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United States Government Accountability Office
Washington, DC 20548

March 1, 2013

The Honorable Thomas R. Carper
Chairman
The Honorable Tom Coburn
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Darrell E. Issa
Chairman
The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
House of Representatives

Subject: *Characteristics of Presidential Appointments that do not Require Senate Confirmation*

On August 10, 2012, the President signed into law the Presidential Appointment Efficiency and Streamlining Act of 2011 (Streamlining Act of 2011).¹ The act eliminated the need for the Senate to vote on 163 executive nominations, converting them to presidentially appointed positions.² The act required GAO to report to Congress and the President on positions in executive agencies that require appointment by the President without Senate confirmation (PA).

As agreed, in discussions with your offices about our scope, the objective of this review was to describe the characteristics of executive branch PA positions in existence prior to the implementation of the Streamlining Act of 2011. Specifically, we describe the numbers, types (e.g., members of commissions, councils, advisory boards, etc.), responsibilities, locations, dates established, length of terms, and salaries, as well as common characteristics among the presidentially appointed positions and how they differ from other types of positions. Based on available Office of Personnel Management (OPM) data, we also provide information on the total number of staff employed by the entities with presidentially appointed positions. We provided a briefing of this summary to the Senate Committee on Homeland Security and Governmental Affairs and House Committee on

¹Pub. L. No. 112-166, 126 Stat. 1283

²For a more detailed description of the Streamlining Act of 2011, see *Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112th Congress* (Washington, D.C.: Oct. 9, 2012)

Oversight and Government Reform on February 7, 2013. This report formally transmits the information provided in that briefing.

To describe the characteristics of PA positions in the executive branch, we identified the list of PA positions from the 2012 “United States Government Policy and Supporting Positions” report commonly known as the *Plum Book*, which is developed by OPM and alternately published by the House of Representatives and Senate every 4 years.³ We categorized, summarized, and described the positions based on information gathered from the Plum Book, applicable laws, treaties and compacts, agency websites, and discussions and documentation provided by OPM officials and officials in the Office of Administration within the Executive Office of the President (EOP). We also obtained and reported OPM data on the total number of staff employed by the entities with presidentially appointed positions, which do not include unpaid employees or officials.

The PA positions described in our review are based primarily on those positions listed in the 2012 Plum Book. However, we excluded 34 PA positions either because we determined, based on applicable laws, that they were incorrectly listed as PA positions in the publication or they were created by the Streamlining Act of 2011 and outside the scope of this review. We also included two PA positions within organizations listed in our review that were incorrectly omitted from the Plum Book.⁴ We provided examples of these and other inaccuracies to OPM to facilitate correcting future Plum Book publications. Our methodology did not include determining to what extent the 2012 Plum Book is a comprehensive listing of all PA positions. As a result, there may be PA positions that are not listed in the Plum Book and therefore, are not described in this review. Also, as agreed, we did not include the positions created by the Streamlining Act of 2011.

We conducted our work from October 2012 to February 2013 in accordance with all sections of GAO’s Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

³See Unnumbered Committee Print; House Committee on Oversight and Governmental Reform, 112th Cong., *U.S. Government Policy and Supporting Positions* (Comm. Print 2012).

⁴We excluded: the Director of the Institute of Education Sciences in the Department of Education; the Assistant Administrator of Economic Growth Agriculture and Trade in the United States Agency for International Development; the Administrator of Rural Utilities Service and the Assistant Secretary in the Office of the Assistant Secretary for Administration in the Department of Agriculture; the Deputy Director of the Office of Supply Reduction in the Office of National Drug Control Policy within the EOP; the Deputy General Counsel in the Office of Management and Budget; 10 officials in the Office of the Vice President; 10 officials in the Millennium Challenge Corporation; 3 board members of the Social Security Administration Advisory Board; the Alternate Federal Member of the Delaware River Basin Commission; the Chairman of the Federal Mine Safety and Health Review Commission, a member of the Interstate Commission on the Potomac River Basin; and 2 member positions in the Holocaust Museum Commission. We included one additional member of the Dwight D. Eisenhower Memorial Commission and the Director of Staff in the Civil Rights Commission. Please see appendix IV of the attached briefing for a more detailed description of the PA positions that we excluded as well as the two PA positions that we included in our review.

In summary, we found the following:

- There are 321 PA positions governmentwide, which fall into three general groups—67 percent of PA positions exist within commissions, councils, committees, boards or foundations; another 29 percent of PA positions are within the EOP; and the remaining 4 percent are within other federal departments or agencies.⁵ Within each of these three groups, PA positions are concentrated in a small number of entities. For example, although there are 214 PA positions within 23 councils, commissions, committees, or boards, 70 percent of these positions are concentrated in eight organizations, such as the U.S. Holocaust Memorial Council, U.S. Commission for the Preservation of America’s Heritage Abroad, and Committee for Purchase from People Who Are Blind or Severely Disabled. Similarly, 81 percent of PA positions in the EOP are located in one of the five offices with PAs—the White House Office. Only seven federal departments or agencies have PA positions, more than a third of which are within the Department of State.⁶
- The responsibilities of PAs vary between the three general groups of PAs. PAs in commissions, councils, committees, boards, or foundations often serve in an advisory capacity and, at times, have specific responsibilities to evaluate, oversee, or establish policy to implement the organizations’ mission. The majority of PAs within the EOP provide advisory and administrative support to the President on a range of issues, including policy advice on national security, homeland security, domestic policy, and economic policy, as well as assistance in managing relations with key stakeholders, such as Congress, executive departments and agencies, and state and local governments. Responsibilities for PAs within federal departments or agencies vary. Some serve as assistants or advisors to Presidential Appointments with Senate confirmation (PAS) officials and as U.S. representatives to United Nations organizations.⁷ Others have more central leadership roles, such as the Director of the National Cancer Institute who coordinates the National Cancer Program. PA officials may also exercise the duties of agency heads in the event of their absence. For example, the Central Intelligence Agency Deputy Director has been functioning as the Acting Director for the agency, responsible for managing the operations, personnel and budget of the Central Intelligence Agency.
- Presidents have significant latitude in determining the selection of PA officials. However, at times, statutes prescribe the required qualifications for selected PAs or the population from which they must be chosen. These requirements occur more often for PA appointments to a commission, council, committee, board or foundation.

⁵See the detailed description of these PA positions in the interactive graphics on slides 18, 26, and 33 in the enclosure or in the corresponding appendices to the slides, appendixes I, II, and III, respectively.

⁶These PA positions do not include those created under the Streamlining Act of 2011.

⁷For example, some PAs serve as representatives of the United States to United Nations agencies and are responsible for guiding U.S. participation in international economic and human rights issues.

- Salaries for PA positions vary between the three general groups of PAs. For example, positions with the EOP and federal departments and agencies are typically full time positions without term limits that are paid a salary ranging from \$99,628 to about \$180,000.⁸ However, PAs appointed to a commission, council, committee, board or foundation are typically paid a daily rate of pay only while serving or are not compensated. These positions most often serve a term between 3 and 6 years and their service is intermittent.
- The majority of PA positions are located in Washington, D.C., and were created within the last 43 years. For example, while one of the 321 PA positions was established as early as 1889 at the International Boundary and Water Commission, the majority of these positions—which are in councils, commissions, committees, boards, or foundations—were created between 1970 and 2000.⁹
- Overall, PAs differ from other types of political appointments in three key areas: number of positions, rate of pay, and level of responsibilities. Out of the four major categories of politically appointed positions—PAS, PAs, politically appointed Senior Executive Service, and Schedule C appointees—PAs represent the smallest number (9 percent).¹⁰ Moreover, as previously noted, the majority of all PAs are typically not paid a salary. Other politically appointed positions are typically paid a salary that ranges between about \$110,000 to \$180,000. PAs have a significant level of responsibility in implementing the Administration’s goals, but often are subordinate to a PAS position. PAS positions are at the top of the federal personnel hierarchy and are often responsible for making key policy decisions to implement an administration’s goals (e.g., cabinet members). Politically appointed Senior Executive Service and Schedule C officials have key responsibilities in implementing government operations—such as overseeing government activities and serving in confidential or policy-determining positions, respectively. However, they often serve in positions that are subordinate to PAs.

We provided a draft of this letter and enclosed briefing slides to the Director of OPM and the Chief Administrative Officer within the EOP’s Office of Administration for review and technical comment. We received technical comments from the EOP, which we incorporated as appropriate. OPM did not have comments.

⁸As an outlier, the Director of the National Cancer Institute is a PA position within the Department of Health and Human Services that receives a salary of \$350,000.

⁹The International Boundary and Water Commission consists of a U.S. section and a Mexican section that develop binational solutions to issues that arise during the application of U.S.-Mexico treaties regarding boundary demarcation, national ownership of waters, sanitation, water quality, and flood control in the border region.

¹⁰In addition to PAs, three other major categories of politically appointed positions are: PAS positions, which are at the top of the federal personnel hierarchy in terms of responsibility; Politically appointed Senior Executive Service (SES), which are political appointees that are added as noncareer members of the SES; and Schedule C appointees positions, which are of a confidential or policy-determining nature, but generally in subordinate roles to PAS, PA, and SES positions (e.g., staff assistant, speechwriter, etc.).

We are sending copies of this correspondence to the appropriate congressional committees and the Executive Office of the President. The correspondence is also available at no charge on the GAO website at <http://www.gao.gov>. Should you or your staff have any questions on the matters discussed in this report, please contact me at (202) 512-6806 or mihmj@gao.gov. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this correspondence are William Reinsberg, Assistant Director; Latesha Love; Vida Awumey; Karin Fangman; and Rebecca Shea.

A handwritten signature in black ink that reads "J. Christopher Mihm". The signature is written in a cursive, flowing style.

J. Christopher Mihm
Managing Director
Strategic Issues

Enclosure 1



G A O

Accountability * Integrity * Reliability

**Briefing for the Senate Committee on Homeland Security and
Governmental Affairs and House of Representatives
Committee on Oversight and Government Reform**

**Characteristics of Presidential Appointments
That Do Not Require Senate Confirmation
February 7, 2012**

Contents

- Background
- Objective, Scope, and Methodology
- Summary
- Characteristics of Presidential Appointments (PA) that do not Require Senate Confirmation
 - Commissions, Councils, Committees, Boards, and Foundations
 - Executive Office of the President
 - Departments and Agencies
- General Comparisons between PA and Other Types of Politically Appointed Positions

Background

- On August 10, 2012, the President signed into law the Presidential Appointment Efficiency and Streamlining Act of 2011 (Streamlining Act of 2011).¹
- The act eliminated the need for the Senate to confirm 163 executive nominations, converting them to presidentially appointed positions.²
- The act required GAO to report to Congress and the President on positions in executive agencies that require appointment by the President without Senate confirmation (PAs).

¹ Pub. L. No. 112-166, 126 Stat. 1283.

² See Congressional Research Service report, *Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112th Congress* (Washington, D.C.: Oct. 9, 2012).

Background (cont.)

- Political appointments are for individuals who make or advocate administration policy or support those positions. Individuals serving in political appointments generally serve at the pleasure of the appointing authority and do not have the job protections afforded to those in career-type appointments. There are four major categories of politically appointed positions:
 - Presidential Appointees with Senate confirmation (PAS)—positions that are at the top of the federal personnel hierarchy in terms of responsibility.
 - PA positions that typically serve on advisory committees, commissions, foundations, or in the Executive Office of the President.
 - Politically appointed Senior Executive Service (SES)—political appointees that are added as noncareer members of the SES.³
 - Schedule C appointees—positions of a confidential or policy-determining nature, but generally in subordinate roles to PAS, PA, and SES positions (e.g., staff assistant, speechwriter, etc.).

