

Report for Congress

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Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 107th Congress

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Summary

During the 107th Congress, 125 nominations to full-time positions on 33 regulatory and other boards and commissions were submitted to the Senate by the President. President Clinton submitted 12 of these nominations before he left office on January 20, 2001, and these 12 were withdrawn by President Bush on March 19, 2001. President Bush submitted 113 nominations, of which 72 were confirmed, 6 were withdrawn, and 35 were returned to him (13 at the August 2001 recess and 22 at the end of the Congress). President Clinton made 12 recess appointments during the intersession between the 106th and 107th Congresses, all of which expired at the end of the first session of the 107th Congress. President Bush made 5 intrasession and 7 intersession recess appointments to boards and commissions. Seven of President Bush's recess appointments expired at the end of the 107th Congress and five will expire at the end of the first session of 108th Congress. At the end of the 107th Congress, there were 19 vacancies among 147 positions. In addition, 14 incumbents were serving past the expiration of their terms.

Information for this report was compiled from data from the Senate nominations database of the Legislative Information System [<http://www.congress.gov/nomis/>], the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, and telephone discussions with agency officials.

Related information may be found in CRS Report RL31346, *Presidential Appointments to Full-Time Positions in Executive Departments During the 107th Congress, 2001-2002*, by (name redacted); and CRS Report RL31435, *Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 107th Congress*, by (name redacted).

This report will not be updated.

Contents

Introduction	1
Appointments During the 107 th Congress	1
Average Time to Confirm a Nomination	2
The Appointment Process	4
Selection and Nomination	4
Confirmation	5
Appointment	6
Recess Appointments	6
Characterization of Regulatory and Other Collegial Bodies	7
Organization of the Report	8
Board and Commission Profiles	8
Additional Appointment Information	9
Chemical Safety and Hazard Investigation Board (CSHIB)	11
Commodity Futures Trading Commission (CFTC)	12
Consumer Product Safety Commission (CPSC)	13
Defense Nuclear Facilities Safety Board (DNFSB)	14
Equal Employment Opportunity Commission (EEOC)	15
Export-Import Bank (EXIMBANK)	16
Farm Credit Administration (FCA)	17
Federal Communications Commission (FCC)	18
Federal Deposit Insurance Corporation (FDIC), Board of Directors	19
Federal Election Commission (FEC)	20
Federal Energy Regulatory Commission (FERC)	21
Federal Housing Finance Board (FHFB)	22
Federal Labor Relations Authority (FLRA)	23
Federal Maritime Commission (FMC)	24
Federal Mine Safety and Health Review Commission (FMSHRC)	25
Federal Reserve System (FRS), Board of Governors	26
Federal Trade Commission (FTC)	27
Foreign Claims Settlement Commission (FCSC)	28
Merit Systems Protection Board (MSPB)	29
National Credit Union Administration (NCUA), Board of Directors	30
National Labor Relations Board (NLRB)	31
National Mediation Board (NMB)	32
National Transportation Safety Board (NTSB)	33
Nuclear Regulatory Commission (NRC)	34
Occupational Safety and Health Review Commission (OSHRC)	35
Postal Rate Commission (PRC)	36
Railroad Retirement Board (RRB)	37
Securities and Exchange Commission (SEC)	38
Surface Transportation Board (STB)	39
Tennessee Valley Authority (TVA)	40
United States International Trade Commission (USITC)	41
United States Parole Commission (USPC)	42
United States Sentencing Commission (USSC)	43
Appendix A. Nominees and Appointees, 107 th Congress	44
Appendix B. Appointment Action, 107 th Congress	49
Appendix C. Senate Recesses for the 107 th Congress	51

Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 107th Congress

Introduction¹

This report provides an overview of the process for filling positions to which the President makes appointments with the advice and consent of the Senate. It also specifies, for the 107th Congress, all nominations to full-time positions on 33 regulatory and other collegial boards and commissions.² Profiles of each board and commission provide information on their organizational structures, membership as of the end of the 107th Congress, and appointment activity during that Congress.

Appointments During the 107th Congress

During the 107th Congress, 125 nominations to full-time positions on 33 regulatory and other boards and commissions were submitted to the Senate by the President. President Clinton submitted 12 of these nominations before he left office on January 20, 2001, and these 12 were withdrawn by President Bush on March 19, 2001. President Bush submitted 113 nominations, of which 72 were confirmed, 6 were withdrawn, and 35 were returned to him (13 at the August recess and 22 at the end of the 107th Congress). President Clinton made 12 recess appointments during the intersession between the 106th and 107th Congresses, all of which expired at the end of the first session of the 107th Congress. President Bush made 5 intrasession and 7 intersession recess appointments to regulatory and other boards and commissions. Seven of President Bush's recess appointments expired at the end of the 107th Congress and five will expire at the end of the first session of the 108th. **Table 1** summarizes the appointment activity for the 107th Congress. At the end of the Congress, there were 19 vacancies among 147 positions. In addition, 14 incumbents were serving past the expiration of their terms.

¹This report was built on research by (name redacted) and (name redacted). Significant portions of the text presented here were written by Dr. Garcia for earlier versions of this report.

²This report does not include the Election Assistance Commission, which was established by P.L. 107-252, Sec. 201 but was not operational during the 107th Congress. For more information on the new commission, see *CRS Election Reform Briefing Book*, available at [<http://www.congress.gov/brbk/html/eberf1.shtml>].

Table 1. Appointment Action During the First Session of the 107th Congress

Total positions	147
Nominations submitted to the Senate	125
Nominations confirmed by the Senate	72
Individual nominees	95
Positions to which nominations were made	87
Nominations returned at the August 2001 recess	13
Nominations returned at the the end of the 107 th Congress	22
Nominations submitted by Clinton, withdrawn by Bush	12
Nominations submitted and withdrawn by Bush	6
Intersession recess appointments between 106 th and 107 th Congresses (Clinton)	12
Intrasession recess appointments	5
Intersession recess appointments	7

Average Time to Confirm a Nomination

The average time the Senate took to confirm a nomination to a regulatory or other collegial board or commission, as well as the average time the President took to submit a nomination, may not be as meaningful when considering boards or commissions as it is when considering executive departments and single-head independent agencies. Nearly all positions on boards and commissions are for a fixed term of office, and when a term expires, the incumbent usually may remain in office until he or she is replaced by a successor. Moreover, a nomination is frequently submitted before an incumbent's term expires. Consequently, the time taken to confirm a nomination generally is not as crucial for independent regulatory boards and commissions as it is for executive departments and single-head independent agencies, where a nomination is generally made to a position that is vacant.

The length of time a given nomination may be pending in the Senate varies widely. Some nominations are confirmed within a few days, others may not be confirmed for several months, and some are never confirmed. This report provides, for each board or commission nomination that was confirmed in the 107th Congress, the number of days between nomination and confirmation ("days to confirm"). Some Senate recess days are not included in this sum because Senators are unable to take up nominations on these days. For practical reasons, only days from the longer recesses around August and between congressional sessions are excluded. These recesses are often longer than 30 days. This cutoff point is suggested by the Senate rules, which provide that "if the Senate shall adjourn or take recess for more than thirty days, all nominations pending and not finally acted upon" shall be returned to the President, although this rule is often waived.³ The 32 days during the August 2002 recess and the 33 days between the first and second sessions of the 107th

³U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 106th Cong., 1st sess., S.Doc. 106-1 (Washington: GPO, 1999), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Congress were subtracted from the “days to confirm” for those nominations that spanned one or both recesses. No days were subtracted for the August 2001 recess, because, as discussed below, all pending nominations were returned prior to that recess.

An accurate calculation of the average time the Senate took to confirm a nomination in the 107th Congress is made more challenging by an unusual characteristic of the session. As just noted, the Senate rules provide that all pending nominations are to be returned to the President at the beginning of recesses of thirty days or more. Usually the Senate agrees, by unanimous consent, to waive this rule and retain pending nominations over their recesses. Prior to the 31-day August 2001 recess, however, the Senate did not reach such an agreement, and 162 pending nominations, 13 of which were to the organizations discussed in this report, were returned to the President.⁴ The President sent forward nominations for some of these individuals again after the recess. Those nominations were considered to be new nominations, rather than continuations of the pre-recess nominations. As a result, when such nominations are confirmed, the length of the confirmation process, shown in the tables of this report as “days to confirm,” does not include any pre-recess time during which the nominee was under consideration in the Senate. Consequently, the average is smaller than it would be if the pre- and post-recess nomination times were added together. For example, the mean number of days to confirm for all boards and commissions is 70 days, but if the pre-recess days during which a nominee was under consideration in the Senate were included for all confirmed nominees, this mean would be 72 days. Likewise, the median “days to confirm” for all board and commission nominations is 51, but it would be 52 if pre-recess days were included.⁵ Table notes provide figures that take such pre-recess time into account. In general, however, comparisons between average confirmation times from this report and those from previous reports should be made cautiously.

