



Presidential Appointments to Full-time Positions in Executive Departments During the 109th Congress, 2005-2006

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Summary

During the 109th Congress, the President submitted to the Senate 283 nominations to executive department full-time positions. Of these 283 nominations, 233 were confirmed; nine were withdrawn; and 41 were returned to him in accordance with Senate rules. For those nominations that were confirmed, an average of 75 days elapsed between nomination and confirmation. The median number of days elapsed was 57. These statistics do not include the days during which the Senate was adjourned for its summer recesses and between sessions of Congress.

President George W. Bush made a total of 13 recess appointments to the departments during this period. All 13 were made during recesses within the first or second session of the 109th Congress (*intrasession* recess appointments). None were made during the recess between the first and second sessions of the Congress (*intersession* recess appointments).

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*, telephone discussions with agency officials, agency websites, the *United States Code*, and the “Plum Book” (*United States Government Policy and Supporting Positions*).

This report will not be updated.

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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 (PAS positions). It also identifies, for the 109th Congress, all nominations to executive-level full-time positions¹ in the 15 departments. Profiles of the departments provide basic information regarding their full-time PAS positions and related appointment activity during the 109th Congress.

The Appointment Process for Advice and Consent Positions

The President and the Senate share the power to appoint the principal officers of the United States.² The Constitution (Article II, Section 2, clause 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.³ Three distinct stages mark the appointment process: selection, clearance, and nomination by the President; consideration by the Senate; and appointment by the President.

Selection, Clearance, and Nomination

In the first stage, the White House selects and clears a prospective appointee before sending a formal nomination to the Senate. There are a number of steps in this stage of the process for most Senate-confirmed positions. First, with the assistance of, and preliminary vetting by, the White House Office of Presidential Personnel, the President selects a candidate for the position. Interested parties, including Members of Congress, have sometimes had input during this process. It has been argued that Senators are constitutionally entitled, by virtue of the advice and consent clause noted above, to provide advice to the President regarding his selection; the extent of this entitlement is a matter of some debate.⁴ As a practical matter, in instances where Senators perceive insufficient pre-nomination consultation has occurred, they have sometimes used holds to block Senate confirmation for those nominations.⁵

During the clearance process, the candidate 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, which often includes the collection and review of background information by the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Office of Government Ethics (OGE), and an ethics official for the agency

¹ Full-time departmental PAS positions that are not covered in this report include U.S. attorney and U.S. marshal positions in the Department of Justice; most Foreign Service and diplomatic positions in the Department of State; officer corps positions in the civilian uniformed services of the National Oceanic and Atmospheric Administration in the Department of Commerce, and of the Public Health Service in the Department of Health and Human Services; and the officer corps in the military services.

² A 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*, 5th ed., rev. (Lawrence, KS: University Press of Kansas, 2007), pp. 21-47.

³ Art. II, Sec. 2, cl. 2 provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.”

⁴ See, for example, Michael J. Gerhardt, *The Federal Appointments Process: A Constitutional and Historical Analysis* (Durham: Duke University Press, 2003), pp. 29-34.

⁵ See, for example, *ibid.*, pp. 152-153.

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 Office of the Counsel to the President has cleared the candidate, the nomination is ready to be submitted to the Senate.

The selection and clearance stage has often been the longest part of the appointment process. There have been, at times, lengthy delays, particularly when many candidates have been processed simultaneously, such as at the beginning of an Administration, or where conflicts needed to be resolved. Candidates for higher-level positions have often been accorded priority in this process. In an effort to reduce the elapsed time between a new President's inauguration and the appointment of his or her national security team, amendments to the Presidential Transitions Act of 1963,⁶ enacted at the end of 2004, encourage a President-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.⁷ A separate provision of law, enacted as part of the Federal Vacancies Reform Act of 1998, lengthens, during presidential transitions, the potential duration of a temporary appointment by at least 90 days.⁸ Although this provision might give some additional flexibility to an incoming President, it might also lengthen the appointment process for some positions by, in effect, extending the deadline by which a permanent appointment must be completed.

For a position located within a state (e.g., U.S. attorney, U.S. marshal, and U.S. district judge), the President, by custom, normally has nominated an individual recommended by the Senator or Senators (if they are from the same party as the President) from that state. In instances where neither Senator is from the President's party, he usually has deferred to the recommendations of party leaders from the state. Occasionally, the President has solicited recommendations from Senators of the opposition party because of their positions in the Senate.

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 by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. If circumstances permit and conditions are met, the President could give the nominee a recess appointment to the position (see below). Recess appointments have sometimes had political consequences, however, particularly where Senators perceived that such an appointment was 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.⁹

Senate Consideration

In the second stage, the Senate alone determines whether or not to confirm a nomination.¹⁰ The way the Senate has acted on a nomination has depended largely on the importance of the position

⁶ 3 U.S.C. § 102 note.

⁷ P.L. 108-458, § 7601; 118 Stat. 3856.

⁸ 5 U.S.C. § 3349a.

⁹ P.L. 105-277, Div. C, Title I, § 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).

¹⁰ For further information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted); and CRS Report RL31948, *Evolution of the Senate's Role in the Nomination and Confirmation Process: A Brief History*, by (name redacted).

involved, existing political circumstances, and policy implications. Generally, the Senate has shown particular interest in the nominee's views and how they are likely to affect public policy.¹¹ Two other factors have sometimes affected the scrutiny with which a nominee's personal and professional qualities have been examined: whether or not the President's party controlled the Senate and the degree to which the President became involved in supporting the nomination.

The Senate confirmation process has been centered at the committee level. Committee nomination activity has generally included investigation, hearing, and reporting stages. As part of investigatory work, committees have drawn on information provided by the White House, as well as information they themselves have collected. Some committees have held hearings on nearly all nominations; others have held hearings for only some. Hearings provide a public forum to discuss a nomination and any issues related to the program or agency for which the nominee would be responsible. Even where confirmation has been thought to be a virtual certainty, hearings have provided Senators and the nominee with opportunities to go on the record with particular views or commitments. Senators have used hearings to explore nominees' qualifications, articulate policy perspectives, or raise related oversight issues.

A committee may discontinue acting on a nomination at any point—upon referral, after investigation, or after a hearing. If the committee votes to report the nomination back to the full Senate, it has three options: it may report the nomination to the Senate favorably, unfavorably, or without recommendation. If the committee elects not to report a nomination, the Senate may, under certain circumstances, discharge the committee from further consideration of the nomination in order to bring it to the floor.¹²

The Senate historically has confirmed most, but not all, executive nominations. Rarely, however, has a rejection occurred on the Senate floor. Nearly all rejections have occurred in committee, either by committee vote or by committee inaction. Rejections in committee have occurred 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. If a nomination is not acted upon by the Senate by the end of a Congress, it is returned to the President. Pending nominations also may be returned automatically to the President at the beginning of a recess of 30 days or longer, but the Senate rule providing for this return is often waived.¹³

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 or not at all. Once the appointee is given the commission and sworn in, he or she has full authority to carry out the responsibilities of the office.

¹¹ G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

¹² For more information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted), p. 7.

¹³ The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 107th Cong., 1st sess., S. Doc. 107-1 (Washington: GPO, 2002), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate. For an example of a waiver of the rule, see Sen. William H. Frist, "Nominations to Remain in Status Quo," *Congressional Record*, daily edition, vol. 152, September 29, 2006, p. S10762.

Recess Appointments

The Constitution also empowers the President to make limited-term appointments without Senate confirmation when the Senate is in recess.¹⁴ Such recess appointments expire at the end of the next session of the Senate. **Appendix C** provides a table showing the dates of the Senate recesses for the 109th Congress and the number of recess appointments to full-time departmental positions during each recess.

Presidents have occasionally used the recess appointment power to circumvent the confirmation process. In response, Congress has enacted provisions that restrict the pay of recess appointees under certain circumstances. Because most potential appointees to full-time positions cannot serve without a salary, the President has an incentive to use his recess appointment authority in ways that allow them to be paid. Under the provisions, if the position falls vacant while the Senate is in session and the President fills it by recess appointment, the appointee may not be paid from the Treasury until he or she is confirmed by the Senate. However, 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.¹⁵ 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.¹⁶ These provisions have been interpreted by the Department of Justice to preclude payment of an appointee who is given successive recess appointments to the same position.¹⁷

Although recess 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 recurring provision of the funding bill for the Department of the Treasury and other agencies may prevent them from being paid after their rejection.¹⁸

Temporary Appointments

Congress has provided limited statutory authority for the temporary filling of vacant positions requiring Senate confirmation. It is expected that, in general, officials holding PAS positions who have been designated as “acting” are holding their offices under this authority or other statutory authority specific to their agencies. Under the Federal Vacancies Reform Act of 1998,¹⁹ when an executive agency position requiring confirmation becomes vacant, it may be filled temporarily in

¹⁴ Art. II, Sec. 2, cl. 3.

¹⁵ 5 U.S.C. § 5503(a).

¹⁶ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted); and CRS Report RL33009, *Recess Appointments: A Legal Overview*, by (name redacted).

¹⁷ 15 Op. O.L.C. 93 (1991). See also 6 Op. O.L.C. 585 (1982); 41 Op. A.G. 463 (1960).

¹⁸ P.L. 110-161, Div. D, § 709. The provision reads, “Hereafter, no part of any appropriation 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.

¹⁹ 5 U.S.C. §§ 3345-3349d.

one of three ways: (1) the first assistant to such a position may automatically assume the functions and duties of the office; (2) the President may direct an officer in any agency who is occupying a position requiring Senate confirmation to perform those tasks; or (3) the President may select any officer or employee of the subject agency who is occupying a position for which the rate of pay is equal to or greater than the minimum rate of pay at the GS-15 level, and who has been with the agency for at least 90 of the preceding 365 days. The temporary appointment is for 210 days, but the time restriction is suspended if a first or second nomination for the position is pending. In addition, during a presidential transition, the 210-day restriction period does not begin to run until either 90 days after the President assumes office, or 90 days after the vacancy occurs, if it is within the 90-day inauguration period. The act does not apply to positions on multi-headed regulatory boards and commissions and to certain other specific positions that may be filled temporarily under other statutory provisions.²⁰

Appointments During the 109th Congress

Table 1 summarizes appointment activity, during the 109th Congress, related to full-time positions in the 15 departments. President George W. Bush submitted to the Senate 283 nominations to executive department full-time positions. Of these 283 nominations, 233 were confirmed; nine were withdrawn; and 41 were returned to the President under the provisions of Senate rules.²¹

President Bush made a total of 13 recess appointments to the departments during this period. All 13 were made during recesses within the first or second session of the 109th Congress (*intrasession* recess appointments). None were made during the recess between the first and second sessions of the 109th Congress (*intersession* recess appointments).

Table 1. Appointment Action for 15 Departments During the 109th Congress

Positions in the 15 departments (total)	358
Positions to which nominations were made	248
Individual nominees	259
Nominations submitted to the Senate during the 109th Congress (total)	283
Disposition of nominations	
Confirmed by the Senate	233
Withdrawn	9
Returned (total)	41
Beginning of the summer 2005 recess	1
End of the 1 st session of the 109 th Congress	1

²⁰ 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).

²¹ Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate provides that "Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President."

Beginning of the summer 2006 recess	6
Beginning of the autumn 2006 recess	5
End of the 2 nd session of the 109 th Congress	28
Recess Appointments (total)	13
Intersession	0
Intrasession	13

Length of Time to Confirm a Nomination

The length of time a given nomination may be pending in the Senate has varied widely. Some nominations have been confirmed within a few days; others have been confirmed within several months; and some have never been confirmed. This report provides, for each executive department nomination that was confirmed in the 109th Congress, the number of days between nomination and confirmation (“days to confirm”). For those nominations that were confirmed, an average of 75 days elapsed between nomination and confirmation. The median number of days elapsed was 57. These statistics exclude days during summer recesses and between sessions of Congress. 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.²² The 33 days during the summer 2005 recess, the 11 days between the first and second sessions of the 109th Congress, and the 31 days during the summer 2006 recess were subtracted from the “days to confirm” for those nominations that spanned one or more of these recesses. The sole exception was a 39-day recess during October and November 2004. In order to maintain consistency with similar reports for previous Congresses, no days were subtracted for this recess.

