Virginia, and Montgomery County, Maryland, schools also are known for the strength of their special education programs. There are excellent private schools in and around Washington, from Sidwell Friends, where Presidents Jimmy Carter and Bill Clinton sent their daughters, to Gonzaga, the Jesuit high school that produced William Bennett and Pat Buchanan, to the Madeira School, alma mater of the late Katharine Graham and economist Alice Rivlin. The District is home to several fine private universities – Georgetown, George Washington, American, Howard and Catholic universities – and a public university that has struggled, the University of the District of Columbia, as well as Gallaudet University for the deaf. The University of Maryland, College Park, is the largest research university in the area, while George

Mason University in Fairfax County has grown rapidly in size and stature. The University of Virginia and Virginia Tech operate small satellites in the Virginia suburbs. Johns Hopkins University also offers advanced degrees at its Nitze School of Advanced International Studies in downtown Washington. Virginia and Maryland are home to two of the nation's top community colleges, Northern Virginia Community College and Montgomery College; the district has no community college. A half dozen seminaries and theology schools are located in the area, including Washington Theological Union and the Virginia Theological Seminary.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Washington is famously a city where traffic can be paralyzed by an inch or two of snow. The entire Metro system is known to shut down – sometimes for days on end – after a heavy snowstorm (portions run above ground). Some Washingtonians believe the city's reputation as a difficult place for strangers to drive around is exaggerated, although the traffic circles do take some getting used to.

Washington has no skyscrapers. Congress imposed a height limitation in 1910 and it has never seriously been challenged or rethought, although some tall buildings peek over the horizon from across the Potomac River in Arlington, Virginia.

Once you find an apartment, condo or house and settle into a routine, you will probably come to see Washington as not just the city of marble monuments, but eminently livable as well. Politics can be a contact sport, and political appointees are considered fair targets by some. But even those who deride life “inside the Beltway” have to admit: Washington is one of the world's most culturally rich and fascinating cities. No matter how hard or long the work gets in the seat of government, most consider it a privilege to live here.

**Former Federal Energy
Regulatory Commission
Chairman Patrick H. Wood,
III says it takes “collegiality ...
diplomacy and patience”
to run the regulatory agency
and a “sense of humor
(because) a lot of ridiculous
things happen in Washington
that are genuinely funny if
you pay attention!”**

CHAPTER 7



The Ethics Rules and Life After Government

Donald C. Alexander was a tax lawyer in Cincinnati when President Richard Nixon summoned him to Washington to serve as commissioner of the Internal Revenue Service in 1973. When he stepped down after four challenging years, he knew he did not want to return to Ohio but didn't feel comfortable hanging out his shingle in Washington – at least not right away. He did not want to be viewed as trying to cash in on his public service. “So I went to New York and served out my purgatory period for two years. I had a personal rule,” he recalled. “I just plain went to New York and did wills and things like that.”

Alexander's solution—self-imposed exile before returning to Washington to practice law—was above and beyond the restrictions that federal ethics rules impose on ex-senior officials. Ex-officials generally are free to work for anyone they choose after government, but there may be some strings attached if that work brings them into contact with their former agency.

Some will barely notice these strings. If you are returning to a college faculty or working for a company that is not a government contractor, the restrictions may be imperceptible and have no impact on your ability to earn a living. But if you are returning to or taking a job that deals regularly with the agency you helped run, the restrictions may be an encumbrance, at least for the first year or two.

Post-government employment restrictions prohibit former senior federal employees from engaging in such activities as lobbying for a specified period. There is a two-year “cooling off” period for certain high level officials during which they may not communicate with or appear before their former agencies on behalf of a client or anyone else. This cooling off period used to be one year, but Congress lengthened it in 2007. It does not apply if the former Cabinet secretary or deputy secretary is



acting on behalf of a candidate or political party, or as an elected state or local official, or acting on behalf of the United States.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Two days after his inauguration in 1993, President Bill Clinton issued an executive order imposing on his senior appointees a five-year cooling off period from dealing with their former agencies. The five-year restriction was criticized as onerous by some groups promoting public service, and Clinton revoked it by another executive order issued in December 2000 in the final weeks of his second term.

In addition to not being allowed to go before their former agency, those who held "very senior" posts may not communicate with or appear before other high level executive branch officials during that first year. The "very senior" officials are Cabinet officers and deputy secretaries on the Executive I and II pay levels. Senior officials include those on Executive Pay levels III, IV and V.