Since most of these boards and commissions require a political balance among their members (i.e., no more than a simple majority may be from the same political

⁴See Sen. Harry Reid and Sen. Trent Lott, “Unanimous Consent Request — Executive Calendar,” colloquy, *Congressional Record*, daily edition, vol. 147, Aug. 3, 2001, p. S8888. Such a unanimous consent agreement was reached, however, for the recess between the 1st and 2nd sessions of the 107th Congress. Sen. Harry Reid, “Nominations to Remain in Status Quo Notwithstanding the Adjournment of the Senate,” *Congressional Record*, daily edition, vol. 147, Dec. 20, 2001, p. S14049. By unanimous consent, no nominations were returned to the President prior to the 32-day August 2002 recess. Sen. Harry Reid, “Order for Nominations,” *Congressional Record*, daily edition, vol. 148, Aug. 1, 2002, p. S8020.

⁵In this report, the tables for individual boards and commissions show the mean for that organization, and the table of all nominations in Appendix A shows both the mean and the median. The mean is the average as it is commonly calculated. In order to calculate the mean “days to confirm,” for example, for each organization, the “days to confirm” data for all the confirmed nominations in the organization were added together and then divided by the number of confirmed nominations. The median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order. Although the mean is the more familiar kind of average, the median is included on the larger table because it diminishes the influence of a few extreme entries. It is not included on the smaller tables, where the influence of such entries is more directly visible.

party), the President negotiates over nominations with leaders of the opposition party in Congress. These negotiations involve questions not only of patronage, but also of policy, especially when the board or commission is involved in areas that, at the time, may be particularly sensitive. This often results in a packaging process in which the President submits several nominations together for positions in a particular agency and the Senate then confirms them as a group. Sometimes, however, only one or two nominations are submitted when three or four positions may be available. When this occurs, a nomination may remain before the Senate for many months, until one or two additional nominations are submitted. Generally, all are then quickly confirmed. (The Federal Communications Commission provides an example of cluster action.)

The Appointment Process

The President and the Senate share the power to appoint the principal officers of the United States.⁶ The Constitution (Article II, Section 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 appointment process — selection and nomination, confirmation, and appointment.

Selection and Nomination. In this stage, the President selects the nominee and sends the nomination to the Senate. There are a number of steps in the President’s selection of candidates for most Senate-confirmed positions. First, with the assistance of the White House Office of Presidential Personnel, the President selects a candidate for the position. The candidate then prepares and submits several forms: the “Public Financial Disclosure Report” (Standard Form (SF) 278), the “Questionnaire for National Security Positions” (SF 86), and the White House “Personal Data Statement Questionnaire.” The Office of the Counsel to the President oversees the clearance process, with background investigations conducted by the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Office of Government Ethics (OGE), and ethics official for the agency to which the candidate is to be appointed. If conflicts are found during the background check, OGE and the agency ethics officer may work with the candidate to mitigate the conflicts. Once the Counsel has cleared the candidate, the nomination is ready to be submitted to the Senate. The selection and vetting stage is often the longest part of the appointment process. There can be lengthy delays, particularly if many candidates are being processed, as they are at the beginning of an Administration, or if conflicts need to be resolved. Candidates for higher-level positions are often accorded priority in this process.

For positions 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 President’s party, he usually defers to the recommendations of party leaders from the state. Occasionally, the President solicits recommendations from Senators of the opposition party because of

⁶A succinct historical and contemporary overview of the appointment power is found in (name redacted), “Appointment Powers,” in his *Constitutional Conflicts between Congress and the President*, 4th ed. (Lawrence, KS: University Press of Kansas, 1997), pp. 22-48.

their positions in the Senate. Before making a nomination to a federal position at the state or national level, the President must consider how it will fare in the confirmation process.

A nominee has no legal authority to assume the duties and responsibilities of the position; the authority comes with Senate confirmation and presidential appointment. A nominee who is hired as a consultant while awaiting confirmation may serve only in an advisory capacity. If circumstances permit and conditions are met, the President may give the nominee a recess appointment to the position (see below). Recess appointments may have political consequences, however, particularly if Senators perceive that an appointment is an effort to circumvent their constitutional role. Some Senate-confirmed positions, such as many of those in the executive departments, may also be temporarily filled under the Vacancies Act.⁷ Positions on most boards and commissions, however, are not covered by this Act.⁸

Confirmation. In the confirmation or second stage, the Senate alone determines whether to approve or disapprove a nomination. The way 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 nominees' views and how they are likely to affect public policy.⁹ Two other factors may also affect the scrutiny with which a nominee's personal and professional qualities are examined: whether or not the President's party controls the Senate and the degree to which the President becomes involved in supporting the nomination.

Although the Senate confirms most nominations, no President can safely assume that his nominees will be approved routinely. Rarely, however, does a rejection occur on the Senate floor. Nearly all rejections occur in committee, either by committee vote or by committee inaction. Rejections in committee occur for a variety of reasons, including opposition to the nomination, inadequate amount of time for consideration of the nomination, or factors that may have nothing to do with the merits of the nomination. The most recent study of Senate confirmation action, which looked at the period between 1981 and 1992, found that the Senate failed to confirm 22% of all nominations to full-time positions on boards and commissions. During the same period, 11% of nominations to independent agencies and 9% of nominations to executive departments also failed.¹⁰

⁷P.L. 105-277, Div. C, Title I, sec. 151; 5 U.S.C. 3345-3349d. For more on the Vacancies Act, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate's Confirmation Prerogative*, by (name redacted).

⁸5 U.S.C. 3349c.

⁹G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

¹⁰CRS Report 93-464 GOV, *Senate Action on Nominations to Policy Positions in the Executive Branch, 1981-1992*, by (name redacted) (archived; contact Henry Hogue for more information). The study did not include nominations submitted by Presidents Carter and Reagan in the last months of their administrations, or nominations submitted within a month of the Senate's adjournment at the end of a session. It also excluded nominations to the

Appointment. In the 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. The President may sign the commission at any time after confirmation. Under unusual circumstances, he may not sign it at all, thus preventing the appointment. Once the appointee is given the commission and sworn in, he or she has full authority to carry out the responsibilities of the office.

Recess Appointments

The appointment 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.¹¹ Recess appointments made by President Clinton during the intersession prior to the beginning of the 107th Congress expired at the end of the first session of the 107th Congress. Recess appointments made by President Bush during a recess within the first session or between the first and second sessions of the 107th Congress expired at the end of the second session of the 107th Congress. Recess appointments made by President Bush during a recess within the second session of the 107th Congress or between the end of the 107th Congress and the beginning of the 108th Congress expire at the end of the first session of the 108th Congress. Appendix C provides a table showing the dates of the Senate recesses immediately before, during, and immediately after the 107th Congress.

Presidents have occasionally used the recess appointment power to circumvent the confirmation process. In response, Congress has placed 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 falls vacant while the Senate is in session, the recess 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 was given the recess appointment. A recess appointment falling under any one of these three exceptions must be followed by a nomination to the position not later than 40 days after the beginning of the next session of the Senate. 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.¹² In addition, although recess

¹⁰(...continued)

judiciary, military services, Foreign Service, National Oceanic and Atmospheric Administration Officer Corps, and Public Health Service Officer Corps, as well as nominations to all ambassadorial, U.S. attorney, U.S. marshal, and part-time positions.

¹¹Art. II, Sec. 2, Cl. 3 of the Constitution.

¹²For a further discussion of recess appointments and a list of recess appointments during the Clinton presidency, see CRS Report RL30821, *Recess Appointments Made by President Clinton*, by (name redacted). For a legal history and overview of recess appointments, see (continued...)

appointees whose nominations to a full term are subsequently rejected by the Senate may continue to serve until the end of their recess appointment, a provision of the annual Treasury and General Government Appropriations Act may prevent them from being paid after their rejection.¹³

Characterization of Regulatory and Other Collegial Bodies

Federal executive branch boards and commissions share the following characteristics: (1) they are independent executive branch bodies located, with four exceptions, outside executive departments;¹⁴ (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 fixed terms of office, and, except in a few bodies, cannot be removed by the President except for cause.

The time between confirmation and the term-expiration date is often less than the fixed term of office. A new member may be nominated and confirmed for a position from which someone has resigned (or died) with an unexpired term or for a position with a new term that is already underway. 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 — one for member and the other for chair.

As independent entities with staggered membership, executive branch boards and commissions have more political independence from the President than do executive departments. Nonetheless, the President can sometimes exercise significant influence over the composition of the membership when he designates the

¹²(...continued)

CRS Report 87-832 A, *Recess Appointments: Legal Overview*, by Richard C. Ehlke (archived; contact author for more information).

¹³P.L. 107-67, sec. 609. The provision reads, “No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.” This provision has been part of this funding bill since at least 1950.