Organization of This Report

Executive Department Profiles

Each of the 15 executive department profiles provided in this report is organized into two parts: a table providing information, as of the end of the 109th Congress, regarding the organization’s full-time PAS positions, and a table listing nominations and appointments to these positions during the 109th Congress. Data for these tables were collected from several authoritative sources.²³

The first of these two tables identifies, as of the end of the 109th Congress, each full-time PAS position in the department,²⁴ its incumbent, and its pay level. An incumbent’s name followed by

²² U.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.

²³ Sources include 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*, telephone discussions with agency officials, agency websites, the *United States Code*, and the “Plum Book” (U.S. Congress, House Committee on Government Reform, *United States Government Policy and Supporting Positions*, committee print, 108th Cong., 2nd sess., Committee Print, November 22, 2004 (Washington: GPO, 2004)).

²⁴ As noted above, the following full-time positions are not included in this report: U.S. Attorney and U.S. Marshal (continued...)

“(A)” indicates an official who was, at that time, serving in an acting capacity. A blank space indicates either that the position was vacant or that information about the position-holder was not available. For most presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which, as of January 2007, ranged from level I (\$186,600) for cabinet level offices to level V (\$136,200) for the lowest-ranked positions.

The appointment action table provides, in chronological order, information concerning each nomination and recess appointment. It shows the name of the nominee, position involved, date of nomination or appointment, date of confirmation, and number of days between receipt of a nomination and confirmation. Actions other than confirmation (i.e., nominations returned to or withdrawn by the President) are also noted. Some individuals were nominated more than once for the same position, either because the first nomination was returned to the President or because of a recess appointment. 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), as discussed above, under “Recess Appointments.”

Each appointment action table provides the average “days to confirm” in two ways: mean and median. The mean is determined by calculating, for each confirmed nomination, the number of days between the nomination and confirmation dates, determining the cumulative total of these days, and dividing the result by the number of nominations confirmed. The median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

Additional Appointment Information

Appendix A presents a table of all nominations and recess appointments to positions in executive departments, alphabetically organized, by last name, and following a similar format to that of the department appointment action tables. It identifies the agency involved and the dates of nomination and confirmation. The table also indicates if a nomination was confirmed, withdrawn, or returned. The mean and median numbers of days taken to confirm a nomination are also provided, calculated as described above.

Appendix B provides a table with summary information on appointments and nominations, by department. For each of the 15 executive departments discussed in this report, the table provides the number of positions, nominations, individual nominees, confirmations, nominations returned, nominations withdrawn, and recess appointments. The table also provides the mean and median numbers of days to confirm a nomination.

Appendix C provides a table showing the dates of the Senate recesses for the 109th Congress and the number of recess appointments during each recess.

A list of department abbreviations can be found in **Appendix D**.

(...continued)

positions in the Department of Justice; Foreign Service and diplomatic positions in the Department of State; most officer corps positions in the civilian uniformed services of the National Oceanic and Atmospheric Administration in the Department of Commerce, and of the Public Health Service in the Department of Health and Human Services; and the officer corps in the military services.

Department of Agriculture (USDA)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Mike Johanns	I
Deputy Secretary	Charles F. Conner	II
Under Secretary - Farm and Foreign Agricultural Services	Floyd D. Gaibler	III
Under Secretary - Food, Nutrition, and Consumer Services	Nancy M. Johner	III
Under Secretary - Food Safety	Richard A. Raymond	III
Under Secretary - Marketing and Regulatory Programs	Bruce I. Knight	III
Under Secretary - Natural Resources and Environment	Mark E. Rey	III
Under Secretary - Research, Education, and Economics	Gale A. Buchanan	III
Under Secretary - Rural Development	Thomas C. Dorr	III
Assistant Secretary - Administration	Boyd K. Rutherford	IV
Assistant Secretary - Civil Rights	Margo M. McKay	IV
Assistant Secretary - Congressional Relations	Linda A. Strachan	IV
Chief Financial Officer ^a	Charles R. Christopherson Jr.	IV
General Counsel	Marc L. Kesselman	IV
Inspector General ^b	Phyllis K. Fong	IV
Administrator - Rural Utilities Services	James M. Andrew	IV

- a. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. App. § 3(b)).

USDA Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Mike Johanns	Secretary	01/04/05	01/20/05	16
Thomas C. Dorr	Under Secy. - Rural Development	01/24/05	07/21/05	178
Charles F. Conner	Deputy Secy.	03/14/05	04/27/05	44
Richard A. Raymond	Under Secy. - Food Safety	05/26/05	07/01/05	36
James M. Andrew	Admin. - Rural Utilities Service	09/06/05	11/10/05	65

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Charles R. Christopherson Jr.	Chief Financial Officer	09/08/05	11/10/05	63
Marc L. Kesselman	General Counsel	11/16/05	05/12/06	166
Gale A. Buchanan	Under Secy. - Research, Education, and Economics	01/18/06	05/12/06	114
Boyd K. Rutherford	Asst. Secy. - Administration	01/27/06	05/12/06	105
Linda A. Strachan	Asst. Secy. - Congressional Relations	02/17/06	05/12/06	84
Margo M. McKay	Asst. Secy. - Civil Rights	06/12/06	08/03/06	52
Nancy M. Johner	Under Secy. - Food, Nutrition, and Consumer Services	06/16/06	08/03/06	48
Bruce I. Knight	Under Secy. - Marketing and Regulatory Programs	06/29/06	08/03/06	35
Mark E. Keenum	Under Secy. - Farm and Foreign Agricultural Services	11/13/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination				77
Median number of days to confirm a nomination				63

a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Commerce (DOC)

Full-time PAS Positions, as of the End of the 109th Congress

Position^a	Incumbent	Pay level
Secretary	Carlos M. Gutierrez	I
Deputy Secretary	David A. Sampson	II
Under Secretary - Economic Affairs	Cynthia A. Glassman	III
Under Secretary - Export Administration	Mark Foulon (A)	III
Under Secretary - Intellectual Property/Director - U.S. Patent and Trademark Office	Jonathan W. Dudas	III
Under Secretary - International Trade	Franklin L. Lavin	III
Under Secretary - Oceans and Atmosphere/Administrator - National Oceanic and Atmospheric Administration (NOAA)	Conrad C. Lautenbacher Jr.	III
Under Secretary - Technology	Robert C. Cresanti	III
Assistant Secretary - Administration/Chief Financial Officer ^b	Otto J. Wolff	IV
Assistant Secretary - Communications and Information	John M. R. Kneuer	IV

Presidential Appointments to Full-time Positions in Executive Departments

Position^a	Incumbent	Pay level
Assistant Secretary - Economic Development	Santanu K. Baruah	IV
Assistant Secretary - Export Administration	Christopher A. Padilla	IV
Assistant Secretary - Export Enforcement	Darryl W. Jackson	IV
Assistant Secretary - Import Administration	David M. Spooner	IV
Assistant Secretary - Legislative and Intergovernmental Affairs	Nathaniel F. Wienecke	IV
Assistant Secretary - Manufacturing and Services	Albert A. Frink Jr	IV
Assistant Secretary - Market Access and Compliance	David S. Bohigian	IV
Assistant Secretary - Oceans and Atmosphere/Deputy Administrator - NOAA	John "Jack" Kelly (A)	IV
Assistant Secretary - Technology Policy	—	IV
Assistant Secretary - Trade Promotion/Director General - U.S. and Foreign Commercial Service	Israel Hernandez	IV
Director - Bureau of the Census	C. Louis Kincannon	IV
Director - National Institute of Standards and Technology	William A. Jeffrey	IV
General Counsel	John J. Sullivan	IV
Inspector General ^c	Johnnie E. Frazier	IV
Chief Scientist - NOAA ^d	—	V

- a. Positions in this column do not include officer corps of the National Oceanic and Atmospheric Administration (NOAA).
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901 (a)(1)). Wolff was separately nominated and confirmed to be CFO and to be Assistant Secretary for Administration in the 107th Congress.
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he "shall communicate the reasons for any such removal to both Houses of Congress" (5 U.S.C. App. § 3(b)).
- d. According to an agency spokesperson, this position has not been filled since 1996; there are currently no plans to fill it.

DOC Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Carlos M. Gutierrez	Secretary	01/04/05	01/24/05	20
David A. Sampson	Deputy Secy.	04/04/05	07/22/05	109
John J. Sullivan	General Counsel	05/09/05	07/22/05	74
William A. Jeffrey	Dir. - National Institute of Standards and Technology	05/25/05	07/22/05	58

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Israel Hernandez	Asst. Secy. - Trade Promotion/Dir. Gen. - U.S. and Foreign Commercial Service	05/26/05	10/07/05	101
David H. McCormick	Under Secy. - Export Administration	06/28/05	10/07/05	68
Darryl W. Jackson	Asst. Secy. - Export Enforcement	06/28/05	10/07/05	68
Franklin L. Lavin	Under Secy. - International Trade	07/29/05	10/28/05	58
Santanu K. Baruah	Asst. Secy. - Economic Development	09/06/05	12/17/05	102
David S. Bohigian	Asst. Secy. - Market Access and Compliance	10/06/05	12/17/05	72
Robert C. Cresanti	Under Secy. - Technology	11/10/05	03/16/06	115
David M. Spooner	Asst. Secy. - Import Administration	11/10/05	12/17/05	37
John G. Emling	Asst. Secy. - Legislative and Intergovernmental Affairs	02/27/06	Withdrawn 04/24/06	
John M. R. Kneuer	Asst. Secy. - Communications and Information	05/01/06	12/09/06	191
Nathaniel F. Wienecke	Asst. Secy. - Legislative and Intergovernmental Affairs	06/29/06	08/03/06	35
Christopher A. Padilla	Asst. Secy. - Export Administration	07/13/06	09/29/06	47
Cynthia A. Glassman	Under Secy. - Economic Affairs	08/03/06	09/29/06	26
Jane C. Luxton	Asst. Secy. - Oceans and Atmosphere	09/29/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination			74	
Median number of days to confirm a nomination			68	

a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Defense (DOD)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Donald Rumsfeld	I
Deputy Secretary	Gordon England	II
Under Secretary - Acquisition, Technology, and Logistics	Kenneth J. Krieg	II

Presidential Appointments to Full-time Positions in Executive Departments

Position	Incumbent	Pay level
Under Secretary - Comptroller/Chief Financial Officer ^a	Tina W. Jonas	III
Under Secretary - Intelligence	James R. Clapper	III
Under Secretary - Personnel and Readiness	David S. C. Chu	III
Under Secretary - Policy	Eric S. Edelman	III
Deputy Under Secretary - Acquisition and Technology	James I. Finley	III
Deputy Under Secretary - Logistics and Materiel Readiness	P. Jackson Bell	III
Principal Deputy Under Secretary - Personnel and Readiness	Michael L. Dominguez	IV
Principal Deputy Under Secretary - Policy	Christopher R. Henry	IV
Assistant Secretary - Health Affairs	William Winkenwerder	IV
Assistant Secretary - Homeland Defense	Paul McHale	IV
Assistant Secretary - International Security Affairs	Peter W. Rodman	IV
Assistant Secretary - International Security Policy	Peter C. W. Flory	IV
Assistant Secretary - Legislative Affairs	Robert L. Wilkie	IV
Assistant Secretary - Networks and Information Integration	John G. Grimes	IV
Assistant Secretary - Public Affairs	Dorrance Smith	IV
Assistant Secretary - Reserve Affairs	Thomas F. Hall	IV
Assistant Secretary - Special Operations and Low-Intensity Conflict	Thomas W. O'Connell	IV
Director - Defense Research and Engineering	John J. Young Jr.	IV
Director - Operational Test and Evaluation	Charles E. McQueary	IV
General Counsel	William J. Haynes II	IV
Inspector General ^b	Thomas F. Gimble	IV
Assistant to the Secretary - Nuclear and Chemical and Biological Defense Programs	Dale Klein	V
Department of the Air Force		
Secretary	Michael W. Wynne	II
Under Secretary	Ronald M. Sega	IV
Assistant Secretary - Acquisition	Sue C. Payton	IV
Assistant Secretary - Financial Management/Comptroller	John C. Vonglic (A)	IV
Assistant Secretary - Manpower and Reserve Affairs	Craig W. Duehring (A)	IV
Assistant Secretary - Installations, Environment, and Logistics	William C. Anderson	IV
General Counsel	Mary L. Walker	IV
Department of the Army		
Secretary	Francis J. Harvey	II
Under Secretary	Preston M. Geren	IV