³ For purposes of our review, we include all SES general positions filled by noncareer appointment and for a limited emergency or limited term. This number may include SES positions that are not political appointments because limited and emergency term appointments may be political or nonpolitical in nature.

Objective, Scope, and Methodology

- Objective:
 - As agreed in discussions with your offices about our scope, the objective of this review was to describe the characteristics of executive branch PA positions in existence before the implementation of the Streamlining Act of 2011. Specifically, we describe the numbers, types (e.g., members of commissions, councils, advisory boards, etc.), responsibilities, locations, dates established, length of terms, and salaries, as well as common characteristics among the presidentially appointed positions and how they differ from other types of positions.
- Scope and Methodology:
 - To describe the characteristics of PA positions in the executive branch, we identified the list of PA positions from the 2012 *United States Government Policy and Supporting Positions* report commonly known as the Plum Book, which is developed by the Office of Personnel Management (OPM) and alternately published by the House and Senate every 4 years.⁴ We categorized, summarized, and described the positions based on information gathered from the Plum Book, applicable laws, treaties, and compacts, agency websites, and discussions and documentation provided by officials in OPM and the Office of Administration with the Executive Office of the President (EOP).⁵ We also obtained and reported OPM data on the total number of staff employed by the entities with presidentially appointed positions, which do not include unpaid employees or officials.

⁴ The PA positions discussed in this briefing are based on data in the 2012 Plum Book that were reported by agencies to OPM as of October 2012.

⁵ In accordance with the Streamlining Act of 2011, we report information for PAs in the executive branch. Therefore, positions in the legislative and judicial branches are not included in our scope.



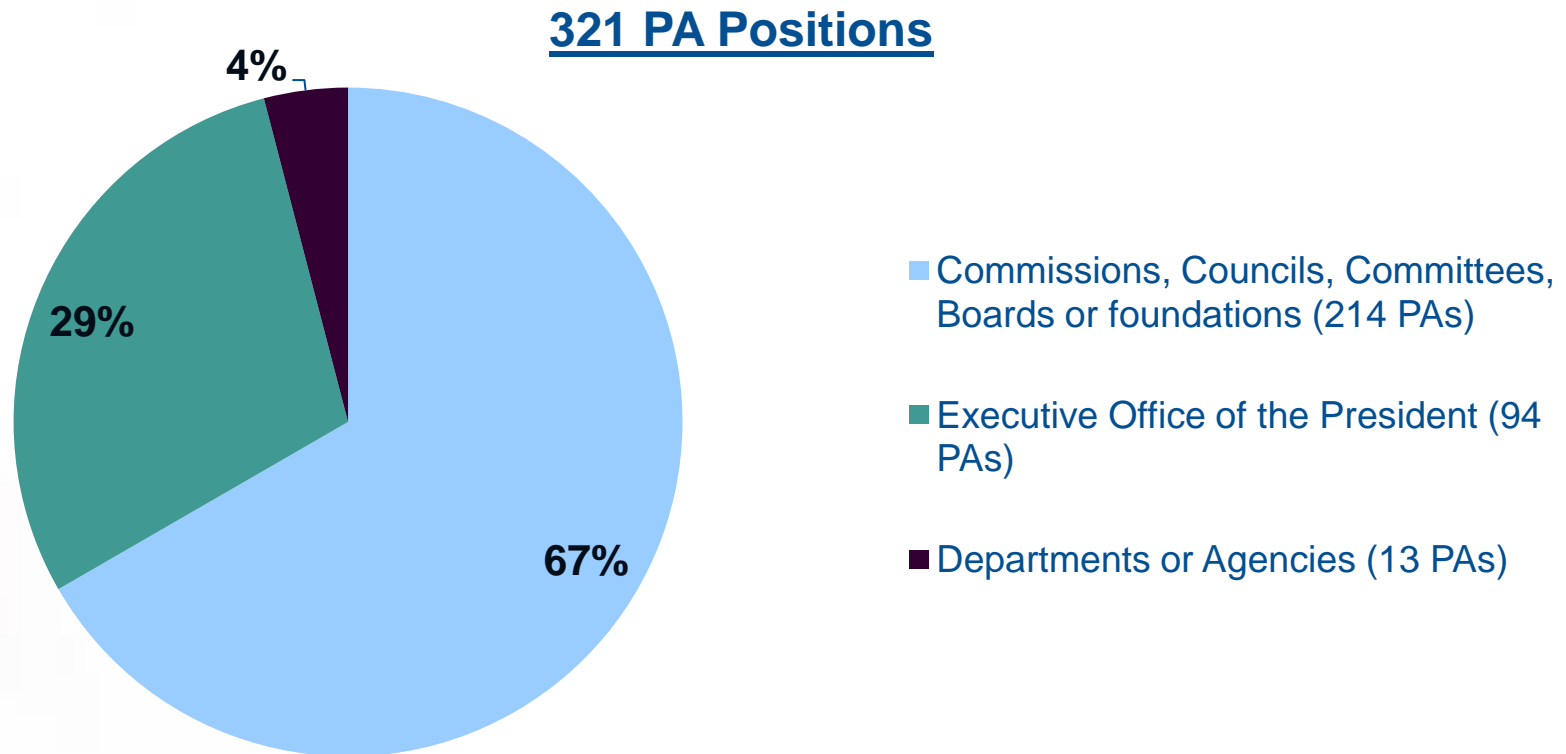
Objective, Scope, and Methodology (cont.)

- Although the PA positions described in our review are based on positions listed in the 2012 Plum Book, we excluded 34 PA positions that we determined, based on applicable laws, that they were either incorrectly listed as PA positions in the publication or were created by the Streamlining Act of 2011 and outside of the scope of this review. We also included two PA positions within organizations listed in our review that were incorrectly omitted from the Plum book.⁶ We provided examples of these and other inaccuracies that we identified to OPM to facilitate correcting future Plum Book publications. Our methodology did not include determining to what extent the 2012 Plum Book is a comprehensive listing of all PA positions. As a result, there may be PA positions omitted from the Plum Book that are not included in the scope and therefore are not described in this review.
- We provided a draft of these briefing slides and the corresponding letter to the Director of OPM and the Chief Administrative Officer within the EOP's Office of Administration for review and technical comment. We received technical comments from the EOP, which we incorporated as appropriate. OPM did not have comments.
- We conducted our work from October 2012 to February 2013 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions in this product.

⁶ Please see appendix IV for a list of the PA positions included in the 2012 Plum Book that we excluded from our review and the two PA positions within organizations listed in our review that were incorrectly omitted from the Plum Book.

Summary of Characteristics of PA Positions

- There are 321 PA positions governmentwide, which fall into three general groups.



Source: GAO analysis of 2012 data from the 2012 Plum Book, the Executive Office of the President (EOP), agency documents, and related laws.

Summary of Characteristics of PA Positions (cont.)

- Within each of the three groups of PAs (commissions and other organizations, EOP, or departments or agencies) PA positions are concentrated in a small number of entities.
- The responsibilities of PAs vary between the three general groups of PAs, and range from serving in an advisory capacity on commissions or boards to exercising the duties of agency heads in the event of their absence.
- Presidents have significant latitude in determining the selection of PAs. However, at times, statutes prescribe the required qualifications for selected PAs or the population from which they must be chosen.
- Salaries for PA positions vary between the three general groups of PAs. For example, positions with the EOP and federal departments and agencies are typically full-time positions paid a salary between \$110,000 to \$179,700. However, the majority of PAs who are appointed to a commission, council, committee, board or foundation typically serve intermittently and are paid a daily rate of pay while serving or are not compensated.
- The majority of PA positions are located in Washington, D.C., and were created or authorized within the last 43 years.

Summary of Characteristics of PA Positions (cont.)

- Overall, PAs differ from other types of political appointments in three key areas: number of positions, rate of pay, and level of responsibilities.
 - Out of the four major categories of politically appointed positions—PAS, PAs, politically appointed Senior Executive Service, and Schedule C appointees—PAs represent the smallest number (9 percent).
 - Moreover, while the majority of all PAs are typically not paid a salary, the other three types of politically appointed positions are paid a salary that ranges from \$27,431 to \$199,700.
 - PAs have a significant level of responsibility in implementing an administration's goals, but often are subordinate to a PAS. PAS positions are charged with making key policy decisions to implement an administration's goals (e.g., cabinet members). Politically appointed Senior Executive Service and Schedule C officials have key responsibilities in implementing government operations—such as overseeing government activities and serving in confidential or policy-determining positions, respectively. However, they often serve in positions that are subordinate to PAs.

Characteristics of Presidential Appointments That Do Not Require Senate Confirmation

- **Commissions, Councils, Committees, Boards, and Foundations**
- Executive Office of the President
- Federal Departments and Agencies

PA^s in Commissions, Councils, Committees, Boards, and Foundations

- There are 214 PA^s within 23 councils, commissions, committees, or boards with PA^s,⁷ however, the majority of these PA positions are concentrated in eight organizations.



55 PA^s



21 PA^s



15 PA^s⁸



13 PA^s



13 PA^s



12 PA^s



11 PA^s



11 PA^s

⁷ See detailed descriptions of the 214 positions in the interactive graphic on slide 18 and in appendix I.

⁸ Eleven of these PA^s must be employees of specified agencies.

Organization of PAs in Commissions, Councils, Committees, Boards, and Foundations (cont.)

- PA members often serve in organizations with other appointed members, including representatives from Congress, federal agencies, or state and local governments, or members selected by Congress, or state or local leaders.
- Of these 214 PA members, 136 serve on bodies with other types of appointed or selected officials.
 - For example, the National Capital Planning Commission consists of three PAs, two appointments of the Mayor of Washington, D.C., and the following ex-officio members:⁹ the Mayor of Washington, D.C; Chair of the D.C. Council; the Chairman of the House Committee on Oversight and Government Reform; Chairman of the Senate Committee on Homeland Security and Governmental Affairs; and the Secretaries of Defense and Interior, and Administrator of the General Services Administration.

⁹ Ex-officio members may designate an alternate individual to represent the official.



Responsibilities of PA Positions in Commissions, Councils, Committees, Boards, and Foundations

- PAs in these organizations serve in an advisory capacity or, at times, have specific responsibilities to evaluate, oversee, or establish policy to implement their organization's mission. For example:

Advisory Council on Historic Preservation

- As part of this advisory council, PA members work with other council members to promote the preservation, enhancement, and productive use of the nation's historic resources, and advise the President and Congress on national historic preservation policy. The council recommends administrative and legislative improvements for protecting the nation's heritage; advocates full consideration of historic values in federal decision-making; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

Nuclear Waste Technical Review Board

- The PAs that make up this board provide advice on nuclear waste matters and are also required by law to evaluate the technical and scientific validity of Department of Energy (DOE) activities related to implementing the Nuclear Waste Policy Act, as well as perform an ongoing technical peer review of DOE activities related to spent nuclear fuel and high-level radioactive waste.

Federal Service Impasses Panel

- This panel within the Federal Labor Relations Authority is made up of PAs who are responsible for providing assistance in resolving negotiation impasses between agencies and unions. After investigating an impasse, the panel can either recommend procedures to the parties for the resolution of the impasse or assist the parties in resolving the impasse through whatever methods and procedures it considers appropriate. If the parties do not arrive at a settlement after assistance by the panel, the panel may hold hearings and take whatever action is necessary to resolve the impasse.