The Office of Government Ethics, in its June 2008 final rule on post-employment restrictions, offered dozens of examples of how the regulations affect not just presidential appointees but others who worked for the federal government. "The former Attorney General may not contact the Assistant Attorney General of the Antitrust Division on behalf of a professional sports league in support of a proposed exemption from certain laws, nor may he contact the Secretary of Labor. He may, however, speak directly to the President or Vice President concerning the issue," it said. Likewise, a former Secretary of Labor may not represent another person in a meeting with the current Secretary of Transportation to discuss a proposed regulation on highway safety standards."

The conflict of interest laws, which date back to 1962, permanently prohibit former federal employees from "switching sides" and representing a private company or organization before any federal agency on matters that they personally and "substantially" handled while working for the government. This ban does not prevent a former senior official from giving advice behind the scenes to a party in a dispute with his or her former agency.

For two years after leaving government service, former officials may not represent their new employer before their former agency on matters that were pending under their official responsibility in their final year of service.

Ex-officials may not lobby for nor represent a foreign government before any U.S. official or agency for one year after their service ends. Those who participated in an ongoing trade or treaty negotiation face additional restrictions; so do those who were involved in procurements or contract administration.

The U.S. Office of Government Ethics has additional details on these [post-government restrictions](#), including links to the primary conflict of interest statute:

[18 U.S.C. § 207](#) and especially 5 C.F.R. parts [2637](#) and [2641](#). The Ethics Reform Act of 1989 made major changes to the original law. Congress has made minor changes a dozen other times in efforts to avoid embarrassment over what some regard as a “revolving door” between lobbyists and those in the upper echelons of government. While there have been conflict of interest rules on the books since 1872, only in modern times did Congress make violations of the post-employment restrictions a criminal matter. OGE published a final rule on the post-employment conflict of interest regulations in the [June 25, 2008, Federal Register](#).

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

“None of its provisions bars any individual, regardless of rank or position, from accepting employment with any private or public employer after Government service. Section 207 only prohibits former employees from engaging in certain activities on behalf of persons or entities other than the United States, whether or not done for compensation,” the Office of Government Ethics emphasized in a [2006 report to Congress](#).

The OGE concedes that Section 207 is very complex. It now includes seven different prohibitions applicable to executive branch employees, and they vary by what authority the official exercised and how much he or she was paid.

“Nevertheless, the statute’s complexity creates few real practical problems for the majority of employees since the average executive branch employee is affected by only one restriction in section 207: the lifetime ban ... with regard to certain matters in which the individual participated personally and substantially,” OGE said.

There are also do’s and don’ts about searching for a job while still on the federal payroll. Most are common sense. Don’t ask an assistant to type or photocopy your resume, for example, and don’t conduct your search when you are supposed to be doing your government job. You must avoid dealing with certain issues if you’re talking with a company or industry that has a stake in your agency’s decisions and policies. If your work involves procurement, you may have to file a written report about any job overtures, even if they were unsolicited and you have no intention of pursuing them.

Ex-officials can be fined up to \$250,000 and sent to prison for five years for willful violations of the post-employment restrictions. They can also be forced to cough up any earnings from an illegal representation of some other party in a dispute with the government. Lesser violations are handled administratively by the agencies involved; penalties may include doubling the length of these restrictions on post-government employment. Some agencies expect restricted ex-employees to report on their post-employment activities.

Some thoughtful people inside and outside government worry that these rules make it harder for presidents to convince talented people to accept the call of public

service. Hans Mark, who served as the Pentagon’s director of defense research and engineering in the Clinton administration, said, “If I weren’t 70 years old, I wouldn’t have taken this job because it would have restricted me from doing things in the future that I wanted to do. Twenty years ago, when I was under secretary and then secretary of the Air Force, those restrictions weren’t there, so I could go back out and do things, and I didn’t lose anything. But today, the only people who can get through without a problem are members of the congressional staffs. That’s why you have a preponderance of them in these executive positions. And I don’t think that’s a good thing. Many have never managed a project or run a large organization. There are now lifetime prohibitions against taking certain jobs. That’s nuts.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

For those entirely new to federal service, the ethics rules may seem particularly complex and challenging, and the post-employment restrictions may give nominees pause about accepting a presidential appointment. But they are just part of the larger demands they will face in accepting public service and the rigorous ethical standards that requires.

