



2021 NALEO

Presidential
Appointments
Primer



A CAMPAIGN OF **NALEO**
Educational Fund

America's Latinos are strongly committed to public service at all levels of government, and possess a wealth of knowledge and skills to contribute as elected and appointed officials. The number of Latinos in our nation's civic leadership has been steadily increasing as Latinos successfully pursue top positions in the public and private sectors. Throughout their tenure, and particularly during times of transition following elections, Presidential administrations seek to fill thousands of public service leadership and high-level support positions, and governing spots on advisory boards, commissions, and other bodies within the federal government. A strong Latino presence in the highest level appointments of President Joe Biden's Administration is crucial to help ensure that the Administration develops policies and priorities that effectively address the issues facing the Latino community and all Americans.

The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund is committed to ensuring that the Biden Administration appoints qualified Latinos to top government positions, including those in the Executive Office of the President, Cabinet-level agencies, sub-Cabinet, and the federal judiciary. This *Primer* provides information about the top positions available in the Biden Administration and how to secure them through the appointments process.

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BACKGROUND

During the 1970's and 1980's, there were very few Latinos considered for appointments in the federal government. The first Latino to hold a Cabinet post was Lauro Cavazos (Secretary of Education under Presidents Ronald Reagan and George H.W. Bush).

Some of the others who held high-level positions in the 1970's, 1980's and early 1990's were Romana Acosta Bañuelos (Treasurer of the United States under President Richard M. Nixon), Manuel Lujan (Secretary of the Interior under President George H.W. Bush), Bob Martinez (Director of the Office of National Drug Control Policy under President George H.W. Bush), Antonia Novello (Surgeon General under Presidents Bush and Bill Clinton), Cari Dominguez (Assistant Secretary of Labor under President George H.W. Bush and later Equal Employment Opportunity Commission Chair under President George W. Bush), Patricia Diaz Dennis (National Labor Relations Board Member and Federal Communications Commission Commissioner under President Ronald Reagan; Assistant Secretary of State under President George H.W. Bush), Stella Guerra (Assistant Secretary of the Interior under President George H.W. Bush), and Sylvia Chavez-Long (Assistant Secretary of Veterans Affairs under President George H.W. Bush).

Starting in 1993, the Bill Clinton and George W. Bush Administrations substantially increased the number of Latinos holding top federal positions. Both Presidents appointed Latinos to Cabinet and other top-level positions. Clinton appointees included Henry Cisneros (Secretary of Housing and Urban Development), Federico Peña (Secretary of Transportation and Secretary of Energy), and Bill Richardson (Ambassador to the United Nations

and Secretary of Energy). Bush appointees included Mel Martinez (Secretary of Housing and Urban Development), Alberto Gonzales (Attorney General), and Carlos Gutierrez (Secretary of Commerce). President Barack Obama also made intentional efforts to nominate Latinos to top positions. High-profile Latino Obama appointees included Sonia Sotomayor (Supreme Court Justice), Ken Salazar (Secretary of the Interior), John King, Jr. (Secretary of Education), Hilda Solis and Thomas Perez (Secretaries of Labor), and Julian Castro (Secretary of Housing and Urban Development). The number of Latino Cabinet-level appointees under the Trump Administration declined from the three previous Presidential Administrations, and included Alex Acosta (Secretary of Labor), and Jovita Carranza (Administrator of the Small Business Administration and Treasurer of the United States), although they did not serve in President Trump's Cabinet simultaneously. In addition to foregoing appointees, five more Latinas served as Treasurer of the United States under several different Administrations.

Looking forward, there are many highly-qualified Latinos who would bring a wealth of talent and expertise to President Joe Biden's Administration. Numbering more than 60 million, Latinos comprise more than one of every six U.S. residents (18%). The appointment of highly-qualified Latinos to top federal positions will help ensure that the Biden Administration represents America's diversity.

AVAILABLE POSITIONS AND COMPENSATION

A comprehensive listing of all the jobs a President can fill is set forth in the publication formally titled, “*United States Government Policy and Supporting Positions*,” and informally known as the “Plum Book.”

The Plum Book is published every four years, usually in December of each Presidential election year, by either the Senate Committee on Homeland Security and Government Affairs or the House Committee on Government Reform. The 2020 Plum Book is available in [pdf format](#), and the Government Printing Office’s [website](#) includes additional information about the Plum Book’s content.

The 2020 Plum Book includes just over 1,100 positions that require

Presidential nomination and Senate confirmation. In addition, nominees to the federal judiciary, U.S. Attorney, U.S. Marshal, and military and foreign service officer positions – the precise number fluctuates with vacancies – undergo Senate confirmation. Most of these positions requiring Senate consent are full-time jobs in executive branch agencies.