Responsibilities of PA Positions in Commissions, Councils, Committees, Boards, and Foundations (cont.)

- As part of their duties on commissions, councils, committees, boards, or foundations, PAs and other members submit annual or semi-annual reports to Congress on their progress in implementing their organization's mission. For example:
 - At least twice each year, the Nuclear Waste Technical Review Board reports findings and recommendations from its evaluation of DOE activities related to the Nuclear Waste Policy Act to Congress and the Secretary of Energy.
 - The U.S. Commission on International Religious Freedom, whose principle responsibilities are to review the facts and circumstances of violations of religious freedom internationally, is required to provide an annual report to the President, the Secretary of State, and Congress with policy recommendations on countries that have engaged in (or tolerated) violations of religious freedom and countries found to be making significant improvements with respect to religious freedom.

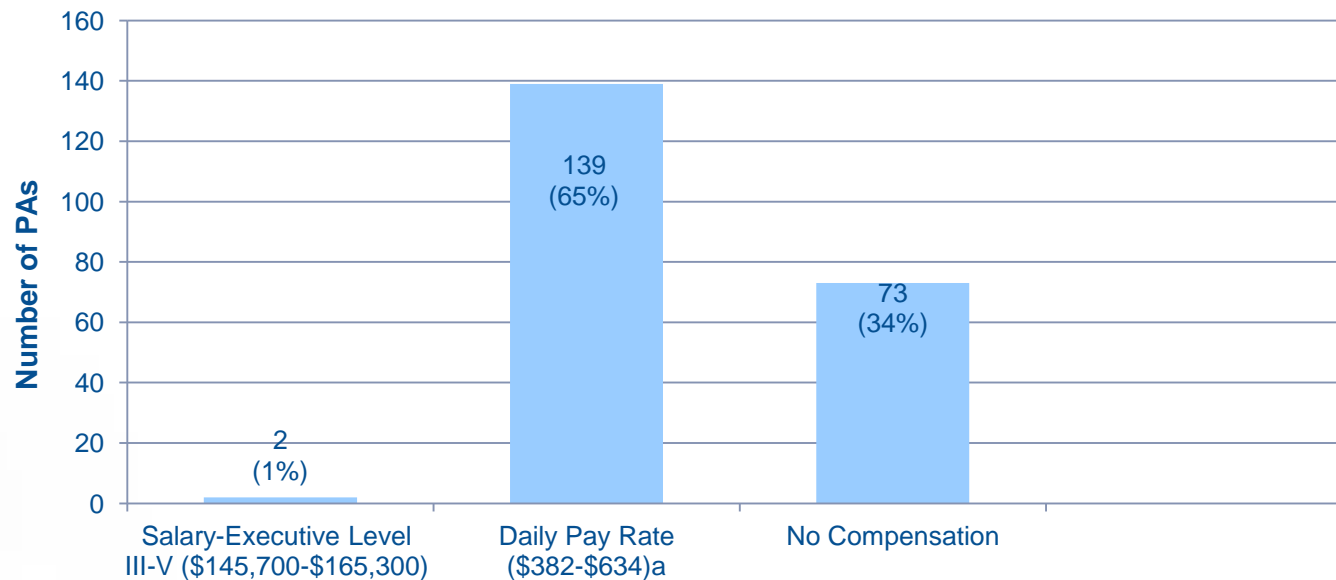
Qualifications of PA Positions in Commissions, Councils, Committees, Boards, and Foundations

- Although Presidents often have significant latitude in determining the selection of PA officials; for some PA positions, statutes prescribe the required qualifications or the pool from which members of a commission, council, committee, board, or foundation must be selected. For example:
 - The Arctic Research and Policy Act of 1984, as amended, requires that the Arctic Research Commission be composed of seven PAs, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The PAs must include four from academic or research institutions with expertise in Arctic research; one indigenous resident of the Arctic who lives in an area directly affected by Arctic resource development; and two representatives of the needs and interests of private industry undertaking resource development in the Arctic.
 - The National Historic Preservation Act, as amended, specifies that the Advisory Council on Historic Preservation shall be composed of 23 members, including 11 PAs—4 from the general public, 4 experts, a governor, a mayor, and a member of an Indian tribe or native Hawaiian organization. Seven other members are heads of federal agencies designated by the President. The remaining five members are specified by the act.

Salaries of PA Positions in Commissions, Councils, Committees, Boards, and Foundations

- Ninety-nine percent of PAs are paid a daily rate of \$634 or less while serving or are not compensated. The remaining 1 percent of PAs are paid an executive level V and III salary, which in fiscal year 2012 was \$145,700 and \$165,300, respectively.¹⁰

Salary Levels for PAs in Organizations



Source: GAO analysis of 2012 Plum Book, related laws, OPM Central Personnel Data File/ Enterprise Human Resources Integration databases

^a As an outlier, the Advisory Council on Historic Preservation, pays its PAs a daily pay rate of \$100.

¹⁰ For a detailed description of the salary for each organization, see the interactive graphic on slide 18 and appendix I.



Establishment, Locations, and Terms of PA Positions in Commissions, Councils, Committees, Boards, and Foundations

Establishment and location

- While 1 of the 214 PA positions was established as early as 1889, the majority of these PA positions were created between 1970 and 2012.
- Eighteen of these 23 organizations led by PAs are located in the Washington, D.C. metropolitan area. Other positions are spread out across the United States.¹¹

Length of Service

- About 89 percent of these PAs serve terms that range from 3 to 6 years.¹²
- In 21 of the 23 organizations, the PAs serve intermittently, while in the remaining two organizations, PAs serve on a full-time basis. The frequency with which the entities with PAs meet depends on the purpose and function of the group. Some of these organizations only meet twice a year, while others meet monthly.
 - For example, the International Boundary and Water Commissioner works full-time to implement United States-Mexico treaties regarding issues that affect the border region, while the American Battle Monuments Commission normally meets twice a year to oversee the maintenance of military cemeteries, memorials, monuments, and markers.

¹¹ See detailed description of the establishment, location, and length of service for each organization in the graphic on slide 15 and appendix I.

¹² In some instances, members of these bodies can serve more than one term.

Interactive graphic Figure 1: PA positions in Commissions, Councils, Committees, Boards, and Foundations

 **Directions:** Mouse over bars in bar chart below for more information about each organization's PA positions

Total number of positions



Year established



Facts

Note: For all positions that provide a daily rate of pay equivalent to a specified salary level, this pay is provided only for days spent performing PA position duties, which may be intermittent. This pay also does not apply to PA officials who are already employed by the government. In addition, unpaid employees or officials are not captured in OPM data on the total number of employees.

Source: GAO analysis of 2012 Plum Book, applicable laws, and agency documents.

 **Print instructions**

To print text version of this graphic, go to appendix I.

Characteristics of Presidential Appointments That Do Not Require Senate Confirmation

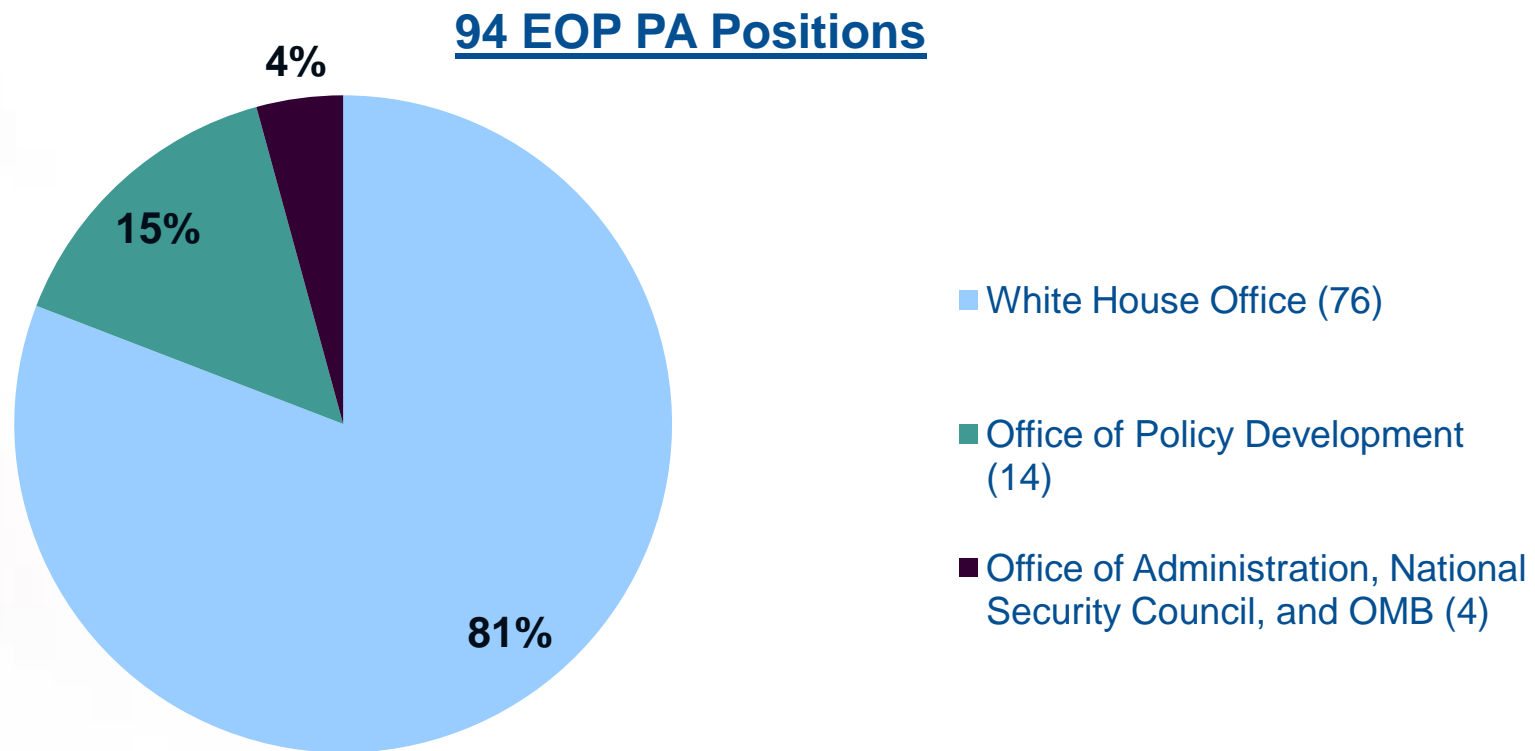
- Commissions, Councils, Committees, Boards, and Foundations
- **Executive Office of the President**
- Federal Departments and Agencies

PA Positions in the Executive Office of the President

- The Executive Office of the President (EOP) was established in 1939 and has responsibility for providing advisory and administrative support to the President.
- While Senate confirmation is required for some positions within the EOP, such as the Director of the Office of Management and Budget, other positions are PAs appointed with full Presidential discretion, such as the Press Secretary or the Assistant to the President for Homeland Security and Counterterrorism.
- There are 94 PA positions in the EOP—which accounts for the largest group among the four major categories of political appointments in the office.
 - By comparison, there are 29 PAS, 22 politically appointed SES, and 43 Schedule C positions.

Organization of PA Positions in the Executive Office of the President

- The 94 PA positions in the EOP exist within 5 offices, with the majority of these positions (76 of the 94) located within the White House Office.¹³



Source: GAO analysis of 2012 data from the 2012 Plum Book, the Executive Office of the President and related laws

¹³ See detailed descriptions of 94 positions in the Interactive graphic on slide 26 and appendix II.



