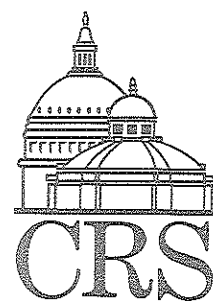


CRS Report for Congress

Presidential Appointments To Full-Time Positions On Regulatory and Other Collegial Boards and Commissions, 104th Congress

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PRESIDENTIAL APPOINTMENTS TO FULL-TIME POSITIONS ON REGULATORY AND OTHER COLLEGIAL BOARDS AND COMMISSIONS, 104th CONGRESS

SUMMARY

This report lists full-time positions in regulatory and other collegial bodies requiring Senate confirmation. Incumbents are identified, and, in the case of fixed-term positions, when the term of office expires. The report also provides information on the nominations made by President Clinton to positions that were vacant or had an incumbent whose term had expired, and the actions taken on the nominations by the Senate.

During the first session of the 104th Congress, which ended on January 3, 1996, the President submitted 32 nominations, of which 21 were confirmed, and withdrew three nominations. The President made one recess appointment. At the end of the session, seven nominations were pending and carried over to the second session. Of 140 positions in 32 agencies, 22 were vacant and 11 had incumbents whose terms had expired.

During the second session of the 104th Congress, which ended on October 4, 1996, the President submitted 22 nominations, and made seven recess appointments. The Senate confirmed 16 nominations and returned 14 to the President. Of 137 positions, 12 were vacant, and 14 had incumbents whose terms had expired.

The report does not include organizations such as the Board for International Broadcasting, the Legal Services Corporation and the United States Postal Service, whose members serve on a part-time basis. Information for this report was obtained from the nominations file in LEGIS (a database available from the Senate Computer Center), the *Congressional Record* (daily edition) the *Weekly Compilation of Presidential Documents*, and through telephone discussions with agency officials.

CONTENTS

INTRODUCTION	1
Commodity Futures Trading Commission (CFTC)	7
Consumer Product Safety Commission (CPSC)	8
Defense Nuclear Facilities Safety Board (DNFSB)	9
Equal Employment Opportunity Commission (EEOC)	10
Export-Import Bank (EXIMBANK)	11
Farm Credit Administration (FCA)	12
Federal Communications Commission (FCC)	13
Federal Deposit Insurance Corporation (FDIC), Board of Directors	14
Federal Election Commission (FEC)	15
Federal Energy Regulatory Commission (FERC)	16
Federal Housing Finance Board (FHFB)	17
Federal Labor Relations Authority (FLRA)	18
Federal Maritime Commission (FMC)	19
Federal Mine Safety and Health Review Commission (FMSHRC) ...	20
Federal Reserve System (FRS), Board of Governors	21
Federal Trade Commission (FTC)	22
Foreign Claims Settlement Commission (FCSC)	23
Merit Systems Protection Board (MSPB)	24
National Credit Union Administration (NCUA), Board Of Directors .	25
National Labor Relations Board (NLRB)	26
National Mediation Board (NMB)	27
National Transportation Safety Board (NTSB)	28
Nuclear Regulatory Commission (NRC)	29
Occupational Safety and Health Review Commission (OSHRC)	30
Postal Rate Commission (PRC)	31
Railroad Retirement Board (RRB)	32
Securities and Exchange Commission (SEC)	33
Surface Transportation Board (STB)	34
Tennessee Valley Authority (TVA)	35
United States International Trade Commission (USITC)	36
United States Parole Commission (USPC)	37
United States Sentencing Commission (USCC)	38
LIST OF PRESIDENTIAL APPOINTEES	39
STATUS OF POSITIONS AND NOMINATIONS	41
LIST OF AGENCY ABBREVIATIONS	43

PRESIDENTIAL APPOINTMENTS TO FULL-TIME POSITIONS ON REGULATORY AND OTHER COLLEGIAL BOARDS AND COMMISSIONS, 104th CONGRESS

INTRODUCTION

Appointments During First Session (1995 - 1996)

During the first session of the 104th Congress, which ended on January 3, 1996, the President submitted 32 nominations, of which 22 were confirmed and appointed, and withdrew three nominations. The President made one recess appointment. At the end of the session, seven nominations were pending and carried over to the second session. Of 140 positions in 32 agencies, 22 were vacant and 11 had incumbents whose terms had expired. (Not included in the totals were nominations to chairperson or vice chairperson, because nominees to those positions were also nominated to be members or were already members.)

Appointments During Second Session (1996)

During the second session, the President submitted 22 nominations to the Senate, and made seven recess appointments. The Senate confirmed 16 nominations and returned 14. Of 137 positions, 12 were vacant and 14 had incumbents whose terms had expired. The status of individual agency positions requiring Senate confirmation is found in Table 2 on page 41.

TABLE 1. Status of Nominations and Positions

	1st Session ¹	2nd Session ²
Positions	140	137
Appointments made ³	22	23
Positions available for appointments ⁴	31	26
Positions vacant	22	12
Positions with incumbents whose term has expired	11	14
Nominations submitted	32	22
Nominations pending ⁵	7	0
Nominations withdrawn	3	0

¹ Session ended on January 3, 1996.

² Session ended on October 4, 1996.

³ Includes one recess appointment in first session, and seven in second session.

⁴ Includes only vacant positions that have incumbents whose terms have expired.

⁵ All nominations are returned to the President at the end of a second session of Congress; 14 nominations were returned at the end of the second session (they do not include six nominations resubmitted because the nominee was given a recess appointment).

The Appointments Process

The President and the Senate share the power to appoint the principal officers of the United States.¹ The Constitution (Art. II, Sec. 2) empowers the President to nominate and, by and with the advice and consent of the Senate, to appoint the principal officers of the United States. Three distinct stages mark the appointments process—nomination, confirmation, and appointment.

In the nomination or first stage, the President selects the nominee and sends his or her name to the Senate. For positions that are located within a state (U.S. Attorney, U.S. Marshal, and U.S. District Judge), the President, by custom, normally nominates an individual recommended by the Senator or Senators (if they are from the same party as the President) from that state. If neither Senator is from the same party, the President normally defers to the recommendations of party leaders from that state. Occasionally, the President solicits recommendations from Senators from the opposition party, because of their positions in the Senate. Before making a nomination, whether at the state or national level, the President must consider how it will fare in the confirmation process.

A nomination to a position does not give the nominee legal authority to assume the duties and responsibilities of the position. That authority comes only after the nominee is confirmed and appointed. While awaiting confirmation, a nominee often is hired as a consultant and may act only in an advisory capacity.