Office of Government Ethics Director Robert I. Cusick, speaking in September 2008 at his agency’s annual conference for ethics officers from across the executive branch, acknowledged that it is a tall challenge to bring a new administration’s appointees up to speed on the ethics rules and regulations. This was part of his [message](#) to the ethics officers:

All of the ethics training you have provided to senior leaders will leave with them. You must start over with new leaders who may have little or no previous government experience. All of the financial disclosure work you did with senior leaders will end soon and must be restarted from scratch. You must emphasize the necessity and importance of establishing a strong ethical culture -- not just in words but in deeds -- to your new leadership. You must help them understand the importance of accurate and complete financial disclosure, and the transparency it produces, because new people may be resistant to it. ... New leaders may have no experience in running a large department or agency. They may come from the private sector or from academia and have held very different leadership positions. Many new leaders will not be accustomed to the intense oversight focused on them by the media, by Congress and by non-governmental organizations. ... Many new leaders will not be familiar with federal laws and regulations which both authorize their actions and constrain their discretion. Simply accomplishing something may not be as easy as they expect.”

Cusick warned that “brigades” of lobbyists “will want to advise, curry favor, establish social relationships, create the appearance of having influence, and position themselves as appearing to be close to the new leaders.... Outside the government, fancy meals, expensive sports tickets, the use of one’s positional influence, the blurry line between business and social engagements, the opportunities to make money with whispered information are common. A very intelligent new leader uninformed about government ethics principles can be very susceptible to influences that were thought previously to be a legitimate benefit of his or her position.... Your advice to new leaders must come early and be delivered with great emphasis.”

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

A Strength of the American System

If you feel anxious about these rules and restrictions, remember this: the movement of top executives, lawyers, professors, soldiers, and others from business, academe, the military and other walks of life into senior appointments, and their return afterwards to the private sector or other public duties is one of the strengths of the American system, not a liability. It brings fresh blood and fresh ideas into government. It mirrors what the Founding Fathers envisioned for the nation’s elected representatives, with private citizens taking time away from duties back home to help lead the nation. Eugene Ludwig, former comptroller of the currency, said, “George Washington’s great gift to America is that after two terms he decided, ‘Well, it’s time. I’ve had enough. It’s time to go home.’ He set a standard for everybody....But keeping that revolving door going is very, very important.”

CHAPTER SEVEN KEY POINTS

- Knowing and fully complying with the ethics and conflict of interest rules will be vital to your success as a presidential appointee. They also will have an impact on what you do for a year or more after leaving government service.
- The rules are complex. Make a point of understanding early on how they affect you.
- The post-government employment restrictions will not prevent you from taking any job, but they will constrain your dealings with your former agency and prevent you from jumping to the other side on a matter with which you were deeply involved. When in doubt, check with your department’s ethics officer.

CHAPTER 8



Forms and Financial Disclosures

Many big events in life, from applying to college to buying a house, are layered with mountains of paperwork. When you sign up to work for the President of the United States, you're headed into the Alps.

Those hoping to join the Barack Obama administration will find forms flying at them from every direction - with the longest coming from the White House, the U.S. Office of Government Ethics, the U.S. OPM and the U.S. Senate. Nominees must consent to an FBI background check, give their fingerprints, and let the White House check their tax and medical records.

They have to fill out a complicated financial disclosure form that makes what they own and owe a public record. They must reveal things about health and fitness (moral and otherwise) that would violate privacy laws if asked in other job interviews. FBI agents will knock on neighbors' doors, gathering facts and gossip. It is a gantlet that everyone must run if they wish to land a position of significance in the new administration. Fortunately, much of this can be done online these days. This chapter offers a hand to those intimidated by just the thought of all these forms.

White House Personal Data Statement

Each White House asks prospective nominees a battery of questions designed to spare the president any scandal or embarrassment about who they place into important jobs. White House lawyers, not Torquemada, put together these questions, but nominees may feel a bit like they have fallen into the hands of the Inquisition. The White House Personal Data Statement (PDS) probes nominees about their background, health, professional life, activities and proclivities - including things



people might like to forget or have overlooked. The questionnaire is **not** online nor is it a public document, but here's a sampling of actual questions used by the Clinton and Bush administrations:

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

- Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.
- Please list each book, article, column or publication you have authored, individually or with others.
- List all assets with a fair market value in excess of \$1,000 for you and your spouse List all liabilities in excess of \$10,000.
- Do you presently have or have you in the past had domestic help (i.e., a housekeeper, babysitter, nanny or gardener)? If yes, please indicate years of service for each individual and also give a brief description of the services rendered.
- Please list current and past political party affiliations.
- Have you ever run for public office? If yes, does your campaign have any outstanding campaign debt? If so, are you personally liable?
- Have you or your spouse at any time belonged to any membership organization... that denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?
- Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency?
- Have you or your spouse ever been arrested or charged with, or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than \$100)?