Responsibilities of PA Positions in the Executive Office of the President

- PAs within the EOP provide advisory and administrative support to the President on a range of issues, including policy advice on national security, homeland security, domestic policy, and economic policy, as well as assistance in managing relations with key stakeholders, such as Congress, executive departments and agencies, and state and local governments.
- According to the EOP, PA officials in the EOP oversee or assist in leading offices that have changed over time. These offices, which were formed by Congress or the President as needed, evolve as each President identifies his needs and priorities.
 - For example, according to EOP officials, after September 11, 2001, and prior to the creation of the Department of Homeland Security, appointments were made within the White House Office related to the conflict against Al Qaeda, the Taliban and associated forces.

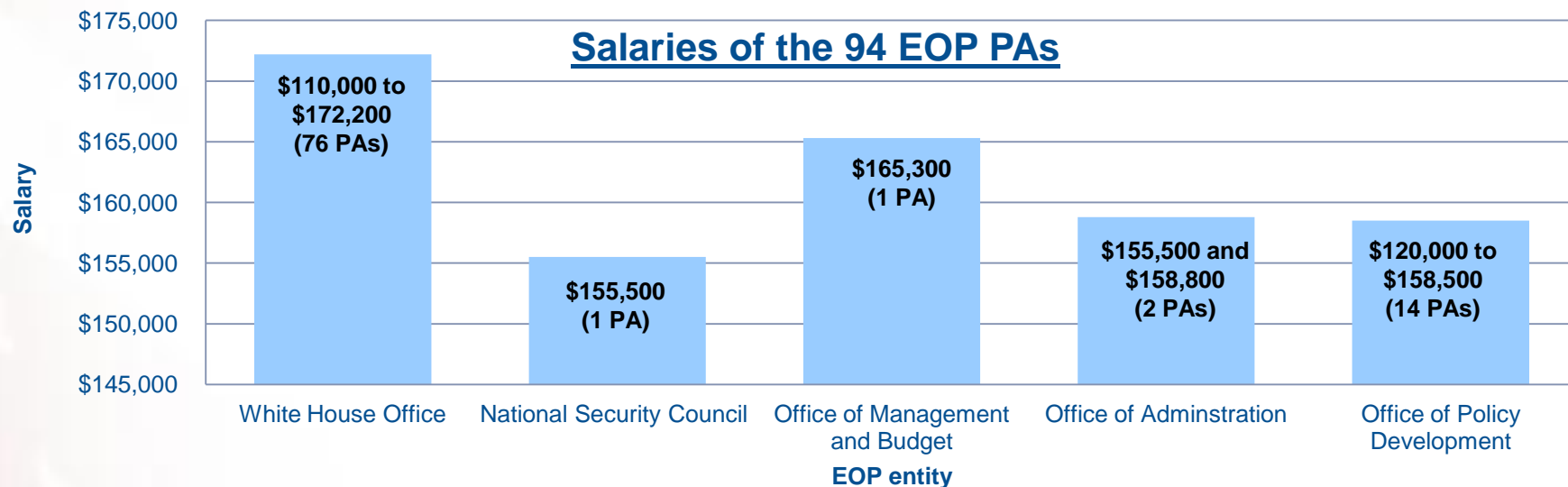
Qualifications of PA Positions in the Executive Office of the President

- For positions in the EOP, qualifications are generally not prescribed in statute. The President maintains significant latitude in determining the selection of these PA officials. However, Congress has prescribed qualifications for governmentwide positions like Chief Financial Officer positions (CFO), which also apply to the CFO position within the EOP.¹⁴

¹⁴ For example, Congress specified that those appointed or designated as CFOs are to possess demonstrated ability in general management of, knowledge of and extensive practical experience in financial management practices in large governmental or business entities.

Salaries of PA Positions in the Executive Office of the President

- Salaries for the majority of the 94 PA officials in the EOP are administratively determined—at the President’s discretion, subject to various caps established by law.¹⁵ EOP PAs are compensated at salary levels ranging from \$110,000 to \$172,200.¹⁶ The average salary in fiscal year 2012 was \$142,691.



Source: 2012 Plum Book, the Executive Office of the President and related laws.

¹⁵ The appointment and compensation authorities set forth under 3 U.S.C. §§105 and 107 generally provide for a limited number of positions paid at the higher salary levels (Executive Schedule II, III, and IV) and no limits on the number of positions paid at the lower salary levels (\$119,554 or less). Three positions within the EOP were specifically established by laws which authorized a specific salary for each position.

¹⁶ Seventy-two of the 94 positions are compensated at salary levels ranging from \$130,000 to \$172,200. These positions exist in the White House Office (59 positions), the Office of Policy Development (9 positions), the Office of Administration (2 positions), the National Security Council (1 position), and OMB (1 position).

Establishment and Terms of PA Positions in the Executive Office of the President

- In 1939, Congress provided the President with authority to appoint up to six positions in the EOP.¹⁷ Over the years, Congress provided the President with additional appointment authority, often through annual appropriations acts. In 1978, Congress provided permanent authorization for the appointment and compensation of assistants and advisors in the EOP.¹⁸ Congress has also created specific positions within the various offices of the EOP.
- There are no specified term limits for these officials; they serve at the will of the President.
- All of the positions are located in Washington, D.C.

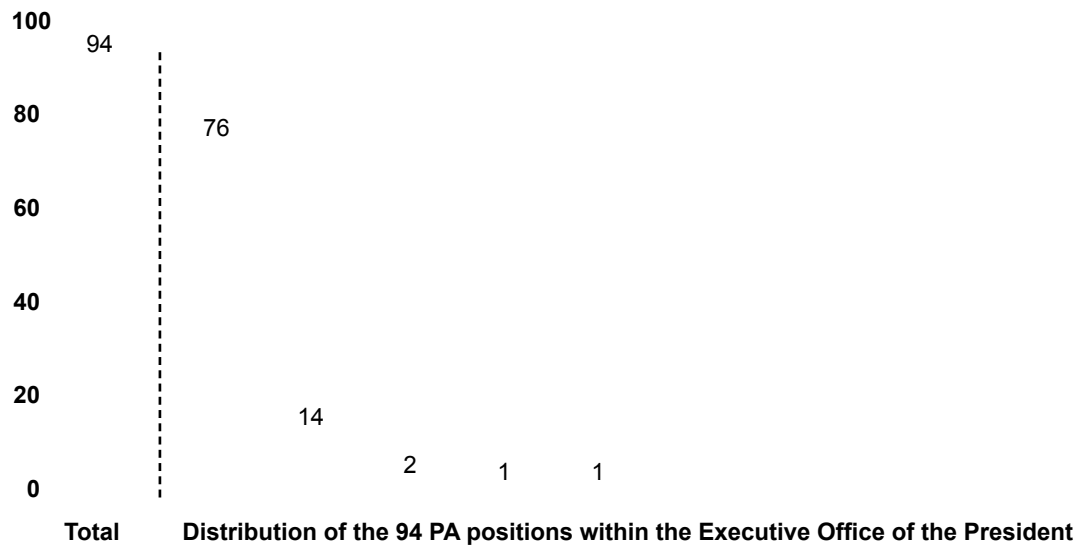
¹⁷ Reorganization Act of 1939, ch. 36, §301, 53 Stat. 561, 565 (Apr. 3, 1939).

¹⁸ Pub.L.No.95-570, 92 Stat. 2445 (Nov. 2, 1978), relevant provisions codified at 3 U.S.C. §§ 105 and 107.

Interactive graphic Figure 2: PA positions in the Executive Office of the President

 **Directions:** [Mouse over bars in bar chart below for more information about each organization's PA positions](#)

Number of PA positions



Facts

Year established



Source: GAO analysis of 2012 Plum Book, applicable laws, and agency documents.

 **Print instructions**

To print text version of this graphic, go to appendix II.



Characteristics of Presidential Appointments That Do Not Require Senate Confirmation

- Commissions, Councils, Committees, Boards, and Foundations
- Executive Office of the President
- **Federal Departments or Agencies**



PA Positions in Federal Departments or Agencies

- 13 PA positions exist in seven federal departments or agencies.
- More than a third of the 13 PA positions are in one agency—the Department of State.¹⁹



5 PAs



1 PA



1 PA



2 PAs



1 PA



2 PAs



1 PA

¹⁹ See detailed description of each of the 13 PA positions on slide 33 and appendix III.



Responsibilities of PA Positions in Federal Departments or Agencies

- The roles and responsibilities of PA positions in federal departments or agencies vary.
 - Some PAs serve as assistants or advisors to PAS officials and as U.S. representatives to international organizations.
 - Others include the Director of the National Cancer Institute who coordinates the National Cancer Program.
 - PA officials may also exercise the duties of agency heads in the event of their absence. For example, the Central Intelligence Agency (CIA) Deputy Director has been functioning as the Acting Director for the agency, responsible for managing the operations, personnel, and budget of the CIA.



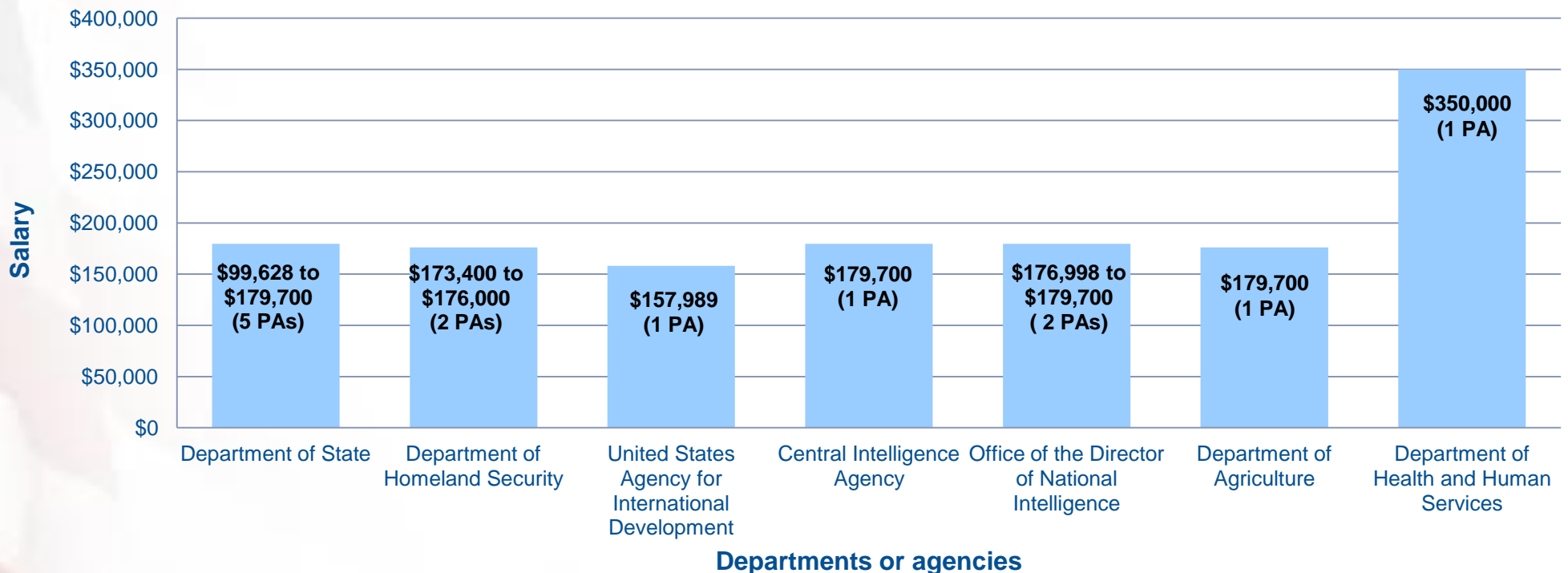
Qualifications of PA Positions in Federal Departments or Agencies

- For positions in federal departments or agencies, qualifications are generally not prescribed in statute. The President maintains significant latitude in determining the selection of these PA officials. However, at times, Congress prescribes qualifications for PA positions. For example, the Director of the National Institute of Food and Agriculture is required by statute to be a distinguished scientist.