Position	Incumbent	Pay level
Assistant Secretary - Civil Works	John P. Woodley Jr.	IV
Assistant Secretary - Financial Management/Comptroller	Nelson M. Ford	IV
Assistant Secretary - Installations and Environment	Keith E. Eastin	IV
Assistant Secretary - Manpower and Reserve Affairs	Ronald J. James	IV
Assistant Secretary - Acquisition, Logistics, and Technology	Claude M. Bolton	IV
General Counsel	Benedict S. Cohen	IV
Department of the Navy		
Secretary	Donald C. Winter	II
Under Secretary	Dionel M. Aviles	IV
Assistant Secretary - Financial Management/Comptroller	Richard Greco Jr.	IV
Assistant Secretary - Installations and Environment	Buddie J. Penn	IV
Assistant Secretary - Manpower and Reserve Affairs	William H. Navas Jr.	IV
Assistant Secretary - Research, Development, and Acquisition	Delores M. Etter	IV
General Counsel	Frank R. Jimenez	IV
Joint Chiefs of Staff:		(Members of the Joint Chiefs of Staff are compensated under the military pay system, rather than the executive schedule.)
Chairman	Peter Pace	
Vice Chairman	Edmund P. Giambastiani Jr.	
Chief of Staff (Air Force)	T. Michael Moseley	
Chief of Staff (Army)	Peter J. Schoomaker	
Chief of Naval Operations	Michael G. Mullen	
Commandant of the Marine Corps	James T. Conway	

- a. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). In the 108th Congress, Jonas was confirmed to be Under Secretary of Defense/Comptroller, and she also served as CFO.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. App. § 3(b)).
- c. The chairman and vice chairman serve two-year terms; other members serve four-year terms.

DOD Appointment Action During the 109th Congress

Nominee/ recess appointee	Positions	Nominated	Confirmed	Days to confirm
Peter C. W. Flory	Asst. Secy. - International Security Policy	01/24/05	Returned 12/09/06 ^a	
John P. Woodley Jr.	Asst. Secy. - Army - Civil Works	01/24/05	05/12/05	108
Buddie J. Penn	Asst. Secy. - Navy - Installations and Environment	01/24/05	02/17/05	24
Michael G. Mullen	Chief of Naval Operations - Joint Chiefs of Staff	03/02/05	04/28/05	57
Michael W. Wynne	Under Secy. - Acquisition, Technology and Logistics		Recess Appointment 04/01/05 ^b	
Kenneth J. Krieg	Under Secy. - Acquisition, Technology and Logistics	04/04/05	05/26/05	52
Gordon England	Deputy Secy.	04/07/05	04/06/06	320
Peter Pace	Chairman - Joint Chiefs of Staff	04/25/05	07/15/05	81
Edmund P. Giambastiani Jr.	Vice Chairman - Joint Chiefs of Staff	04/25/05	07/15/05	81
T. Michael Moseley	Chief of Staff - Air Force - Joint Chiefs of Staff	05/16/05	06/30/05	45
Daniel R. Stanley	Asst. Secy. - Legislative Affairs	05/16/05	06/30/05	45
Eric S. Edelman	Under Secy. - Policy	05/16/05	02/09/06	225
William C. Anderson	Asst. Secy. - Air Force - Installations, Environment, and Logistics	05/26/05	10/28/05	122
John G. Grimes	Asst. Secy. - Networks and Information Integration	06/16/05	10/28/05	101
P. Jackson Bell	Deputy Under Secy. - Logistics and Materiel Readiness	06/28/05	07/29/05	31
Ronald M. Sega	Under Secy. - Air Force	06/28/05	07/29/05	31
Keith E. Eastin	Asst. Secy. - Army - Installations and Environment	06/29/05	07/29/05	30
John J. Young Jr.	Dir. - Defense Research and Engineering	07/28/05	10/28/05	59
Peter C. W. Flory	Asst. Secy. - International Security Policy		Recess Appointment 08/02/05 ^c	
Eric S. Edelman	Under Secy. - Policy		Recess Appointment 08/09/05 ^d	
Michael W. Wynne	Secretary - Air Force	09/06/05	10/28/05	52
Donald C. Winter	Secretary - Navy	09/06/05	11/10/05	65
Delores M. Etter	Asst. Secy. - Navy - Research, Development, and Acquisition	09/06/05	10/28/05	52
Peter C. W. Flory	Asst. Secy. - International Security Policy	09/19/05	Returned 12/09/06 ^a	
Eric S. Edelman	Under Secy. - Policy	09/19/05	Returned 12/09/06 ^a	

Presidential Appointments to Full-time Positions in Executive Departments

Nominee/ recess appointee	Positions	Nominated	Confirmed	Days to confirm
Dorrance Smith	Asst. Secy. - Public Affairs	09/22/05	04/07/06	186
Michael L. Dominguez	Principal Deputy Under Secy. - Personnel and Readiness	12/13/05	06/29/06	187
James I. Finley	Deputy Under Secy. - Acquisition and Technology	12/20/05	02/17/06	48
Gordon England	Deputy Secy.	Recess Appointment 01/04/06 ^e		
Dorrance Smith	Asst. Secy. - Public Affairs	Recess Appointment 01/04/06 ^e		
Preston M. Geren	Under Secy. - Army	01/18/06	02/17/06	30
Benedict S. Cohen	General Counsel - Army	02/06/06	08/03/06	178
Dorrance Smith	Asst. Secy. - Public Affairs	02/10/06	Returned 12/09/06 ^a	
Gordon England	Deputy Secy.	02/10/06	Returned 12/09/06 ^a	
Anita K. Blair	Asst. Secy. - Air Force - Manpower and Reserve Affairs	04/24/06	Returned 12/09/06 ^a	
Sue C. Payton	Asst. Secy. - Air Force - Acquisition	04/25/06	07/21/06	87
David H. Laufman	Inspector General	06/05/06	Withdrawn 12/06/06	
James T. Conway	Commandant - Marine Corps - Joint Chiefs of Staff	06/14/06	08/02/06	49
Robert L. Wilkie	Asst. Secy. - Legislative Affairs	06/26/06	09/29/06	64
Frank R. Jimenez	General Counsel - Navy	06/29/06	09/21/06	53
Charles E. McQueary	Dir. - Operational Test and Evaluation	06/29/06	07/21/06	22
Ronald J. James	Asst. Secy. - Army - Manpower and Reserve Affairs	07/21/06	09/29/06	39
Nelson M. Ford	Asst. Secy. - Army - Financial Management/Comptroller	08/03/06	09/29/06	26
Robert M. Gates	Secretary	12/04/06	12/06/06	2
Michael J. Burns	Asst. to the Secretary - Nuclear and Chemical and Biological Defense Programs	12/06/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination			80	
Median number of days to confirm a nomination			53	

- a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. Wynne's recess appointment would have expired at the end of the second session of the 109th Congress, by which time he had been confirmed for another position, as shown.
- c. Flory's recess appointment expired at the end of the second session of the 109th Congress.
- d. Edelman's recess appointment would have expired at the end of the second session of the 109th Congress, by which time he had been confirmed, as shown.
- e. England's and Smith's recess appointments would have ended at the end of the first session of the 110th Congress, by which time they had each been confirmed, as shown.

Department of Education (ED)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Margaret Spellings	I
Deputy Secretary	Raymond J. Simon	II
Director - Institute of Education Sciences ^a	Grover J. Whitehurst	II
Under Secretary	David Dunn (A)	III
Chief Financial Officer ^b	Lawrence A. Warder	IV
Assistant Secretary - Civil Rights	Stephanie J. Monroe	IV
Assistant Secretary - Communications and Outreach	Lauren M. Maddox	IV
Assistant Secretary - Elementary and Secondary Education	Henry L. Johnson	IV
Assistant Secretary - Legislation and Congressional Affairs	Terrell Halaska	IV
Assistant Secretary - Management	Michell C. Clark	IV
Assistant Secretary - Planning, Evaluation and Policy Development	Kerri L. Briggs (A)	IV
Assistant Secretary - Postsecondary Education	James F. Manning (A)	IV
Assistant Secretary - Special Education and Rehabilitative Services	John H. Hager	IV
Assistant Secretary - Vocational and Adult Education	Troy R. Justesen	IV
General Counsel	Kent D. Talbert	IV
Inspector General ^c	John P. Higgins Jr.	IV
Commissioner - Education Statistics ^d	Mark S. Schneider	IV
Commissioner - Rehabilitation Services Administration	P. Edward Anthony (A)	V

- a. This position has a six-year term and specified qualifications. See 20 U.S.C. § 9514(b, d).
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- d. This position has a six-year term and specified qualifications. See 20 U.S.C. § 9517(b).

ED Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Margaret Spellings	Secretary	01/04/05	01/20/05	16
Raymond J. Simon	Deputy Secy.	04/15/05	05/26/05	41
Kevin F. Sullivan	Asst. Secy. - Communications and Outreach	04/28/05	07/28/05	91
Tom Luce	Asst. Secy. - Planning, Evaluation and Policy Development	05/23/05	06/30/05	38
Henry L. Johnson	Asst. Secy. - Elementary and Secondary Education	06/06/05	07/28/05	52
Stephanie J. Monroe	Asst. Secy. - Civil Rights	06/23/05	12/17/05	144
Terrell Halaska	Asst. Secy. - Legislation and Congressional Affairs	06/29/05	07/28/05	29
Mark S. Schneider	Commissioner - Education Statistics	07/27/05	10/21/05	53
Kent D. Talbert	General Counsel	09/28/05	05/19/06	222
Michell C. Clark	Asst. Secy. - Management	12/13/05	03/13/06	79
Lawrence A. Warder	Chief Financial Officer	04/25/06	07/26/06	92
Troy R. Justesen	Asst. Secy. - Vocational and Adult Education	05/08/06	07/26/06	79
Sara A. Tucker	Under Secy.	09/05/06	12/09/06	95
Lauren M. Maddox	Asst. Secy. - Communications and Outreach	09/07/06	09/21/06	14
Mean number of days to confirm a nomination			75	
Median number of days to confirm a nomination			66	

Department of Energy (DOE)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Samuel W. Bodman	I
Deputy Secretary	J. Clay Sell	II
Under Secretary	David K. Garman	III
Under Secretary - Nuclear Security/Administrator - National Nuclear Security Administration (NNSA)	Linton F. Brooks	III
Under Secretary - Science ^a	Raymond L. Orbach	III
Principal Deputy Administrator - NNSA	—	IV
Deputy Administrator - Defense Programs, NNSA	Thomas P. D'Agostino	IV

Position	Incumbent	Pay level
Deputy Administrator - Defense Nuclear Nonproliferation, NNSA	William H. Tobey	IV
Administrator - Energy Information Administration	Guy F. Caruso	IV
Assistant Secretary - Congressional and Intergovernmental Affairs	Jill L. Sigal	IV
Assistant Secretary - Electricity Delivery and Energy Reliability ^b	—	IV
Assistant Secretary - Energy Efficiency and Renewable Energy	Alexander A. Karsner	IV
Assistant Secretary - Environmental Management	James A. Rispoli	IV
Assistant Secretary - Fossil Energy	Jeffrey D. Jarrett	IV
Assistant Secretary - International Affairs and Domestic Policy	Karen A. Harbert	IV
Assistant Secretary - Nuclear Energy ^c	Dennis R. Spurgeon	IV
Chief Financial Officer ^d	Steve Isakowitz	IV
Director - Office of Civilian Radioactive Waste Management	Edward F. Sproat III	IV
Director - Office of Minority Economic Impact and Diversity	Theresa Alvillar-Speake	IV
Director - Office of Science	Raymond L. Orbach	IV
General Counsel	David R. Hill	IV
Inspector General ^e	Gregory H. Friedman	IV

- a. The position of Under Secretary - Science in the Department of Energy was established by P.L. 109-58, Title X, § 1006(a) (119 Stat. 930), and filled for the first time during the 109th Congress, as shown.
- b. The position of Assistant Secretary for Electricity Delivery and Energy Reliability was previously titled Assistant Secretary for Environment, Safety and Health. In 2005, the Office of Electricity Delivery and Energy Reliability was created by the Secretary of Energy at the recommendation of Congress, and it was initially headed by a director, Kevin Kolevar. On September 26, 2005, Kolevar was nominated to be the Assistant Secretary, and his nomination was returned to the President at the end of the 109th Congress. Kolevar was renominated for, and confirmed to, the position during the first session of the 110th Congress. Kolevar continued as Director of the Office of Electricity Delivery and Energy Reliability until he was appointed as Assistant Secretary.
- c. The Energy Policy Act of 2005 established an additional assistant secretary in the Department of Energy. The law also stated that it was “the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level” (P.L. 109-58, § 1006(b); 119 Stat. 931). This new position was subsequently denominated the Assistant Secretary for Nuclear Energy. An assistant secretary position with a similar title had previously existed. In 1993, however, this assistant secretary slot was used for an Assistant Secretary for Human Resources and Administration. According to the *United States Government Manual*, the Department of Energy did not have an Assistant Secretary for Nuclear Affairs during the intervening years.
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- e. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).