The Partnership for Public Service’s Center for Presidential Transition also provides [job descriptions](#) for more than

100 Presidential appointments subject to Senate confirmation. Information and resources for potential political appointees are on the Center’s [website](#).

Nearly 360 positions, such as Chief of Staff to the President, are filled by Presidential appointees not subject to Senate confirmation. In addition to these, the Plum Book lists Senior Executive Service, Schedule C, and other positions in the Executive and Legislative branches that must or may be filled by political appointees not subject to Senate confirmation. Appointments range from Senior Advisor and Deputy Director positions in executive agencies to leadership roles – sometimes held in a part-time capacity – on federal advisory boards, commissions, and other bodies.

LEVELS OF APPOINTMENT AND COMPENSATION

The number and structure of federal appointments are subject to federal guidelines, budgetary constraints, administrative priorities and political considerations. Most political appointments fit into one of four categories:

PRESIDENTIAL APPOINTMENTS REQUIRING SENATE CONFIRMATION (PAS)

These are the highest-level appointed positions, which typically include Cabinet Secretaries, Undersecretaries, Assistant Secretaries, and Administrators. PAS appointees must undergo vetting, and must gain approval from the Senate. Consequently, they are sometimes the focus of intense political battles which can delay or derail their appointments.

SENIOR EXECUTIVE SERVICE (SES)

The Senior Executive Service (SES) is a personnel system covering top level policy, supervisory, and managerial positions in most Federal agencies. SES positions at this next highest level – up to 10% of all SES positions – are filled by appointment, while other SES positions are permanent jobs that are filled through a competitive, non-political process. SES positions include those serving as second-in-command to an Assistant Secretary, and those with responsibility for managing major programs. The most common job titles at this level are Deputy Assistant Secretary, Associate Deputy Secretary, and Deputy Director. The 2020 Plum Book indicates that there are at least 724 SES positions that may be filled by political appointees.

SCHEDULE C

Schedule C positions are exempted from competitive service requirements because of their confidential or policy-determining character. Individuals in these posts are often close aides to those in charge of agencies or programs. Typical Schedule C job titles include Special Assistant to the Assistant Secretary and Confidential Assistant to the Director. The 2020 Plum Book indicates that there are 1,566 Schedule C positions available.

OTHER PRESIDENTIAL APPOINTMENTS (PA)

In addition to PAS, SES, and Schedule C positions, there are positions requiring a Presidential appointment but not Senate confirmation. Flexibility and presidential discretion are key features of most PA assignments. In some cases, the President may simply need a PA for a particular task. The President may also designate someone a PA because he expects that the person may face political obstacles to Senate confirmation for a PAS post. In other cases, PA appointments are regular standing positions, on Boards or Commissions, for example. These appointees may not hold their positions for a fixed period, but may instead remain in their posts at the pleasure of the President, for as long as he requests their service. The 2020 Plum Book indicates that there are 354 PA jobs in the new Presidential Administration.

LEVELS OF APPOINTMENT AND COMPENSATION

Many positions filled by Presidential appointment come with salaries determined in accordance with the Executive pay scale. However, the holders of some part-time positions are not compensated, or are paid a daily rate for their days of service. Paid PAS, SES, and PA positions are ranked I through V on the Executive pay scale, with Secretaries paid at level I, Deputy Secretaries paid at level II, Undersecretaries at level III, Assistant Secretaries at level IV, and Administrators, Directors, and Commissioners at level V. The maximum pay for an SES position is the rate for level II or level III, depending upon whether the particular position is covered by a certified SES performance appraisal system. According to the 2020 Plum Book,

the Executive pay scale amounts in effect on January 1, 2020 were \$219,200 at level I, \$197,300 at level II, \$181,500 at level III, \$170,800 at level IV, and \$160,100 at level V.

On the other hand, most Schedule C positions are paid in accordance with the General Schedule, or GS, pay grade system, which currently has a maximum pay range of \$109,366-\$142,180 at its highest level of GS-15. An executive order prohibits Presidential appointees serving in full-time, non-career positions, including Secretaries and Deputy Secretaries, from receiving any earned income from outside activities for the duration of their service.

HOW TO APPLY

Before you begin the application process, give some thought and dedicate some research time to identifying particular positions, agencies, and areas of work that are of most interest to you, and for which you are best qualified.

You should also privately assess your ability and willingness to undergo an extensive background check process, which will require that you provide comprehensive personal and financial information and documents to government investigators.