Asked the most unexpected element of his former job as deputy secretary of the Department of Homeland Security, retired Admiral James M. Loy replied, “The constant demand for coordination and collaboration with other federal, state, local, private and international players.”

The final three questions are described simply as “Miscellaneous.”

- Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or

attack your character and qualifications for a government position?

- Do you know anyone or any organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organizations? If so, please identify and explain the basis for the potential criticism.
- Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, your family or the president.

• GO TO CONTENTS
• PRINT DOCUMENT

That brings the White House Personal Data Statement to a close. The Office of Presidential Personnel is known to ask for responses in 24 hours. Impossible? Well, a deadline like that is intended to make prospective nominees hop quickly.

Wags have noted that many of the White House lawyers' questions can be traced back to particular appointment scandals, such as "Nannygate," which cost Zoë Baird an opportunity to become President Bill Clinton's attorney general in 1993. Baird had hired an illegal immigrant as a nanny and failed to pay Social Security taxes to boot. Linda Chavez's nomination to become President George W. Bush's labor secretary sank instantly in 2001 after the revelation that an illegal immigrant once lived with and did household chores for her.

Hold nothing back. Candor is the best and really the only course here. Anything you fail to reveal likely will come out anyway during the FBI background investigation, not to mention probing by the news media and Senate confirmation committees.

Standard Form 86: Questionnaire for National Security Positions

Everyone seeking a security clearance, including all presidential nominees and even appointees to part-time boards and commission, must fill out [Standard Form 86: Questionnaire for National Security Positions](#). All the questions can be previewed on the U.S. OPM website. A person's answers are protected by privacy laws and not released to the public. Even lower level civilian and military jobs require the SF-86, not just top management appointments.



This requirement is not new. President Dwight D. Eisenhower signed Executive Order 10450 in April 1953 declaring the need to establish that "all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States."

The SF-86 poses blunt questions about whether the nominee has undergone mental health counseling in the past seven years, used illegal drugs or abused alcohol (“Has your use of alcohol had a negative impact on your work performance, your professional or personal relationships, your finances, or resulted in intervention by law enforcement/public safety personnel?”).

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Nominees also are asked whether they have ever advocated terrorism or the overthrow of the U.S. government, or supported those working towards those ends.

Nominees must list every trip made outside the United States in the past seven years (apart from one-day hops for those living along the borders with Mexico and Canada), and reveal any close contact with foreign nationals “with whom you, your spouse, or your cohabitant are bound by affection, influence, and/or obligation.”

The SF-86 starts with a disclaimer: “Giving us this information is voluntary. If you do not provide each item of requested information, however, we will not be able to complete your investigation, which will adversely affect your eligibility for a national security position. Any information that you provide is evaluated on the basis of its recency, seriousness, relevance to the position and duties, and consistency with all other information about you.” Submitting false information is a felony punishable by up to five years in prison, it adds.

But rest easy. The U.S. OPM also offers this assurance: “You will have adequate opportunity to explain any information you give to us on this form and to make your comments part of the record.”

Those who struggle with the SF-86 also can take consolation from the fact that it now can be completed online. Not long ago nominees had to scramble to find a working typewriter to complete the paper version.

Standard Form 278: Executive Branch Personnel Public Financial Disclosure Report

All senior Executive Branch officials must wrestle with the **Standard Form 278**, not just before they are confirmed but each year they serve in office. The White House will not send any nomination forward without inspecting every line and detail of a nominee’s financial statement. The U.S. Office of Government Ethics must sign off and assure the Senate either that the nominee has no conflicts of interest or has made a satisfactory arrangement to deal with potential conflicts.

Everything reported on an SF-278 is open to public inspection. The completed forms are not directly on the internet, but they are



available to anyone on request, and the news media mines them for information. You may recall news reports that a Cabinet secretary was worth “at least” \$1 million or \$2 million. The media fudges the bottom line because the SF-278 only reveals income, assets and debts in broad categories.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

It is against the law for anyone to use the information from a SF-278 for a credit rating or to make solicitations for charities or political causes. But otherwise the figures are fair game for reporters and the curious (or just plain nosy) to pick through.

The SF-278 is online these days, and it is not out of the question that someone who already keeps meticulous records on income, assets and net worth could do this all on their own. But nominees may rest easier if they pay an accountant to do the numbers, or at least double-check the math.