DOE Appointment Action During 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Samuel W. Bodman	Secretary	01/04/05	01/31/05	27
J. Clay Sell	Deputy Secy.	02/28/05	03/17/05	17
David K. Garman	Under Secy.	03/04/05	06/15/05	103
David R. Hill	General Counsel	04/14/05	07/28/05	105
Jill L. Sigal	Asst. Secy. - Congressional and Intergovernmental Affairs	05/09/05	07/28/05	80
James A. Rispoli	Asst. Secy. - Environmental Management	05/17/05	07/29/05	73
Jeffrey D. Jarrett	Asst. Secy. - Fossil Energy	09/06/05	12/17/05	102
Edward F. Sproat III	Dir. - Office of Civilian Radioactive Waste Management	09/08/05	05/26/06	249
Raymond L. Orbach	Under Secy. - Science	12/13/05	05/26/06	153
Alexander A. Karsner	Asst. Secy. - Energy Efficiency and Renewable Energy	12/21/05	03/16/06	74
Thomas P. D'Agostino	Deputy Admin. - Defense Programs, NNSA ^a	01/27/06	02/17/06	21
Dennis R. Spurgeon	Asst. Secy. - Nuclear Energy	02/13/06	03/27/06	42
William H. Tobey	Deputy Admin. - Defense Nuclear Nonproliferation, NNSA	05/11/06	08/03/06	84
Kevin M. Kolevar	Asst. Secy. - Electricity Delivery and Energy Reliability	09/26/06	Returned 12/09/06 ^b	
Mean number of days to confirm a nomination				87
Median number of days to confirm a nomination				80

a. NNSA: National Nuclear Security Administration

b. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Health and Human Services (HHS)

Full-time PAS Positions, as of the End of the 109th Congress

Position ^a	Incumbent	Pay level
Secretary	Michael O. Leavitt	I
Deputy Secretary	Alex Azar II	II
Administrator - Centers for Medicare & Medicaid Services	Leslie V. Norwalk (A)	III

Position^a	Incumbent	Pay level
Administrator - Substance Abuse and Mental Health Services Administration	—	IV
Assistant Secretary - Aging	Josefina G. Carbonell	IV
Assistant Secretary - Children and Families	Wade F. Horn	IV
Assistant Secretary - Legislation	Vincent J. Ventimiglia Jr.	IV
Assistant Secretary - Budget, Technology, and Finance/Chief Financial Officer ^b	Charles E. Johnson	IV
Assistant Secretary - Planning and Evaluation	—	IV
Assistant Secretary - Public Affairs	Suzanne C. DeFrancis	IV
Assistant Secretary - Health	John O. Agwunobi	c
Commissioner - Food and Drug Administration	Andrew C. von Eschenbach (A)	IV
Director - National Institutes of Health	Elias A. Zerhouni	IV
General Counsel	Daniel Meron	IV
Inspector General ^d	Daniel R. Levinson	IV
Commissioner - Children, Youth, and Families	Joan E. Ohl	V
Commissioner - Administration for Native Americans	Quanah C. Stamps	V
Director - Indian Health Services ^e	Charles W. Grim	V
Surgeon General ^f	Kenneth P. Moritsugu (A)	g

- a. The positions in this column do not include officers of the U.S. Public Health Service Commissioned Corps, except in cases where such a commission is incident to the position listed.
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Department representatives have indicated that the positions were combined as noted in the table.
- c. The Assistant Secretary for Health is compensated as a commissioned officer at Level 0-10 (37 U.S.C. § 201).
- d. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- e. This position has a four-year term; a Director may serve more than one term. See 25 U.S.C. § 1661(a).
- f. This position has a four-year term and specified qualifications. See 42 U.S.C. § 205.
- g. The Surgeon General is compensated as a commissioned officer at Level 0-9 (37 U.S.C. § 201).

HHS Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Michael O. Leavitt	Secretary	01/04/05	01/26/05	22
Daniel R. Levinson	Inspector General	01/24/05	06/08/05	135
Lester M. Crawford	Commissioner - Food and Drug Administration	02/15/05	07/18/05	153
Suzanne C. DeFrancis	Asst. Secy. - Public Affairs	04/04/05	07/22/05	109

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Alex Azar II	Deputy Secy.	04/19/05	07/22/05	94
Charles E. Johnson	Asst. Secy. - Budget, Technology, and Finance	04/25/05	07/22/05	88
John O. Agwunobi	Asst. Secy. - Health	06/29/05	12/17/05	138
Vincent J. Ventimiglia Jr.	Asst. Secy. - Legislation	07/18/05	12/21/05	123
Daniel Meron	General Counsel	11/16/05	Returned 12/09/06 ^a	
Andrew C. von Eschenbach	Commissioner - Food and Drug Administration	03/15/06	12/07/06	236
Daniel Meron	General Counsel		Recess appointment 08/31/06 ^b	
Daniel Meron	General Counsel	09/07/06	Returned 12/09/06 ^a	
Terry L. Cline	Admin. - Substance Abuse and Mental Health Services Administration	11/13/06	12/09/06	26
Mean number of days to confirm a nomination				112
Median number of days to confirm a nomination				116

- a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. Meron's recess appointment expired at the end of the first session of the 110th Congress.

Department of Homeland Security (DHS)

Full-time PAS Positions, as of the End of the 109th Congress

Position^a	Incumbent	Pay level
Secretary	Michael Chertoff	I
Deputy Secretary	Michael P. Jackson	II
Under Secretary - Preparedness	George W. Foresman	III
Under Secretary - Science and Technology	Jay M. Cohen	III
Under Secretary - Border and Transportation Security	^b	III
Under Secretary - Federal Emergency Management	R. David Paulison	III
Under Secretary - Management	L. Scott Charbo (A)	III
Director - U.S. Citizenship and Immigration Services ^c	Emilio T. Gonzalez	III
Commissioner - U.S. Customs and Border Protection ^d	W. Ralph Basham	III
Assistant Secretary - U.S. Immigration and Customs Enforcement ^e	Julie L. Myers	IV
Assistant Secretary - Policy	Stewart A. Baker	IV
Assistant Secretary - Transportation Security Administration	Edmund S. "Kip" Hawley	IV
Chief Financial Officer ^f	David L. Norquist	IV

Position^a	Incumbent	Pay level
General Counsel	Philip J. Perry	IV
Inspector General ^g	Richard L. Skinner	IV
Commandant of the Coast Guard	Thad W. Allen	Admiral ^h
Director - Office of Counternarcotics Enforcement ⁱ	Uttam Dhillon	IV
Assistant Secretary - Grants and Training ^j	Corey D. Gruber (A)	IV
United States Fire Administrator	Charlie Dickinson (A)	IV

Note: The Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), enacted October 4, 2006, included provisions that established, abolished, and changed certain advice and consent positions at DHS. Most of these provisions were not implemented until 2007, during the 110th Congress.

- a. The Homeland Security Act (P.L. 107-296, § 103; 116 Stat. 2135) provided for “Not more than 12 Assistant Secretaries” appointed through the advice and consent process. Of these, only the positions in use at the end of the 109th Congress are shown. Some assistant secretary positions previously created under this authority, such as the Assistant Secretary for Border and Transportation Security Policy, no longer exist, as such.
- b. This position (provided for at 6 U.S.C. § 113 and § 201) was not funded or filled as of FY2006.
- c. This position was formerly titled Director of the Bureau of Citizenship and Immigration Services.
- d. This position was formerly titled Commissioner of Customs.
- e. This position was formerly titled Assistant Secretary of the Bureau of Immigration and Customs Enforcement.
- f. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- g. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- h. The Commandant of the Coast Guard is compensated as a commissioned officer with the rank of Admiral at Level 0-10 (37 U.S.C. § 201).
- i. The position of Director - Office of Counternarcotics Enforcement in the Department of Homeland Security was established by P.L. 108-458, Title VII, Subtitle D, § 7407(a) (118 Stat. 3853), and filled for the first time during the 109th Congress, as shown.
- j. This position was formerly titled Executive Director - Office of State and Local Government Coordination and Preparedness.

DHS Appointment Action During 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Michael Chertoff	Secretary	01/31/05	02/15/05	15
Michael P. Jackson	Deputy Secy.	02/18/05	03/10/05	20
Philip J. Perry	General Counsel	04/04/05	06/08/05	65
Richard L. Skinner	Inspector General	04/28/05	07/28/05	91
Edmund S. Hawley	Asst. Secy. - Transportation Security Administration	05/19/05	07/22/05	64

Presidential Appointments to Full-time Positions in Executive Departments

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement	06/29/05	Returned 12/09/06 ^a	
Stewart A. Baker	Asst. Secy. - Policy	07/14/05	10/07/05	52
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness ^b	07/14/05	Returned 08/03/06 ^c	
Emilio T. Gonzalez	Dir. - Bureau of Citizenship and Immigration Services ^d	09/06/05	12/21/05	106
George W. Foresman	Under Secy. - Preparedness	10/21/05	12/17/05	57
Uttam Dhillon	Dir. - Office of Counternarcotics Enforcement	11/10/05	05/12/06	172
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness ^b		Recess appointment 01/04/06 ^e	
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement		Recess appointment 01/04/06 ^c	
David L. Norquist	Chief Financial Officer	01/18/06	05/26/06	128
W. Ralph Basham	Commissioner - Customs ^f	01/31/06	05/26/06	115
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement	02/10/06	Returned 12/09/06 ^a	
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness ^b	02/10/06	Returned 08/03/06 ^b	
R. David Paulison	Under Secy. - Federal Emergency Management	04/06/06	05/26/06	50
Jay M. Cohen	Under Secy. - Science and Technology	06/28/06	08/03/06	36
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness ^b	09/05/06	Withdrawn 12/06/06	
Paul A. Schneider	Under Secy. - Management	11/13/06	12/09/06	26
Gregory B. Cade	Admin. - U.S. Fire Administration	12/05/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination			71	
Median number of days to confirm a nomination			61	

- a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. By the end of the 109th Congress, this position had been retitled as Assistant Secretary for Grants and Training.
- 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. By the end of the 109th Congress, this position had been retitled Director of U.S. Citizenship and Immigration Services.
- e. Myers's and Henke's recess appointments would have ended at the end of the first session of the 110th Congress, by which time Henke had resigned and Myers had been confirmed.

- f. By the end of the 109th Congress, this position had been retitled Commissioner of U.S. Customs and Border Protection.