¹⁴Exceptions are the Federal Energy Regulatory Commission (FERC), located in the Department of Energy (DOE); the Foreign Claims Settlement Commission (FCSC) and the United States Parole Commission (USPC), both located in the Department of Justice (DOJ); 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. The FCSC is designated as an independent entity within DOJ, with a specific provision that decisions of the Commission shall not be subject to review by the Attorney General. The enabling statutes of the STB and the USPC state only that they are located within their respective departments.

chair or has the opportunity to fill a number of vacancies at once. For example, President George W. Bush had the opportunity to shape the Securities and Exchange Commission during the first two years of his presidency because of existing vacancies, resignations, and the death of a member. Likewise, during the same time period, President Bush was able to submit nominations for all of the positions on the National Labor Relations Board because of existing vacancies, expiring recess appointments, and resignations. Simultaneous turnover of board or commission membership may sometimes result from coincidence. It may also sometimes be the result of a buildup of vacancies after extended periods during which the President fails to nominate, or the Senate fails to confirm, members.

There are two other notable characteristics of some of the boards and commissions. First, on 24 of the regulatory and other collegial boards and commissions, no more than a simple majority of the appointed members (e.g., two of three, or three of five) may belong to the same political party. Second, six organizations have confirmation requirements for either their inspector general or their general counsel.

Organization of the Report

Board and Commission Profiles. Each of the 33 board or commission profiles following the narrative portion of this report is organized into three sections: organizational structure; current membership; and nominations and appointments. The organizational section discusses the statutory requirements for the appointed positions, including the number of members on each board or commission, their terms of office, whether or not they may continue in their positions after their terms expire, whether or not political balance is required, and the method for selection of the chair.

Data¹⁵ on appointment actions during the 107th Congress appear under both the “Current Membership” section and the “Appointment Action” section, and are current as of January 3, 2003. The “Current Membership” section identifies the agency’s positions requiring Senate confirmation and the incumbents in those positions. Incumbents whose terms have expired are italicized. 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 assumes office following a presidential election. For those agencies requiring political balance among their

¹⁵This report was compiled from data from the Senate nominations database of the Legislative Information System [<http://www.congress.gov/nomis/>], the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, and telephone discussions with agency officials. For similar reports for previous Congresses, see CRS Report 94-628 GOV, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 103rd Congress*, by (name redacted); CRS Report 96-271 GOV, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 104th Congress*, by (name redacted); CRS Report 98-137 GOV, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 105th Congress*, by (name redacted); and CRS Report RL30476, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 106th Congress*, by (name redacted).

members, the political affiliation of an incumbent is listed as Democrat (D), Republican (R), or Independent (I). The section also includes the pay levels of the positions. For presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which ranges from level I for cabinet-level offices, to level V for the lowest-ranked positions. Most of the chair positions are at level III (\$142,500), and most of the other positions are at level IV (\$134,000).¹⁶

The “Appointment Action” section identifies the nominees, in chronological order, the positions to which they were nominated, the dates of nomination, the dates of confirmation, and the number of days taken for confirmation. Actions other than confirmation (i.e., nominations rejected by the Senate, nominations returned to or withdrawn by the President, and recess appointments) are also noted. Occasionally, when a position is vacant and the unexpired term of office ends within a number of weeks or months, two nominations for the same nominee are submitted, the first to complete the unexpired term, and the second for a full term following completion of the expired term. Also, when a nominee is awaiting Senate action and he or she is given a recess appointment, a second, follow-up, nomination is usually submitted to comply with the requirements of 5 U.S.C. 5503(b).

In tables that show more than one confirmed nomination, the mean number of days to confirm a nomination is provided. This figure is determined by calculating the number of days between the nomination and confirmation dates, adding these numbers for all confirmed nominations, and dividing the result by the number of nominations confirmed. This mean should be used cautiously. As discussed earlier, the Senate took the unusual step of returning all nominations to the President prior to the August 2001 recess. Many of those whose nominations were returned were re-nominated after the recess. Consequently, these individuals were nominated twice, and the time their first nominations were pending in the Senate is not included in the calculation of the mean days to confirm a nomination. As a result, this mean time is shorter than it would be otherwise.

Additional Appointment Information. Appendix A presents a table of all appointees, alphabetically organized, and following a similar format to that of the “Appointment Action” sections just discussed. It identifies the agency involved and the dates of nomination and confirmation. The table also indicates if a nomination was withdrawn, returned, or rejected, or if a recess appointment was made. The mean number of days taken to confirm a nomination is calculated as described above, and the same caution is advised. The table also shows the median, which is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

Appendix B provides a table with summary information on appointments and nominations by agency. For each of the 33 independent boards and commissions discussed in this report, the table provides the number of positions, vacancies,

¹⁶These salary rates are in effect as of this writing. For information on pay for federal officials, see CRS Report 98-53, *Salaries of Federal Officials: A Fact Sheet*, by Sharon Gressle.

incumbents whose term has expired, nominations, individual nominees, positions to which nominations were made, confirmations, nominations returned to the President, nominations withdrawn, and recess appointments.

Appendix C provides a table showing the dates of the Senate recesses immediately before, during, and immediately after the 107th Congress. A list of agency abbreviations can be found in Appendix D.

Chemical Safety and Hazard Investigation Board (CSHIB)

The CSHIB is an independent agency consisting of five members (no political balance is required) who serve five-year terms. The chair is subject to confirmation by the Senate. When a term expires, the incumbent must leave office. (42 U.S.C. 7412(r)(6))

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Carolyn W. Merritt	na	08/01/02	08/01/07	IV	Chair
Isodore Rosenthal	na	10/21/98	10/21/03	IV	
Andrea K. Taylor	na	10/21/98	10/21/03	IV	
Gerald V. Poje	na	11/10/99	11/01/04	IV	Reappointed
John S. Bresland	na	08/01/02	08/01/07	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Carolyn W. Merritt	na	Member	06/05/02	08/01/02	57
Carolyn W. Merritt	na	Chair	06/05/02	08/01/02	57
John S. Bresland	na	Member	06/17/02	08/01/02	45
Mean number of days to confirm a nomination					53

na - not applicable.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
James E. Newsome	R	12/20/01	06/19/06	III	Chair, Reappointed
<i>Barbara P. Holum</i>	D	06/23/98	04/13/02	IV	Reappointed
Vacant			04/13/03	IV	
Sharon Brown-Hruska	R	08/01/02	04/13/04	IV	
Walter L. Lukken	R	08/01/02	04/13/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
James E. Newsome	R	Commissioner	10/31/01	12/20/01	50
James E. Newsome	R	Chair	10/31/01	12/20/01	50
Sharon Brown-Hruska	R	Commissioner	04/09/02	08/01/02	114
Walter L. Lukken	R	Commissioner	04/16/02	08/01/02	107
Mean number of days to confirm a nomination					80

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 Membership^a

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Harold D. Stratton	R	07/25/02	10/26/06	III	Chair
Thomas H. Moore	D	08/02/96	10/26/03	IV	Reappointed
Mary S. Gall	R	07/01/99	10/26/05	IV	Reappointed

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Mary S. Gall	R	Chair	05/08/01	Returned 08/03/01 ^b	
Harold D. Stratton	R	Commissioner	03/13/02	07/25/02	134
Harold D. Stratton	R	Chair	03/13/02	07/25/02	134
Mean number of days to confirm a nomination					134

^a Two vacant positions are not listed, because, since FY1993, funds have not been made available for the 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).

^b On Aug. 2, 2001, the Senate Committee on Commerce, Science, and Transportation failed to report Gall's nomination to the full Senate. The nomination was then returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. After the recess, the President did not resubmit the nomination, reportedly at Gall's request (Brian Nutting, "White House Drops Gall Nomination For Consumer Post," *CQ Daily Monitor*, Sept. 11, 2001, p. 1). Gall continues to serve as a member of the commission.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
<i>John T. Conway</i>	D	09/29/95	10/18/99	III	Chair
A. J. Eggenberger	R	10/29/99	10/18/03	III	Vice Chair
Vacant			10/18/02	III	
Vacant			10/18/05	III	
John E. Mansfield	R	08/01/02	10/18/06	III	Reappointed

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
John E. Mansfield	R	Member	05/08/02	08/01/02	85
R. Bruce Matthews	^a	Member	05/08/02	Returned 11/20/02 ^b	

^a Information not available.

^b Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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 the 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Cari M. Dominguez	R	07/19/01	07/01/06	III	Chair
Leslie Silverman	R	03/01/02	07/01/03	IV	
Paul S. Miller	D	11/19/99	07/01/04	IV	Reappointed
Vacant			07/01/05	IV	
Vacant			07/01/07	IV	
Vacant	na		4 years	V	General Counsel

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Cari M. Dominguez	R	Member	05/10/01	Returned 08/03/01 ^a	
Cari M. Dominguez	R	Member	05/10/01	07/19/01	70
Naomi C. Earp	R	Member	11/27/01	Returned 11/20/02 ^b	
Leslie Silverman	R	Member	02/11/02	03/01/02	18
Mean number of days to confirm a nomination					44

na - not applicable.

