

BEFORE CONFIRMATION, BE CAREFUL

Congratulations on your appointment in the new administration. You are taking on more than a job; as you know, it is an opportunity to have an important impact on our society and the world. You are here to deliver on the new administration's programs, but you are answering to a higher calling as well. The oath you swear upon your appointment is not to the president you serve. The oath is to "support and defend the Constitution of the United States." You are part of the administration, but you are part of something greater as well.

Unfortunately, the period of time between your nomination and confirmation (when you can actually start your job) will likely be a long one—perhaps several months or longer. It is not uncommon for delays due to factors that have nothing to do with either you or your agency. Frequently, a group of nominations may get "bundled" together and require negotiations between the White House and Congress to resolve specific issues that may or may not be related to your agency.

While waiting for confirmation, you may be tempted to start getting engaged in the work of your agency. This is almost always a bad idea as it tends to incur congressional displeasure and can compromise your being confirmed at all. It is better to use this time to get to know your future agency and the issues it faces. Many agency decisions can be deferred until you are confirmed.

While waiting to get started officially, learning more about your future agency and its environment will be time well spent. Being effective in Washington begins with understanding how Washington works. Everyone understands the importance of politics, but it is also important to understand how the political and programmatic interact. The roles of stakeholders, the bureaucracy, and process are critical. Washington tends to have large numbers of stakeholders influencing outcomes around your programs in ways that may be difficult to discern. Effective strategies are built on understanding and leveraging the many competing interests you will find, including those that are not supportive. A good beginning is critical.

Use your time before confirmation to collect information, but avoid decision making.

As noted above, use your time prior to confirmation to get as much information as you can about your agency and department, your key stakeholders, the key issues, and how things work. You can meet with people in your new organization, but it is preferable to do so in a different building than the one in which your agency is located.

Prior to confirmation, don't be offended if your agency briefers sometimes hold back information that will be available to you once you are confirmed. They are restricted by law as to what they can share with you until you are confirmed. You cannot make decisions until you have the authority to do so. Prudence is warranted in this time period.

Learn who in Congress affects your agency, how they affect it, and their points of view.

It is likely that multiple committees will oversee your agency. Authorization, appropriations, and perhaps multiple oversight committees in both the Senate and the House will be important to you. Your legislative staff will be able to brief you on which committees have jurisdiction over what issues, the views of the majority and the minority sides of each committee, the views of specific members, the topics that are driven by staff concerns, and the issues that are especially important to specific members. Understanding Congress is a full-time job, so you will probably want to make sure you have a good legislative team.

Start to build good relations with the Hill, but don't make commitments too soon.

A good relationship with Congress will help you get confirmed and will be critical to your success once you are in your agency. You will be making courtesy calls on Congress after you are nominated. Use these meetings to get to know the principals from both parties and their staffs as well. A senator's or representative's staff can be as important as the elected official on many issues. A good relationship will later be important to resolving the inevitable conflicts that will arise between the executive and legislative branches.

You may find that members of Congress want you to make commitments for the agency. Be attentive to their requests, but don't make commitments too soon. A "too soon" commitment may often have unforeseen consequences, and it is a good idea to consult with your staff-to-be to understand what those consequences may be. Tell members of Congress you will look into the question and get back to them. Do, however, make sure to get back to them after your confirmation.

Limit your endorsement of previous agency positions on issues until you have had time to assess them.

Your staff-to-be will be helping to prepare you for your confirmation hearings. Some may encourage you to embrace the agency's prior policies. Avoid doing this to the extent you can until you have had a chance to understand the issues.

Confirmation hearings are about your qualifications for the job. They are not about justifying what the agency has done in the past—notwithstanding the briefing books the agency is giving you which do just that. A good way to frame an answer to a confirmation question on a prior agency position would be: "I have not had an opportunity yet to study the specifics of this issue in depth, but in similar situations I have done the following ..."

Start to get to know your agency, but avoid the briefing book trap.

Your staff-to-be will be preparing briefing materials for you. Usually, these are loose leaf notebooks that explain the agency and its priorities in exhaustive detail. The details in the book make for excellent reference materials, but sometimes they are poor guides into the most important or most urgent issues.

Follow a focused approach in this time period. Your first priority is to get confirmed with as few constraining commitments as possible. Your second priority is to get a head start on understanding the important issues facing your agency. Concentrate on understanding those issues of concern to the Hill, and use that as a path to understanding the agency as a whole.

Request that your staff structures the briefing process to fit how you like to learn. Some people like to read papers, others like to have a conversation, still others learn best from a briefing. Tell your agency staff what style works best for you and they will be glad to adjust to your preference.

You should use the detailed agency briefing books as key reference materials. But remember that briefing books are only one source of information for you. The briefing books will give your agency's point of view. Though important, it should be augmented with the views of customers and stakeholders. You may also want to learn what your departmental inspector general (IG) and the Government Accountability Office (GAO) have said about your agency. GAO may be briefing the Hill, and what they say may come up in your confirmation hearings. So time spent reviewing prior GAO reports on your agency will be time well spent.

Read your agency's enabling legislation.

Finally, ask staff to pull together a copy of your agency's enabling legislation. It may not be easy reading, but it does lay out what authorities Congress has granted (or withheld). You may also ask about reauthorization legislation that may be pending or coming up in the next two years. Having a baseline understanding will be helpful as you read your briefing books!

Takeaways

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- Learn who in Congress affects your agency, how they affect it, and their points of view.
- Start to build good relations with the Hill, but don't make commitments too soon.
- Limit your endorsement of previous agency positions on issues until you have had time to assess them.
- Start to get to know your agency, but avoid the briefing book trap.
- Read your agency's enabling legislation.