In the confirmation or second stage, the Senate alone determines whether to approve or disapprove a nomination. How the Senate acts on a nomination depends largely on the importance of the position involved, existing political circumstances, and policy implications. Generally, the Senate shows particular interest in the nominee's views and how they are likely to affect public policy.² How closely the nominee's personal and professional qualities are examined may depend on the importance of the position, possible or likely effect on constituent interests, and his or her possible or likely influence on public policy.

Although the Senate confirms most nominations, no President can safely assume that all of his nominees to full-time positions will be approved routinely. This is especially true of nominations to regulatory and other collegial boards and commissions. Between 1981 and 1992, 22% of nominations to boards and

¹ A succinct historical and contemporary overview of the appointment power is found in Fisher, Louis. *Constitutional Conflicts between Congress and the President*. 3rd edition, Rev. Univ. Press of Kansas, 1991. pp. 23-52.

² Mackenzie, G. Calvin. *The Politics of Presidential Appointments*. New York, The Free Press, 1981. p. 97-189.

commissions failed. During the same period, 11% of nominations to independent agencies, and 9% of nominations to executive departments also failed.³

The full Senate seldom rejects a nomination. Nearly all rejections occur in committee, either by committee vote or committee inaction. Nominations fail for many reasons, including: opposition to the nomination; inadequate amount of time for consideration of the nomination; or political struggles between the President and the Senate or individual Senators that may have nothing to do with the merits of the nomination.

The first two stages of the appointment process may be summarized by the view that while the President proposes, the Senate disposes. In the third or final stage, the confirmed nominee is given a commission signed by the President, with the seal of the United States affixed thereto, and is sworn into office. At that point, he or she has full authority to carry out the responsibilities of the office.

Recess Appointments

The appointments process also enables the President to make appointments without Senate confirmation when the Senate is in recess, either during a session (intrasession recess appointment) or between sessions (intersession recess appointment). Recess appointments expire at the end of the next session of Congress.

Presidents have occasionally used the recess appointment power to circumvent the confirmation process. In response, Congress has placed additional restrictions on the President's authority to make a recess appointment. Under 5 U.S.C. 5503(a), if the position to which the President makes a recess appointment fell vacant while the Senate was in session, the appointee may not be paid from the Treasury until he or she is confirmed by the Senate. The salary prohibition does not apply: (1) if the vacancy arose within 30 days before the end of the session; (2) if a nomination for the office (other than the nomination of someone given a recess appointment during the preceding recess) was pending when the Senate recessed; or (3) if a nomination was rejected within 30 days before the end of the session and another individual is given the recess appointment. A recess appointee falling under any one of these three exceptions must be nominated not later than 40 days after the

³ U.S. Library of Congress. Congressional Research Service. *Senate Action on Nominations to Policy Positions in the Executive Branch, 1981-1992*. CRS Report 93-464 GOV, by Rogelio Garcia. Washington, April 28, 1993. The study did not include nominations submitted by Presidents Carter and Reagan in the last month of their Administrations, or nominations submitted within a month of the Senate adjourning at the end of a session. It also excluded nominations to the judiciary, military services, Foreign Service, National Oceanic and Atmospheric Administration Officer Corps, Public Health Service Officer Corps; and nominations to all ambassadorial, U.S. Attorney, U.S. Marshal, and part-time positions.

beginning of the next session of the Senate.⁴ For this reason, when a recess appointment is made, the President generally submits a new nomination for the nominee even when an old nomination is pending.

Temporary Appointments

Under the Vacancies Act,⁵ the President also has authority to make a temporary or interim appointment to a vacant position in the executive branch that requires Senate confirmation. When the head or other official of an agency dies, resigns, or is sick or absent, the official next in line normally assumes the office until a successor is appointed or the sickness or absence ends. The President, however, may designate another executive official (previously confirmed by the Senate), to fill the office until a successor is appointed or the sickness or absence ends.⁶ The temporary incumbent, whether the next in line or one designated by the President, may occupy the position for not more than 120 days. The 120 period may be extended, however, if (1) a nominee for the position is before the Senate, in which case the temporary incumbent may continue in office until the nominee either is (a) confirmed, or (b) until 120 days after either the Senate rejects the nominee or the President withdraws the nomination; or (2) the vacancy occurs during an adjournment of Congress *sine die*, in which case the position may be filled temporarily until 120 days after Congress next convenes, subject thereafter to (1) above.⁷

Characterization of Regulatory and other Collegial Bodies

Federal executive boards and commissions share the following characteristics: (1) they are independent executive bodies located outside of executive departments;⁸ (2) several members head each entity; (3) the members are appointed by the President with the advice and consent of the Senate; and (4) the members serve a fixed term of office and, except in a few bodies, cannot be removed by the President except for cause.

Presidential appointees to federal regulatory boards and commissions, with a few exceptions, serve for staggered, fixed terms, and are removable only for cause. Sometimes, the time between confirmation and the term-expiration date is less than the fixed term of office. This results from the fact that a nominee

⁴ For additional information on recess appointments, see U.S. Library of Congress. Congressional Research Service. *Recess Appointments: Legal Overview*. Report No. 87-832 A, by Richard C. Ehlke. Washington, October 19, 1987.

⁵ 5 U.S.C. 3345-3348 (1994).

⁶ 5 U.S.C. 3347. This section of the Vacancies Act does not apply to a vacancy in the office of the Attorney General. A vacancy in that office is covered by 28 U.S.C. 508, which designates the next in line for the position.

⁷ 5 U.S.C. 3348.

⁸ Except for the Federal Regulatory Energy Commission (FERC), located in the Department of Energy (DOE), and the Surface Transportation Board (STB), located in the Department of Transportation (DOT). The FERC's enabling statute designates it as an independent entity in DOE, while that of the STB states only that it is located in DOT.

generally is nominated and confirmed either long after a term has expired and a new term has begun or to complete an unexpired term. Occasionally, if the unexpired term is for a very short period, two nominations of the same person are submitted simultaneously—the first to complete the unexpired term and the second to complete a regular term of office.

On some commissions, the chair is subject to Senate confirmation and must be appointed from among the incumbent commissioners. If the President wishes to appoint as chair someone who is not on the commission, two nominations are submitted simultaneously for the nominee—the first for member and the second for chair.

Finally, in 24 of the regulatory and other collegial boards and commissions, no more than a simple majority of the appointed members (i.e., two of three, or three of five) may belong to the same political party.

Organization of the Report

The presentations on the boards and commissions are organized into the following three sections: organizational structure; current membership; and nominations and appointments. The organizational section discusses the number of members on each board or commission, their terms of office, if they may continue in their position after their terms expires, if political balance is needed, and how the chairman is selected.

