



HNBA GUIDE FOR EXECUTIVE BRANCH APPOINTMENTS

EXECUTIVE ENDORSEMENTS

Overview of Federal Positions

Federal government positions can be divided into "career", or civil service positions that are entered through an application and not an appointments process, and "political" positions. The HNBA is usually limited to address the latter. Political positions are appointments made directly by the President or within an agency by each agency head.

Political appointments can be summarized as follows:

Presidential Appointments with Senate Confirmation (PAS): These positions require a congressional hearing and a confirmation vote of the full Senate under the Appointments Clause of the United States Constitution. As of 2016 this category includes 1,212 senior leaders, including the Cabinet secretaries and their subordinates at the Deputy Secretary, Under Secretary, and Assistant Secretary levels; the heads of most independent agencies; and ambassadors. It also includes United States Attorneys and United States Marshals.

Presidential Appointments without Senate Confirmation (PA): These appointments do not require a Senate hearing or vote. As of 2016 there are 353 PA positions, most of which are concentrated in the Executive Office of the President.

Non-career Senior Executive Service (NA): The Senior Executive Service (SES) forms the level just below the presidential appointees. While the SES largely consists of career officials, up to 10%, or (as of 2016) 680 positions, can be political appointees.

Schedule C Appointments (SC): Schedule C appointees serve in confidential or policy roles immediately subordinate to other appointees. As of 2016, there are 1,403 Schedule C appointees.

Unlike the presidential appointments, the non-career SES and Schedule C appointments tend to be made within each agency and then approved by the Office of Presidential Personnel. The HNBA focuses for the most part on PAS and PA appointments, however, in the past we have often received requests from the White House for candidates for Schedule C appointments.

Every federal appointment position is listed in the “U.S. Government Policy and Supporting Positions” book, known as the “[Plum Book](#)”. As a first step, every candidate should do their homework and review the plum book to narrow down what positions are of interest to them (which agency, in which area, and what specific role).

To provide some guidance, generally, HNBA members find a role or roles of interest by looking for positions based on the following categories (and matching them to their interests):

1. General Counsel of an agency, or in the legal department
 - a. Examples: General Counsel at Department of Agriculture; Deputy General counsel at Office of Management and Budget; Securities and Exchange Commission; etc.
2. Positions in the Department of Justice and U.S. attorney positions in their home state
 - a. Examples: Assistant Attorney General for Civil Rights; Deputy Attorney General; Assistant Attorney General for the Antitrust division; U.S. Attorney for the Southern District of Florida, etc.
3. High level policy roles
 - a. Examples: Head of the Domestic Policy Council; Special Assistant to the President; Director of the Office of Drug Enforcement Policy.
4. High level management roles
 - a. Examples: U.S. Treasurer (different from Secretary of the Treasury); Director of the Office of Management and Budget; Chief of Staff for the Department of Commerce; Chief of Staff for the Office of Personnel and Management.
5. Intergovernmental affairs
 - a. Examples: Intergovernmental affairs roles exist in the White House and the agencies, and they serve as the liaisons between local, state, and the federal government to coordinate policy.
6. Subject-matter focus
 - a. USTR (for attorneys in international trade); USPTO; FCC; SEC.
7. High profile White House positions
 - a. Examples: Deputy Chief of Staff; White House Counsel; Head of the Office of Public Engagement; Special Assistant to the President for Presidential Personnel.

Key roles that exist in each agency are: Secretary, Undersecretaries or Assistant Secretaries; General Counsel; Chief of Staff; White House Liaison; Congressional Liaison (usually requires experience on Capitol Hill).

Additionally, there are roles that are military roles, or deal with the military, throughout the federal government; and almost every agency has an international component (office of International Affairs).

Basic Qualifications

- HNBA membership
- The extent to which the candidate is engaged and supportive of the Hispanic community
- Integrity, character, and professional reputation
- The depth of professional experience and its relationship to the position being sought (for example, a one or two-year associate should not apply for a cabinet position or for a

General Counsel position for an agency; or a person who has never held a management role should not apply for an Assistant Attorney General or Chief of Staff role)

- Communications skills and writing skills
- Demonstrated commitment to equal opportunity and equal justice under the law

Review of Candidates

The Executive Branch performs a review very similar to that of federal judicial candidates for an executive appointment. The vetting process includes a thorough review including background checks conducted by the Department of Justice and the FBI. Any published writings, including academic papers dating back to college, will also be considered. In addition, decision-makers often weigh a candidate's public stance on certain issues, including prominent legal questions. A candidate's personal life may also be taken into consideration.

The Path of an Executive Appointment

Pre-and post-nomination processes are described below:

Pre-nomination (the below is what an ideal process would look like)

1. Candidate must identify the desired appointment.
2. Candidate should request HNBA endorsement.
3. Vetting process occurs.
4. HNBA board votes to approve the endorsement and issues a letter of endorsement.
5. HNBA shares its letter with the respective staff in the White House Office of Presidential Personnel (PPO).
6. The candidate may be vetted by the White House, FBI, etc. Sometimes PPO keeps HNBA and the candidate apprised as to where they are in the process, sometimes that does not occur.
7. The President nominates the candidate for the position.

Post-nomination

1. HNBA issues a statement about the nomination.
2. If the nomination requires Senate approval, HNBA conducts advocacy before the Senate and helps prepare the candidate for committee hearings.
3. (If Senate approval is required) The nominee goes through the committee process.
4. Nominee is voted out of committee (approved) and goes to the Senate floor for a vote.

For any additional questions, you can reach out to Robert Raben, HNBA Endorsements Committee Chair, via Josilyn Sacks at Jsacks@rabengroup.com.