^a Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. The term for which the nomination was submitted expired July 1, 2001.

^b Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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 (1) until a successor is appointed, or (2) until six months pass after the term expires — whichever occurs earlier. 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Philip Merrill	R	11/14/02	01/20/05	III	Chair
Eduardo Aguirre, Jr.	R	12/20/01	01/20/05	IV	Vice Chair
Dan H. Renberg	R	11/10/99	01/20/03	IV	
Dorian V. Weaver	D	11/10/99	01/20/03	IV	
J. Joseph Grandmaison	D	12/20/01	01/20/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
John E. Robson	R	Chair	04/30/01	05/17/01	17
Eduardo Aguirre, Jr.	R	Vice Chair	05/22/01	Returned 08/03/01 ^a	
Eduardo Aguirre, Jr.	R	Vice Chair	09/04/01	12/20/01	107 ^b
J. Joseph Grandmaison	D	Member	11/29/01	12/20/01	21
Philip Merrill	R	Chair	09/30/02	11/14/02	45
Mean number of days to confirm a nomination					48

^a Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b If the number of days Aguirre's first (pre-recess) nomination was pending in the Senate were included in this number, it would be 180, rather than 107. The mean number of days to confirm a nomination for the agency would then be 66.

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 may not succeed him- or herself unless he or she was first appointed to complete an unexpired term of three years or less. 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Michael M. Reyna	D	10/21/98	05/21/04	III	Chair
Douglass L. Flory	R	08/01/02	10/13/06	IV	
Nancy C. Pellett	R	11/14/02	05/31/08	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Michael V. Dunn ^a	D	Member	01/05/01	Withdrawn 03/19/01 ^b	
Douglass L. Flory	R	Member	05/13/02	08/01/02	80
Nancy C. Pellett	R	Member	06/14/02	11/14/02	121
Mean number of days to confirm a nomination					101

^a On Dec. 21, 2000, Dunn was given a recess appointment, which would have expired at the end of the 107th Congress, 1st session. He resigned in Feb. 2001.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Michael K. Powell	R	05/25/01	06/30/07	III	Reappointed, Chair
Jonathan S. Adelstein	D	11/14/02	06/30/03	IV	
Kathleen Q. Abernathy	R	05/25/01	06/30/04	IV	
Michael J. Copps	D	05/25/01	06/30/05	IV	
Kevin J. Martin	R	05/25/01	06/30/06	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Susan Ness ^a	D	Member	01/05/01	Withdrawn 03/19/01 ^b	
Kathleen Q. Abernathy	R	Member	04/30/01	Withdrawn 05/01/01 ^c	
Michael J. Copps	D	Member	04/30/01	Withdrawn 05/01/01 ^c	
Kevin J. Martin	R	Member	04/30/01	05/25/01	25
Kathleen Q. Abernathy	R	Member	05/01/01	05/25/01	24
Michael J. Copps	D	Member	05/01/01	05/25/01	24
Michael K. Powell	R	Member	05/10/01	05/25/01	15
Jonathan S. Adelstein	D	Member	07/10/02	11/14/02	95
Mean number of days to confirm a nomination					37

^a On Dec. 18, 2000, Ness was given a recess appointment, which expired at the end of the 107th Congress, 1st session.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

^c The nominations of Abernathy and Copps were withdrawn, and each was re-nominated to the position to which the other had previously been nominated. As a result, Abernathy's term expires in 2004 and Copp's term expires in 2005.

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 (no more than two may belong to the same political party) serve six-year terms. When a term expires, the member may continue to serve until a successor is appointed. The President designates the chair for a term of five years and the 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Donald E. Powell	R	07/12/01	07/15/07	III	Chair ^a
John M. Reich	R	12/15/00	12/27/06	IV	Vice Chair
Vacant			Six years from appt.	IV	
James Gilleran	na	Office of Thrift Supervision, Director			<i>Ex officio</i>
John D. Hawke Jr.	na	Comptroller of the Currency			<i>Ex officio</i>
Gaston L. Gianni, Jr.	na	03/29/96	Indefinite ^b	IV	Inspector General

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Donald E. Powell	R	Member	05/22/01	07/12/01	51
Donald E. Powell	R	Chair	05/22/01	07/12/01	51
John M. Reich	R	Vice Chair	07/11/02	11/12/02	92
Mean number of days to confirm a nomination					65

na - not applicable.

^a Powell's term as chair expires 07/15/06.

^b The incumbent has been held over from the previous administration. The President may remove him at any time.

Federal Election Commission (FEC)

The FEC consists of six members (no more than three 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. Persons nominated and appointed to the FEC after December 31, 1997 are not eligible for reappointment after their terms expire. (P.L. 105-61, Title 5, sec. 513) The chair and vice chair, from different political parties and designated by the commission, change each year. The vice chair succeeds the chair. (2 U.S.C. 437c)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Ellen L. Weintraub	D	Recess appt. (12/06/02)	04/30/07	III	Chair
Bradley A. Smith	R	05/24/00	04/30/05	IV	Vice Chair
David M. Mason	R	07/30/98	04/30/03	IV	
Scott E. Thomas	D	07/30/98	04/30/03	IV	
Danny L. McDonald	D	05/24/00	04/30/05	IV	
Michael E. Toner	R	Recess appt. (03/29/02)	04/30/07	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Michael E. Toner	R	Member	03/04/02	Returned 11/20/02 ^a	
Michael E. Toner	R	Member		Recess appointment 03/29/02 ^b	
Michael E. Toner	R	Member	05/16/02	Returned 11/20/02 ^a	
Ellen L. Weintraub	D	Member	11/19/02	Returned 11/20/02 ^a	
Ellen L. Weintraub	D	Member		Recess appointment 12/06/02 ^c	

^a Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b Toner's recess appointment expires at the end of the 108th Cong., 1st sess.

^c Weintraub's recess appointment expires at the end of the 108th Cong., 1st sess.

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 his or her term expires. The President designates the chair. (42 U.S.C. 7171)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Patrick H. Wood	R	05/25/01	06/30/05	III	Chair
William L. Massey	D	06/26/98	06/30/03	IV	Reappointed
Vacant			06/30/04	IV	
Nora M. Brownell	R	05/25/01	06/30/06	IV	Reappointed
Vacant			06/30/07	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
James J. Hoecker ^a	D	Member	01/05/01	Withdrawn 03/19/01 ^b	
Nora M. Brownell ^c	R	Member	04/30/01	05/25/01	25
Nora M. Brownell ^c	R	Member	04/30/01	05/25/01	25
Patrick H. Wood	R	Member	04/30/01	05/25/01	25
Joseph T. Kelliher	R	Member	05/02/02	Returned 11/20/02 ^d	
Mean number of days to confirm a nomination					25

^a Hoecker was given a recess appointment on Dec. 18, 2000. The appointment would have expired at the end of the 107th Cong., 1st sess., but he resigned at the beginning of 2001.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

^c Brownell was nominated and confirmed for a position with an unexpired term, which ended on June 30, 2001, and to the succeeding term in the same position.

^d Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Housing Finance Board (FHFB)

The FHFB consists of five members, of whom one — the Secretary of Housing and Urban Development (HUD) or his or her 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
John T. Korsmo	R	11/29/01	02/27/09	III	Chair, reappointed
<i>J. Timothy O'Neill</i>	R	05/25/95	02/27/97	IV	
Franz S. Leichter	D	11/29/01	02/27/06	IV	
Allan I. Mendelowitz	D	11/29/01	02/27/07	IV	
John C. Weicher	na	Designee ^a		na	<i>Ex Officio</i>

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Allan I. Mendelowitz ^b	D	Director	01/05/01	Withdrawn 03/19/01 ^c	
Shirlee Bowne	R	Director	09/14/01	Withdrawn 11/15/01	
John T. Korsmo ^d	R	Director	10/09/01	11/29/01	51
John T. Korsmo ^d	R	Director	10/09/01	11/29/01	51
Franz S. Leichter	D	Director	11/07/01	11/29/01	22
Allan I. Mendelowitz	D	Director	11/07/01	11/29/01	22
Diana E. Furchtgott-Roth	R	Director	05/23/02	Returned 11/20/02 ^e	
Mean number of days to confirm a nomination					37

na - not applicable.

^a Weicher, who is the Assistant Secretary for Housing and the Federal Housing Commissioner at HUD, is the designee of the Secretary.

^b On Dec. 28, 2000, Mendelowitz was given a recess appointment, which expired at the end of the 107th Congress, 1st session.

^c The nomination was submitted by President Clinton and withdrawn by President Bush.

^d Korsmo was nominated and confirmed for a position with an unexpired term, which ended on Feb. 27, 2002, and to the succeeding term in the same position.