Department of Housing and Urban Development (HUD)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Alphonso R. Jackson	I
Deputy Secretary	Romolo A. Bernardi	II
Director - Office of Federal Housing Enterprise Oversight ^a	James B. Lockhart III	II
Assistant Secretary - Administration	Keith A. Nelson	IV
Assistant Secretary - Community Planning and Development	Pamela H. Patenaude	IV
Assistant Secretary - Congressional and Intergovernmental Relations	—	IV
Assistant Secretary - Fair Housing and Equal Opportunity	Kim Kendrick	IV
Assistant Secretary - Housing/Federal Housing Commissioner	Brian D. Montgomery	IV
Assistant Secretary - Policy Development and Research	Darlene F. Williams	IV
Assistant Secretary - Public Affairs	—	IV
Assistant Secretary - Public and Indian Housing	Orlando J. Cabrera	IV
Chief Financial Officer ^b	John W. Cox	IV
General Counsel	Robert M. Couch (A)	IV
Inspector General ^c	Kenneth M. Donohue Sr.	IV
President - Government National Mortgage Association	Robert M. Couch	IV

- a. This position has a five-year term and specified qualifications. See 12 U.S.C. § 4512.
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).

HUD Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Pamela H. Patenaude	Asst. Secy. - Community Planning and Development	01/24/05	04/15/05	81
Brian D. Montgomery	Asst. Secy. - Housing/Federal Housing Commissioner	04/25/05	06/13/05	49
Kim Kendrick	Asst. Secy. - Fair Housing and Equal Opportunity	06/29/05	10/07/05	67
Keith A. Nelson	Asst. Secy. - Administration	07/12/05	10/07/05	54
Darlene F. Williams	Asst. Secy. - Policy Development and Research	07/25/05	10/07/05	41
Keith E. Gottfried	General Counsel	07/25/05	10/07/05	41
Orlando J. Cabrera	Asst. Secy. - Public and Indian Housing	09/06/05	11/04/05	59
Robert M. Couch	Pres. - Government National Mortgage Association	01/18/06	06/15/06	148
John W. Cox	Chief Financial Officer	03/02/06	05/26/06	85
James B. Lockhart III	Dir. - Office of Federal Housing Enterprise Oversight	04/27/06	06/15/06	49
Scott A. Keller	Asst. Secy. - Congressional and Intergovernmental Relations	11/13/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination			67	
Median number of days to confirm a nomination			57	

a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of the Interior (DOI)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Dirk Kempthorne	I
Deputy Secretary	P. Lynn Scarlett	II
Special Trustee for American Indians	Ross O. Swimmer	a
Assistant Secretary - Fish, Wildlife, and Parks	David M. Verhey (A)	IV
Assistant Secretary - Indian Affairs	James A. Cason (A)	IV
Assistant Secretary - Land and Minerals Management	C. Stephen Allred	IV
Assistant Secretary - Policy, Management, and Budget/Chief Financial Officer ^b	R. Thomas Weimer	IV
Assistant Secretary - Water and Science	Mark A. Limbaugh	IV
Chairman - National Indian Gaming Commission ^c	Philip N. Hogen	IV
Inspector General ^d	Earl E. Devaney	IV

Presidential Appointments to Full-time Positions in Executive Departments

Position	Incumbent	Pay level
Solicitor	David L. Bernhardt	IV
Director - National Park Service	Mary A. Bomar	V
Director - Office of Surface Mining Reclamation and Enforcement	Brent T. Wahlquist (A)	V
Commissioner - Bureau of Reclamation	Robert W. Johnson	V
Director - Bureau of Land Management	Kathleen B. Clarke	V
Director - U.S. Fish and Wildlife Service	H. Dale Hall	V
Director - U.S. Geological Survey	Mark Myers	V
Commissioner - Indian Affairs ^e	—	V

- a. The Special Trustee is to be paid “at a rate determined by the Secretary to be appropriate for the position, but not less than the rate of basic pay payable at Level II of the Executive Schedule...” (25 U.S.C. § 4042).
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Weimer was confirmed as Assistant Secretary for Policy, Management, and Budget, and also served as CFO.
- c. This position has a three-year term, specified qualifications. The President’s removal power is limited. See 25 U.S.C. § 2704(b).
- d. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- e. This position (provided for at 25 U.S.C. § 1) has been vacant since 1981.

DOI Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
P. Lynne Scarlett	Deputy Secy.	02/18/05	11/18/05	240
R. Thomas Weimer	Asst. Secy. - Policy, Management, and Budget	05/09/05	12/21/05	193
Mark A. Limbaugh	Asst. Secy. - Water and Science	05/11/05	07/22/05	72
H. Dale Hall	Dir. - U.S. Fish and Wildlife Service	07/18/05	10/07/05	48
David L. Bernhardt	Solicitor	11/18/05	Returned 08/03/06 ^a	
Dirk Kempthorne	Secretary	04/24/06	05/26/06	32
Mark Myers	Dir. - U.S. Geological Survey	05/03/06	Returned 08/03/06 ^a	
John R. Correll	Dir. - Office of Surface Mining Reclamation and Enforcement	05/16/06	Returned 08/03/06 ^a	
Robert W. Johnson	Commissioner - Bureau of Reclamation	07/21/06	09/29/06	39
C. Stephen Allred	Asst. Secy. - Land and Minerals Management	08/01/06	09/29/06	28
Carl J. Artman	Asst. Secy. - Indian Affairs	08/01/06	Returned 12/09/06 ^b	
Mark Myers	Dir. - U.S. Geological Survey	09/05/06	09/15/06	10

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
John R. Correll	Dir. - Office of Surface Mining Reclamation and Enforcement	09/05/06	Returned 12/09/06 ^b	
Mary A. Bomar	Dir. - National Park Service	09/05/06	09/29/06	24
David L. Bernhardt	Solicitor	09/05/06	09/29/06	24
Mean number of days to confirm a nomination				71
Median number of days to confirm a nomination				36

- 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. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Justice (DOJ)

Full-time PAS Positions, as of the End of the 109th Congress

Position^a	Incumbent	Pay level
Attorney General	Alberto R. Gonzales	I
Deputy Attorney General	Paul J. McNulty	II
Director - Federal Bureau of Investigation ^b	Robert S. Mueller IV	II
Administrator of Drug Enforcement	Karen P. Tandy	III
Associate Attorney General	William W. Mercer (A)	III
Solicitor General	Paul D. Clement	III
Director - Bureau of Alcohol, Tobacco, Firearms and Explosives	Michael J. Sullivan (A)	III
Assistant Attorney General - Antitrust Division	Thomas O. Barnett	IV
Assistant Attorney General - Civil Division	Peter D. Keisler	IV
Assistant Attorney General - Civil Rights Division	Wan J. Kim	IV
Assistant Attorney General - Criminal Division	Alice S. Fisher	IV
Assistant Attorney General - Environment and Natural Resources Division	Sue Ellen Wooldridge	IV
Assistant Attorney General - Legislative Affairs	James H. Clinger (A)	IV
Assistant Attorney General - National Security ^c	Kenneth L. Wainstein	IV
Assistant Attorney General - Office of Justice Programs	Regina B. Schofield	IV
Assistant Attorney General - Office of Legal Counsel	Steven G. Bradbury (A)	IV
Assistant Attorney General - Office of Legal Policy	Rachel L. Brand	IV
Assistant Attorney General - Tax Division	Eileen J. O'Connor	IV
Administrator - Office of Juvenile Justice and Delinquency Prevention	J. Robert Flores	IV

Position^a	Incumbent	Pay level
Deputy Administrator - Drug Enforcement Administration	Michele M. Leonhart	IV
Director - Bureau of Justice Assistance	Domingo S. Herraiz	IV
Director - Bureau of Justice Statistics	Jeffrey L. Sedgwick	IV
Director - Community Relations Service ^d	Sharee M. Freeman	IV
Director - National Institute of Justice	Glenn R. Schmitt (A)	IV
Director - Office for Victims of Crime	John W. Gillis	IV
Director - U.S. Marshals Service	John F. Clark	IV
Inspector General ^e	Glenn A. Fine	IV
Special Counsel - Immigration-Related Unfair Employment Practices ^f	—	8
Director - Violence Against Women Office	Mary B. Buchanan (A)	V

- a. Does not include U.S. attorney and U.S. marshal positions. The position of chief financial officer (CFO) is also not listed here. Although the Department of Justice is included in the statute that provides presidentially appointed and Senate-confirmed CFOs for all of the major executive branch agencies (31 U.S.C. § 901(a)(1)), this provision is superseded by 28 U.S.C. § 507. The latter section provides that the Assistant Attorney General for Administration, appointed by the Attorney General with the approval of the President, shall be the CFO for the Department of Justice.
- b. This position has a 10-year term. See 28 U.S.C. § 532 note.
- c. The position of Assistant Attorney General for National Security in the Department of Justice was established by P.L. 109-177, § 506 (120 Stat. 247), and filled for the first time during the 109th Congress, as shown below.
- d. This position has a four-year term. See 42 U.S.C. § 2000g.
- e. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- f. This position has a four-year term. See 8 U.S.C. § 1324b(c)(1).
- g. “The Special Counsel for Immigration-Related Unfair Employment Practices is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule,” under 5 U.S.C. § 5332 (8 U.S.C. § 1324b(c)(3)).

DOJ Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Alberto R. Gonzales	Attorney General	01/04/05	02/03/05	30
Paul D. Clement	Solicitor General	03/14/05	06/08/05	86
Rachel L. Brand	Asst. Atty. General - Office of Legal Policy	04/04/05	07/28/05	115

Presidential Appointments to Full-time Positions in Executive Departments

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Alice S. Fisher	Asst. Atty. General - Criminal Division	04/04/05	09/19/06	458
Regina B. Schofield	Asst. Atty. General - Office of Justice Programs	04/04/05	06/08/05	65
Wan J. Kim	Asst. Atty. General - Civil Rights Division	06/16/05	11/04/05	108
Timothy E. Flanigan	Deputy Attorney General	06/20/05	Withdrawn 10/07/05	
Sue Ellen Wooldridge	Asst. Atty. General - Environment and Natural Resources Division	06/20/05	11/10/05	110
Alice S. Fisher	Asst. Atty. General - Criminal Division		Recess Appointment 08/31/05 ^a	
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	06/23/05	Returned 12/21/05 ^b	
Thomas O. Barnett	Asst. Atty. General - Antitrust Division	09/06/05	02/10/06	146
Alice S. Fisher	Asst. Atty. General - Criminal Division	09/19/05	Returned 12/09/06 ^c	
John F. Clark	Dir. - U.S. Marshals Service	10/21/05	03/16/06	135
Paul J. McNulty	Deputy Attorney General	11/09/05	03/16/06	116
Sharee M. Freeman	Dir. - Community Relations Service	12/20/05	03/31/06	90
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	01/25/06	Returned 09/29/06 ^d	
Jeffrey L. Sedgwick	Dir. - Bureau of Justice Statistics	01/31/06	03/31/06	59
Kenneth L. Wainstein	Asst. Atty. General - National Security Division	03/13/06	09/21/06	161
William W. Mercer	Associate Attorney General	09/05/06	Returned 12/09/06 ^c	
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	11/14/06	Returned 12/09/06 ^c	
	Mean number of days to confirm a nomination			129
	Median number of days to confirm a nomination			110

- a. Fisher's recess appointment would have expired at the end of the second session of the 109th Congress, by which time she had each been confirmed, as shown.
- b. Returned to the President at the end of the first session of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. Returned to the President at the end of the first session of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- d. Returned to the President at the end of the first session of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Labor (DOL)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Elaine L. Chao	I
Deputy Secretary	Steven J. Law	II
Assistant Secretary - Administration and Management	Patrick Pizzella	IV
Assistant Secretary - Congressional and Intergovernmental Affairs	Kristine A. Iverson	IV
Assistant Secretary - Disability Employment Policy	W. Roy Grizzard	IV
Assistant Secretary - Employee Benefits Security Administration	Bradford P. Campbell (A)	IV
Assistant Secretary - Employment and Training Administration	Emily S. DeRocco	IV
Assistant Secretary - Employment Standards Administration	Victoria A. Lipnic	IV
Assistant Secretary - Mine Safety and Health Administration	Richard E. Stickler	IV
Assistant Secretary - Occupational Safety and Health Administration	Edwin G. Foulke Jr.	IV
Assistant Secretary - Public Affairs	Randolph J. Clerihue	IV
Assistant Secretary - Policy	Leon R. Sequeira (A)	IV
Assistant Secretary - Veterans' Employment and Training Service	Charles S. Ciccolella	IV
Chief Financial Officer ^a	Samuel T. Mok	IV
Commissioner - Bureau of Labor Statistics ^b	Philip L. Rones (A)	IV
Inspector General ^c	Gordon S. Heddell	IV
Solicitor	Howard M. Razely	IV
Administrator - Wage and Hour Division	Paul DeCamp	V
Director - Women's Bureau ^d	Shinae Chun	e