You can learn more about the range of positions filled by Presidential appointment by consulting the [Plum Book](#), the Resources section of the Center for Presidential Transition's [website](#), and by reviewing menus of positions, agencies, boards, and commissions included in the new Administration's online application for individuals interested in Presidential appointments, available at www.whitehouse.gov/get-involved/join-us. Once President Biden took office on January 20, 2021, many members of his appointments team transitioned into positions with the Office of Presidential Personnel in the Executive Office of the President (PPO); this Office will maintain information about open positions and the qualifications sought in potential appointees.

As you are completing the formal application process, gather support for your application, including letters of recommendation. Administrations receive thousands of job applications and resumes; therefore, if you have personal access to and relationships with Administration officials or members of Congress, their recommendations may be helpful in securing careful consideration of your application.

The White House is under no obligation to follow these recommendations, but is likely to find them helpful.

Typically, the President is likely to be personally involved in choosing personnel for the most prominent political positions in the Cabinet, diplomatic corps, and agency leadership. As a result, individuals who seek such positions should take care to make their interest and superior qualifications known to the White House as soon as possible, and should systematically cultivate connections and relationships with Presidential advisors. As former head of the National Oceanic and Atmospheric Administration Dr. James Baker put it, "It isn't merit alone that gets you a job. You have to do a campaign... Other people will be pushing their names and you have to do that, too."

The large number of positions filled by appointment ensures that the President and his closest advisors cannot be intimately involved in the selection of a candidate for each opening. The team that staffs the PPO can be expected to play a central role in recruiting and screening candidates and assisting the President in choosing nominees. In recent Administrations, Presidents have typically agreed to the recommendations provided by their personnel staffs.

HOW TO APPLY

Once a nominee has been selected, he or she will undergo a vetting process that requires submission of additional information and forms that cover topics including personal finances, policy positions, social media history, and private and professional relationships that could become politically important. Applicants should begin the process prepared to subject their private as well as public lives to scrutiny. If and when cleared by the Counsel to the President, nominees are either appointed by the President, or forwarded to the Senate for its confirmation. Nominees subject to Senate confirmation should be aware that the information gathered by the White House is not necessarily provided to the Senate. Nominees should be prepared to provide personal, professional, and financial information anew to Senate staff.

Most nominees subject to Senate confirmation must be approved first by a standing committee, then by the full Senate. It is a good idea for nominees to seek meetings with each of the Senators who sit on the committee that will consider the nomination, and to form and use relationships with Senate offices during the confirmation process. Note that Senators agreed by a [2011 resolution](#) to exempt 272 positions from committee consideration unless any Senator objects to a particular nominee going through

an expedited process. Thus, certain nominations to Boards, Commissions, Chief Financial Officer appointments and other positions will now generally proceed directly to consideration by the full Senate.

While a nomination is in consideration, candidates should put some energy into cultivating contacts with members of the House of Representatives as well, especially those lawmakers who hold key positions on the authorizing and appropriations committees for the department in which the candidate hopes to work. While they do not have a vote on nominations, House members still play a large role in determining what gets done in Washington. House committee staff work closely with their Senate counterparts and may know ways to move your nomination along.

Finally, nominees should keep a low profile and avoid giving interviews or making speeches prior to confirmation. Senators want to hear from candidates in private and at confirmation hearings before they start reading about their views in the newspaper. Nominees may create challenges for their chances of being appointed and confirmed by courting press coverage and other forms of public attention.

TYPICAL STEPS

In the Presidential Appointments Process

1. The White House Presidential Personnel Office narrows the candidate list, conducts interviews, checks references and makes a single recommendation to the President.
2. The successful candidate completes forms in preparation for various background checks.
3. The Office of the White House Counsel, oversees background checks conducted through the FBI, IRS, the Office of Government Ethics, and the ethics official of the agency which will employ the candidate.
4. If no concerns or conflicts of interest are identified, Counsel will clear the candidate.
5. If, however, concerns come to light, entities including the Office of Government Ethics and the agency's ethics official work with the candidate to address potential problems.
6. Once cleared, nominations will be submitted by the Office of Presidential Personnel to the Senate through the Office of the Executive Clerk, if Senate confirmation is required. Otherwise, the nominee's appointment will be approved and announced by the Executive Office of the President and, in some cases, by the leaders of the agency or office in which the appointee will work.
7. For appointments subject to Senate confirmation, the Senate committee with jurisdiction over the position generally sends additional questions to the nominee, holds a confirmation hearing, then votes.
8. Nominations approved by committees move to the full Senate for a vote.
9. If the full Senate approves, the President signs a commission.
10. The successful appointee is sworn in.

While high-level appointments usually receive prompt Congressional attention and move from nomination to confirmation in a matter of weeks, it often takes longer for other appointments – whether or not subject to Senate confirmation – to be made official. Interviews and background checks

can last for weeks in some cases, and months in others, as can the Senate confirmation process. Candidates for appointments should be prepared for extended waits “in limbo,” particularly if their financial, professional, or personal backgrounds are complex or potentially controversial.