^e Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
<i>Dale Cabiniss</i>	R	11/09/97	07/29/02	IV	Chair
Carol W. Pope	D	10/26/00	07/01/04	V	
Tony Armendariz	R	07/11/01	07/01/05	V	
Vacant	na		^a	V	General Counsel

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Tony Armendariz	R	Member	04/30/01	07/11/01	72
Peter Eide	na	General Counsel	06/28/02	Returned 11/20/02 ^b	
Dale Cabaniss	R	Member	09/03/02	Returned 11/20/02 ^b	

na - not applicable.

^a The general counsel is appointed to a five-year term, but may be removed at any time by the President.

^b Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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 of 1961)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Steven R. Blust	R	08/01/02	06/30/06	III	Chair
<i>Delmond J. H. Won</i>	D	09/08/00	06/30/02	IV	Reappointed
Joseph E. Brennan	D	11/10/99	06/30/03	IV	
Harold J. Creel, Jr.	D	10/21/98	06/30/04	IV	Reappointed
Rebecca Dye	R	11/14/02	06/30/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Steven R. Blust	R	Commissioner	03/14/02	08/01/02	140
Rebecca Dye	R	Commissioner	06/13/02	11/14/02	122
Mean number of days to confirm a nomination					131

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^a

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Robert H. Beatty, Jr.	na	03/04/98	08/30/04	IV	
Michael F. Duffy	na	11/19/02	08/30/06	IV	
Vacant	na		08/30/06	IV	
Vacant	na		08/30/08	IV	
Vacant	na		08/30/08	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Stanley C. Suboleski	na	Member	03/22/02	Returned 11/20/02 ^b	
Michael F. Duffy	na	Member	04/22/02	11/19/02	179

na - not applicable.

^a Neither member has been designated chair.

^b Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Reserve System (FRS), Board of Governors

The FRS consists of seven members (no political balance is required) who serve 14-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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Alan Greenspan	na	02/27/92	01/31/06	II	Chair ^a
Roger W. Ferguson, Jr.	na	07/19/01	01/31/14	III	Vice Chair ^a
Ben S. Bernanke	na	07/31/02	01/31/04	III	
Edward M. Gramlich	na	10/30/97	01/31/08	III	
Mark W. Olson	na	12/06/01	01/31/10	III	
Susan S. Bies	na	12/06/01	01/31/12	III	
Donald L. Kohn	na	07/31/02	01/31/16	III	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Roger W. Ferguson, Jr.	na	Member	04/23/01	07/19/01	87
Susan S. Bies	na	Member	08/03/01	Returned 08/03/01 ^b	
Mark W. Olson	na	Member	08/03/01	Returned 08/03/01 ^b	
Susan S. Bies	na	Member	09/04/01	12/06/01	93
Mark W. Olson	na	Member	09/04/01	12/06/01	93
Ben S. Bernanke	na	Member	07/11/02	07/31/02	20
Donald L. Kohn	na	Member	07/11/02	07/31/02	20
Mean number of days to confirm a nomination					45

na - not applicable.

^a The term for each of these positions is four years. The chair's term expires June 20, 2004, and the vice chair's term expires Oct. 5, 2003.

^b Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Timothy J. Muris	R	05/25/01	09/25/08	III	Chair
<i>Sheila F. Anthony</i>	D	09/24/97	09/25/02	IV	
Mozelle W. Thompson	D	03/12/98	09/25/03	IV	
Orson Swindle	R	03/12/98	09/25/04	IV	
Thomas B. Leary	R	11/10/99	09/25/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Timothy J. Muris ^a	R	Commissioner	04/23/01	05/25/01	32
Timothy J. Muris ^a	R	Commissioner	04/25/01	05/25/01	30
Mean number of days to confirm a nomination					31

^a The first nomination was for the completion of an unexpired term, and the second was for the succeeding term.

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 Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Mauricio J. Tamargo	na	01/25/02	09/30/03	V	Chair

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
John R. Lacey ^a	na	Chair	01/05/01	Withdrawn 03/19/01 ^b	
Mauricio J. Tamargo	na	Chair	07/12/01	Returned 08/03/01 ^c	
Mauricio J. Tamargo	na	Chair	09/04/01	01/25/02	110 ^d

na - not applicable.

^a On Jan. 3, 2001, Lacey was given a recess appointment to serve as chair, which expired at the end of the 107th Congress, 1st session.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

^c Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^d If the number of days Tamargo's first (pre-recess) nomination was pending in the Senate were included in this number, it would be 132, rather than 110.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Susanne T. Marshall	R	11/09/97	03/01/04	III	Confirmed as member, recess appointed as chair
<i>Beth S. Slavet^a</i>	D	08/11/95	03/01/02	IV	
Vacant			03/01/07	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Barbara J. Sapin ^b	D	Member	01/05/01	Withdrawn	03/19/01 ^c
Beth S. Slavet	D	Chair	01/05/01	Withdrawn	03/19/01 ^c
Stuart D. Rick	R	Member	04/09/02	Withdrawn	07/10/02
Susanne T. Marshall	R	Chair	05/13/02	Returned	11/20/02 ^d
Neil McPhie	R	Member	07/09/02	Returned	11/20/02 ^d
Susanne T. Marshall	R	Chair		Recess appointment	08/06/02 ^e
Susanne T. Marshall	R	Chair	09/30/02	Returned	11/20/02 ^d

^a On Dec. 22, 2000, Slavet received a recess appointment to serve as chair. That recess appointment expired at the end of the 107th Congress, 1st session. Her term as member expires as noted in the table.

^b On Dec. 28, 2000, Sapin received a recess appointment to serve as a member, and she was also designated vice chair. The recess appointment expired at the end of the 107th Congress, 1st session.

^c The nomination was submitted by President Clinton and withdrawn by President Bush.

^d Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^e Recess appointment expires at the end of the first session of the 108th Congress.

National Credit Union Administration (NCUA), Board of Directors

The NCUA board 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^a

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Dennis Dollar	R	10/09/97	04/10/03	III	Chair
Deborah Matz	D	03/22/02	08/02/05	IV	
JoAnn Johnson	R	03/22/02	08/02/07	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Geoff Bacino ^b	D	Member	01/05/01	Withdrawn	03/19/01 ^c
JoAnn Johnson	R	Member	11/27/01	03/22/02	82
JoAnn Johnson	R	Member	Recess Appointment 01/22/02 ^d		
Deborah Matz	D	Member	Recess Appointment 01/22/02 ^d		
Deborah Matz	D	Member	02/27/02	03/22/02	23
Mean number of days to confirm a nomination					53

^a No vice chair has been designated.

^b On Dec. 29, 2000, Bacino received a recess appointment, which expired at the end of the 107th Congress, 1st session.

^c The nomination was submitted by President Clinton and withdrawn by President Bush.

^d The recess appointments of Johnson and Matz expired at the end of the 107th Congress, by which time their nominations had been confirmed by the Senate, as shown.

National Labor Relations Board (NLRB)

The NLRB 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Robert J. Battista	R	11/14/02	12/16/07	III	Chair
R. Alexander Acosta	R	11/14/02	08/27/03	IV	
Dennis P. Walsh	D	11/14/02	12/16/04	IV	
Peter Schaumber	R	11/14/02	08/27/05	IV	
Wilma B. Liebman	D	11/14/02	08/27/06	IV	Reappointed
Arthur F. Rosenfeld	R	5/26/01	4 years	IV	General Counsel

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Dennis P. Walsh ^c	D	Member	01/05/01	Withdrawn 03/19/01 ^d	
Arthur F. Rosenfeld	R	General Counsel	05/24/01	05/26/01	2
Peter J. Hurtgen	R	Member	Recess Appointment 08/31/01 ^c		
R. Alexander Acosta	R	Member	10/09/01	Returned 11/20/02	
Dennis P. Walsh	D	Member	11/07/01	11/14/02	307
Michael Bartlett	R	Member	Recess Appointment 01/22/02 ^c		
William Cowen	R	Member	Recess Appointment 01/22/02 ^c		
R. Alexander Acosta	R	Member	02/28/02	11/14/02	227
Peter Schaumber	R	Member	05/23/02	11/14/02	143
Robert J. Battista	R	Member	06/13/02	Withdrawn 10/04/02	
Robert J. Battista	R	Member	10/04/02	11/14/02	41
Wilma B. Liebman	D	Member	10/04/02	11/14/02	41
Mean number of days to confirm a nomination					127

^a On Dec. 29, 2000, Walsh received a recess appointment, which expired at the end of the 107th Congress, 1st session.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

^c Each of these recess appointments expired at the end of the 107th Congress.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Francis J. Duggan	R	11/19/99	07/01/03	III	Chair
Edward J. Fitzmaurice, Jr.	R	08/01/02	07/01/04	IV	
Harry R. Hoglander	D	08/01/02	07/01/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Edward J. Fitzmaurice, Jr.	R	Member	11/09/01	08/01/02	232
Harry R. Hoglander	D	Member	07/09/02	08/01/02	23
Mean number of days to confirm a nomination					128

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Carol J. Carmody	D	05/24/00	12/31/04	III	Acting Chair
<i>George W. Black, Jr.</i>	R	10/21/97	12/31/01	IV	Reappointed
<i>John A. Hammerschmidt</i>	R	08/03/01	12/31/02	IV	Reappointed
John J. Goglia	I	05/24/00	12/31/03	IV	Reappointed
Vacant			12/31/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
John A. Hammerschmidt	R	Member	06/27/01	08/03/01	37
Marion Blakey	R	Member	06/29/01	Returned 08/03/01 ^a	
Marion Blakey	R	Chair	06/29/01	Returned 08/03/01 ^a	
Marion Blakey	R	Member	09/04/01	09/21/01	17 ^b
Marion Blakey	R	Chair	09/04/01	09/21/01	17 ^b
Richard F. Healing	^c	Member	07/11/02	Returned 11/20/02 ^d	
Mean number of days to confirm a nomination					24

^a Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b If the number of days Blakey's first (pre-recess) nominations were pending in the Senate were included in these numbers, each would be 52, rather than 17. The mean number of days to confirm a nomination for the agency would then be 47.