Salaries of PA Positions in Federal Departments or Agencies

- All of the PA positions in the seven federal departments or agencies are compensated at salary levels ranging from GS-15 (\$99,628-\$129,517) to \$350,000.

Salaries of the 13 PAs in federal departments or agencies



Source: 2012 Plum Book, OPM Central Personnel Data File, agency documents and related laws.

Establishment and Terms of PA Positions in Federal Departments or Agencies

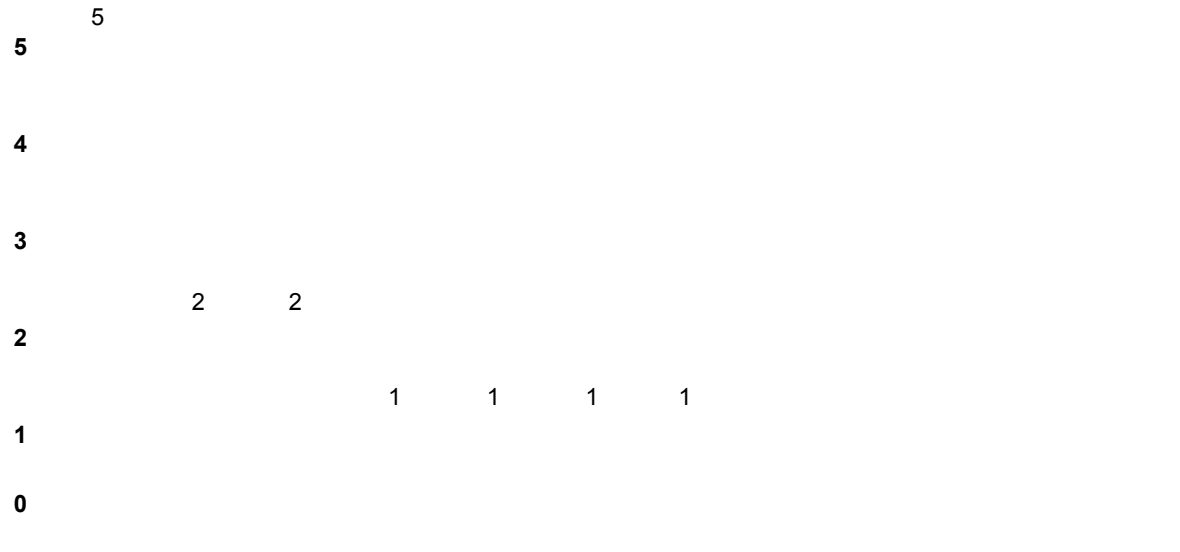
- PA positions in the federal departments or agencies were established in the last 68 years—with the oldest position dating back to 1945 (Department of State’s five representatives to the United Nations entities²⁰) and the newest positions created in 2010 (the Deputy Director of the Central Intelligence Agency and the Intelligence Community Chief Information Officer at the Office of the Director of National Intelligence).
- The majority of the PA positions are located in the Washington, D.C., region.
- Only one of the PA positions in the seven federal departments or agencies has a term limit specified—6 years for the Director of the National Institute of Food and Agriculture at the U.S. Department of Agriculture. The Director can be reappointed for an additional 6-year term

²⁰ These five positions are the Representative of the United States to the Commission of the Status of Women, the Representative of the United States to the International Civil Aviation Organization, the Representative of the United States to the United Nations Human Rights Council, the Representative of the United States to the United Nations Children’s Fund, and the Alternate Representative of the United States to the United Nations Children’s Fund.

Interactive graphic Figure 3: PA Positions in Federal Departments or Agencies

 **Directions:** Mouse over bars in bar chart below for more information about each organization's PA positions

Number of PA positions



Facts

Year established



Source: GAO analysis of 2012 Plum Book, applicable laws, and agency documents.

 **Print instructions**

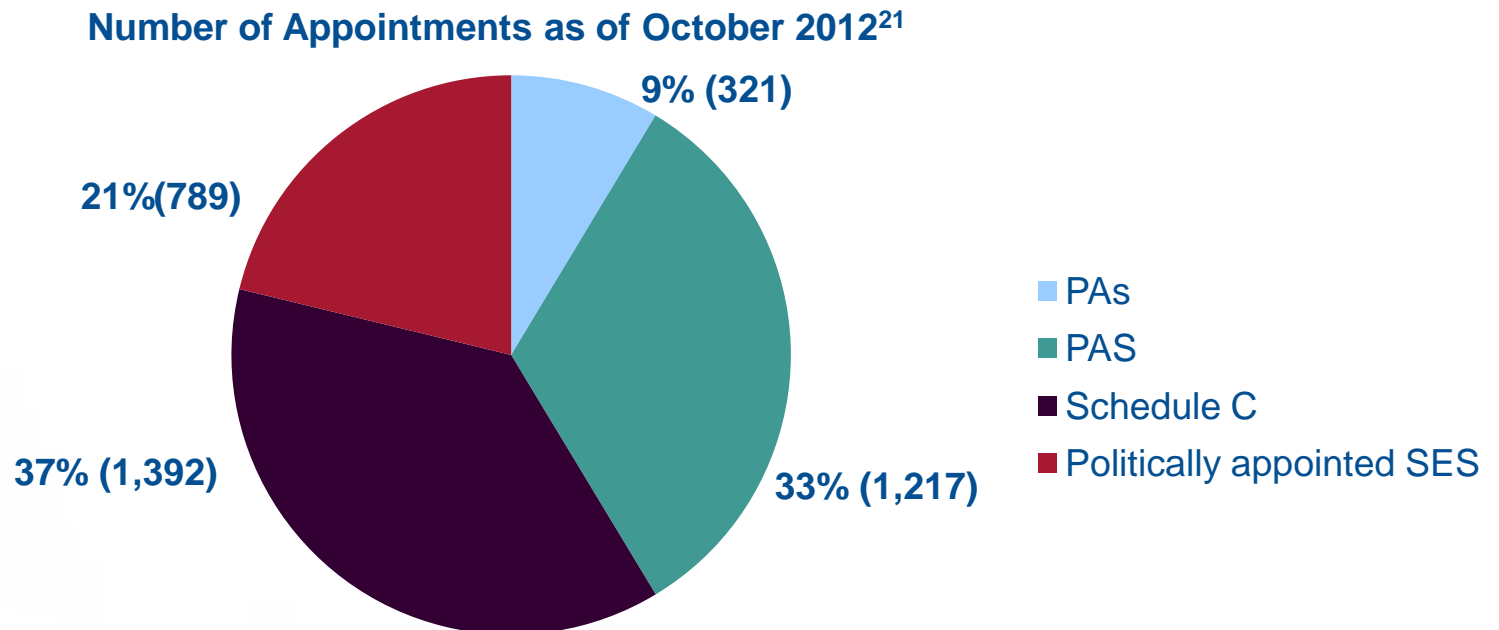
To print text version of this graphic, go to appendix III.



General Comparisons between PA and Other Types of Politically Appointed Positions

General Comparisons between PA and Other Types of Politically Appointed Positions

- PAs differ from other types of political appointments in three key areas: number of positions, rate of pay, and level of responsibilities.
 - PAs represent the smallest number among the four major categories of political appointments.



Source: 2012 Plum Book, related laws, OPM Executive and Schedule C System database.

²¹ In line with the scope of our review, these numbers do not reflect changes to PAS and PA positions made under the Streamlining Act of 2011.

General Comparisons between PA and Other Types of Politically Appointed Positions (cont.)

Pay rates:

- Unlike other politically appointed positions, PAs are typically not paid a salary. Sixty-six percent of PAs are paid a daily pay rate for their days of service or are uncompensated, as previously noted. The majority of these PAs are in commissions, councils, committees, boards, or foundations.
- Other politically appointed positions are typically paid a salary that ranges from about \$27,431 to \$199,700.²²
 - PAS- salary range from Executive Level V-I (\$145,700-\$199,700).
 - SES- salary range from \$119,554-\$179,700.²³
 - Schedule C- salary ranges from GS-5 (\$27,431-\$35,657) to GS-15 (\$99,628-\$129,517).²⁴

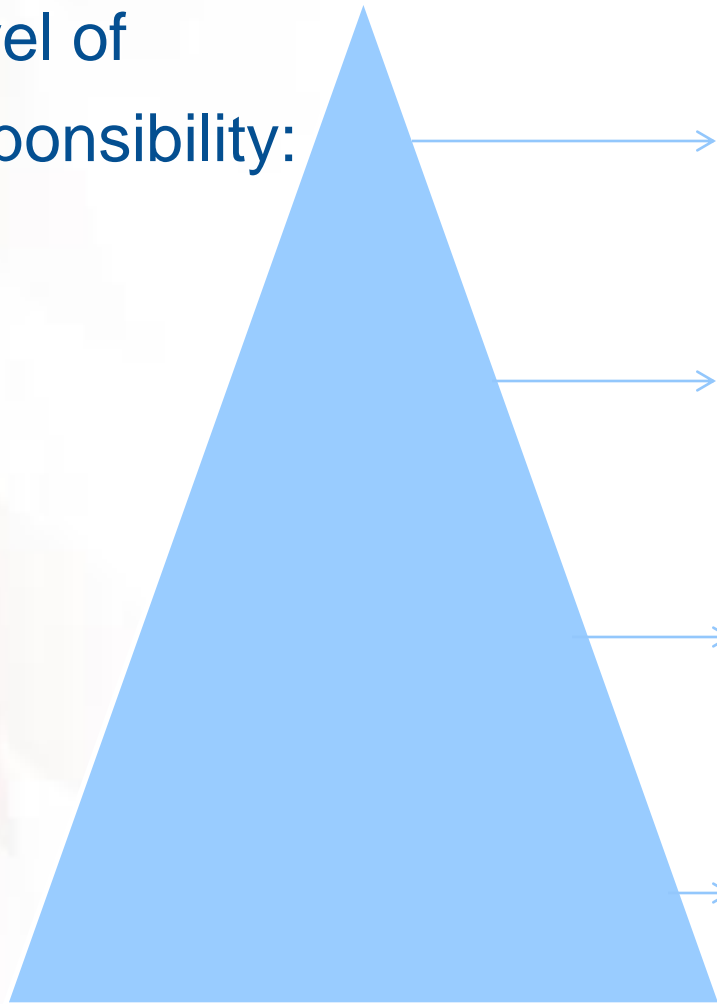
²² Salary range is based on OPM's Pay Schedules for fiscal year 2012, which at the time of our review were still in effect.

²³ \$179,700 reflects the maximum salary for agencies with a certified SES performance appraisal system.

²⁴ Salary range is based on salaries for Schedule Cs reported in the 2012 Plum Book.