**“Make sure you’ve got a
tough skin.”**

— FORMER OSHA ADMINISTRATOR
CHARLES JEFFRESS

CHAPTER 9

Resources



There is a wealth of resources on the web about presidential appointments, and there is no better place to start than The Council for Excellence in Government website, www.excelgov.org. In the excitement of preparing for the new administration that is coming on January 20, 2009, foundations, think tanks, news organizations, groups promoting public service and numerous federal agencies and Congress itself will be posting and producing dozens of reports, articles and compendiums of useful information for the president-elect, his transition team and those who will answer the call to public service. This chapter will review where you can find some of the best sources of information.

The federal government's main web portal is www.usa.gov. It includes reams of information, including an [A-to-Z](#) list of all federal departments and agencies and their websites. There are separate master listings for the [executive](#), [legislative](#) and [judicial](#) branches.

We've mentioned earlier in this handbook how useful the [U.S. Senate website](#) is, especially for its [rich history](#) on presidential nominations and the [search tool](#) on the Library of Congress THOMAS website that lets you find out how long the Senate took to confirm individual nominations going back to 1987.

The General Services Administration, with the National Archives and Records Administration, is developing an [Appointee Directory](#) that will list key officials in each department and agency, their statutory and administrative duties, the organizational structure, and their functions, duties, responsibilities and missions. Congress ordered the GSA to produce such a directory as part of the Presidential Transition Act of 2000.



The Plum Book

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The formal title of a quadrennial listing of all the jobs that a president can fill is [United States Government Policy and Supporting Positions](#), but it is universally called The Plum Book for its distinctive shade. Published by the Senate Committee on Governmental Affairs and the House Committee on Government Reform alternately after each Presidential election, *The Plum Book* lists over 7,000 Federal civil service leadership and support positions in the executive branch that the president can fill noncompetitively, as well as approximately 50 legislative branch jobs (including the Librarian of Congress, Comptroller General, Architect of the Capitol and Public Printer) and the 20 members of the U.S. Tax Court, their secretaries and clerks. The Plum Book lists the title of each job, name of the incumbent and the pay level.

The major categories of positions listed in United States Government Policy and Supporting Positions include:

- Executive Schedule positions for levels I through V
- Senior Executive Service "General" positions and Senior Foreign Service positions
- Schedule C positions excepted from the competitive service by the President, or by the Director, OPM, and other positions at the GS-14 and above level excepted from the competitive civil service by law, because of the confidential or policy-determining nature of the duties.

The list originated in 1952, when Dwight D. Eisenhower was elected president, ending 20 years of Democratic control of the White House. The Republican Party requested a list of government positions that President Eisenhower could fill. The next edition of the Plum Book appeared in 1960 and has since been published after every presidential election.

The Prune Book

The Council for Excellence in Government's *Prune Book*, published after every major presidential election since 1988, profiles dozens of the toughest jobs in the executive branch. The title is, of course, a play on the Plum Book. In the Council's lexicon, "Prunes" are "Plums," seasoned by experience and with a much thicker skin. The 2008 *Prune Book*, like this *Survivor's Guide*, is online at the [Council's website](#). In this new, online format, the top Prune Profiles are fully searchable and include links to a wealth of information.

The Presidential Appointee Roadmap

The Presidential Appointee Roadmap is an interactive companion to this Survivor's Guide that helps prospective appointees navigate the appointment process. It explains the steps to appointment, has helpful hints and links to important resources and required forms. The Presidential Appointee Roadmap is online at the [Council's website](#).

The U.S. Government Manual

[The U.S. Government Manual](#) is the official handbook of the Federal Government and a trove of information on all three branches of government. It is updated and published annually each summer by the Office of the Federal Register, which is part of the National Archives and Records Administration (the same folks who store and display the original Declaration of Independence and other historic documents at the National Archives building).

In addition to extensive information about the legislative, executive and judicial branches, the Manual details the duties of government boards, commissions and committees, as well as quasi-official agencies and international organizations in which the United States participates. A typical agency description lists the principal officials, gives a summary statement of the agency's purpose and role, and provides a brief history of the agency, including its legislative or executive authority, a description of its programs and activities, phone numbers, addresses and other consumer-friendly information. The Manual can be [searched online](#). In addition to an [Agency/Subject index](#), It also features a [Name Index](#) that can be used to find where a presidential appointee is working. The Manual is a great place to start learning about a corner of the government where you may soon be laboring.

