

Secretary DeVos is on the Job; Roster Spots and Policy Positions Remain Unfilled

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Secretary DeVos working with the White House needs to recruit and place several top policy and legal posts. The Department has 17 appointees requiring Senate approval (PAS), and 115 “Schedule C” positions awaiting names and faces. Among the PAS positions that need to be filled are:

- Deputy Secretary
- Under Secretary Assistant Secretary
- General Counsel
- Assistant Secretary—Elementary and Secondary Education
- Assistant Secretary—Legislation and Congressional Affairs
- Assistant Secretary—Planning, Evaluation and Policy Development
- Assistant Secretary—Postsecondary Education

While there have been myriad rumors of who will fill these positions and when, there have been very few actual named candidates. Allen Hubbard, a member of the National Economic Council under President George W. Bush has been mentioned as a candidate for Deputy Secretary – which serves as the Secretary’s top advisor on K-12 issues. Further complicating matters are rumors that some positions – such as the Under Secretary – will be eliminated and replaced with a policy office staffed by non-PAS appointees, operating out of the Office of the Secretary. Finally, there are questions about the future of offices created under the previous Administration – e.g., the Office of Enforcement.

It is important to note that the normal process is for republican and democratic staff members of the Senate Health Education Labor and Pensions Committee to meet and confer about the these nominees, and then present them to the Committee for a vote, often in groups. However, given the contentious nature of DeVos’ nomination, its possible that committee democrats will force many, if not all, of these positions to undergo a full hearing. That will greatly extend the time before the Department is at full speed.

The impact of the continued staffing delay is that the Department is hindered in putting forward its policy agenda. That is particularly true for higher education. With talk of HEA reauthorization as a legislative priority in the House and Senate, it is critical that the Secretary be provided with the necessary staff and leadership. Same thing goes for answering questions about the implementation of high profile rulemakings such as Gainful Employment and Borrower Defense to Repayment.

We will be watching developments closely and updating information has we have it.

Vince Sampson focuses on helping clients predict, navigate and understand the increasingly complex involvement of federal agencies and Congress.