^c Information not available.

^d Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Nuclear Regulatory Commission (NRC)

The NRC 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Richard A. Meserve	D	10/01/99	06/30/04	II	Chair
Greta J. Dicus	D	10/21/98	06/30/03	III	Reappointed
Edward McGaffigan	D	05/24/00	06/30/05	III	Reappointed
Nils J. Diaz	R	09/26/01	06/30/06	III	Reappointed
Jeffrey S. Merrifield	R	08/01/02	06/30/07	III	Reappointed
Hubert T. Bell, Jr.	na	06/11/96	Indefinite	IV	Inspector General

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Nils J. Diaz	R	Member	07/25/01	Returned 08/03/01 ^a	
Nils J. Diaz	R	Member	09/04/01	09/26/01	22 ^b
Jeffrey S. Merrifield	R	Member	06/17/02	08/01/02	45
Mean number of days to confirm a nomination					34

na - not applicable.

^a Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b If the number of days Diaz's first (pre-recess) nomination was pending in the Senate were included in this number, it would be 31, rather than 22, and the mean number of days to confirm would then be 38.

Occupational Safety and Health Review Commission (OSHRC)

The OSHRC 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
W. Scott Railton	na	Recess Appt. (08/06/02)	04/27/07	III	Chair
Thomasina V. Rogers	na	10/21/98	04/27/03	IV	
James M. Stephens	na	11/14/02	04/27/05	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Ross E. Eisenbrey ^a	na	Member	01/05/01	Withdrawn	03/19/01 ^b
W. Scott Railton	na	Member	06/14/02	Returned	11/20/02 ^c
W. Scott Railton	na	Member	Recess Appointment 08/06/02 ^d		
James M. Stephens	na	Member	09/10/02	11/14/02	65
W. Scott Railton	na	Member	09/30/02	Returned	11/20/02 ^c

na - not applicable.

^a On Jan. 3, 2001, Eisenbrey received a recess appointment, which expired at the end of the 107th Congress, 1st session.

^b The nomination was submitted by President Clinton and withdrawn by President Bush.

^c Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^d Recess appointment expires at the end of the first session of the 108th Congress.

Postal Rate Commission (PRC)

The PRC 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
George A. Omas	R	10/26/00	10/14/06	III	Chair
Dana B. Covington, Sr.	R	10/21/98	10/14/04	IV	
Tony Hammond	R	11/12/02	11/22/04	IV	
Vacant			10/14/06	IV	
Ruth Y. Goldway	D	11/12/02	11/22/08	IV	Reappointed

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Tony Hammond	R	Commissioner	04/11/02	Returned 11/20/02 ^a	
Ruth Y. Goldway	D	Commissioner	08/01/02	11/12/02	71
Tony Hammond	R	Commissioner		Recess appointment 08/06/02 ^b	
Tony Hammond	R	Commissioner	09/30/02	11/12/02	43
Mean number of days to confirm a nomination					57

^a Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b Recess appointment expires at the end of the first session of the 108th Congress.

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
<i>Cherryl T. Thomas</i>	na	04/27/98	08/28/02	III	Chair
Jerome F. Kever	na	05/24/00	08/28/03	IV	Management Member, Reappointed
Virgil M. Speakman, Jr.	na	05/24/00	08/28/04	IV	Labor Member, Reappointed
Martin J. Dickman	na	10/08/94	Indefinite ^a	IV	Inspector General

na - not applicable.

^aThe President may remove the incumbent at any time, provided notice of the reasons for the removal is sent to Congress.

No Appointment Action in the 107th 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. (15 U.S.C. 78d)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Harvey Pitt ^a	R	08/01/01	06/05/07	III	Chair
Paul S. Atkins	R	07/25/02	06/05/03	IV	
Harvey J. Goldschmid	D	07/25/02	06/05/04	IV	
Roel C. Campos	D	07/25/02	06/05/05	IV	
Cynthia A. Glassman	R	07/25/02	06/05/06	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Harvey Pitt ^b	R	Member	07/10/01	Withdrawn	07/18/01
Harvey Pitt ^b	R	Member	07/18/01	08/01/01	14
Harvey Pitt ^b	R	Member	07/18/01	08/01/01	14
Paul S. Atkins	R	Member	12/20/01	07/25/02	184
Cynthia A. Glassman	R	Member	12/20/01	07/25/02	184
Cynthia A. Glassman	R	Member	Recess Appointment 01/22/02 ^c		
Isaac C. Hunt, Jr.	D	Member	Recess Appointment 01/22/02 ^c		
Harvey J. Goldschmid	D	Member	05/23/02	07/25/02	63
Roel C. Campos	D	Member	07/16/02	07/25/02	9
Mean number of days to confirm a nomination					78

^a Pitt resigned from office on November 5, 2002, with the provision that the resignation become effective after a period of transition.

^b Pitt's first nomination, for the position with a term expiring in 2005, was withdrawn. He was then nominated and confirmed for the position with a term expiring June 5, 2002 and for the succeeding term in that position.

^c The recess appointments of Glassman and Hunt expired at the end of the 107th Congress. By that time, Glassman had been confirmed by the Senate, as noted above.

Surface Transportation Board (STB)

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 for more than one year after expiration. The President designates the chair. (49 U.S.C. 701)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Roger P. Nober	R	11/14/02	12/31/05	III	Chair
<i>Wayne O. Burkes</i>	R	02/22/99	12/31/02	IV	Vice Chair
Linda J. Morgan	D	11/10/99	12/31/03	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Roger P. Nober	R	Member	07/18/02	11/14/02	87

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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Glenn L. McCullough, Jr.	na	11/10/99	05/18/05	III	Chair
Skila Harris	na	11/10/99	05/18/08	IV	
William Baxter	na	11/27/01	05/18/11	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
William Baxter ^a	na	Member	09/19/01	11/27/01	69
William Baxter ^a	na	Member	09/19/01	11/27/01	69
Mean number of days to confirm a nomination					69

na - not applicable.

^a Baxter was nominated and confirmed for a position with a term expiring May 18, 2002, and for the succeeding term in that position.

United States International Trade Commission (USITC)

The USITC 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

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Deanna T. Okun	R	11/19/99	06/16/08	III	Chair ^a
Jennifer A. Hillman	D	07/30/98	12/16/06	IV	Vice Chair ^a
<i>Lynn M. Bragg</i>	R	03/25/94	06/16/02	IV	
Marcia E. Miller	D	06/26/96	12/16/03	IV	
Stephen Koplan	D	07/30/98	06/16/05	IV	
Vacant			12/05/09	IV	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Dennis M. Devaney ^b	R	Member	01/05/01	Withdrawn 03/19/01 ^c	
Charlotte A. Lane	R	Member	06/07/02	Returned 11/20/02 ^d	
Daniel Pearson	R	Member	11/14/02	Returned 11/20/02 ^d	

^a The chair and vice chair terms expire on June 16, 2004.

^b On Jan. 3, 2001, Devaney received a recess appointment, which expired at the end of the 107th Congress, 1st session.

^c The nomination was submitted by President Clinton and withdrawn by President Bush.