Data on appointment action during the 104th Congress appear under the "Current Membership" section and the "Appointment Action" section. The "Current Membership" section identifies all of the positions in each agency requiring Senate confirmation and the incumbents in those positions. Most of the incumbents serve fixed terms of office and are removable only for specified causes. They generally remain in office when a new administration takes power following a presidential election.

The "Appointment Action" section lists the names of the nominees and appointees in alphabetical order and notes the positions to which they were nominated, the date nominated, and the date confirmed. Actions other than confirmation—i.e., nominations rejected, returned, or withdrawn, or recess appointments—are also noted.

In the "Current Membership" and "Appointment Action" sections under each agency, incumbents whose terms have expired, but who continue in office, and nominees awaiting confirmation have their names in italics. Under "Current Membership" section, when the term of office expires sometime in the year 2000, the year column under "Term expires" begins with a 0. For example, if a term expires on October 21, 2000, it is cited as 10/21/00; if on March 3, 2005, it is cited as 03/03/05.

An alphabetical list of all nominees appears on page 39, noting the agency involved and date of nomination and confirmation. The list also indicates if a

nomination was withdrawn, returned, or rejected, or if a recess appointment was made.

Information for this report was obtained from the nominations file in LEGIS (a database available from the Senate Computer Center, the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, and through telephone discussions with agency officials. A similar report is available for the 103rd Congress.⁹

⁹ U.S. Library of Congress. Congressional Research Service. *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 103rd Congress*. CRS Report 94-628 GOV, by Rogelio Garcia. Washington, February 10, 1995.

COMMODITY FUTURES TRADING COMMISSION (CFTC)

The CFTC consists of five members—no more than three may be from the same political party—who serve five-year terms. At the end of a term, a member may remain in office until the end of the next session of Congress. The chair is also appointed by the President with the advice and consent of the Senate. (7 U.S.C. 4a)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Brooksley E. Born	D	08/02/96	04/13/99	Chairman
<i>Joseph B. Dial</i> ¹	R	05/22/91	04/13/96	
Barbara P. Holum	D	11/20/93	04/13/97	
David D. Spears	R	08/02/96	04/13/00 ²	
John E. Tull, Jr.	D	11/20/93	04/13/98	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Brooksley E. Born	D	Member	05/03/96	08/02/96
Brooksley E. Born	D	Chairman	05/03/96	08/02/96
David D. Spears	R	Member	05/03/96	08/02/96

¹ A name in italics indicates that the incumbent's term has expired or that an appointee is awaiting confirmation.

² When the years column begins with 0, it means that the term of office expires sometime in the year 2000. In this instance, the term of office expires on April 13, 2000.

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

The statute establishing the CPSC calls for five members, but funding is authorized for only three members, who serve seven-year terms. No more than a simple majority of the members may be from the same political party. At the end of a term, a member may remain in office for one year. The chair is also appointed by the President with the advice and consent of the Senate. (15 U.S.C. 2053)

Current Membership¹

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Ann Brown	D	03/08/94	10/26/99	Chair
Mary S. Gall	R	11/22/91	10/26/98	Vice Chair
Thomas H. Moore	D	08/02/96	10/25/03	Reappointment

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Thomas H. Moore	D	Member	01/05/95	04/06/95
Thomas H. Moore	D	Member	07/11/96	08/02/96

¹ Two vacant positions are not listed because for fiscal year 1993 and thereafter, funds are not available for the personnel compensation and benefits of more than three members of the Commission. P.L. 102-389, Title 3, Oct. 6, 1992, 105 Stat. 1596, 15 U.S.C. 2053 note.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD (DNFSB)

The DNFSB consists of five members—no more than three may be from the same political party—who serve five-year terms. After a term expires, a member may continue to serve until a successor takes office. The President designates the chair and vice chair. (42 USC 2286)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
John T. Conway	D	09/29/95	10/18/99	Chair
A. J. Eggenberger	R	10/07/94	10/18/98	Vice Chair
<i>John W. Crawford, Jr.</i>	<i>I</i>	<i>11/27/91</i>	<i>10/18/96</i>	<i>Reappointment</i>
Joseph J. Dinunno	D	03/28/96	10/18/00	Reappointment
Herbert J.C. Kouts	D	10/07/94	10/18/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
John T. Conway	D	Member	06/21/95	09/29/95
Joseph J. Dinunno	D	Member	01/24/96	03/28/96

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The EEOC consists of five members—no more than three may be from the same political party—who serve five-year terms. An incumbent whose term has expired may continue to serve until a successor is appointed, except that no such member may continue to serve (1) for more than 60 days when Congress is in session unless a successor has been nominated, or (2) after the adjournment of the session of the Senate in which such nomination was submitted. The President designates the chair. The President also appoints the General Counsel, subject to the advice and consent of the Senate. (42 U.S.C. 2000e-4(a))

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Gilbert F. Casellas	D	09/29/94	07/01/99	Chair
Paul M. Igasaki	D	09/29/94	07/01/97	Vice Chair
Reginald E. Jones	R	07/16/96	07/01/00	
Paul S. Miller	D	09/29/94	07/01/98	
Vacant				
Clifford G. Stewart	na	06/30/95	06/30/99 ¹	General Counsel

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Reginald E. Jones	R	Member	06/10/96	07/16/96
Clifford G. Stewart	na	General Counsel	03/06/95	06/30/95

¹ The General Counsel is appointed for a four-year term of office, but may be removed at the President's pleasure.

EXPORT-IMPORT BANK (EXIMBANK)

The EXIMBANK consists of five members—no more than three may be from the same political party—who serve four-year terms. An incumbent whose term has expired may continue to serve until the earlier of—(1) a successor is appointed, or (2) until six months after the term expires. The chair, who is the President of the Bank, is also appointed by the President with the advice and consent of the Senate. (12 U.S.C. 635a)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Martin A. Kamarck	D	11/20/93	01/20/97	Chair ¹
Julie D. Belaga	R	09/14/94	01/20/99	
Maria L. M. Haley	D	08/11/95	01/20/99	
Rita M. Rodriguez	I	10/01/82	na ²	
Vacant				

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Maria L. M. Haley	D	Member	05/19/95	08/11/95
Martin A. Kamarck	D	Chairman	12/21/95	Returned ³
Martin A. Kamarck	D	Chairman	Recess Appointment ⁴	
Martin A. Kamarck ⁵	D	Chairman	04/15/96	Returned ³

¹ The recess appointment making Mr. Kamarck Chairman of the Bank expires at the end of the first session of the 105th Congress. Mr. Kamarck is also First Vice President of the Bank.