General Comparisons between PA and Other Types of Politically Appointed Positions (cont.)

Level of responsibility:



PAS

Positions that are at the top of the federal personnel hierarchy and are often responsible for making key policy decisions to implement an administration's goals (e.g., cabinet members).

PAs

Positions that have a significant level of responsibility in implementing an administration's goals, but often are subordinate to a PAS. Many also serve in the EOP or on advisory committees or commissions.

SES

Positions that serve in the most senior positions in the executive branch that are not required to be filled by Presidential appointment. Officials are responsible for operating and overseeing government activities in approximately 75 federal agencies.

Schedule C officials

Positions that serve in a confidential or policy-determining nature, but are generally in subordinate roles to an incumbent and his or her superior (e.g., staff assistant, speechwriter, etc.).

The table in Appendix I presents information from interactive Figure 1: PA positions in the Commissions, Councils, Committees, Boards, and Foundations.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/ schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|-----------------------|------------------|------------------------|---|
| U.S. Holocaust Memorial Council (180) | 55 | 1980 | 5 years/ Intermittent | Washington, D.C. | Daily pay rate (\$596) | Has overall governance responsibility for the Museum, including policy guidance, strategic direction, and fiduciary responsibility. |
| U.S. Commission for the Preservation of America's Heritage Abroad (25) | 21 | 1985 | 3-years/ intermittent | Washington, D.C. | Without compensation | Identifies and reports on cemeteries, monuments, and historic buildings in Eastern and Central Europe that are associated with the heritage of U.S. citizens and obtains assurances from the governments of the region that the properties will be preserved. |
| Committee for Purchase from People Who Are Blind or Severely Disabled (31) | 15 | 1938 | 5 years/ intermittent | Arlington, VA | Daily pay rate (\$596) | Promotes the capabilities of people who are blind or have other significant disabilities, and seeks to grow the number of job opportunities offered to these individuals. |

Note: For all positions that provide a daily rate of pay equivalent to a specified salary level, this pay is provided only for days spent performing PA position duties, which may be intermittent. PA officials who are already employed by the government are not authorized additional pay for serving on commissions, committees, boards or foundations. In addition, unpaid employees or officials are not captured in OPM data on the total number of employees.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/ schedule | Location | Salary | Overview of responsibilities |
|---|------------------------|---|------------------------|------------------|--|--|
| Architectural and Transportation Barriers Compliance Board (U.S. Access Board) (40) | 13 | 1978 | 4 years / intermittent | Washington, D.C. | Daily pay rate equivalent, not to exceed EX IV (\$155,500) | Ensures that people with disabilities have access to federally funded facilities by developing and maintaining design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology. |
| Christopher Columbus Fellowship Foundation (13) | 13 | 1992 | 6 years/ intermittent | Auburn, NY | Without compensation | The foundation encourages and supports research, study and labor designed to produce new discoveries in all fields of endeavor. Board members participate in the administration of the various competitions sponsored by the foundation, work on committees to advance the foundation's goals, and make determinations regarding the subject areas for each award. |



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|---|---|---|
| American Battle Monuments Commission (30) | 12 ^a | 1923 | No term/intermittent | Arlington, VA | 11 without compensation, EX III (\$165,300) for the Secretary | Responsible for ensuring adequate care and maintenance of 24 permanent U.S. military cemeteries and 25 memorials, monuments, and markers in 15 countries around the world. The commission normally meets twice each year to carry out its functions. |
| Advisory Council on Historic Preservation (51) | 11 | 1966 | 4 years/intermittent | Various: OK, VA, TN, TX, NM, MD, IL, MO, CO, WA, WV | Daily pay rate (\$100) | The council promotes the preservation, enhancement, and productive use of the nation's historic resources, and advises the President and Congress on national historic preservation policy. |
| Nuclear Waste Technical Review Board (21) | 11 | 1987 | 4 years/intermittent | Arlington, VA | Daily pay rate equivalent to EX III (\$165,300) | Evaluates the technical and scientific validity of DOE activities related to implementing the Nuclear Waste Policy Act and provides expert advice on nuclear waste management to Congress and the Secretary of Energy, including ongoing technical peer reviews of some DOE nuclear and radioactive waste activities. |

^a This number includes the Secretary of the commission, who is not an official member of the commission, but is a full time PA position that supports the commission.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|------------------|--|--|
| Federal Labor Relations Authority-Federal Service Impasses Panel (137) | 7 ^b | 1979 | 5 years/intermittent | Washington, D.C. | Daily pay rate equivalent to (\$162,900) | Provides assistance in resolving negotiation impasses between agencies and unions, and makes final decisions to resolve the impasse, when necessary. |
| Arctic Research Commission (7) | 7 | 1984 | 4 years/intermittent | Washington, D.C. | Daily pay rate (\$596) | Advances federal arctic research in coordination with Alaska and international partners, and facilitates cooperation among the federal government, state and local governments, and other nations regarding basic and applied Arctic research. |

^b This total number refers to only the Federal Service Impasses Panel, not the Federal Labor Relations Authority.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|-------------------|---|---|
| Commission of Fine Arts (11) | 7 | 1910 | 4 years/intermittent | Washington, D.C. | Without compensation | Provides expert advice to the President, Congress, federal departments and agencies, and the city of Washington, D.C., on design and aesthetics, such as the design of coins and medals, national memorials, and historic buildings, as well as administers the National Capital Arts and Cultural Affairs program. |
| Presidio Trust (308) | 6 | 1996 | 4 years/intermittent | San Francisco, CA | Without compensation | Leads the transformation of the Presidio of San Francisco, an historic military post, into a national park by partnering with the National Park Service to preserve open spaces, improve the Presidio trail system, and provide visitor programs. |
| Vietnam Education Foundation (Board of Directors) (12) | 6 | 2000 | 3 years/intermittent | Washington, D.C. | Daily pay rate equivalent to EX V (\$145,700) | Strengthens the U.S.-Vietnam bilateral relationship through educational exchanges in science and technology, including bringing Vietnamese nationals to leading U.S. universities for graduate and post-graduate training and helping Vietnam strengthen its internal capacity and institutions. |



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|---|------------------------|---|----------------------|--------------------|---|--|
| Utah Reclamation Mitigation and Conservation Commission (15) ^c | 5 | 1992 | 4 years/intermittent | Salt Lake City, UT | Daily pay rate equivalent to the maximum rate for GS-15 for the Chairman and one commissioner | Establishes agreements with other federal and Utah state agencies, local governments, universities, non-profit organizations, and the Utah tribes. Cooperates through agreements to implement a variety of ecosystem restoration and wildlife conservation projects in Utah. |
| Administrative Conference of the United States (15) | 5 | 1964 | 3 years/intermittent | Washington, D.C. | Without compensation | Improves administrative process through consensus-driven applied research, and providing nonpartisan expert advice and recommendations for improvement of federal agency procedures and regulatory processes. |

^c Both the agency (with 10-12 staff) and the five commissioners are referred to as “the Commission.”



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|--|--|---|
| Commission on Civil Rights (44) | 5 ^d | 1983 | 6 years/intermittent | San Francisco, CA; Cleveland, Ohio; River Forest, IL; Washington, D.C. | Daily pay rate equivalent to EX IV (\$155,500) | Informs the development of national civil rights policy and enhances enforcement of federal civil rights laws through studying deprivations of voting rights and discrimination in justice, and conducting investigations and analysis on issues of concern to the government and the public. |
| Dwight D. Eisenhower Memorial Commission (10) | 4 | 1999 | No term/intermittent | Washington, D.C. | Without compensation | Complete a National Memorial that will honor Dwight D. Eisenhower and celebrate his values, inspiring and educating it's visitors. |
| U.S. Commission on International Religious Freedom (13) | 3 | 1998 | 2 years/intermittent | Washington, D.C. | Without compensation | Reviews the facts and circumstances of violations of religious freedom internationally to make policy recommendations to the President, the Secretary of State and Congress regarding countries to be designated as "countries of particular concern". The commission also comments on the effectiveness of the Department of State's efforts to promote international religious freedom. |

^d This number includes the Director of Staff for the commission, who is not a commissioner, but is a PA position that supports the commission. This Director is a full time position. We were unable to determine the pay for this position.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|---|------------------------|---|-----------------------|------------------|--|---|
| National Capital Planning Commission (42) | 3 | 1952 | 6 years/ intermittent | Washington, D.C. | Daily pay rate equivalent to EX IV (\$155,500) | Adopts, approves, or provides advice on plans and projects that impact the nation's capital and surrounding areas. |
| Interstate Commission on the Potomac River Basin (42) | 2 ^e | 1940 | No term/ intermittent | Rockville, MD | Without compensation | Represents Pennsylvania, Virginia, Maryland, West Virginia, Washington, D.C., and the federal government in setting policy and providing guidance on efforts to enhance, protect, and conserve the water and associated land resources of the Potomac River. |
| International Boundary and Water Commission (U.S. and Mexico) (267) | 1 | 1889 | No term/ full time | Texas | EX III (\$165,300) | Consists of a U.S. Section and a Mexican Section that develop binational solutions to issues that arise during the application of United States- Mexico treaties regarding boundary demarcation, national ownership of waters, sanitation, water quality, and flood control in the border region. |

^e We excluded one of the positions listed the 2012 Plum Book because, in 2007, Congress specified the federal official to hold this third position.



Appendix I: Commissions, Councils, Committees, Boards, and Foundations (cont.)

| Organization (total number of positions in the organization) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|------------------|---|--|
| International Boundary Commission (U.S. and Canada) (17) | 1 | 1908 | No Term/intermittent | Washington, D.C. | Daily pay rate equivalent of GS-15 (\$99,628-\$129,517) | Consists of a U.S. Section and a Canada Section. U.S. commissioner responsible for maintaining the boundary by inspecting it regularly; repairing, relocating or rebuilding damaged monuments or buoys; and regulating construction around the boundary. |
| Delta Regional Authority (5) | 1 | 2000 | No term/full time | Clarksdale, MS | EX V (\$145,700) | Works to improve life for the residence of the 252 Delta counties and parishes in parts of eight states by partnering to utilize investments from the states' Economic Development Assistance Program to improve transportation and basic infrastructure. The presidentially appointed official services as the alternate for the federal co-chairman and performs functions and duties delegated by this Co-Chairman. |

The table in Appendix II presents information from interactive Figure 2: PA positions in the Executive Office of the President.



Appendix II: PA Positions in the Executive Office of the President

| Agency (total number of positions in the entity) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|-------------------|------------------|------------------------|---|
| Executive Office of the President (EOP) (1,800+) | 94 | 1939 (six positions authorized) to 1978 (permanent authorization) except as otherwise noted | No term/full time | Washington, D.C. | \$110,000 to \$172,200 | Professional, managerial, and support staff provide advisory and administrative support directly to the President. Responsibilities include performing duties as the President may prescribe, such as communicating the President's message to the public and assessing national security and foreign policies. Specific positions include Press Secretary and the Deputy Assistant to the President for National Security Affairs. |
| EOP Entities | | | | | | |
| White House Office (466) | 76 | Authorized as noted above | No term/full time | Washington, D.C. | \$110,000 to \$172,200 | Advisors and assistants provide advisory and administrative support directly to the President. |
| Office of Policy Development (23) ^a | 14 | Authorized as noted above | No term/full time | Washington, D.C. | \$120,000 to \$158,500 | Assistants and a Chief of Staff provide advisory and administrative support directly to the President on economic and domestic policy. |

^a The Office of Policy Development comprises the Domestic Policy Council and the National Economic Council.



