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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

March 14, 2013

Dear Mr. President:

We write to you regarding the number of Senate confirmed positions at departments and agencies that are currently vacant or filled by a person in an acting capacity.

While we are concerned about the number of vacancies in Senate-confirmed positions throughout the Administration, we are specifically troubled by the number of vacancies for positions that fall under the Homeland Security and Governmental Affairs Committee's jurisdiction. There are currently fourteen Senate confirmed positions that are either vacant or filled by someone in an acting capacity for which our committee has jurisdiction. Three of these positions currently awaiting a confirmed leader are to be the head of an agency – the Director of the Office of Management and Budget, the Administrator of the General Services Administration, and the Director of the Census Bureau. Additional positions which are currently vacant or filled by someone in an acting capacity include: the Deputy Director of the Office of Management and Budget; the Administrator for the Office of Information and Regulatory Affairs at the Office of Management and Budget; the Deputy Director of the Office of Personnel Management; the General Counsel and the Inspector General of the Department of Homeland Security; two Members of the Federal Labor Relations Authority; and, three Associate Judges to the D.C. Superior Court.

Out of these fourteen positions which Senate-confirmed individuals are required by statute to hold, our Committee has only received four nominations this Congress, that of Sylvia Mathews Burwell to be Director of the Office of Management and Budget; Carol Waller Pope and Ernest Dubester to be Members of the Federal Labor Relations Authority; and, Stephen Crawford to be a Governor of the U.S. Postal Service.

We are also concerned about the length of time these positions have gone unfilled by a Senate confirmed appointee. Unfortunately, this situation has become all too common in recent years across a number of administrations. As you know, when the typically short tenure of political appointees is coupled with the delays in nomination and confirmation, the result is frequent, extended vacancies in Senate-confirmed positions throughout the course of an administration. A study by Anne Joseph O'Connell titled *Vacant Offices: Delays in Staffing Top Agency Positions*, found that Senate-confirmed positions are either empty or filled by acting officials an average of one-quarter of the time. We recognize that acting heads of departments, agencies, and components, as well as career staff, try to continue and do the work of their offices during a vacancy; however, lengthy vacancies can have a significant and detrimental impact on the ability of an agency to determine and implement policies and fulfill its mission. The absence of accountable senior leadership at departments and agencies can also hinder the ability of Congress to conduct proper oversight.

We urge you to promptly nominate qualified individuals to fill vacant Senate-confirmed positions throughout the government. We are also willing to assist in providing names of qualified individuals for current and future vacant positions in order to expedite the process of identifying candidates if that will be helpful. We assure you that we will expeditiously consider all nominations referred to the Homeland Security and Governmental Affairs Committee, including the nominations of Sylvia Mathews Burwell, Carol Waller Pope, Ernest Dubester, and Stephen Crawford.

With best personal regards we are,

Sincerely yours,



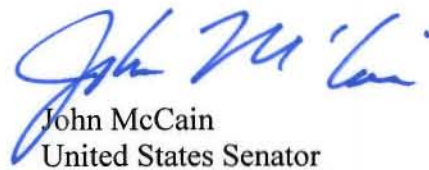
Thomas R. Carper
Chairman



Tom A. Coburn, M.D.
Ranking Member



Carl Levin
United States Senator



John McCain
United States Senator



Jon Tester
United States Senator



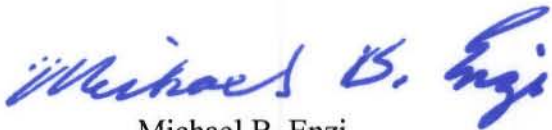
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United States Senator



Rob Portman
United States Senator



Rand Paul
United States Senator



Michael B. Enzi
United States Senator



Kelly Ayotte
United States Senator



Heidi Heitkamp
United States Senator