- a. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- b. This position has a four-year term. See 29 U.S.C. § 3.
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he "shall communicate the reasons for any such removal to both Houses of Congress" (5 U.S.C. Appx. § 3(b)).
- d. By statute, the incumbent must be a woman (29 U.S.C. § 12).
- e. According to the 2004 Plum Book, the Director of the Women's Bureau was a Senior Level (SL) position (p. 109). With regard to pay for such positions, the Plum Book states, "Pay for Senior Level positions ranges from 120 percent of basic pay payable for GS-15, step 1, of the General Schedule to the rate of pay for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective pay area. The employee's locality rate of pay may not exceed the pay for level III of the Executive Schedule" (p. 219). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

DOL Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Charles S. Ciccolella	Asst. Secy. - Veterans' Employment and Training Service	05/17/05	7/29/05	73
Edwin G. Foulke Jr.	Asst. Secy. - Occupational Safety and Health Administration	09/15/05	03/13/06	168
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	09/15/05	Returned 08/03/06 ^a	
Paul DeCamp	Admin. - Wage and Hour Division	01/31/06	Returned 09/29/06 ^b	
Randolph J. Clerihue	Asst. Secy. - Public Affairs	08/01/06	09/21/06	20
Paul DeCamp	Admin. - Wage and Hour Division		Recess Appointment 08/31/06 ^c	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	09/05/06	Returned 09/29/06 ^b	
Paul DeCamp	Admin. - Wage and Hour Division	09/07/06	Returned 09/29/06 ^b	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration		Recess Appointment 10/19/06 ^d	
Leon R. Sequeira	Asst. Secy. - Policy	11/13/06	Returned 12/09/06 ^e	
Paul DeCamp	Admin. - Wage and Hour Division	11/14/06	Returned 12/09/06 ^e	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	11/14/06	Returned 12/09/06 ^e	
Mean number of days to confirm a nomination			87	
Median number of days to confirm a nomination			73	

- 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. Returned to the President at the beginning of a 39-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. DeCamp's recess appointment expired at the end of the first session of the 110th Congress.
- d. Stickler's recess appointment expired at the end of the first session of the 110th Congress.
- e. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of State (DOS)

Full-time PAS Positions, as of the End of the 109th Congress

Position ^a	Incumbent	Pay level
Secretary	Condoleezza Rice	I
Deputy Secretary	—	II
Deputy Secretary - Management and Resources ^b	—	II
Under Secretary - Arms Control and International Security	Robert Joseph	III

Presidential Appointments to Full-time Positions in Executive Departments

Position^a	Incumbent	Pay level
Under Secretary - Economic, Business, and Agricultural Affairs	Josette Sheeran	III
Under Secretary - Democracy and Global Affairs	Paula J. Dobriansky	III
Under Secretary - Management	Henrietta H. Fore	III
Under Secretary - Political Affairs	R. Nicholas Burns	III
Under Secretary - Public Diplomacy and Public Affairs	Karen P. Hughes	III
Ambassador-at-Large - International Religious Freedom	John V. Hanford III	III
Ambassador-at-Large/Director - Office to Monitor and Combat Trafficking in Persons	John R. Miller	IV
Ambassador-at-Large - War Crimes Issues	J. Clint Williamson	IV
Ambassador-at-Large/Coordinator - Counterterrorism	Henry Crumpton	IV
Coordinator - U.S. Global AIDS	Mark R. Dybul	IV
Chief of Protocol	Donald B. Ensenat	IV
Assistant Secretary - Administration	Rajkumar Chellaraj	IV
Assistant Secretary - African Affairs	Jendayi E. Frazer	IV
Assistant Secretary - Consular Affairs	Maura Harty	IV
Assistant Secretary - Democracy, Human Rights, and Labor	Barry F. Lowenkron	IV
Assistant Secretary - Diplomatic Security/Director - Office of Foreign Missions ^c	Richard J. Griffin	IV
Assistant Secretary - East Asian and Pacific Affairs	Christopher R. Hill	IV
Assistant Secretary - Economic, Energy and Business Affairs	Daniel S. Sullivan	IV
Assistant Secretary - Educational and Cultural Affairs	Dina H. Powell	IV
Assistant Secretary - European and Eurasian Affairs	Daniel Fried	IV
Assistant Secretary - Intelligence and Research	Randall M. Fort	IV
Assistant Secretary - International Narcotics and Law Enforcement Affairs	Anne W. Patterson	IV
Assistant Secretary - International Organizations	Kristen Silverberg	IV
Assistant Secretary - International Security and Nonproliferation	John C. Rood	IV
Assistant Secretary - Legislative Affairs	Jeffrey T. Bergner	IV
Assistant Secretary - Near Eastern Affairs	C. David Welch	IV
Assistant Secretary - Oceans and International Environmental and Scientific Affairs	Claudia A. McMurray	IV
Assistant Secretary - Political-Military Affairs	John Hillen	IV
Assistant Secretary - Population, Refugees, and Migration Affairs	Ellen R. Sauerbrey	IV
Assistant Secretary - Public Affairs	Sean I. McCormack	IV
Assistant Secretary - Resource Management/Chief Financial Officer ^d	Bradford R. Higgins	IV

Position^a	Incumbent	Pay level
Assistant Secretary - South and Central Asian Affairs	Richard A. Boucher	IV
Assistant Secretary - Verification, Compliance, and Implementation	Paula A. DeSutter	IV
Assistant Secretary - Western Hemisphere Affairs	Thomas A. Shannon Jr.	IV
Director General - Foreign Service ^e	George M. Staples	IV
Inspector General ^f	Howard J. Krongard	IV
Legal Adviser	John B. Bellinger III	IV
International Organizations		
U.S. Representative - United Nations (U.N.)	John R. Bolton	II
U.S. Representative - Organization of American States	John F. Maisto	§
U.S. Deputy Representative - U.N.	Alejandro D. Wolff	III
U.S. Representative - Economic and Social Council - U.N.	Richard T. Miller	IV
U.S. Representative - Management and Reform -U.N.	Mark D. Wallace	IV
U.S. Alternative Representative - Special Political Affairs - U.N.	Jackie Wolcott Sanders	IV

- a. The positions in this column do not include chiefs of mission in overseas posts or Foreign Service officers. In addition, certain officers of the State Department may be required to have certain qualifications. See 22 USCS § 2651a(g).
- b. The position of Deputy Secretary - Management and Resources in the Department of State was established by P.L. 106-553, § 404(a) (114 Stat. 2762A-96), enacted December 21, 2000. This position has never been filled.
- c. Since 1998, each time an individual has been nominated to and confirmed for the position of Assistant Secretary for Diplomatic Security, he has simultaneously been nominated to and confirmed for the position of Director of Foreign Missions.
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). With regard to State Department appointments, since 2001, the same individual has been separately and simultaneously nominated for, and confirmed to, the positions of CFO and Assistant Secretary for Resource Management.
- e. By law, incumbent must be a current or former career senior Foreign Service officer (22 U.S.C. § 3928).
- f. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).
- g. The salary for the U.S. Representative to the Organization of American States is linked to the pay for Chiefs of Mission. For this particular mission/ambassador, the salary is set based on the Executive Schedule Level III.

DOS Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Condoleezza Rice	Secretary	01/04/05	01/26/05	22
Howard J. Krongard	Inspector General	01/24/05	04/27/05	93
Robert B. Zoellick	Deputy Secretary	02/10/05	02/16/05	6

Presidential Appointments to Full-time Positions in Executive Departments

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
John B. Bellinger III	Legal Adviser	02/14/05	04/06/05	51
R. Nicholas Burns	Under Secy. - Political Affairs	02/14/05	03/17/05	31
C. David Welch	Asst. Secy. - Near Eastern Affairs	02/14/05	03/17/05	31
Christopher R. Hill	Asst. Secy. - East Asian and Pacific Affairs	03/04/05	03/17/05	13
Daniel Fried	Asst. Secy. - European and Eurasian Affairs	03/08/05	04/28/05	51
Robert Joseph	Under Secy. - Arms Control and International Security	03/14/05	05/26/05	73
John R. Bolton	U.S. Representative - U.N.	03/17/05	Returned 07/29/05 ^a	
Sean I. McCormack	Asst. Secy. - Public Affairs	04/04/05	05/26/05	52
Richard J. Griffin	Asst. Secy. - Diplomatic Security	04/28/05	06/16/05	49
Richard J. Griffin	Dir. - Office of Foreign Missions	04/28/05	06/16/05	49
Dina H. Powell	Asst. Secy. - Educational and Cultural Affairs	04/28/05	06/24/05	57
Henrietta H. Fore	Under Secy. - Management	05/11/05	07/29/05	79
Henry Crumpton	Ambassador-at-Large/Coordinator - Counterterrorism	06/09/05	07/29/05	50
John Hillen	Asst. Secy. - Political-Military Affairs	06/28/05	10/07/05	68
Josette Sheeran	Under Secy. - Economic, Business, and Agricultural Affairs	06/28/05	07/29/05	31
Karen P. Hughes	Under Secy. - Public Diplomacy and Public Affairs	06/29/05	07/29/05	30
Kristen Silverberg	Asst. Secy. - International Organizations	06/29/05	07/29/05	30
Jendayi E. Frazer	Asst. Secy. - African Affairs	06/30/05	07/29/05	29
Barry F. Lowenkron	Asst. Secy. - Democracy, Human Rights, and Labor	07/28/05	10/07/05	38
John R. Bolton	U.S. Representative - U.N.		Recess appointment 08/01/05 ^b	
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	09/06/05	Returned 12/09/06 ^c	
Thomas A. Shannon Jr.	Asst. Secy. - Western Hemisphere Affairs	09/06/05	10/07/05	31
John R. Bolton	U.S. Representative - U.N.	09/19/05	Returned 09/29/06 ^d	
Jeffrey T. Bergner	Asst. Secy. - Legislative Affairs	10/06/05	11/04/05	29
Alejandro D. Wolff	U.S. Dep. Rep. - U.N.	10/17/05	11/18/05	32
Anne W. Patterson	Asst. Secy. - International Narcotics and Law Enforcement Affairs	10/19/05	11/10/05	22
Claudia A. McMurray	Asst. Secy. - Oceans and International Environmental and Scientific Affairs	11/16/05	02/16/06	81
Bradford F. Higgins	Asst. Secy. - Resource Management	12/13/05	02/16/06	54

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Bradford F. Higgins	Chief Financial Officer	12/13/05	02/16/06	54
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	Recess appointment 01/04/06 ^e		
Richard A. Boucher	Asst. Secy. - South and Central Asian Affairs	01/18/06	02/17/06	30
Mark D. Wallace	U.S. Rep. - Management and Reform - U.N.	01/18/06	03/16/06	57
Jackie Wolcott Sanders	U.S. Rep. - Special Political Affairs - U.N.	01/18/06	02/16/06	29
Rajkumar Chellaraj	Asst. Secy. - Administration	01/25/06	05/26/06	121
Richard T. Miller	U.S. Rep. - Economic and Social Council -U.N.	01/25/06	03/16/06	50
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	02/10/06	Returned 12/09/06 ^c	
George M. Staples	Dir. General - Foreign Service	03/02/06	05/19/06	78
J. Clint Williamson	Ambassador-at-Large - War Crimes Issues	04/06/06	06/29/06	84
Daniel S. Sullivan	Asst. Secy. - Economic, Energy and Business Affairs	04/24/06	05/26/06	32
Randall M. Fort	Asst. Secy. - Intelligence and Research	06/12/06	08/03/06	52
John C. Rood	Asst. Secy. - International Security and Non-proliferation	07/12/06	09/13/06	32
Mark R. Dybul	Coordinator - U.S. Global AIDS	07/18/06	08/03/06	16
John R. Bolton	U.S. Representative - U.N.	11/09/06	Returned 12/09/06 ^c	
Mean number of days to confirm a nomination			47	
Median number of days to confirm a nomination			49	

- Returned to the President at the beginning of a 33-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- Bolton's recess appointment expired at the end of the second session of the 109th Congress.
- Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- Returned to the President at the beginning of a 39-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- Sauerbrey's recess appointment expired at the end of the first session of the 110th Congress.