The Manual may be [downloaded](#) by chapter or in its entirety. Hard copies of the 709-page Manual may be purchased for \$29 through the Government Printing Office through its [online bookstore](#) or in person at the GPO bookstore at its headquarters, 732 N. Capitol Street, a block from Union Station in Washington or at the GPO's retail outlet in Laurel, Maryland. Call 202-512-1800 for further information.

The Federal Register also publishes the [Weekly Compilation of Presidential Documents](#) which may be searched to find the latest White House announcements on presidential nominations.

Information from Congress

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Even before they get to Washington or receive a briefing book from the Cabinet department or agency where they will work, nominees can find lots of information about that department and its programs on the web. Some of the best sources of information come from Congress's own research and accountability agencies. Be sure, also, to read or at least browse the self-critical reports prepared by the inspector general within each department.

Government Accountability Office (formerly General Accounting Office)

The [GAO](#), headed by the Comptroller General, is the investigative arm of Congress. A 1921 law gave the watchdog agency a mandate to investigate how public funds were being spent and prepare reports and recommendations for Congress "looking to greater economy or efficiency." The comptroller general is appointed by the president with advice and consent from the Senate for a 15-year term from a list of nominees submitted by a bipartisan group of congressional leaders. It is a nonpartisan post and the comptroller general can only be fired by Congress, not the president.

The GAO's staff produces upwards of 1,000 reports, letters and congressional testimonies each year, often called "blue books" for the color of their covers. Most are produced in direct response to requests from members of Congress, especially the chairs and ranking minority members of committees. All unclassified reports are available to the public on the [GAO website](#), although the lawmakers who requested them can restrict their release for up to 30 days. These reports provide excellent background information and analysis of program performance and policy options. They succinctly frame controversial issues facing a department or agency and often summarize a program's history, starting with congressional action and proceeding through implementation by the executive branch (White House and departmental budget documents also often a concise summary of program costs and reach).

The GAO always gives executive departments an opportunity to comment on reports and recommendations before they are made public, and those documents often are printed in full at the back of GAO reports. The Congress relies heavily on the GAO for its expert assessments of how the executive branch is implementing programs and spending ordered by Congress.

Functioning like a high-powered consulting firm, the GAO has a staff of 3,120 – two-thirds of them analysts – and a budget that topped \$507 million in fiscal 2008. The comptroller general relies on 20 managing directors whose responsibilities range across the entire government. Thirteen head research, audit and evaluation teams with such specialties as: Acquisition and Sourcing Management; Defense

Capabilities and Management; Education, Workforce and Income Security; Financial Management and Assurance; Forensic Audits and Special Investigations; Financial Markets and community Investments; Health Care; International Affairs and Trade; Information Technology; Natural Resources and Environment; Physical Infrastructure, and Homeland Security and Justice.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

The GAO customarily issues a series of reports on major management challenges leading up to a new presidential administration. It planned to open a transition website shortly after the Nov. 4, 2008, election. Between 1999 and 2001, it published 21 reports in what it called a *Performance and Accountability Series: Major Management Challenges and Program Risks* that covered each Cabinet department, most major independent agencies and the U.S. Postal Service. It also published suggested questions for Senate committees to ask presidential appointees. Here are links to those two reports from 2000:

- [“Confirmation of Political Appointees: Eliciting Nominees’ Views on Leadership and Management Issues.”](#) GGD-00-174, August 11, 2000.
- [“Potential Questions to Elicit Nominees’ Views on Agencies’ Management Challenges.”](#) GAO-01-332R, January 18, 2001

The GAO’s telephone number is (202) 512-3000.

Congressional Research Service (CRS)

Congress and the Bush administration provided \$102 million in fiscal 2008 to support the operation of the lawmakers’ very own think tank, the Congressional Research Service, whose staff of 700 produces objective research reports to help Congress make policy decisions. CRS is a branch of the Library of Congress. Through a quirky system that has defied calls for reform, the CRS makes its reports available only to members of Congress and does not itself post them on its own [bare-bones](#) public web page or on the [Library of Congress’s](#) parent site. CRS maintains a more robust website, but limits access to House and Senate offices and other legislative branch agencies.

Nonetheless, many of its reports wind up in the public domain. Lawmakers make some reports public, either directly or by sharing them with [organizations](#) and public depository libraries that post on the web all the reports they get their hands on. A commercial enterprise called [Penny Hill Press](#) sells CRS reports, which it bills as “the most elusive and coveted information products in Washington.” Nowadays, a Google search may turn up the CRS report you are seeking. Some are invaluable in

explaining complicated issues and policy options available to Congress. You can read more about CRS and its modus operandi in this [2006 report](#) to Congress.