Appendix II: PA Positions in the Executive Office of the President (cont.)

| EOP entity (total number of positions in the entity) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of Responsibilities |
|--|------------------------|---|-------------------|------------------|-------------------|--|
| Office of Administration (225) | 2 | Authorized as noted above | No term/full time | Washington, D.C. | \$158,800 | The Special Assistant to the President and Director of the Office of Administration provides leadership, manages the allocation of resources, and ensures that the Office of Administration's services reflect customer priorities. |
| | | 2001 | No term/full time | Washington, D.C. | EX IV (\$155,500) | The Chief Financial Officer reports to the Director of the Office of Administration within the EOP and is responsible for all financial operations, obligations, and budgetary decisions for the EOP; represents the Office of the Chief Financial Officer in budgetary discussions brought before Congress. |



Appendix II: PA Positions in the Executive Office of the President (cont.)

| EOP entity (total number of positions in the entity) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of Responsibilities |
|--|------------------------|---|-------------------|------------------|--------------------|---|
| Office of Management & Budget (525) | 1 | 2003 | No term/full time | Washington, D.C. | EX III (\$165,300) | The Administrator for the Office of Electronic Government and Information Technology sets strategic direction for implementing electronic government under applicable laws, including the Privacy Act, the Government Paperwork Elimination Act, and the Federal Information Security Management Act of 2002. |
| National Security Council (72) | 1 | 1947 | No term/full time | Washington, D.C. | EX IV (\$155,500) | The Executive Secretary to the National Security Council (NSC) serves in an expanded role as Deputy Assistant to the President for National Security Affairs, managing and assessing the full range of national security and foreign policies considered by the President, NSC, and Homeland Security Council (HSC) as well as serves as the NSC's and HSC's focal point for coordinating these policies among various government agencies. |

The table in Appendix III presents information from interactive Figure 3: PA positions in departments and agencies.



Appendix III: PA Positions in Federal Departments or Agencies

| Agency (total number of positions in the agency) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|----------------------|---|---|--|
| Department of State (12,824) | 5 | 1945 | No term/intermittent | Washington, D.C.; Montreal, Quebec; New York, NY; Geneva, Switzerland | GS-15 (\$99,628-\$129,517) to \$179,700 | PA positions are U.S. representatives to United Nations agencies and are responsible for guiding U.S. participation in human rights issues and setting standards for international civil aviation. These positions are the Representative of the United States to the Commission of the Status of Women, the Representative of the United States to the International Civil Aviation Organization, the Representative of the United States to the United Nations Human Rights Council, the Representative of the United States to the United Nations Children’s Fund, and the Alternate Representative of the United States to the United Nations Children’s Fund. |



Appendix III: PA Positions in Federal Departments or Agencies (cont.)

| Agency (total number of positions in the agency) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|-------------------|------------------|--|---|
| Office of the Director of National Intelligence ^a | 2 | 2004 | No term/full time | Washington, D.C. | ES (senior executive service schedule) (\$176,998) | The Program Manager for Information Sharing Environment coordinates and facilitates the development of a network-centric information sharing environment by focusing on standards and architecture, security and access, and best practices. |
| | | 2010 | No term/full time | Washington, D.C. | ES (\$179,700) | The Intelligence Community (IC) Chief Information Officer manages activities relating to IC Information Technology (IT) infrastructure and Enterprise Architecture (EA) requirements; exercises procurement approval authority over all IT items related to IC EA components; directs/manages IC IT-related procurement; ensures all expenditures for IT research and development are consistent with the IC EA and the Director of National Intelligence's strategy for such architecture. |

^a OPM does not collect data on employment counts for this agency.



Appendix III: PA Positions in Federal Departments or Agencies (cont.)

| Agency (total number of positions in the agency) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|-------------------|------------------|----------------|--|
| Department of Homeland Security (198,100) | 2 | 2003 | No term/full time | Washington, D.C. | ES (\$176,000) | The Assistant Secretary for Infrastructure Protection carries out comprehensive assessments of the vulnerabilities of critical infrastructure of the U.S. Duties include determining the risks posed by particular types of terrorist attacks, developing a comprehensive national plan for the security of critical infrastructure, and recommending measures to protect critical infrastructure. |
| | | 2003 | No term/full time | Washington, D.C. | ES (\$173,400) | The Chief Information Officer leads the office in the development and maintenance of the DHS Information Security Program, which includes oversight and coordination of activities associated with the Federal Information Security Management Act of 2002. |



Appendix III: PA Positions in Federal Departments or Agencies (cont.)

| Agency (total number of positions in the agency) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|---|------------------------|---|-------------------|------------------|-------------------|--|
| Central Intelligence Agency ^b | 1 | 2010 ^c | No term/full time | Washington, D.C. | EX II (\$179,700) | The Deputy Director of CIA assists the Director in his duties as head of the CIA and exercises the powers of the Director when the Director's position is vacant or in the Director's absence or disability. |
| U.S. Department of Agriculture (101,304) | 1 | 2008 | 6 years/full time | Washington, D.C. | EX II (\$179,700) | The Director of the National Institute of Food and Agriculture oversees National Institute of Food and Agriculture award funds for a wide range of extramural research, education, and extension projects that address the needs of farmers, ranchers, and agricultural producers. |
| U.S. Agency for International Development (3,974) | 1 | 2008 | No term/full time | Washington, D.C. | \$157,989 | The Bureau for Global Health Malaria Coordinator has primary responsibility for the oversight and coordination of all resources and international activities of the U.S. government relating to efforts to combat malaria. |

^b OPM does not collect data on employment counts for this agency.

^c This position was established in legislation passed in 2010.



Appendix III: PA Positions in Federal Departments or Agencies (cont.)

| Agency (total number of positions in the agency) | Number of PA positions | Year PA positions established or authorized | Term/schedule | Location | Salary | Overview of responsibilities |
|--|------------------------|---|-------------------|--------------|-----------|---|
| Department of Health and Human Services (86,425) | 1 | 1972 | No term/full time | Bethesda, MD | \$350,000 | The Director of the National Cancer Institute directs the research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and the families of cancer patients. |

Source: GAO analysis of 2012 data from the 2012 Plum Book, agency documents, and applicable laws.

Appendix IV: PA Position Exclusions and Additions

| Positions incorrectly listed as PAs in the 2012 Plum Book or otherwise excluded from our review | Reason for exclusions | Number excluded |
|---|---|-----------------|
| Department of Education , Director of the Institute of Education Sciences | Determined by our statutory review to be a PAS position. | 1 |
| United States Agency for International Development , Assistant Administrator of Economic Growth, Agriculture, and Trade | Determined by our statutory review to be a PAS position. | 1 |
| Office of Management and Budget , Deputy General Counsel | Determined by our statutory review not to be a PA position. | 1 |
| Office of the Vice President <ul style="list-style-type: none"> •Assistant to the President and Chief of Staff •Deputy Assistant to the President and Deputy Chief of Staff •Deputy Assistant to the President and National Security Advisor •Counselor to the Vice President •Deputy Assistant to the President for Economic Policy •Deputy Assistant to the President and Senior Advisor to the Vice President •Deputy Assistant to the President and Counsel to the Vice President •Special Assistant to the President and Assistant to the Vice President for Communications •Deputy Assistant to the President and Chief of Staff to Dr. Jill Biden •Special Assistant to the President and Assistant to the Vice President for Intergovernmental Affairs, Public Engagement and Correspondence | Determined by our statutory review to be positions selected by the Vice President rather than the President, and therefore not PA positions for purposes of our review. ^a | 10 |
| Social Security Advisory Board , Board members | Determined by our review to be PAS positions. | 3 |
| Delaware River Basin , Alternate Federal Member | Determined by our statutory review to be selected by the Federal member (not the President). This position was omitted by OPM from the 2012 Plum Book tables, but included in their appendix I count of total number of PAs. | 1 |
| Federal Mine Safety and Health Review Commission , Chairman | Determined by our statutory review to be a PAS position | 1 |
| Interstate Commission on the Potomac River Basin , Commission member | We excluded one of the three PA positions listed for this commission because Congress, in 2007, specified the federal official to hold this position. Consistent with the exclusion of similar positions by other organizations as a PA listing, we removed this third PA position. | 1 |

^a EOP officials noted that while these positions are appointed by the Vice President, they also receive commissions from the President. This commissioning is required for all federal officers.



Appendix IV: PA Positions Exclusions and Additions (cont.)

| Positions incorrectly listed as PAs in the 2012 Plum Book or otherwise excluded from our review | Reason for exclusions | Number excluded |
|--|---|-----------------|
| Millennium Challenge Corporation <ul style="list-style-type: none">•Senior Advisor to the Chief Executive Officer, Office of the Chief Executive Office•Chief of Staff, Office of the Chief Executive Office•Deputy General Counsel, Office of the General Counsel•Vice President, Department of Policy and Evaluation•Deputy Vice President, Department of Policy and Evaluation•Vice President, Department of Administration and Finance•Deputy Vice President, Department of Administration and Finance•Vice President, Department of Congressional and Public Affairs•Vice President, Department of Compact Development•Deputy Vice President, Department of Compact Development | Determined by our statutory review to be positions selected by the Chief Executive Officer. | 10 |
| Department of Agriculture , Assistant Secretary, Office of the Assistant Secretary for Administration; Administrator, Rural Utilities Service | These PA positions listed in the 2012 Plum Book were created by the Streamlining Act of 2011, and therefore are outside of our scope. | 2 |
| Office of National Drug Control Policy , Deputy Director, Office of Supply Reduction | This PA position listed in the 2012 Plum Book was created by the Streamlining Act of 2011, and therefore is outside of our scope. | 1 |
| U.S. Holocaust Memorial Council , members | There are 55 PA positions created in statute for this council, including the Chairman and Vice Chairman. These two officials are counted as an addition to the 55 PA council members in the 2012 Plum Book, resulting in double-counting. | 2 |



Appendix IV: PA Position Exclusions and Additions (cont.)

| PA positions incorrectly omitted in the 2012 Plum Book | Reason for inclusion | Number Added |
|--|---|--------------|
| Dwight D. Eisenhower Memorial Commission, Commissioner | The 2012 Plum book identifies 3 PA positions for this commission. However, our statutory review identified a fourth PA position created for this organization. We received confirmation on the fourth PA by the commission's staff. | 1 |
| Commission on Civil Rights, Director of Staff | The Director of Staff for the commission, who is not an official member of the commission, is a PA position that supports the commission. Therefore, we included this position in our scope. | 1 |

In addition to our exclusions and inclusions of positions listed in the 2012 Plum Book, we found that the sum of 364 PAs identified in the Plum Book's Appendix I is an error. The actual sum of PAs that are listed in the Appendix I is 363.

Appendix V: Legal Authorities for Presidential Appointments

This is a listing of the legal authorities under which the President appoints individuals into executive branch positions designated as Presidential appointment without Senate Confirmation (PAs) in the 2012 Plum Book.