Department of Transportation (DOT)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Mary E. Peters	I

Position	Incumbent	Pay level
Deputy Secretary	Maria Cino	II
Under Secretary - Policy	Jeffrey N. Shane	II
Administrator - Federal Aviation Administration ^a	Marion Blakely	II
Administrator - Federal Highway Administration	J. Richard Capka	II
Administrator - Federal Motor Carrier Safety Administration	John H. Hill	III
Administrator - Federal Railroad Administration	Joseph H. Boardman	III
Administrator - Federal Transit Administration	James S. Simpson	III
Administrator - Maritime Administration	Sean T. Connaughton	III
Administrator - National Highway Traffic Safety Administration	Nicole R. Nason	III
Administrator - Pipeline and Hazardous Materials Safety Administration ^b	Thomas J. Barrett	III
Administrator - Research and Innovative Technology Administration	John Bobo (A)	III
Administrator - Saint Lawrence Seaway Development Corporation ^c	Collister Johnson Jr.	IV
Assistant Secretary - Aviation and International Affairs	Andrew B. Steinberg	IV
Assistant Secretary - Budget and Programs/Chief Financial Officer ^d	Phyllis F. Scheinberg	IV
Assistant Secretary - Governmental Affairs	R. Shane Karr	IV
Assistant Secretary - Transportation Policy	Tyler D. Duvall	IV
Deputy Administrator - Federal Aviation Administration ^e	Robert A. Sturgell	IV
General Counsel	Rosalind A. Knapp (A)	IV
Inspector General ^f	Calvin L. Scovel	IV

- a. This position has a five-year term and specified qualifications. See 49 U.S.C. § 106.
- b. The position of Administrator - Pipeline and Hazardous Materials Safety Administration in the Department of Transportation was established by P.L. 108-426, Section 2(a) (118 Stat. 2423), and filled for the first time during the 109th Congress, as shown. This position has specified qualifications.
- c. This position has a seven-year term. See 33 U.S.C. § 982(a).
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Scheinberg was confirmed as Assistant Secretary for Budget and Programs and designated to serve as CFO.
- e. This position has specified qualifications. See 49 U.S.C. § 106.
- f. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he “shall communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appx. § 3(b)).

DOT Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Joseph H. Boardman	Admin. - Federal Railroad Administration	03/17/05	04/28/05	42
Maria Cino	Deputy Secy.	04/06/05	05/11/05	35
Phyllis F. Scheinberg	Asst. Secy. - Budget and Programs	04/14/05	04/28/05	14
Ashok G. Kaveeshwar	Admin. - Research and Innovative Technology Administration	05/25/05	06/30/05	36
James S. Simpson	Admin. - Federal Transit Administration	01/18/06	08/03/06	197
R. Shane Karr	Asst. Secy. - Governmental Affairs	01/18/06	05/26/06	128
Tyler D. Duvall	Asst. Secy. - Transportation Policy	01/18/06	05/26/06	128
David C. Sanborn	Admin. - Maritime Administration	01/18/06	Withdrawn 03/27/06	
Nicole R. Nason	Admin. - National Highway Traffic Safety Administration	01/18/06	05/26/06	128
Thomas J. Barrett	Admin. - Pipeline and Hazardous Materials Safety Administration	01/25/06	05/26/06	121
Andrew B. Steinberg	Asst. Secy. - Aviation and International Affairs	02/10/06	09/29/06	200
J. Richard Capka	Admin. - Federal Highway Administration	03/07/06	05/26/06	80
John H. Hill	Admin. - Federal Motor Carrier Safety Administration	05/16/06	08/03/06	79
Sean T. Connaughton	Admin. - Maritime Administration	06/28/06	08/03/06	36
Calvin L. Scovel	Inspector General	07/13/06	09/29/06	47
Collister Johnson Jr.	Admin. - Saint Lawrence Seaway Development Corporation	09/05/06	09/29/06	24
Mary E. Peters	Secretary	09/07/06	09/29/06	22
Mean number of days to confirm a nomination				82
Median number of days to confirm a nomination				63

Department of the Treasury (TREAS)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	Henry M. Paulson Jr.	I
Deputy Secretary	Robert M. Kimmitt	II
Commissioner of Internal Revenue ^a	Mark W. Everson	III
Comptroller of the Currency ^b	John C. Dugan	III

Position	Incumbent	Pay level
Director - Office of Thrift Supervision ^c	John M. Reich	III
Under Secretary - Domestic Finance	Robert K. Steel	III
Under Secretary - Terrorism and Financial Intelligence ^d	Stuart A. Levey	III
Under Secretary - International Affairs	Timothy D. Adams	III
Assistant Secretary - Economic Policy	Phillip L. Swagel	IV
Assistant Secretary - Financial Institutions	Emil W. Henry Jr.	IV
Assistant Secretary - Financial Markets	Anthony W. Ryan	IV
Assistant Secretary - Intelligence and Analysis	Janice B. Gardner	IV
Assistant Secretary - Management/Chief Financial Officer ^e	Sandra Pack	IV
Assistant Secretary - Public Affairs	Michele A. Davis	IV
Assistant Secretary - Tax Policy	Eric Solomon	IV
Assistant Secretary - Terrorist Financing	Patrick M. O'Brien	IV
Assistant Secretary - International Affairs ^f	Clay Lowery	IV
Assistant Secretary - Legislative Affairs ^f	Kevin I. Fromer	IV
General Counsel	Robert F. Hoyt	IV
Inspector General ^g	Harold Damelin	IV
Inspector General for Tax Administration	J. Russell George	IV
Chief Counsel - IRS/Assistant General Counsel for Tax	Donald L. Korb	V
Director of the Mint ^h	Edmund C. Moy	SL ⁱ
Treasurer of the United States	Anna E. Cabral	SL ⁱ

- a. This position has a five-year term and specified qualifications. See 26 U.S.C. § 7803(a)(1).
- b. This position has a five-year term, and a limitation on the President's removal power. See 12 U.S.C. § 2.
- c. This position has a five-year term and specified qualifications. See 12 U.S.C. § 1462a(c).
- d. The position of Under Secretary for Terrorism and Financial Crimes (called Under Secretary for Terrorism and Financial Intelligence) was established by P.L. 108-447, Division H, Title II, § 222 (118 Stat. 3242). The Under Secretary was the successor office to the Office of Enforcement, and the incumbent in that office, Stuart A. Levey, continued to serve.
- e. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Pack was confirmed for the position of Assistant Secretary for Management and designated as CFO.
- f. The U.S. Code provides that the department has two deputy under secretaries appointed by the President with the advice and consent of the Senate. "When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary" (31 U.S.C. § 301(d)). In each of these two cases, the President did so.
- g. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he "shall communicate the reasons for any such removal to both Houses of Congress" (5 U.S.C. Appx. § 3(b)).
- h. This position has a five-year term and a limitation on the President's removal power. See 31 U.S.C. § 304.
- i. According to the 2004 Plum Book, the Director of the United States Mint and the Treasurer of the United States were both Senior Level positions (p. 142). With regard to pay for such positions, the Plum Book states, "Pay for Senior Level positions ranges from 120 percent of basic pay payable for GS-15, step 1, of the

General Schedule to the rate of pay for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective pay area. The employee's locality rate of pay may not exceed the pay for level III of the Executive Schedule" (p. 219). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

TREAS Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
Harold Damelin	Inspector General	01/24/05	03/17/05	52
John C. Dugan	Comptroller of the Currency	02/28/05	07/29/05	151
Timothy D. Adams	Under Secy. - International Affairs	04/06/05	07/29/05	114
Sandra L. Pack	Asst. Secy. - Management	05/16/05	07/29/05	74
Janice B. Gardner	Asst. Secy. - Intelligence and Analysis	05/16/05	07/28/05	73
John M. Reich	Dir. - Office of Thrift Supervision	05/25/05	Withdrawn 06/06/05	
Randal Quarles	Under Secy. - Domestic Finance	05/26/05	07/29/05	64
Philip D. Morrison	Asst. Secy. - Tax Policy	05/26/05	Withdrawn 10/07/05	
John M. Reich	Dir. - Office of Thrift Supervision	06/06/05	07/29/05	53
Kevin I. Fromer	Dep. Under Secy. - Legislative Affairs ^a	06/06/05	07/29/05	53
Patrick M. O'Brien	Asst. Secy. - Terrorist Financing	06/29/05	10/07/05	67
Robert M. Kimmit	Deputy Secy.	06/29/05	07/29/05	30
Emil W. Henry Jr.	Asst. Secy. - Financial Institutions	07/28/05	10/07/05	38
Terry Neese	Dir. - Mint	07/29/05	Withdrawn 09/19/05	
Clay Lowery	Dep. Under Secy. - International Affairs ^a	09/06/05	10/28/05	52
Antonio Fratto	Asst. Secy. - Public Affairs	10/06/05	12/17/05	72
Eric Solomon	Asst. Secy. - Tax Policy	05/09/06	12/09/06	183
Henry M. Paulson Jr.	Secretary	06/19/06	06/28/06	9
Edmund C. Moy	Dir. - Mint	06/29/06	07/26/06	27
Robert K. Steel	Under Secy. - Domestic Finance	09/06/06	09/29/06	23
Phillip L. Swagel	Asst. Secy. - Economic Policy	09/26/06	12/09/06	74
Michele A. Davis	Asst. Secy. - Public Affairs	09/28/06	12/09/06	72
Robert F. Hoyt	General Counsel	09/29/06	12/09/06	71
Anthony W. Ryan	Asst. Secy. - Financial Markets	11/13/06	12/09/06	26
Mean number of days to confirm a nomination			66	
Median number of days to confirm a nomination			64	

a. The U.S. Code provides that the department has two deputy under secretaries appointed by the President with the advice and consent of the Senate. "When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary" (31 U.S.C. § 301(d)). In each of these two cases, the President did so.

Department of Veterans Affairs (DVA)

Full-time PAS Positions, as of the End of the 109th Congress

Position	Incumbent	Pay level
Secretary	R. James Nicholson	I
Deputy Secretary	Gordon H. Mansfield	II
Under Secretary - Benefits ^a	Daniel L. Cooper	III
Under Secretary - Health ^b	Michael J. Kussman (A)	III
Under Secretary - Memorial Affairs	William F. Tuerk	III
Assistant Secretary - Congressional and Legislative Affairs	Thomas E. Harvey (A)	IV
Assistant Secretary - Human Resources and Administration	Robert A. Pittman	IV
Assistant Secretary - Information and Technology	Robert T. Howard	IV
Assistant Secretary - Management/Chief Financial Officer ^c	Robert J. Henke	IV
Assistant Secretary - Policy and Planning	Patrick W. Dunne	IV
Assistant Secretary - Public and Intergovernmental Affairs	Lisette M. Mondello	IV
Chairman - Board of Veterans' Appeals ^d	James P. Terry	IV
General Counsel	Paul J. Hutter (A)	IV
Inspector General ^e	George J. Opfer	IV

- a. This position had, at the end of the 109th Congress, a four-year term, limitations on the President's removal power, and specified qualifications. See 38 U.S.C. § 306. The provisions were repealed by the Veterans Benefits, Health Care, and Information Technology Act of 2006, which was enacted December 22, 2006 (P.L. 109-461, § 210; 120 Stat. 3418).
- b. This position had, at the end of the 109th Congress, a four-year term, limitations on the President's removal power, and specified qualifications. See 38 U.S.C. § 305. The provisions were repealed by the Veterans Benefits, Health Care, and Information Technology Act of 2006, which was enacted December 22, 2006 (P.L. 109-461, § 210; 120 Stat. 3418).
- c. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Department representatives have indicated that positions will be combined as noted in the table.
- d. This position has a six-year term and limitations on the President's removal power. See 38 U.S.C. § 7101(b).
- e. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of the IG, however, the law provides that he "shall communicate the reasons for any such removal to both Houses of Congress" (5 U.S.C. Appx. § 3(b)).