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

Congressional Budget Office (CBO)

The CBO, created in 1975 to help Congress grapple with the budget and economic forecasts, commands respect for its nonpartisan expertise on financial matters. Its staff of 230 is comprised primarily of economists and public policy analysts, most of whom hold advanced degrees, and it has been led by such distinguished economists as Alice Rivlin, Rudolph Penner and Robert Reischauer. It publishes reports, briefs, testimony and background papers addressing virtually every major area of government involvement, agriculture, health and education to taxes, trade and national security. Visit www.cbo.gov or go right to its [publications page](#). The switchboard is (202) 226-2600.

Senate Committees

The [Senate website](#) has links to valuable information about nominations and to all 17 committees that handle nominations. Each committee has its own website. They vary widely both in how much information is posted there and, perhaps even more to the point, how easy they are to navigate. Most committee websites have a section on hearing, and some have archived (usually in PDF) the opening statement of the nominee as well as the opening remarks by the committee chair and other senators. Some may have video archives that show the entire hearing for earlier nominees. You will want to scour the website of the committee that you will be called before.

Here are the 17 committees that handle nominations:

[Agriculture, Nutrition and Forestry](#) 328A Russell (202) 224-2035

[Armed Services](#) 228 Russell (202) 224-3871

[Banking, Housing, and Urban Affairs](#) 534 Dirksen (202) 224-7391

[Budget](#) 624 Dirksen (202) 224-0642

[Commerce, Science and Transportation](#) 508 Dirksen (202) 224-5115

[Energy and Natural Resources](#) 304 Dirksen (202) 224-4971

[Environment and Public Works](#) 410 Dirksen (202) 224-8832

[Finance](#) 219 Dirksen (202) 224-4515

[Foreign Relations](#) 450 Dirksen (202) 224-4651

[Health, Education, Labor and Pensions](#) 428 Dirksen (202) 224-5375

[Homeland Security and Governmental Affairs](#) 340 Dirksen (202) 224-4751

[Indian Affairs](#) 838 Hart (202) 224-2251

[Intelligence](#) 211 Hart (202) 224-1700

[Judiciary](#) 224 Dirksen (202) 224-5225 The Judiciary website lists all the positions under its [purview](#) as well as their disposition in the 110th Congress.

[Rules & Administration](#) 305 Russell (202) 224-6352

[Small Business & Entrepreneurship](#) 428A Russell (202) 224-5175

[Veterans' Affairs](#) 412 Russell (202) 224-9126

The [Senate Appropriations Committee](#) and the [Special Committee on Aging](#) do not handle nominations.

Each of these committees has majority and minority offices, and many have majority and minority websites. The websites and phone numbers listed above were for the majority offices, which were in Democrats' hands in the 110th Congress.

Key Executive Branch Offices

The White House switchboard operators are legendary for their ability to find people in remote places when the president places a call. You can reach the White House by calling (202) 456-1414 and ask for the Office of Presidential Personnel, the Office of the Counsel or others.

But here are several important direct numbers:

Office of Presidential Personnel (202) 456-6676

Office of the Counsel (202) 456-2632

Office of Legislative Affairs (202) 456-2230

Office of the Press Secretary (202) 456-2673

· [GO TO CONTENTS](#)

· [PRINT DOCUMENT](#)

Office of the Chief of Staff (202) 456-6793

Cabinet Secretary (202) 456-2572

· [GO TO CONTENTS](#)

· [PRINT DOCUMENT](#)

The [White House website](#) has a convenient list of the 15 executive Cabinet departments, including their [web addresses](#). The Bush White House also kept an [alphabetical list](#) of all its presidential nominees, with details on when they were nominated and confirmed.

Office of Personnel Management

[OPM](#) is the federal government's human resource agency. It manages the civil service. It ensures compliance with merit system principles and protection from prohibited hiring practices. It administers benefits, including the highly regarded Federal Employee Health Benefits Program. Its main number is (202) 606-1800. The director's office is (202) 606-1000.

OPM published a "[Presidential Transition Guide to Federal Human Resources Management](#)" in June 2008 that provides guidance on ethics, presidential appointments, benefits and separations for political appointees.