NECESSARY CREDENTIALS

Although Presidential Personnel staff ostensibly look for applicants from all political parties, applicants' chances for key appointments are best if they are members of the President's party, or are in a non-partisan elected or appointed position, politically well-connected, and expert in the subject areas involved in the appointment sought. At the same time, it is important to note that the law requires that member positions on certain boards, commissions, and committees be filled on a bipartisan basis. As a result, the President is certain to choose at least some appointees from both major parties.

Top-level government officials come from a wide range of careers in both the public and private sector. According to a Brookings Institution survey of senior-level appointees conducted in 2000, the vast majority of those who occupied the highest political offices within a Presidential Administration had a background in federal government work, or employment with a business

or corporation, a law firm, or an educational or research institution. A study published in 2010 by Professor David E. Lewis found that a selected group of political appointees who served between fiscal years 2004 and 2006 were more likely than career employees to have private sector management experience, and to have previously worked in Congress or the White House.

A [manual](#) prepared for individuals seeking career SES positions is instructive in providing a guide to the skills needed to be successful in a top Executive Branch job. In addition to the abilities highlighted in this manual – aptitude at leading people, envisioning and achieving change, and getting results – political appointees need to be able to work constructively with different personalities, and to be sensitive to the many competing demands and considerations weighing on policymakers. Previous experience in elected or other political office may be particularly helpful in this regard.

IS IT WORTH IT?

Challenges and Opportunities of Presidential Appointment

Obtaining and keeping a political job can be an arduous process, and applicants should carefully consider whether the benefits outweigh the potential costs. The hours are typically long for a political appointee in a full-time position, and the pace of work is intense. Appointees are subject to probing public and press scrutiny, during both the nomination and confirmation process, as well as once on the job. Appointees must be prepared to disclose full personal background information. In addition, political appointments come with no job security, and for a host of political reasons successful nominees may be asked or pressured to leave their posts at any time.

The potential rewards of political appointment are great, however. For example, former Assistant Secretary of the Treasury Lee Sachs commented, “The quality of people that I’ve had a chance to work with...and the issues that I got to wrestle with – well, you can’t match that combination in

the private sector.” Former Secretary of Labor Hilda Solis said of her experience as an appointee, “I saw the prospect of serving as labor secretary as a wonderful opportunity to further the policies that I have been fighting for my whole life, and I had to seize it.” White House Counsel to President Reagan, Arthur Culvahouse Jr. added, “I’ve never done anything as a lawyer in private practice as much fun as the 22 months I had in the White House.” During his tenure as HUD Secretary, Mel Martinez said “It was an incredible thrill and privilege [to be asked to join the President’s Cabinet], and every day I enter the White House I am always in awe of the history of the place and the symbol of democracy it is for the world.” Appointees gain significant opportunities to add to their areas of expertise and develop contacts and relationships; they provide important service to the nation and shape public policy. Qualified Latino appointees further Latino political progress and open the door to the federal government for future generations.

ADVOCACY & TECHNICAL ASSISTANCE

For Latino Candidates & Nominees

The NALEO Educational Fund has long been a strong advocate for the appointment of qualified Latinos to top federal positions. To ensure the Biden Administration's accountability to the Latino community, we worked closely with partners including the National Hispanic Leadership Agenda (NHLEA), the Alliance for Latinx Leadership and Policy (ALLP), and Proyecto 20% to identify and promote qualified Latino candidates for Cabinet, sub-Cabinet, judicial, and political appointments across the Administration. We continue to serve as a point of connection between Latino candidates for appointments, and top officials with the White House and will continue to work with the Biden-Harris Administration to actively recruit Latino candidates and provide assistance to Latinos seeking opportunities in the Biden-Harris Administration.

We invite you to watch the following NALEO Webinar - [Opportunities in the Biden-Harris Administration](#), featuring former senior staffers in the Administration's transition team - Sergio Gonzales, Latino and Immigration Outreach Lead and Bernadette Hobson, Agency Outreach and Appointment Lead. The webinar contains information on the application and vetting process, and helpful suggestions for individuals seeking to apply for a position in President Biden's Administration.

As of this writing, individuals interested in serving in the Biden-Harris Administration and seek support from NALEO Educational Fund can fill out the [NALEO Presidential Appointments Form](#).

For more information about the Presidential appointment process, contact **Mario J. Beovides**, Director of Policy Initiatives at mbeovides@naleo.org or 202-546-2536.

ABOUT NALEO EDUCATIONAL FUND

NALEO Educational Fund is the nation's leading non-profit, non-partisan organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service.

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