² When Director Rodriguez was confirmed, there was no provision regarding an expiration date; terms of office were changed in 1983 by P.L. 98-181, 97 Stat. 1153, 1254, but did not affect her.

³ The Senate returned the nomination when it adjourned on 10/04/96.

⁴ The President made the recess appointment on 04/12/96.

⁵ When a nominee pending before the Senate is given a recess appointment, it is customary to resubmit the nomination in order to avoid a possible salary cut-off to the recess appointee under 5 U.S.C. 5503.

FARM CREDIT ADMINISTRATION (FCA)

The FCA consists of three members—no more than two may be from the same political party—who serve six-year terms. A member whose term expires may continue to serve until a successor takes office. The President designates the chair. (12 U.S.C. 2242)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Marsha P. Martin	D	10/07/94	05/21/98	Chair
Doyle L. Cook	D	10/04/94	05/21/98	
Vacant			05/21/96	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Ann Jorgenson	R	Member	09/30/96	Returned ¹

¹ The Senate returned the nomination when it adjourned on 10/04/96.

FEDERAL COMMUNICATIONS COMMISSION (FCC)

The FCC consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, a member may continue to serve until the end of the next session of Congress. The President designates the chair. (47 U.S.C. 154)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Reed E. Hundt	D	11/20/93	06/30/98	Chair
Rachelle B. Chong	R	05/19/94	06/30/97	
Susan Ness	D	05/19/94	06/30/99	
<i>James H. Quello</i>	<i>D</i>	<i>06/25/91</i>	<i>06/30/96</i>	
Vacant			06/30/00	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Regina M. Keeney	R	Member	08/01/96	Returned ¹

¹ The Senate returned the nomination when it adjourned on 10/04/96.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC), BOARD OF DIRECTORS

The FDIC consists of five members, of whom two—the Comptroller of the Currency and the Director of the Office of Thrift Supervision (OTS)—are *ex officio*. The three appointed members serve six-year terms, of whom no more than two may belong to the same political party. When a term expires, the member may continue to serve until a successor is appointed. The President designates the chair and vice chair, with the advice and consent of the Senate, from among the appointed officers. The President also appoints the Inspector General, subject to the advice and consent of the Senate. (12 U.S.C. 1812)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Ricki Helfer ¹	D	10/04/94	10/03/00	Chair
Andrew C. Hove	R	10/04/94	10/03/00	Vice Chair
Joseph H. Neely	D	12/22/95	12/21/01	
Nicholas P. Retsinas	na	Comptroller of the Currency		<i>Ex officio</i>
Jonathan L. Fiechter	na	Acting OTS Director		<i>Ex officio</i>
Gaston L. Gianni, Jr.	na	03/29/96	Inspector General ²	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Gaston L. Gianni, Jr.	na	Inspector General	12/20/95	03/29/96
Norwood L. Jackson, Jr.	na	Inspector General	01/05/95	Withdrawn ³
Joseph H. Neely	D	Member	07/14/95	12/22/95

¹ Formerly Ricki R. Tigert.

² The President may remove an incumbent at any time, provided notice of the reason for removal is sent to Congress.

³ The President withdrew the nomination on 12/20/95.

FEDERAL ELECTION COMMISSION (FEC)

The FEC consists of six members¹—no more than three may be from the same political party serving—who serve six-year terms. When a term expires a member may continue to serve until a successor takes office. A new chair and vice chair, from different political parties, are designated by the Commission each year. The vice chair is elevated to the chair the following year. (2 U.S.C. 437c.)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Lee Ann Elliott	R	07/01/94	04/30/99	Chair
John W. McGarry	D	10/05/89	04/30/95	Vice Chair
Joan D. Aikens	R	10/05/89	04/30/95	
Danny L. McDonald	D	07/01/94	04/30/99	
Scott E. Thomas	D	11/22/91	04/30/97	
Vacant			04/30/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Kelly D. Johnston	R	Member	09/25/96	Returned ²

¹ Under 2 U.S.C. 437c, the Secretary of the Senate and the Clerk of the House or their designees serve on the Commission without the right to vote. The U.S. Circuit Court of Appeals for the D.C. Circuit, in *Federal Election Commission v. National Rifle Association* in 1993 ruled, however, that the Constitution's separation of powers doctrine does not permit agents of Congress, even in a nonvoting capacity, to serve on executive branch commissions (*Federal Election Commission v. NRA Political Victory Fund*, 6 F.3d 821 (D.C. Cir. 1993.)) The FEC appealed the ruling to the Supreme Court, which denied *certiorari* in December 1994.

² The Senate returned the nomination when it adjourned on 10/04/96.

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

The FERC, an independent agency within the Department of Energy, consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office, except that such commissioner may not serve beyond the end of the session of the Congress in which such term expires. The President designates the chair. (42 U.S.C. 7171)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Elizabeth A. Moler	D	08/25/94	06/30/99	Chair
Vicky A. Bailey	R	06/26/96	06/30/01	Reappointment
James J. Hoecker	D	08/11/95	06/30/00	
William L. Massey	D	05/20/93	06/30/98	
Donald F. Santa, Jr.	I	05/20/93	06/30/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Vicky A. Bailey	R	Member	06/10/96	06/26/96
James J. Hoecker	D	Member	03/28/95	08/11/95

FEDERAL HOUSING FINANCE BOARD

The FHFB consists of five members, of whom one—the Secretary of Housing and Urban Development or his designee—is *ex officio*. The four appointed members serve seven-year terms, and no more than three may be from the same political party. An appointed member whose term expires may continue to serve until a successor is appointed. The President designates the chair from among the appointed members. Members began serving on a full-time basis on January 1, 1994. (12 U.S.C. 1422a(1))

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Bruce A. Morrison	D	05/25/95	02/27/00	Chair
Lawrence U. Costiglio	D	02/27/92	02/27/95	
J. Timothy O'Neill	R	05/25/95	02/27/97	
Vacant			02/27/99	
Nicolas P. Retsinas	Asst Secretary - HUD			<i>Ex Officio</i>

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Bruce A. Morrison	D	Director	01/05/95	05/25/95
J. Timothy O'Neill	R	Director	01/05/95	05/25/95

FEDERAL LABOR RELATIONS AUTHORITY (FLRA)

The FLRA consists of three members—no more than two may be from the same political party—who serve five-year terms. When a term expires, a member may continue to serve until the end of the next Congress. The President designates the chair. The General Counsel is also appointed by the President, subject to the advice and consent of the Senate. (5 U.S.C. 7104)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Phyllis N. Segal	D	07/15/94	07/01/99	Chair
Tony Armendariz	R	10/08/92	07/29/97	Reappointment
Donald S. Wasserman	D	12/22/95	07/01/00	
Joseph Swerdzewski	na	11/08/93	11/07/98 ¹	General Counsel

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Donald S. Wasserman	D	Member	07/17/95	12/22/95

¹ The General Counsel is appointed for a five-year term of office, but may be removed at the President's pleasure.