General Services Administration

The GSA is the government's landlord, furnishing workspace, equipment, supplies, technology and other services to departments and agencies. It plays a significant role during the transition, including providing temporary office space for the president-elect and his transition team. With the National Archives and Records Administration, it was preparing an Appointee Directory that will provide information about the duties and responsibilities of each federal department and agency. The Presidential Transition Act of 2000 requires the GSA to provide training and orientation to those the new president intends to appoint to certain key positions. This training and orientation is designed to help prospective Presidential political appointees learn more about the problems and challenges they may face when they move from campaign activities to assuming a new role in government. This may include briefings by former executives from past administrations and department or agency experts from the Office of Management and Budget and Government Accountability Office and from inspector general offices. More information may be found on the [GSA's Transition website](#).

Cabinet Departments

Here is contact information for the 15 Cabinet departments:

Agriculture

1400 Independence Avenue SW, Washington, DC 20250
(202)720-4623 www.usda.gov

Commerce

14th Street and Constitution Avenue NW., Washington, DC 20230
(202) 482-2000 www.doc.gov

Defense

The Pentagon, Washington, DC 20301-1155
(703) 545-6700 www.defenselink.mil

Education

400 Maryland Avenue SW., Washington, DC 20202
(202) 401-2000 or 800-872-5327 www.ed.gov

Energy

1000 Independence Avenue SW., Washington, DC 20585
(202) 586-5000 www.energy.gov

Health and Human Services

200 Independence Avenue SW., Washington, DC 20201
(202) 619-0257 www.hhs.gov

Homeland Security

3801 Nebraska Avenue NW, Washington, DC 20528
(202) 282-8000 www.dhs.gov

Housing and Urban Development

451 Seventh Street SW., Washington, DC 20410
(202) 708-1422 www.hud.gov

Interior

1849 C Street NW., Washington, DC 20240
(202) 208-3100 www.doi.gov

Cabinet Departments, *continued*

Justice

950 Pennsylvania Avenue NW., Washington, DC 20530
(202) 514-2000 www.usdoj.gov

Labor

200 Constitution Avenue NW., Washington, DC 20210
(202) 693-5000 www.dol.gov

State

2201 C Street NW., Washington, DC 20520
(202) 647-4000 www.state.gov

Transportation

1200 New Jersey Avenue SE., Washington, DC 20590
(202) 366-4000 www.dot.gov

Treasury

1500 Pennsylvania Avenue NW., Washington, DC 20220
(202) 622-2000 www.treas.gov

Veterans Affairs

810 Vermont Avenue NW., Washington, DC 20420
(202) 273-4800 www.va.gov

News media

· [GO TO CONTENTS](#)
· [PRINT DOCUMENT](#)

These days you don't have to get ink on your fingers reading the morning newspapers. Every major daily and most mid-size and small newspapers deliver much of their content online. You can even search – sometimes for a fee – the archives of [The Washington Post](#), [The New York Times](#), [The Wall Street Journal](#) and others.

There are several specialty publications covering the nation's capital that are well known inside the Beltway and that cover Congress and certain issues in great depth. These include the weekly [National Journal](#) magazine, various [Congressional Quarterly](#) publications, and [The Hill](#), [Politico](#) and [Roll Call](#) newspapers. These Washington insider magazines and specialty publications, unlike daily newspapers, do not generally make most content free online, and their subscription rates often are pricey. But they may have addressed at length a topic or topics that you will have to know well, both for your confirmation hearing and on the job. You may be able to find some of these publications in your local library. They are ubiquitous in government offices and on Capitol Hill.

Congressional Quarterly and the National Journal also publish rival political almanacs – *Politics in America* and the *Almanac of American Politics* respectively – that provide extensive information about every senator, member of the House and their districts. National Journal publishes a 150-page directory called “[The Capital Source](#)” that gives phone numbers and addresses for government agencies, the news media, think tanks, trade and professional associations and even foreign embassies.

There are several books, both scholarly and popular, that address problems in the presidential appointment process. Among them:

- *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. David E. Lewis. 2008
- *Innocent Until Nominated: The Breakdown of the Presidential Appointments Process*. G. Calvin Mackenzie. 2001 paperback edition.
- *Obstacle Course*. Twentieth Century Fund Task Force on Presidential Appointments. 1996.
- [The Confirmation Mess: Cleaning Up The Federal Appointments Process](#). Stephen Carter. 1994.
- “[Our Tottering Confirmation Process](#),” an article by Paul C. Light in the journal *Public Interest* (Spring 2002)



Founded in 1983, the Council for Excellence in Government is a non-profit, non-partisan organization that works to improve the performance of government at all levels; and government's place in the lives and esteem of American citizens. With its experienced staff, network of experts and members, and diverse partners, the Council helps to create stronger public sector leadership and management, driven by innovation and focused on results; and increased citizen confidence and participation in government, through better understanding of government and its role.