^d Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

United States Parole Commission (USPC)

The USPC is an independent agency in the Department of Justice. The enabling statute calls for five commissioners (political balance is not required), and when a term expires, a member may continue to serve until a successor takes office. The President designates the chair. The commission is to be phased out by November 1, 2002. Since 1998, the Attorney General has been required to make an annual report to Congress indicating whether the commission should be abolished before the phase-out date. (P.L. 104-232, as amended by P.L. 105-33, Title XI, sec. 11231(d), 111 Stat. 745, 18 U.S.C. 4202)

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
<i>Edward F. Reilly</i>	na	08/12/91	08/14/98	IV	Chair
<i>John R. Simpson</i>	na	04/10/92	08/21/98	V	
<i>Michael J. Gaines</i>	na	09/28/94	12/30/99	V	
Vacant			^a	V	
Vacant			^a	V	

Appointment Action in the 107th Congress

Nominee	Party	Position	Date nominated	Date confirmed	Days to confirm
Timothy E. Jones, Sr. ^c	na	Commissioner	01/05/01	Withdrawn	03/19/01 ^d
Cranston J. Mitchell	na	Commissioner	07/31/01	Returned	08/03/01 ^b
Edward F. Reilly	na	Commissioner	07/31/01	Returned	08/03/01 ^b
Marie F. Ragghianti	na	Commissioner	07/31/01	Returned	08/03/01 ^b
Gilbert G. Gallegos	na	Commissioner	07/31/01	Returned	08/03/01 ^b
Edward F. Reilly	na	Commissioner	09/25/01	Returned	11/20/02 ^e
Cranston J. Mitchell	na	Commissioner	09/25/01	Returned	11/20/02 ^e

na - not applicable.

^a The future of this commission and, consequently, the terms of these positions are unclear.

^b Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^c On Dec. 29, 2000, Jones received a recess appointment, which expired at the end of the 107th Congress, 1st session.

^d The nomination was submitted by President Clinton and withdrawn by President Bush.

^e Returned to the President at the end of the 107th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

United States Sentencing Commission (USSC)

The USSC consists of seven members, all federal judges, appointed to six-year terms, but only the chair and three vice chairs serve full-time. The chair is appointed, subject to Senate confirmation; the vice chairs are designated by the President. No more than four members may be of the same political party, and no more than two of the vice chairs may be of the same political party. When a term expires, an incumbent may continue to serve until a successor takes office. The Attorney General or a designee serves *ex officio*. (28 U.S.C. 991(a))

Current Membership

Incumbent	Party	Date confirmed	Term expires	Pay level	Comments
Diana E. Murphy	^a	11/10/99	10/31/05	na	Chair
Ruben Castillo	^a	11/10/99	10/31/03	na	Vice Chair
William Sessions III	^a	11/10/99	10/31/03	na	Vice Chair
John R. Steer	^a	11/10/99	10/31/05	na	Vice Chair

^a Although party balance is statutorily required as discussed above, the commission staff does not collect this information.

No Appointment Action in the 107th Congress

Appendix A. Nominees and Appointees, 107th Congress

Nominee	Agency ^a	Nomination date	Confirmation date	Days to confirm
Kathleen Q. Abernathy	FCC	04/30/01	Withdrawn 05/01/01	
Kathleen Q. Abernathy	FCC	05/01/01	05/25/01	24
R. Alexander Acosta	NLRB	10/09/01	Returned 11/20/02	
R. Alexander Acosta	NLRB	02/28/02	11/14/02	227
Jonathan S. Adelstein	FCC	07/10/02	11/14/02	95
Eduardo Aguirre, Jr.	EXIMBANK	05/22/01	Returned 08/03/01	
Eduardo Aguirre, Jr.	EXIMBANK	09/04/01	12/20/01	107
Tony Armendariz	FLRA	04/30/01	07/11/01	72
Paul S. Atkins	SEC	12/20/01	07/25/02	184
Geoff Bacino	NCUA	01/05/01	Withdrawn 03/19/01	
Michael Bartlett	NLRB		Recess appointment 01/22/02	
Robert J. Battista	NLRB	06/13/02	Withdrawn 10/04/02	
Robert J. Battista	NLRB	10/04/02	11/14/02	41
William Baxter	TVA	09/19/01	11/27/01	69
William Baxter	TVA	09/19/01	11/27/01	69
Ben S. Bernanke	FRS	07/11/02	07/31/02	20
Susan S. Bies	FRS	08/03/01	Returned 08/03/01	
Susan S. Bies	FRS	09/04/01	12/06/01	93
Marion Blakey (Member)	NTSB	06/29/01	Returned 08/03/01	
Marion Blakey (Chair)	NTSB	06/29/01	Returned 08/03/01	
Marion Blakey (Member)	NTSB	09/04/01	09/21/01	17
Marion Blakey (Chair)	NTSB	09/04/01	09/21/01	17
Steven R. Blust	FMC	03/14/02	08/01/02	140
Shirlee Bowne	FHFB	09/14/01	Withdrawn 11/15/01	
John S. Bresland	CSHIB	06/17/02	08/01/02	45
Sharon Brown-Hruska	CFTC	04/09/02	08/01/02	114
Nora M. Brownell	FERC	04/30/01	05/25/01	25
Nora M. Brownell	FERC	04/30/01	05/25/01	25
Dale Cabaniss	FLRA	09/03/02	Returned 11/20/02	
Roel C. Campos	SEC	07/16/02	07/25/02	9
Michael J. Copps	FCC	04/30/01	Withdrawn 05/01/01	
Michael J. Copps	FCC	05/01/01	05/25/01	24
William Cowen	NLRB		Recess appointment 01/22/02	

CRS-45

Nominee	Agency^a	Nomination date	Confirmation date	Days to confirm
Dennis M. Devaney	USITC	01/05/01	Withdrawn 03/19/01	
Nils J. Diaz	NRC	07/25/01	Returned 08/03/01	
Nils J. Diaz	NRC	09/04/01	09/26/01	22
Cari M. Dominguez	EEOC	05/10/01	Returned 08/03/01	
Cari M. Dominguez	EEOC	05/10/01	07/19/01	70
Michael F. Duffy	FMSHRC	04/22/02	11/19/02	179
Michael V. Dunn	FCA	01/05/01	Withdrawn 03/19/01	
Rebecca Dye	FMC	06/13/02	11/14/02	122
Naomi C. Earp	EEOC	11/27/01	Returned 11/20/02	
Peter Eide	FLRA	06/28/02	Returned 11/20/02	
Ross E. Eisenbrey	OSHRC	01/05/01	Withdrawn 03/19/01	
Roger W. Ferguson, Jr.	FRS	04/23/01	07/19/01	87
Edward J. Fitzmaurice, Jr.	NMB	11/09/01	08/01/02	232
Douglas L. Flory	FCA	05/13/02	08/01/02	80
Diana E. Furchtgott-Roth	FHFB	05/23/02	Returned 11/20/02	
Mary S. Gall	CPSC	05/08/01	Returned 08/03/01	
Gilbert G. Gallegos	USPC	07/31/01	Returned 08/03/01	
Cynthia A. Glassman	SEC	12/20/01	07/25/02	184
Cynthia A. Glassman	SEC		Recess appointment 01/22/02	
Harvey J. Goldschmid	SEC	05/23/02	07/25/02	63
Ruth Y. Goldway	PRC	08/01/02	11/12/02	71
J. Joseph Grandmaison	EXIMBANK	11/29/01	12/20/01	21
John A. Hammerschmidt	NTSB	06/27/01	08/03/01	37
Tony Hammond	PRC	04/11/02	Returned 11/20/02	
Tony Hammond	PRC		Recess appointment 08/06/02	
Tony Hammond	PRC	09/30/02	11/12/02	43
Richard F. Healing	NTSB	07/11/02	Returned 11/20/02	
James J. Hoecker	FERC	01/05/01	Withdrawn 03/19/01	
Harry R. Hoglander	NMB	07/09/02	08/01/02	23
Isaac C. Hunt, Jr.	SEC		Recess appointment 01/22/02	
Peter J. Hurtgen	NLRB		Recess appointment 08/31/01	
JoAnn Johnson	NCUA	11/27/01	03/22/02	82
JoAnn Johnson	NCUA		Recess appointment 01/22/02	

Nominee	Agency^a	Nomination date	Confirmation date	Days to confirm
Timothy E. Jones, Sr.	USPC	01/05/01	Withdrawn 03/19/01	
Joseph T. Kelliher	FERC	05/02/02	Returned 11/20/02	
Donald L. Kohn	FRS	07/11/02	07/31/02	20
John T. Korsmo	FHFB	10/09/01	11/29/01	51
John T. Korsmo	FHFB	10/09/01	11/29/01	51
John R. Lacey	FCSC	01/05/01	Withdrawn 03/19/01	
Charlotte A. Lane	USITC	06/07/02	Returned 11/20/02	
Franz S. Leichter	FHFB	11/07/01	11/29/01	22
Wilma B. Liebman	NLRB	10/04/02	11/14/02	41
Walter Lukken	CFTC	04/16/02	08/01/02	107
John E. Mansfield	DNFSB	05/08/02	08/01/02	85
Susanne T. Marshall	MSPB	05/13/02	Returned 11/20/02	
Susanne T. Marshall	MSPB	Recess appointment 08/06/02		
Susanne T. Marshall	MSPB	09/30/02	Returned 11/20/02	
Kevin J. Martin	FCC	04/30/01	05/25/01	25
R. Bruce Matthews	DNFSB	05/08/02	Returned 11/20/02	
Deborah Matz	NCUA	Recess appointment 01/22/02		
Deborah Matz	NCUA	02/27/02	03/22/02	23
Neil McPhie	MSPB	07/09/02	Returned 11/20/02	
Allan I. Mendelowitz	FHFB	01/05/01	Withdrawn 03/19/01	
Allan I. Mendelowitz	FHFB	11/07/01	11/29/01	22
Jeffrey S. Merrifield	NRC	06/17/02	08/01/02	45
Philip Merrill	EXIMBANK	09/30/02	11/14/02	45
Carolyn W. Merritt (Member)	CSHIB	06/05/02	08/01/02	57
Carolyn W. Merritt (Chair)	CSHIB	06/05/02	08/01/02	57
Cranston J. Mitchell	USPC	07/31/01	Returned 08/03/01	
Cranston J. Mitchell	USPC	09/25/01	Returned 11/20/02	
Timothy J. Muris	FTC	04/23/01	05/25/01	32
Timothy J. Muris	FTC	04/25/01	05/25/01	30
Susan Ness	FCC	01/05/01	Withdrawn 03/19/01	
James E. Newsome (Commissioner)	CFTC	10/31/01	12/20/01	50
James E. Newsome (Chair)	CFTC	10/31/01	12/20/01	50
Roger P. Nober	STB	07/18/02	11/14/02	87