FEDERAL MARITIME COMMISSION (FMC)

The FMC consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair. (46 U.S.C. 1111; Reorganization Plan No. 7, 1961)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Harold J. Creel, Jr.	D	08/17/94	06/30/99	Chair
<i>Ming Hsu</i>	<i>R</i>	<i>10/04/91</i>	<i>06/30/96</i>	Reappointment
<i>Joe Scroggins, Jr.</i>	<i>I</i>	<i>05/19/94</i>	<i>06/30/95</i>	
Delmond J.H. Won	D	08/17/94	06/30/97	
<i>Vacant</i>			<i>06/30/98</i>	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Joe Scroggins, Jr. ¹	I	Member	07/14/95	Returned ²

¹ Commissioner Scroggins was renominated for a term expiring on 06/30/00.

² The Senate returned the nomination when it adjourned on 10/04/96.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION (FMSHRC)

The FMSHRC consists of five members—no political balance is required—who serve six-year terms. When a term expires, the member must leave office. The President designates the chair. (30 U.S.C. 823)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Mary L. Jordan	na	Recess appointment ¹		Chair
Marc L. Marks	na	09/30/94	08/30/00	
James C. Riley	na	12/22/95	08/30/00	
<i>Vacant</i>	<i>na</i>		08/30/02	
<i>Vacant</i>	<i>na</i>		08/30/98	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Mary L. Jordan	na	Member	05/01/96	Returned ²
Mary L. Jordan	na	Member	Recess Appointment ³	
Mary L. Jordan ⁴	na	Member	09/03/96	Returned ²
James C. Riley	na	Member	09/19/95	12/22/95

¹ The recess appointment expires at the end of the first session of the 105th Congress.

² The Senate returned the nomination when it adjourned on 10/04/96.

³ The President made the recess appointment on 08/31/96.

⁴ When a nominee pending before the Senate is given a recess appointment, it is customary to resubmit the nomination in order to avoid a possible salary cut-off to the recess appointee under 5 U.S.C. 5503.

FEDERAL RESERVE SYSTEM (FRS), BOARD OF GOVERNORS

The FRS consists of seven members—no political balance is required—who serve for fourteen-year terms. When a term expires, a member may continue to serve until a successor takes office. The President appoints the chair and vice chair, who are separately appointed as members, for four-year terms with the advice and consent of the Senate. The chair and vice chair give up their positions when the four year terms expire. (12 U.S.C. 241)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Alan Greenspan	na	02/27/92	01/31/06	Chair ¹
Alice M. Rivlin	na	06/20/96	01/31/10	Vice Chair ²
Edward W. Kelly, Jr.	na	04/04/90	01/31/04	
Lawrence B. Lindsey	na	11/22/91	01/31/00	
Lawrence H. Meyer	na	06/20/96	01/31/10	
Susan M. Phillips	na	11/07/91	01/31/98	
Janet L. Yellen	na	08/11/94	01/31/09	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Allan Greenspan	na	Chair	03/15/96	06/20/96
Lawrence H. Meyer	na	Member	03/15/96	06/20/96
Alice M. Rivlin	na	Member	03/15/96	06/20/96
Alice M. Rivlin	na	Vice Chair	03/15/96	06/20/96

¹ The four-year term as chairman ends on 06/20/00.

² The four-year term as Vice Chair ends on 06/20/00.

FEDERAL TRADE COMMISSION (FTC)

The FTC consists of five members—no more than three may be from the same political party—who serve seven-year terms. When a term expires, the member may continue to serve until a successor takes office. The President designates the chair. (15 U.S.C. 41)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Robert Pitofsky	D	04/06/95	09/26/01	Chair
<i>Janet D. Steiger</i>	R	08/03/89	09/26/95	
Mary L. Azcuenaga	I	11/22/91	09/26/98	
Roscoe B. Starek III	R	10/19/90	09/26/97	
<i>Christine A. Varney</i>	D	10/08/94	09/26/96	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Robert Pitofsky	D	Member	01/05/95	04/06/95

FOREIGN CLAIMS SETTLEMENT COMMISSION (FCSC)

The FCSC, located in the Department of Justice, consists of three members—political balance is not required—who serve three-year terms. When a term expires, the member may continue to serve until a successor takes office. Only the chair, who also is appointed by the President with the advice and consent of the Senate, serves full-time. (22 U.S.C. 1622)

Current Membership¹

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Delissa A. Ridgway	na	09/28/94	09/30/97	Chair

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
None				

¹ Only the Chair, who serves full-time, is listed.

MERIT SYSTEMS PROTECTION BOARD (MSPB)

The MSPB consists of three members—no more than two may be from the same political party—who serve seven-year terms. When a term expires, the member may continue to serve for one year. The President appoints the chair, subject to Senate confirmation, and designates the vice chair. (5 U.S.C. 1201 - 1203)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Benjamin L. Erdreich	D	06/30/93	03/01/00	Chair
Beth S. Slavet	D	08/11/95	03/01/02	Vice Chair
Antonio C. Amador	R	10/27/90	03/01/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Beth S. Slavet	D	Member	06/14/95	08/11/95

NATIONAL CREDIT UNION ADMINISTRATION (NCUA), BOARD OF DIRECTORS

The NCUA consists of three members—no more than two members may be from the same political party—who serve six-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair and vice chair. (12 U.S.C. 1752a)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Norman E. D'Amours	D	11/22/93	08/02/99	Chair
Shirlee Bowne	R	10/22/91	04/10/97	Vice Chair
Yolanda T. Wheat	D	Recess Appointment ¹		

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Yolanda T. Wheat	D	Member	11/09/95	Returned ²
Yolanda T. Wheat	D	Member	Recess appointment ³	
Yolanda T. Wheat ⁴	D	Member	04/15/96	Returned ²

¹ The recess appointment expires at the end of the first session of the 105th Congress.

² The Senate returned the nomination when it adjourned on 10/04/96.

³ The recess appointment was made on 04/12/96.

⁴ When a nominee pending before the Senate is given a recess appointment, it is customary to resubmit the nomination in order to avoid a possible salary cut-off to the recess appointee under 5 U.S.C. 5503.