DVA Appointment Action During the 109th Congress

Nominee/ recess appointee	Position	Nominated	Confirmed	Days to confirm
(name redacted)son	Secretary	01/04/05	01/26/05	22
Jonathan B. Perlin	Under Secy. - Health	02/18/05	04/28/05	69
Robert J. Henke	Asst. Secy. - Management	07/29/05	10/26/05	56
William F. Tuerk	Under Secy. - Memorial Affairs	07/29/05	10/26/05	56
John M. Molino	Asst. Secy. - Policy, Planning, and Preparedness	09/06/05	Withdrawn 12/13/05	
Lisette M. Mondello	Asst. Secy. - Public and Intergovernmental Affairs	09/06/05	10/26/05	50
George J. Opfer	Inspector General	09/06/05	11/10/05	65
Daniel L. Cooper	Under Secy. - Benefits	03/30/06	06/29/06	91
Patrick W. Dunn	Asst. Secy. - Policy and Planning	05/24/06	08/03/06	71
Thomas E. Harvey	Asst. Secy. - Congressional and Legislative Affairs	06/26/06	Returned 12/09/06 ^a	
Robert T. Howard	Asst. Secy. - Information and Technology	09/05/06	09/29/06	24
Mean number of days to confirm a nomination			56	
Median number of days to confirm a nomination			56	

a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Appendix A. Nominations and Recess Appointments, 109th Congress

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Timothy D. Adams	Under Secy. - International Affairs	TREAS	04/06/05	07/29/05	114
John O. Agwunobi	Asst. Secy. - Health	HHS	06/29/05	12/17/05	138
C. Stephen Allred	Asst. Secy. - Land and Minerals Management	DOI	08/01/06	09/29/06	28
William C. Anderson	Asst. Secy. - Air Force - Installations, Environment, and Logistics	DOD	05/26/05	10/28/05	122
James M. Andrew	Admin. - Rural Utilities Service	USDA	09/06/05	11/10/05	65
Carl J. Artman	Asst. Secy. - Indian Affairs	DOI	08/01/06	Returned 12/09/06	
Alex Azar II	Deputy Secy.	HHS	04/19/05	07/22/05	94
Stewart A. Baker	Asst. Secy. - Policy	DHS	07/14/05	10/07/05	52
Thomas O. Barnett	Asst. Atty. General - Antitrust Division	DOJ	09/06/05	02/10/06	146
Thomas J. Barrett	Admin. - Pipeline and Hazardous Materials Safety Administration	DOT	01/25/06	05/26/06	121
Santanu K. Baruah	Asst. Secy. - Economic Development	DOC	09/06/05	12/17/05	102
W. Ralph Basham	Commissioner - Customs	DHS	01/31/06	05/26/06	115
P. Jackson Bell	Deputy Under Secy. - Logistics and Materiel Readiness	DOD	06/28/05	07/29/05	31
John B. Bellinger III	Legal Adviser	DOS	02/14/05	04/06/05	51
Jeffrey T. Bergner	Asst. Secy. - Legislative Affairs	DOS	10/06/05	11/04/05	29
David L. Bernhardt	Solicitor	DOI	11/18/05	Returned 08/03/06	
David L. Bernhardt	Solicitor	DOI	09/05/06	09/29/06	24
Anita K. Blair	Asst. Secy. - Air Force - Manpower and Reserve Affairs	DOD	04/24/06	Returned 12/09/06	
Joseph H. Boardman	Admin. - Federal Railroad Administration	DOT	03/17/05	04/28/05	42
Samuel W. Bodman	Secretary	DOE	01/04/05	01/31/05	27
David S. Bohigian	Asst. Secy. - Market Access and Compliance	DOC	10/06/05	12/17/05	72
John R. Bolton	U.S. Representative - U.N.	DOS	03/17/05	Returned 07/29/05	
John R. Bolton	U.S. Representative - U.N.	DOS		Recess appointment 08/01/05	
John R. Bolton	U.S. Representative - U.N.	DOS	09/19/05	Returned 09/29/06	

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
John R. Bolton	U.S. Representative - U.N.	DOS	11/09/06	Returned 12/09/06	
Mary A. Bomar	Dir. - National Park Service	DOI	09/05/06	09/29/06	24
Richard A. Boucher	Asst. Secy. - South and Central Asian Affairs	DOS	01/18/06	02/17/06	30
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	DOJ	06/23/05	Returned 12/21/05	
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	DOJ	01/25/06	Returned 09/29/06	
Steven G. Bradbury	Asst. Atty. General - Office of Legal Counsel	DOJ	11/14/06	Returned 12/09/06	
Rachel L. Brand	Asst. Atty. General - Office of Legal Policy	DOJ	04/04/05	07/28/05	115
Gale A. Buchanan	Under Secy. - Research, Education, and Economics	USDA	01/18/06	05/12/06	114
Michael J. Burns	Asst. to the Secretary - Nuclear and Chemical and Biological Defense Programs	DOD	12/06/06	Returned 12/09/06	
R. Nicholas Burns	Under Secy. - Political Affairs	DOS	02/14/05	03/17/05	31
Orlando J. Cabrera	Asst. Secy. - Public and Indian Housing	HUD	09/06/05	11/04/05	59
Gregory B. Cade	Admin. - U.S. Fire Administration	DHS	12/05/06	Returned 12/09/06	
J. Richard Capka	Admin. - Federal Highway Administration	DOT	03/07/06	05/26/06	80
Rajkumar Chellaraj	Asst. Secy. - Administration	DOS	01/25/06	05/26/06	121
Michael Chertoff	Secretary	DHS	01/31/05	02/15/05	15
Charles R. Christopherson Jr.	Chief Financial Officer	USDA	09/08/05	11/10/05	63
Charles S. Ciccolella	Asst. Secy. - Veterans' Employment and Training Service	DOL	05/17/05	07/29/05	73
Maria Cino	Deputy Secy.	DOT	04/06/05	05/11/05	35
John F. Clark	Dir. - U.S. Marshals Service	DOJ	10/21/05	03/16/06	135
Michell C. Clark	Asst. Secy. - Management	ED	12/13/05	03/13/06	79
Paul D. Clement	Solicitor General	DOJ	03/14/05	06/08/05	86
Randolph J. Clerihue	Asst. Secy. - Public Affairs	DOL	08/01/06	09/21/06	20
Terry L. Cline	Admin. - Substance Abuse and Mental Health Services Administration	HHS	11/13/06	12/09/06	26
Benedict S. Cohen	General Counsel - Army	DOD	02/06/06	08/03/06	178
Jay M. Cohen	Under Secy. - Science and Technology	DHS	06/28/06	08/03/06	36

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Sean T. Connaughton	Admin. - Maritime Administration	DOT	06/28/06	08/03/06	36
Charles F. Conner	Deputy Secy.	USDA	03/14/05	04/27/05	44
James T. Conway	Commandant - Marine Corps - Joint Chiefs of Staff	DOD	06/14/06	08/02/06	49
Daniel L. Cooper	Under Secy. - Benefits	DVA	03/30/06	06/29/06	91
John R. Correll	Dir. - Office of Surface Mining Reclamation and Enforcement	DOI	05/16/06	Returned 08/03/06	
John R. Correll	Dir. - Office of Surface Mining Reclamation and Enforcement	DOI	09/05/06	Returned 12/09/06	
Robert M. Couch	Pres. - Government National Mortgage Association	HUD	01/18/06	06/15/06	148
John W. Cox	Chief Financial Officer	HUD	03/02/06	05/26/06	85
Lester M. Crawford	Commissioner - Food and Drug Administration	HHS	02/15/05	07/18/05	153
Robert C. Cresanti	Under Secy. - Technology	DOC	11/10/05	03/16/06	115
Henry Crumpton	Ambassador-at-Large/Coordinator - Counterterrorism	DOS	06/09/05	07/29/05	50
Thomas P. D'Agostino	Deputy Admin. - Defense Programs, NNSA	DOE	01/27/06	02/17/06	21
Harold Damelin	Inspector General	TREAS	01/24/05	03/17/05	52
Michele A. Davis	Asst. Secy. - Public Affairs	TREAS	09/28/06	12/09/06	72
Paul DeCamp	Admin. - Wage and Hour Division	DOL	01/31/06	Returned 09/29/06	
Paul DeCamp	Admin. - Wage and Hour Division	DOL		Recess Appointment 08/31/06	
Paul DeCamp	Admin. - Wage and Hour Division	DOL	09/07/06	Returned 09/29/06	
Paul DeCamp	Admin. - Wage and Hour Division	DOL	11/14/06	Returned 12/09/06	
Suzanne C. DeFrancis	Asst. Secy. - Public Affairs	HHS	04/04/05	07/22/05	109
Uttam Dhillon	Dir. - Office of Counternarcotics Enforcement	DHS	11/10/05	05/12/06	172
Michael L. Dominguez	Principal Deputy Under Secy. - Personnel and Readiness	DOD	12/13/05	06/29/06	187
Thomas C. Dorr	Under Secy. - Rural Development	USDA	01/24/05	07/21/05	178
John C. Dugan	Comptroller of the Currency	TREAS	02/28/05	07/29/05	151
Patrick W. Dunn	Asst. Secy. - Policy and Planning	DVA	05/24/06	08/03/06	71
Tyler D. Duvall	Asst. Secy. - Transportation Policy	DOT	01/18/06	05/26/06	128
Mark R. Dybul	Coordinator - U.S. Global AIDS	DOS	07/18/06	08/03/06	16

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Keith E. Eastin	Asst. Secy. - Army - Installations and Environment	DOD	06/29/05	07/29/05	30
Eric S. Edelman	Under Secy. - Policy	DOD	05/16/05	02/09/06	225
Eric S. Edelman	Under Secy. - Policy	DOD		Recess Appointment 08/09/05	
Eric S. Edelman	Under Secy. - Policy	DOD	09/19/05	Returned 12/09/06	
John G. Emling	Asst. Secy. - Legislative and Intergovernmental Affairs	DOC	02/27/06	Withdrawn 04/24/06	
Gordon England	Deputy Secy.	DOD	04/07/05	04/06/06	320
Gordon England	Deputy Secy.	DOD		Recess Appointment 01/04/06	
Gordon England	Deputy Secy.	DOD	02/10/06	Returned 12/09/06	
Delores M. Etter	Asst. Secy. - Navy - Research, Development, and Acquisition	DOD	09/06/05	10/28/05	52
James I. Finley	Deputy Under Secy. - Acquisition and Technology	DOD	12/20/05	02/17/06	48
Alice S. Fisher	Asst. Atty. General - Criminal Division	DOJ	04/04/05	09/19/06	458
Alice S. Fisher	Asst. Atty. General - Criminal Division	DOJ		Recess Appointment 08/31/05	
Alice S. Fisher	Asst. Atty. General - Criminal Division	DOJ	09/19/05	Returned 12/09/06	
Timothy E. Flanigan	Deputy Attorney General	DOJ	06/20/05	Withdrawn 10/07/05	
Peter C. W. Flory	Asst. Secy. - International Security Policy	DOD	01/24/05	Returned 12/09/06	
Peter C. W. Flory	Asst. Secy. - International Security Policy	DOD		Recess Appointment 08/02/05	
Peter C. W. Flory	Asst. Secy. - International Security Policy	DOD	09/19/05	Returned 12/09/06	
Nelson M. Ford	Asst. Secy. - Army - Financial Management/ Comptroller	DOD	08/03/06	09/29/06	26
Henrietta H. Fore	Under Secy. - Management	DOS	05/11/05	07/29/05	79
George W. Foresman	Under Secy. - Preparedness	DHS	10/21/05	12/17/05	57
Randall M. Fort	Asst. Secy. - Intelligence and Research	DOS	06/12/06	08/03/06	52
Edwin G. Foulke Jr.	Asst. