Analysis

Trump is setting records in how few people he has appointed — and how long they take to confirm

BY HEATHER BA, BRANDON SCHNEIDER, AND TERRY SULLIVAN   **JANUARY 18, 2018**

President Trump is joined by family members, House Speaker Paul D. Ryan and others as he formally signs his Cabinet nominations into law on Jan. 20, 2017. (J. Scott Applewhite/Pool/AP)

IN November, President Trump declared he didn't need to fill empty government positions. "I am the only one that matters," he said. "When it comes to it, [my position is] what the policy will be." Trump has filled the smallest percentage of top leadership positions compared to the previous five administrations. Around half of top positions are empty — including a nearly four-month vacancy at the helm of Health and Human Services, which is essential to Trump's own healthcare agenda. The pace of nominations to critical positions is also 30% down from, or four months behind, previous administrations.

Vacancies create a leadership vacuum that thwarts any president's agenda. They also limit government's ability to administer critical and non-partisan duties.

So why so many empty chairs and why the slow pace?

Counting the vacancies

The White House Transition Project, a non-partisan consortium of scholars, documents appointments during an administration's first year. Our dataset surveys almost 4,000 nominations to "PAS positions" (Presidential Appointment, Senate-confirmed) dating back to President Reagan.

There are two types of these positions. Some nominations are to fill about 200 "critical" positions, carrying out the government's primary responsibilities: setting economic policies (Federal Reserve Board of Governors), providing national security (FBI Director), or conducting international diplomacy (Ambassador to UK). Other nominations fill another 900 more "routine" positions that, nevertheless, make or oversee the making of policies.

For each critical and routine nomination, we track how long it takes to identify and investigate a nominee, and, then, go through Senate committees and get to the full Senate.

The Trump administration has a lot of empty chairs

As we show in the figure below, after its first full year, the Trump team manning the most critical government functions looks like a ghost brigade of empty chairs. The Trump White House has announced a nominee for just two-thirds of critical positions. And the Republican-led Senate has confirmed only enough of these nominees to fill half of the government's critical leadership.
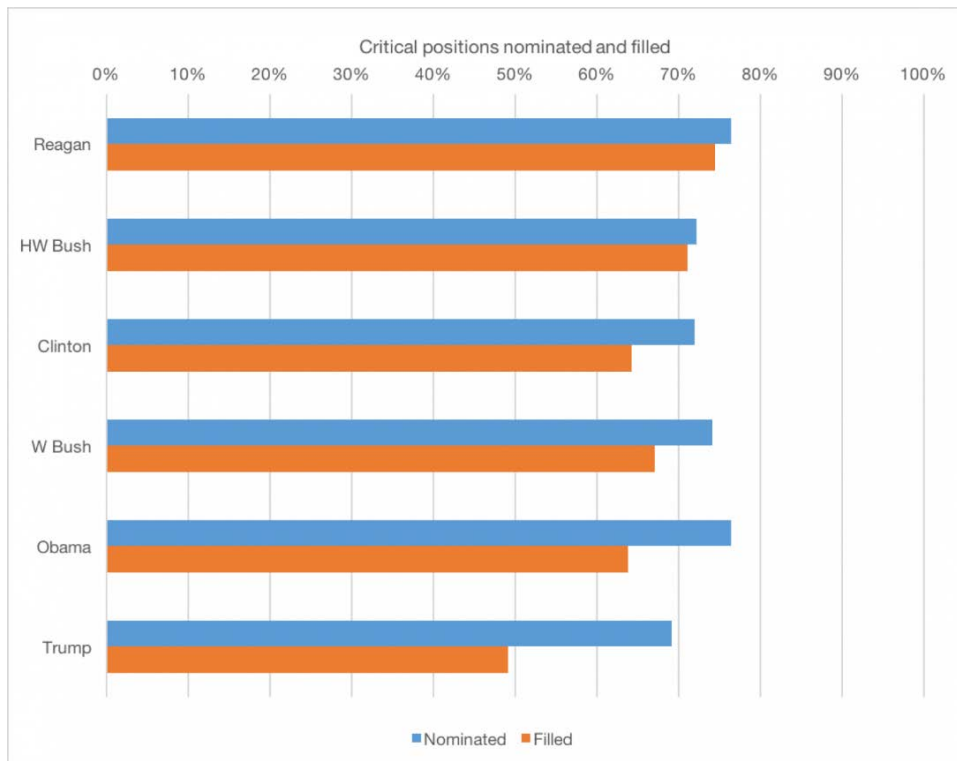
On routine positions, the Trump administration also lags behind recent presidents. The White House has identified only a third of the needed nominees, and filled only a quarter of those positions.

Routine positions nominated and filled

■ Nominated ■ Filled
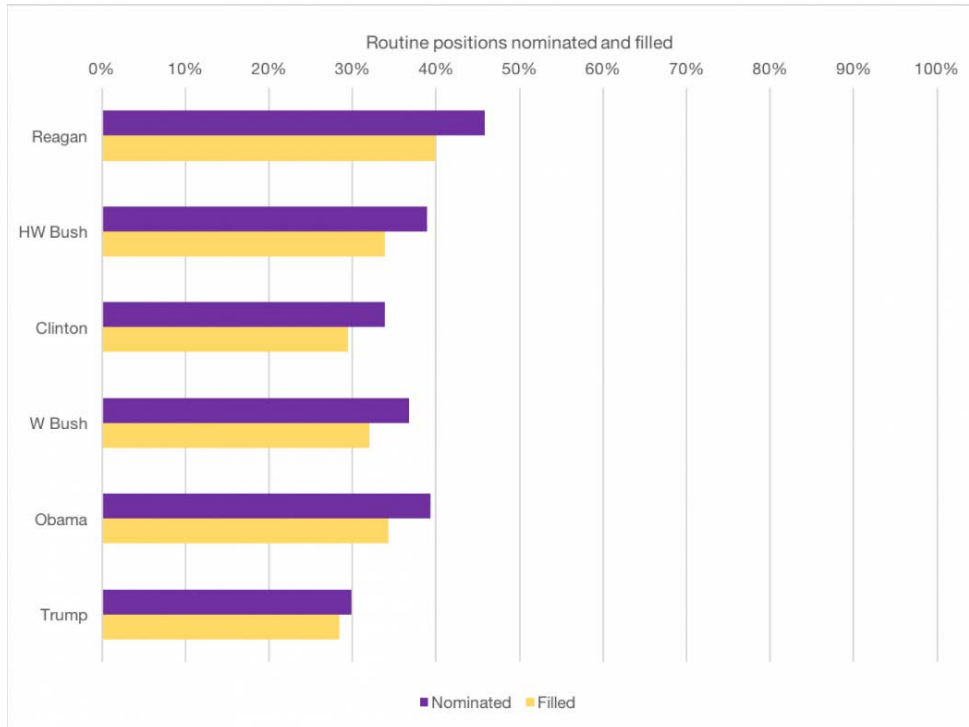
Are Democrats to blame?

Like other presidents, Trump blames the opposition party for choking the process and blocking his nominees. Unlike Trump, past presidents faced opponents with more tools for resisting – including the filibuster. In 2013, Democrats banned nomination filibusters, making Trump the first president in his first year to need only 50 Senate votes to confirm nominees. Since Republicans control the Senate and don't have to overcome a filibuster, Trump should have a stout Senate wind at his back.

It's possible that Democrats have invented new ways to slow walk nominees both in committee and on the way to a Senate floor vote. More likely, they have merely mimicked the tactics of their Republican colleagues when they had faced Obama's early nominations. Precise evaluations are hard because for some, such as Kevin McAleenan, nominated last May to head U.S. Customs and Border Protection, Democrats could very well be slow-walking. But even those nominations that seem like successful Democratic opportunism might actually be Republican senators themselves reluctant to confirm a troubling nominee -- controversial nominee Rep. Tom Marino comes to mind.

To assess Democratic foot-dragging, we can compare the early Obama experience against the early experience of the last majority Republican president, George W. Bush. The difference between Senate processing of Obama nominees and the baseline for Bush's nominees would suggest what is possible by foot-dragging. Given the Trump majority's stronger hand, any additional days beyond the Obama experience with slow-walking probably represents potential Republican disappointment with their president's nominees.
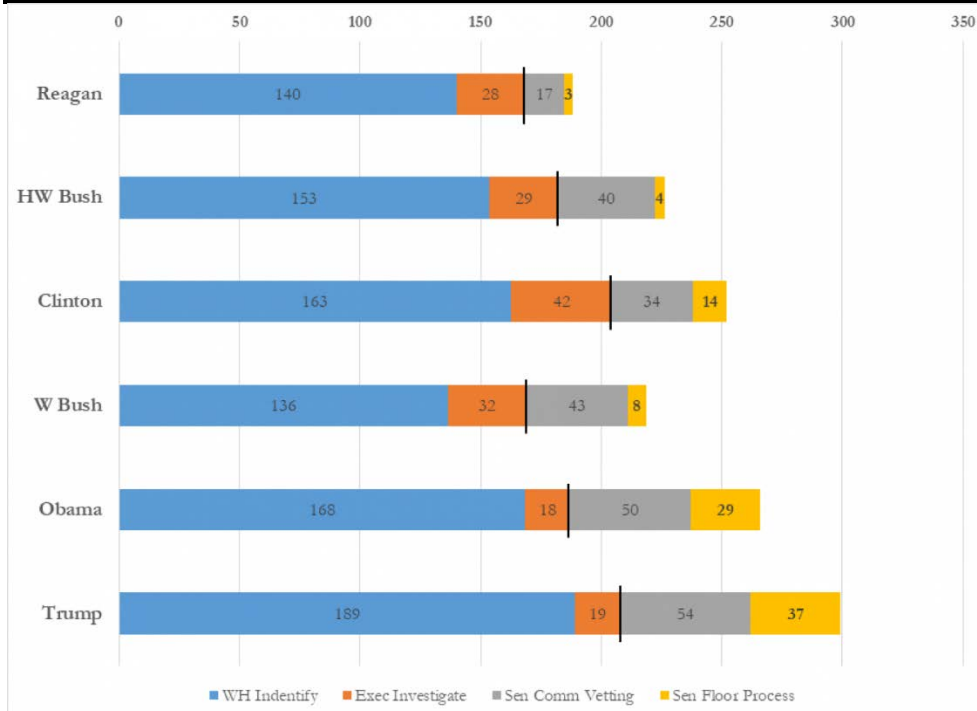
Compared to Bush's nominees, Obama's nominees took 30 days longer, our slow-walk baseline. Compared with Bush's nominees, Trump nominees have taken 40 days longer to clear the Senate, the 30-day slow walk *and* an additional 10 days for Republican discomfort.

Can the White House be blamed for the slow pace?

We can do the same analysis on the White House side of our data. Given the successful Bush transition, we can again use it as a baseline. The time the Trump team took searching for its nominees and vetting them added an average 40 more days over the Bush baseline.

So we might attribute 30 days of delay to opportunistic Democrats slow-walking, but in finding nominees, vetting them, and then eventually sending nominees that do not make Republicans uncomfortable, the Trump White House has contributed another 50 days to slowing the pace of filling top spots.

Earlier, we noted Trump claimed the empty chairs were his choice. Can other Trump choices have just as strong an impact? One such choice is about the transition. Ronald Reagan's 1980 campaign, for example, studied appointments for more than six months ahead of the election, and thus hit the ground running. Following that model, candidate Trump began preparing for his transition in the summer of 2016 with Governor Chris Christie in charge, but Trump abruptly replaced them four days after the election, thereby setting his new team's preparations back at least two months. So this Trump's decision has cost them two months and then the additional 50 days – a self-inflicted wound.

Our data identifies one additional reason for the slowdown and those empty chairs. It's hinted at by Senator James Lankford (R-OK) recent comment: "We have learned…that we are either going to do nominees, or we are going to do legislation, but we can't do both." Because they are engaged in reshaping health care, undercutting global diplomacy and alliances, avoiding a budget crisis, redefining

immigration, investigating Russia, or revamping the tax code, Senators can only deliberate on nominees in their spare time. Absent effective White House coordination, Senate deliberations will get side-tracked, drag on, and then produce empty chairs.

Our data shows this tradeoff to some extent in every president's first year: the longer a White House waits to nominate someone, the longer the Senate takes to deliberate. The Trump decisions, however, beginning with his own transition team, have simply magnified this base effect.

About the Authors

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