NATIONAL LABOR RELATIONS BOARD (NLRB)

The Board consists of five members who serve five-year terms. Political balance is not required, but, by tradition, no more than three members are from the same political party. When a term expires, the member must leave office. The President designates the chair. The President also appoints the General Counsel, subject to the advice and consent of the Senate. (29 U.S.C. 153)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
William B. Gould, IV	D	03/02/94	08/27/98	Chair
Margaret A. Browning	D	03/02/94	12/16/97	
Sarah M. Fox	D	Recess appointment ¹		
John E. Higgins, Jr.	R	Recess appointment ¹		
Vacant			12/16/99	
Frederick L. Feinstein	na	03/02/94	03/02/98 ²	General Counsel

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Sarah M. Fox	D	Member	12/18/95	Returned ³
Sarah M. Fox	D	Member	Recess appointment ⁴	
Sarah M. Fox ⁵	D	Member	01/26/96	Returned ³
John E. Higgins, Jr.	R	Member	Recess Appointment ⁶	
John E. Higgins, Jr.	R	Member	09/03/96	Returned ³

¹ The recess appointment expires at the end of the first session of the 105th Congress.

² The General Counsel is appointed to a four-year term of office, but may be removed at the President's pleasure.

³ The Senate returned the nomination when it adjourned on 10/04/96.

⁴ The President made the recess appointment on 01/19/96.

⁵ When a nominee pending before the Senate is given a recess appointment, it is customary to resubmit the nomination in order to avoid a possible salary cut-off to the recess appointee under 5 U.S.C. 5503.

⁶ The President made the recess appointment on 08/30/96.

NATIONAL MEDIATION BOARD (NMB)

The Board consists of three members—no more than two may be from the same political party—who serve three-year terms. When a term expires, the member continues to serve until a successor takes office. The Board annually designates a chair. (45 U.S.C. 154)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
<i>Magdalena G. Jacobsen</i>	D	11/20/93	07/01/96	Chair
Ernest W. DuBester	D	12/22/95	07/01/98	
Kenneth B. Hipp	R	04/06/95	07/01/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Ernest W. DuBester	D	Member	06/30/95	12/22/95
Kenneth B. Hipp	R	Member	01/05/95	04/06/95
Magdalena G. Jacobsen	D	Member	09/27/96	Returned ¹

¹ The Senate returned the nomination when it adjourned on 10/04/96.

NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

The Board consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office. The President appoints the chair from among the members for a two-year term, with the advice and consent of the Senate, and designates the vice chair. (49 U.S.C. 1902)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
James E. Hall	D	10/15/93	12/31/97	Chair ¹
Robert T. Francis	D	08/11/95	12/31/99	Vice chair
George W. Black, Jr.	R	02/20/96	12/31/96	
John J. Goglia	D	08/11/95	12/31/98	
<i>John A. Hammerschmidt</i>	<i>R</i>	<i>06/25/91</i>	<i>12/31/95</i>	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
George W. Black, Jr.	R	Member	12/18/95	02/20/96
Robert T. Francis	D	Member	Recess appointee ²	
Robert T. Francis	D	Member	01/05/95	08/11/95
John J. Goglia	D	Member	03/06/95	08/11/95
James E. Hall	D	Chair	03/25/96	06/11/96
James E. Hall	D	Member	10/03/96	Returned ³

¹ The chair's term is for two years.

² The President made the recess appointment on 01/01/95.

³ The Senate returned the nomination when it adjourned on 10/04/96.

NUCLEAR REGULATORY COMMISSION (NRC)

The Commission consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, the member must leave office. The President designates the chair. The President also appoints the Inspector General, with the advice and consent of the Senate. (42 U.S.C. 5841)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Shirley A. Jackson	D	04/06/95	06/30/99	Chair
Nils J. Diaz	R	08/02/96	06/30/01	
Greta J. Dicus	D	12/22/95	06/30/98	
Edward McGaffigan	D	08/02/96	06/30/00	
Kenneth C. Rogers	R	05/21/92	06/30/97	
Hubert T. Bell, Jr.	na	06/11/96	Inspector General ¹	Reappointment

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Hubert T. Bell, Jr.	na	Inspector General	04/16/96	06/11/96
Dan M. Berkovitz	D	Member	01/05/95	Withdrawn ²
Nils J. Diaz	R	Member	07/12/96	08/02/96
Greta J. Dicus	D	Member	07/17/95	12/22/95
Shirley A. Jackson	D	Member	01/05/95	04/06/95
Edward McGaffigan	D	Member	07/12/96	08/02/96
Robert M. Sussman	D	Member	01/05/95	Withdrawn ³

¹ The President may remove an incumbent at any time, provided notice of the reason for removal is sent to Congress.

² The President withdrew the nomination on 11/09/95.

³ The President withdrew the nomination on 07/17/95.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION (OSHRC)

The Commission consists of three members—political balance is not required—who serve six-year terms. When a term expires, the member must leave office. The President designates the chair. (29 U.S.C. 661)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Stuart E. Weisberg	na	02/08/94	04/27/99	Chair
Daniel Guttman	na	Recess appointment ¹		
Velma Montoya	na	06/28/91	04/27/97	Reappointment

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Daniel Guttman	na	Member	02/06/96	Returned ²
Daniel Guttman	na	Member	Recess Appointment ³	
Daniel Guttman ⁴	na	Member	04/15/96	Returned ²

¹ The recess appointment expires at the end of the first session of the 105th Congress.

² The Senate returned the nomination when it adjourned on 10/04/96.

³ The President made the recess appointment on 04/12/96

⁴ When a nominee pending before the Senate is given a recess appointment, it is customary to resubmit the nomination in order to avoid a possible salary cut-off to the recess appointee under 5 U.S.C. 5503.

POSTAL RATE COMMISSION (PRC)

The Commission consists of five members—no more than three may be from the same political party—who serve six-year terms. When a term expires, the member may continue to serve for one year. The President designates the chair. The commissioners designate the vice chair. (39 U.S.C. 3601)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Edward J. Gleiman	D	02/10/94	10/16/98	Chair
H. Edward Quick, Jr.	D	11/22/91	11/22/96	Vice Chair
William H. LeBlanc III	D	08/11/95	11/22/00	
George W. Haley	R	11/20/93	10/14/98	
Vacant				

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
William H. LeBlanc III	D	Member	05/02/95	08/11/95
Daniel R. Stanley	R	Member	10/02/96	Returned ¹

¹ The Senate returned the nomination when it adjourned on 10/04/96.

RAILROAD RETIREMENT BOARD (RRB)

The Board consists of three members—political balance is not required—who serve five-year terms. When a term expires, the member may continue to serve until a successor takes office. The President appoints the chair, and an Inspector General with the advice and consent of the Senate. (45 U.S.C. 231f)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Glen L. Bower	na	08/12/92	08/29/97	Chair
Jerome F. Kever	na	04/06/95	08/28/98	
Virgil M. Speakman, Jr.	na	06/26/95	08/28/99	
Martin J. Dickman	na	10/08/94	Inspector General ¹	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Jerome F. Kever	na	Member	01/05/95	04/06/95
Virgil M. Speakman	na	Member	01/05/95	06/26/95

¹ The President may remove an incumbent at any time, provided notice of the reason for removal is sent to Congress.

SECURITIES AND EXCHANGE COMMISSION (SEC)

The Commission consists of five members—no more than three may be from the same political party—who serve five-year terms. When a term expires, the member may continue to serve until the end of the next session of Congress. The President designates the chair. (17 U.S.C. 78d)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Arthur Levitt	D	07/26/93	06/05/98	Chair
Issac C. Hunt, Jr.	D	01/26/96	06/05/00	
Norman S. Johnson	R	01/02/96	06/06/99	
Steven M. H. Wallman	D	06/29/94	06/05/97	
Vacant			06/05/99	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Issac C. Hunt, Jr.	D	Member	08/08/95	01/26/96
Norman S. Johnson	R	Member	08/08/95	01/02/96

SURFACE TRANSPORTATION BOARD (STB)¹

The STB, located within the Department of Transportation, consists of three members—no more than two may be from the same political party—who serve five-year terms. When a term expires, the member may continue to serve until a successor takes office, but not to exceed one year after. The President designates the chair. (49 U.S.C. 10301)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Linda J. Morgan	D	04/12/94	12/31/98	Chair
<i>J. J. Simmons III</i>	D	03/20/91	12/31/95	Vice Chair
Gus A. Owen	R	09/30/94	12/31/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
None				

¹ The Surface Transportation Board is the successor to the Interstate Commerce Commission. P.L. 104-88, Dec. 29, 1995, 109 Stat. 803, 932-933, abolished the Commission and established the Board.

TENNESSEE VALLEY AUTHORITY (TVA)

The TVA consists of three members—political balance is not required—who serve nine-year terms. When a term expires, the member must leave office. The President designates the chair. (16 U.S.C. 831a)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Craven H. Crowell, Jr.	na	07/01/93	05/18/02	Chair
Johnny H. Hayes	na	Recess appointment ¹		
William H. Kennoy	na	04/16/91	05/18/99	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Johnny H. Hayes	na	Member	03/28/96	Returned ²
Johnny H. Hayes	na	Member	Recess appointment ³	
Johnny H. Hayes	na	Member	06/03/96	Returned ²

¹ The recess appointment expires at the end of the first session of the 105th Congress.

² The Senate returned the nomination when it adjourned on 10/04/96.

³ The President made the recess appointment on 05/31/96.

UNITED STATES INTERNATIONAL TRADE COMMISSION (USITC)

The Commission consists of six members—no more than three may be from the same political party—who serve nine-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair and vice chair for two-year terms of office, but they may neither belong to the same political party nor be the two most recently appointed members of the Commission. A new chair may not belong to the same political party as the chair being replaced, unless the replacement is to complete an unexpired term. (19 U.S.C. 1330)

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Marcia E. Miller	D	06/26/96	12/16/03	Chair
Lynn M. Bragg	R	03/25/94	06/16/02	Vice Chair
Peter S. Watson	R	11/21/91	12/16/00	
<i>Janet A. Nuzum</i>	<i>D</i>	<i>11/20/91</i>	<i>06/16/96</i>	
Carol T. Crawford	R	11/20/91	06/16/99	
Don E. Newquist	D	08/11/88	12/16/97	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
Marcia E. Miller	D	Member	05/17/96	06/26/96

UNITED STATES PAROLE COMMISSION (USPC)

The USPC is an independent agency in the Department of Justice. The enabling statute calls for nine commissioners—political balance is not required—who serve six-year terms, and provides that, when a term expires, a member may continue to serve until a successor takes office. The President designates the chair. (18 U.S.C. 4202) Under P.L. 104-232, the Commission will be phased out by November 1, 2002. The number of members has been reduced to three commissioners.

Current Membership

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Edward F. Reilly	na	08/12/92	12/30/02	Chair
Michael J. Gaines	na	09/28/94	12/30/99	
John R. Simpson	na	04/10/92	12/30/01	

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
None				

UNITED STATES SENTENCING COMMISSION (USSC)

The Commission consists of seven members, but only the Chair, appointed to a six-year term, serves full-time. When the term expires, the Chair may continue to serve until a successor takes office. The Commission has two *ex officio* nonvoting members, the Attorney General or a designee and the chair of the United States Parole Commission. (58 U.S.C. 991a)

Current Membership¹

<u>Incumbent</u>	<u>Party</u>	<u>Date confirmed</u>	<u>Term expires</u>	<u>Comments</u>
Richard P. Conaboy	D	10/07/94	10/31/99	Chair

Appointment Action During 104th Congress

<u>Nominee</u>	<u>Party</u>	<u>Position</u>	<u>Date nominated</u>	<u>Date confirmed</u>
None				

¹ Only the chairperson, who occupies a full-time position, is listed.

ALPHABETICAL LIST OF APPOINTEES

Nominee	Agency	Nominated	Confirmed
Vicky A. Bailey	FERC	06/10/96	06/26/96
Herbert T. Bell, Jr.	NRC	04/16/96	06/11/96
Dan M. Berkovitz	NRC	01/05/95	Withdrawn ¹
George W. Black, Jr.	NTSB	12/18/95	02/20/96
Brooksley E. Born	CFTC	05/03/96	08/02/96
John T. Conway	DNFSB	06/21/95	09/29/95
Nils J. Diaz	NRC	07/12/96	08/02/96
Greta J. Dicus	NRC	07/17/95	12/22/95
Joseph J. Dinunno	DNFSB	01/24/96	03/28/96
Ernest W. DuBester	NMB	06/30/95	12/22/95
Sarah M. Fox	NLRB	12/18/95	Returned ²
Sarah M. Fox	NLRB	Recess appointment	
Sarah M. Fox	NLRB	01/26/96	Returned ²
Robert T. Francis	NTSB	Recess appointment	
Robert T. Francis	NTSB	01/05/95	08/11/95
Gaston L. Gianni, Jr.	FDIC	12/20/95	03/29/96
John J. Goglia	NTSB	03/06/95	08/11/95
Daniel Guttman	OSHRC	02/06/96	Returned ²
Daniel Guttman	OSHRC	Recess appointment	
Daniel Guttman	OSHRC	04/15/96	Returned ²
Maria L. M. Haley	EIB	05/19/95	08/11/95
James E. Hall	NTSB	10/03/96	Returned ²
Johnny H. Hayes	TVA	03/28/96	Returned ²
Johnny H. Hayes	TVA	Recess appointment	
Johnny H. Hayes	TVA	06/03/96	Returned ²
John E. Higgins, Jr.	NLRB	Recess appointment	
John E. Higgins, Jr.	NLRB	09/03/96	Returned ²
Kenneth B. Hipp	NMB	01/05/95	04/06/95
James J. Hoecker	FERC	03/28/95	08/11/95
Issac C. Hunt, Jr.	SEC	08/08/95	01/26/96
Norwood L. Jackson, Jr.	FDIC	01/05/95	Withdrawn ³
Shirley A. Jackson	NRC	01/05/95	04/06/95
Magdalena G. Jacobsen	NMB	09/27/96	Returned ²
Norman S. Johnson	SEC	08/08/95	01/02/96
Kelly D. Johnston	FEC	09/25/96	Returned ²
Reginald E. Jones	EEOC	06/10/96	07/16/96

¹ The President withdrew the nomination on 11/09/95.

² The Senate returned the nomination when it adjourned on 10/04/96.

³ The President withdrew the nomination on 12/20/95.

ALPHABETICAL LIST OF APPOINTEES

Nominee	Agency	Nominated	Confirmed
Mary L. Jordan	FMSHRC	05/01/96	Returned ²
Mary L. Jordan	FMSHRC	Recess appointment	
Mary L. Jordan	FMSHRC	09/03/96	Returned ²
Ann Jorgenson	FCA	09/30/96	Returned ²
Martin A. Kamarck	EIB	12/21/95	Returned ²
Martin A. Kamarck	EIB	Recess Appointment	
Martin A. Kamarck	EIB	04/15/96	Returned ²
Regina M. Keeney	FCC	08/01/96	Returned ²
Jerome F. Kever	RRB	01/05/95	04/06/95
William H. LeBlanc III	PRC	05/02/95	08/11/95
Edward McGaffigan	NRC	07/12/96	08/02/96
Marcia E. Miller	USITC	05/17/96	06/26/96
Thomas H. Moore	CPSC	01/05/95	04/06/95
Thomas H. Moore	CPSC	07/11/96	08/02/96
Bruce A. Morrison	FHFB	01/05/95	05/25/95
Laurence H. Meyer	FRS	03/15/96	06/20/96
Joseph H. Neely	FDIC	07/14/95	12/22/95
J. Timothy O'Neill	FHFB	01/05/95	05/25/95
Robert Pitofsky	FTC	01/05/95	04/06/95
James C. Riley	FMSHRC	09/19/95	12/22/95
Alice M. Rivlin	FRS	03/15/96	06/20/96
Joe Scroggins, Jr.	FMC	07/14/95	Returned ²
Beth S. Slavet	MSPB	06/14/95	08/11/95
Virgil M. Speakman	RRB	01/05/95	06/26/95
David D. Spears	CFTC	05/03/96	08/02/96
Daniel R. Stanley	PRC	10/02/96	Returned ²
Clifford G. Stewart	EEOC	03/06/95	06/30/95
Robert M. Sussman	NRC	01/05/95	Withdrawn ¹
Donald S. Wasserman	FLRA	07/17/95	12/22/95
Yolanda T. Wheat	NCUA	11/09/95	Returned ²
Yolanda T. Wheat	NCUA	Recess appointment	
Yolanda T. Wheat	NCUA	04/15/96	Returned ²

¹ The President withdrew the nomination on 07/17/95.

TABLE 2. Status of Positions and Nominations 1996			
Agency ¹	Number of positions	Number of vacant positions	Number of positions with expired term ²
CFTC	5	0	1
CPSC	3	0	0
DNFSB	5	0	1
EEOC	6	1	0
EXIMBANK	5	1	0
FCA	3	1	0
FCC	5	1	1
FDIC	4	0	0
FEC	6	1	2
FERC	5	0	0
FHFB	4	1	1
FLRA	4	0	0
FMC	5	1	2
FMSHRC	5	2	0
FRS	7	0	0
FTC	5	0	2
FCSC	1	0	0
MSPB	3	0	0
NCUA	3	0	0
NLRB	6	1	0
NMB	3	0	1
NTSB	5	0	1
NRC	6	0	0
OSHRC	3	0	0
PRC	5	1	0
RRB	4	0	0
SEC	5	1	0
STB	3	0	1
TVA	3	0	0
USITC	6	0	1
USPC	3	0	0
USSC	1	0	0
Totals	137	12	14

¹ Agency names are found on page 43.

² In most agencies, incumbents whose terms have expired may remain in office until their successors are appointed.

LIST OF AGENCY ABBREVIATIONS

CFTC	Commodity Futures Trading Commission
CPSC	Consumer Product Safety Commission
DNFSB	Defense Nuclear Facilities Safety Board
EEOC	Equal Employment Opportunity Commission
EXIMBANK	Export-Import Bank
FCA	FARM Credit Administration
FCC	Federal Communications Commission
FDIC	Federal Deposit Insurance Corporation, Board of Directors
FEC	Federal Election Commission
FERC	Federal Energy Regulatory Commission
FHFB	Federal Housing Finance Board
FLRA	Federal Labor Relations Authority
FMC	Federal Maritime Commission
FMSHRC	Federal Mine Safety and Health Review Commission
FRS	Federal Reserve System, Board of Governors
FTC	Federal Trade Commission
FCSC	Foreign Claims Settlement Commission
ICC ¹	Interstate Commerce Commission
MSPB	Merit Systems Protection BOARD
NCUA	National Credit Union Administration, Board of Directors
NLRB	National Labor Relations Board
NMB	National Mediation Board
NTSB	National Transportation Safety Board
NRC	Nuclear Regulatory Commission
OSHRC	Occupational Safety and Health Review Commission
PRC	Postal Rate Commission
RRB	Railroad Retirement Board
SEC	Securities and Exchange Commission
STB ¹	Surface Transportation Board
TVA	Tennessee Valley Authority
USITC	United States International Trade Commission
USPC	United States Parole Commission
USSC	United States Sentencing Commission

¹ The Interstate Commerce Commission was abolished and replaced by the Surface Transportation Board, effective January 1, 1996 (P.L. 104-88, December 29, 1995, 109 Stat. 803, 932-933).

LIST OF POLITICAL PARTY ABBREVIATIONS

D	Democratic
I	Independent
R	Republican
na	Not applicable, political balance is not required.