I. Legal authorities for PAs within various commissions, councils, committees, boards, and foundations:

- U.S. Holocaust Memorial Council
 - An act to establish the United States Holocaust Memorial Council, Pub. L. No. 96-388, § 2, 94 Stat. 1547 (Oct. 7, 1980), as amended, 36 U.S.C. § 2302.
- U.S. Commission for the Preservation of America's Heritage Abroad
 - International Security and Development Cooperation Act of 1985, Pub. L. No. 99-83, § 1303, 99 Stat. 190, 280 (Aug. 8, 1985), as amended, 16 U.S.C. § 469j.
- Committee for Purchase from People Who Are Blind or Severely Disabled
 - Wagner-O'Day Act, ch. 697, § 1, 52 Stat. 1196 (June 25, 1938) as amended (to include severely disabled within coverage of Act, by Pub. L. No. 92-28, § 1, 85 Stat. 77 (June 23, 1971)), 41 U.S.C. § 8502.
- Architectural and Transportation Barriers Compliance Board (US Access Board)
 - Rehabilitation Act of 1973, Pub. L. No. 93-112, § 502, 87 Stat. 355, 391 (Sept. 26, 1973), as amended to include Presidential appointments by Pub. L. No. 95-602, § 118, 92 Stat. 2955, 2979 (Nov. 6, 1978), 29 U.S.C. § 792.

Appendix V: Legal Authorities for Presidential Appointments (cont.)

Legal authorities for PAs within various commissions, councils, committees, boards, and foundations (continued):

- Christopher Columbus Fellowship Foundation
 - Christopher Columbus Fellowship Act, Pub. L. No. 102-281, title IV, subtitle B, § 423, 106 Stat. 133, 142 (May 13, 1992), 20 U.S.C. § 5702.
- American Battle Monuments Commission
 - • An act for the creation of an American Battle Monuments Commission, ch. 283, § 1, 42 Stat. 1509 (Mar. 4, 1923), as amended, 36 U.S.C. § 2101.
- Advisory Council on Historic Preservation
 - National Historic Preservation Act, Pub. L. No. 89-665, § 201, 80 Stat. 915, 917 (Oct. 15, 1966), as amended, 16 U.S.C. § 470i.
- Nuclear Waste Technical Review Board
 - Nuclear Waste Policy Amendments Act of 1987, Pub. L. No. 100-203, title V, § 5051, 101 Stat. 1330, 1330-248 (Dec. 22, 1987), as amended, 42 U.S.C. § 10262.
- Federal Labor Relations Authority- Federal Impasses Panel
 - Civil Service Reform Act, Pub. L. No. 95-454, § 701, 92 Stat. 1111, 1208 (Oct. 13, 1978), 5 U.S.C. § 7119.
- Arctic Research Commission
 - Arctic Research and Policy Act of 1984, Pub. L. No. 98-373, § 103, 98 Stat. 1242, 1243 (July 31, 1984), as amended, 15 U.S.C. §§ 4102.

Appendix V: Legal Authorities for Presidential Appointments (cont.)

Legal authorities for PAs within various commissions, councils, committees, boards, and foundations (continued):

- Commission of Fine Arts
 - An act of May 17, 1910, ch. 243, 36 Stat. 371, 40 U.S.C. § 9101.
- Presidio Trust (Board of Directors)
 - Omnibus Parks and Public Lands Management Act of 1996, Pub. L. No. 104-333, § 103, 110 Stat. 4093, 4098 (Nov. 12, 1996), as amended, 16 U.S.C. § 460bb, note.
- Vietnam Education Foundation (Board of Directors)
 - Vietnam Education Foundation Act of 2000, Pub. L. No. 106-554, Div. B, title II, § 205, 114 Stat. 2763, 2763A-254 (Dec. 21, 2000), as amended, 22 U.S.C. § 2452 note.
- Utah Reclamation Mitigation and Conservation Commission
 - Central Utah Project Completion Act, Pub. L. No. 102-575, title III, § 301, 106 Stat. 4600, 4626 (Oct. 30, 1992), as amended, Pub. L. No. 103-434, § 302, 108 Stat. 4526, 4536 (Oct. 31, 1994).
- Administrative Conference of the United States
 - Administrative Conference Act, Pub. L. No. 88-499, § 4, 78 Stat. 615, 616 (Aug. 30, 1964), as amended, 5 U.S.C. § 593.
- Dwight D. Eisenhower Memorial Commission
 - Department of Defense Appropriations Act, 2000, Pub. L. No. 106-79, title VIII, § 8162, 113 Stat. 1212, 1274 (Oct. 25, 1999), as amended, Consolidated Natural Resources Act of 2008, Pub. L. No. 110-229, § 332, 122 Stat. 754, 782 (May 8, 2008)

Appendix V: Legal Authorities for Presidential Appointments (cont.)

Legal authorities for PAs within various commissions, councils, committees, boards, and foundations (continued):

- Commission on Civil Rights
 - Civil Rights Act of 1957, Pub. L. No. 85-315, §§ 101 and 105, 71 Stat. 634, 636 (Sept. 9, 1957), as amended to remove requirement for Senate confirmation of presidential appointments by Pub. L. No. 98-183, § 2, 97 Stat. 1301 (Nov. 30, 1983), 42 U.S.C. §§ 1975 and 1975b.
- National Capital Planning Commission
 - An act of June 6, 1924, ch. 270, § 1, 43 Stat. 463, as amended to include presidential appointments to the committee, by Pub. L. No. 592, § 2, 66 Stat. 781, 782 (July 19, 1952), 40 U.S.C. § 8711.
- Interstate Commission on the Potomac River Basin
 - Article I of Compact for the creation of Potomac Valley Conservancy District and Interstate Commission on the Potomac River Basin, consented to by Congress, ch. 579, 54 Stat. 748, 749 (July 11, 1940), 33 U.S.C. § 567b, as amended in 1970 and consented to by Congress, Pub. L. No. 91-407, 84 Stat. 856, 857 (Sept. 25, 1970), 33 U.S.C § 567b-1.
- U.S. Commission on International Religious Freedom
 - International Religious Freedom Act of 1998, Pub. L. No. 105-292, § 201, 112 Stat. 2787, 2797 (Oct. 27, 1998), as amended, 22 USC 6431.



Appendix V: Legal Authorities for Presidential Appointments (cont.)

Legal authorities for PAs within various commissions, councils, committees, boards, and foundations (continued):

- International Boundary and Water Commission (U.S. and Mexico)
 - Convention Between the United States of America and the United States of Mexico Concerning the Boundary Between the United States and Mexico, March 1, 1989, U.S.-Mex., art 2, 1 Mallory 1138 (1910) and Treaty Between the United States of America and Mexico Respecting Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Feb. 3, 1944, U.S.-Mex., art 2, 59 Stat. 1219, 1222 (indefinitely extended the commission established by the 1989 Convention). See also, act of August 19, 1935, ch. 561, 49 Stat. 660, 22 U.S.C. § 277.
- International Boundary Commission (United States and Canada)
 - Treaty Between the United States of America and the United Kingdom Concerning the Boundary Between the United States and the Dominion of Canada From the Atlantic Ocean, April 11, 1908, U.S.-Gr. Brit., art 1, 35 Stat. 2003 and Treaty Between the United States and Great Britain in Respect of Boundary Between the United States and Canada, Feb. 24, 1925, U.S.-Gr. Brit., art. 4, 44 Stat. 2102, 2106 (made commission established by the 1908 treaty permanent).
- Delta Regional Authority
 - Delta Regional Authority Act of 2000, Pub. L. No. 106-554, title V, § 503, 114 Stat. 2763, 2763-A-269 (Dec. 21, 2000), as amended, 7 U.S.C. § 2009aa-1.

Appendix V: Legal Authorities for Presidential Appointments (cont.)

II. Legal authorities for PAs within the Executive Office of the President (EOP):

- Chief Financial Officer, EOP
 - Treasury and General Government Appropriations Act, 2000, Pub. L. No. 106-58, title VI, § 638, 113 Stat. 430, 475 (Sept. 29, 1999), 31 U.S.C. § 901(c).
- Executive Secretary, National Security Council, EOP
 - National Security Act of 1947, Pub. L. No. 253, § 101(c), 61 Stat. 495, 497 (July 26, 1947), 50 U.S.C. § 402(c).
- Administrator, Office of Electronic Government, Office of Management and Budget (OMB), EOP
 - E-Government Act of 2002, Pub. L. No. 107-347, § 101, 116 Stat. 2899, 2902 (Dec. 17, 2002), 44 U.S.C. § 3602(b).
- Various staff positions (including Chief of Staff, Counsel to the President, Assistants, Deputy Assistants, Special Assistants, Associate and Deputy Associate Counsels) within the White House Office, Office of Policy Development, and Office of Administration, EOP
 - Section 301 of the Reorganization Act of 1939, ch. 36, 53 Stat. 561, 565 (Apr. 3, 1939) authorized the President to appoint 6 administrative assistants. Additional general authority for the President to appoint and compensate individuals into positions within the EOP was provided primarily through annual appropriation acts until 1978 when Congress passed the permanent legislative authority currently in place. Pub. L. No. 95-570, §§ 1(a) and 2(a), 92 Stat. 2445 (Nov. 2, 1978), relevant sections codified at 3 U.S.C. §§ 105 and 107.

Appendix V: Legal Authorities for Presidential Appointments (cont.)

III. Legal authorities for PAs within departments and agencies:

- U.S. Representatives to United Nations entities, Department of State
 - United Nations Participation Act of 1945, Pub. L. No. 264, § 2(d), 59 Stat. 619, 620 (Dec. 20, 1945), as amended, 22 U.S.C. § 287(d).
- Director, National Cancer Institute, Department of Health and Human Services
 - National Cancer Act of 1971, Pub. L. No. 92-216, § 5, 85 Stat. 778, 785 (Dec. 23, 1971), 42 U.S.C. § 284(a).
- Assistant Secretary for Infrastructure Protection, Department of Homeland Security (DHS)
 - Homeland Security Act of 2002, Pub. L. No. 107-296, § 201, 116 Stat. 2135, 2145 (Nov. 25, 2002), 6 U.S.C. § 121(b)(3).
- Chief Information Officer, DHS
 - Homeland Security Act of 2002, Pub. L. No. 107-296, § 103, 116 Stat. 2135, 2144 (Nov. 25, 2002), 6 U.S.C. § 113(d)(2).
- Deputy Director, Central Intelligence Agency
 - Intelligence Authorization Act for Fiscal Year 2010, Pub. L. No. 111-259, § 423(a), 124 Stat. 2654, 2728 (Oct. 7, 2010), 50 U.S.C. § 403-4c(a).

Appendix V: Legal Authorities for Presidential Appointments (cont.)

Legal authorities for PAs within departments and agencies:

- Program Manager Information Sharing Environment, Office of the Director of National Intelligence (ODNI)
 - National Security Intelligence Reform Act of 2004, Pub. L. No. 108-458, title I, § 1016(f), 118 Stat. 3638, 3667 (Dec. 17, 2004), 6 U.S.C. § 485(f).
- Chief Information Officer Intelligence Community, ODNI
 - Intelligence Authorization Act for Fiscal Year 2005, Pub. L. No. 108-487, § 303, 118 Stat. 3939, 3944 (Dec. 23, 2004), as amended to remove requirement for Senate confirmation of presidential appointment by Pub. L. No. 111-259, § 404, 124 Stat. 2654, 2709 (Oct. 7, 2010), 50 U.S.C. § 403-3g(a).
- Director, National Institute of Food and Agriculture, Department of Agriculture
 - Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 7511(a)(4), 122 Stat. 1651, 2021 (June 18, 2008), 7 U.S.C. § 6971(f)(3).
- Malaria Coordinator, U.S. Agency for International Development
 - Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, Pub. L. No. 110-293, § 304, 122 Stat. 2918, 2961 (July 30, 2008), 22 U.S.C. § 7634.

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