Nominee	Agency^a	Nomination date	Confirmation date	Days to confirm
Mark W. Olson	FRS	08/03/01	Returned 08/03/01	
Mark W. Olson	FRS	09/04/01	12/06/01	93
Daniel Pearson	USITC	11/14/02	Returned 11/20/02	
Nancy C. Pellett	FCA	06/14/02	11/14/02	121
Harvey Pitt	SEC	07/10/01	Withdrawn 07/18/01	
Harvey Pitt	SEC	07/18/01	08/01/01	14
Harvey Pitt	SEC	07/18/01	08/01/01	14
Donald E. Powell (Member)	FDIC	05/22/01	07/12/01	51
Donald E. Powell (Chair)	FDIC	05/22/01	07/12/01	51
Michael K. Powell	FCC	05/10/01	05/25/01	15
Marie F. Raghianti	USPC	07/31/01	Returned 08/03/01	
W. Scott Railton	OSHRC	06/14/02	Returned 11/20/02	
W. Scott Railton	OSHRC	Recess appointment 08/06/02		
W. Scott Railton	OSHRC	09/30/02	Returned 11/20/02	
John M. Reich	FDIC	07/11/02	11/12/02	92
Edward F. Reilly	USPC	07/31/01	Returned 08/03/01	
Edward F. Reilly	USPC	09/25/01	Returned 11/20/02	
Stuart D. Rick	MSPB	04/09/02	Withdrawn 07/10/02	
John E. Robson	EXIMBANK	04/30/01	05/17/01	17
Arthur F. Rosenfeld	NLRB	05/24/01	05/26/01	2
Barbara J. Sapin	MSPB	01/05/01	Withdrawn 03/19/01	
Peter Schaumber	NLRB	05/23/02	11/14/02	143
Leslie Silverman	EEOC	02/11/02	03/01/02	18
Beth S. Slavet	MSPB	01/05/01	Withdrawn 03/19/01	
James M. Stephens	Member	09/10/02	11/14/02	65
Harold D. Stratton (Commissioner)	CPSC	03/13/02	07/25/02	134
Harold D. Stratton (Chair)	CPSC	03/13/02	07/25/02	134
Stanley C. Suboleski	FMSHRC	03/22/02	Returned 11/20/02	
Mauricio J. Tamargo	FCSC	07/12/01	Returned 08/03/01	
Mauricio J. Tamargo	FCSC	09/04/01	01/25/02	110
Michael E. Toner	FEC	03/04/02	Returned 11/20/02	
Michael E. Toner	FEC	Recess appointment 03/29/02		
Michael E. Toner	FEC	05/16/02	Returned 11/20/02	

Nominee	Agency^a	Nomination date	Confirmation date	Days to confirm
Dennis P. Walsh	NLRB	01/05/01	Withdrawn 03/19/01	
Dennis P. Walsh	NLRB	11/07/01	11/14/02	307
Ellen L. Weintraub	FEC	11/19/02	Returned 11/20/02	
Ellen L. Weintraub	FEC	Recess Appointment 12/06/02		
Patrick H. Wood	FERC	04/30/01	05/25/01	25
Mean number of days to confirm^b				70
Median number of days to confirm^b				51

^a The key to agency acronyms is found in Appendix C.

^b All pending nominations were returned to the President prior to the August 2001 recess, and new nominations were submitted for most of the affected nominees in early September. If the pre-recess days during which a nominee was under consideration in the Senate were included for all confirmed nominees, the mean number of days to confirm would be 72 and the median would be 52. Please see page 2 of this report regarding the calculation of this number.

Appendix B. Appointment Action, 107th Congress

Agency	Total Positions	Vacant ^a positions	Incumbent serving; term expired ^a	Nominations submitted	Individual nominees	Positions to which nominations were made ^b	Confirmations	Returned at Aug. 2001 recess	Returned at the end of the 107 th Congress	Withdrawn	Recess appointments (Bush)
CSHIB	5			3	2	3*	3				
CFTC	5	1	1	4	3	4*	4				
CPSC	3			3	2	3*	2	1			
DNFSB	5	2	1	2	2	2	1		1		
EEOC	6	3		4	3	3	2	1	1		
EXIMBANK	5			5	4	3	4	1			
FCA	3			3	3	2	2			1	
FCC	5			8	6	5	5			3	
FDIC	4	1		3	2	3*	3				
FEC	6			3	2	2			3		2
FERC	5	2		5	4	3	3		1	1	
FHFB	4		1	7	5	4	4		1	2	
FLRA	4	1	1	3	3	3	1		2		
FMC	5		1	2	2	2	2				
FMSHRC	5	3		2	2	2	1		1		
FRS	7			7	5	5	5	2			
FTC	5		1	2	1	1	2				
FCSC	1			3	2	1	1	1		1	
MSPB	3	1	1	6	5	3*	0		3	3	1
NCUA	3			3	3	2	2			1	2
NLRB	6			9	6 ^c	6	6		1	2	3
NMB	3			2	2	2	2				

CRS-50

Agency	Total Positions	Vacant ^a positions	Incumbent serving; term expired ^a	Nominations submitted	Individual nominees	Positions to which nominations were made ^b	Confirmations	Returned at Aug. 2001 recess	Returned at the end of the 107 th Congress	Withdrawn	Recess appointments (Bush)
NTSB	5	1	2	6	3	4*	3	2	1		
NRC	6			3	2	2	2	1			
OSHRC	3			4	3	2	1		2	1	1
PRC	5	1		3	2	2	2		1		1
RRB	4		1								
SEC	5			7	6	5	6			1	2
STB	3		1	1	1	1	1				
TVA	3			2	1	1	2				
USITC	6	1		3	3	2			2	1	
USPC	5	2	3	7	5	4		4	2	1	
USSC	4										
TOTALS	147	19	14	125	95^c	87	72	13	22	18	12

^a As of Jan. 3, 2003.

^b This column counts, as two nominations for one individual, separate nominations for member (or commissioner) and chair. Such instances have been identified by asterisk. The column does not count multiple nominations to one position for successive terms.

^c This figure does not include three recess appointees who were not nominated to Senate-confirmed positions during the 107th Congress.

* See table note b.

Appendix C. Senate Recesses^a for the 107th Congress

Date recessed	Date reconvened	Number of days recessed ^b
The first session of 107 th Congress convened on 01/03/01.		
01/08/01	01/20/01	11
02/15/01	02/26/01	10
04/06/01	04/23/01	16
05/26/01	06/05/01	9
06/29/01	07/09/01	9
08/03/01	09/04/01	31
10/18/01	10/23/01	4
11/16/01	11/27/01	10
The Senate adjourned sine die on 12/20/01. The second session of 107 th Congress convened 01/23/02. The intersession (period between these two dates) was 33 days long.		
01/29/02	02/04/02	5
02/15/02	02/25/02	9
03/22/02	04/08/02	16
05/23/02	06/03/02	10
06/28/02	07/08/02	9
08/01/02	09/03/02	32
The Senate adjourned sine die on 11/20/02. The first session of the 108 th Congress convened on 01/07/03. The intersession (period between these two dates) was 47 days long.		

^a Includes all recesses of four days or longer as indicated in the Senate “Days-in-Session Calendars” Web site at [<http://thomas.loc.gov/home/ds/index.html#senate>], visited Feb. 3, 2002.

^b In this table, the number of days recessed includes all those days between the date recessed and the date reconvened.

Appendix D. Agency Abbreviations

CSHIB	Chemical Safety and Hazard Investigation Board
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
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	Surface Transportation Board
TVA	Tennessee Valley Authority
USITC	United States International Trade Commission
USPC	United States Parole Commission
USSC	United States Sentencing Commission

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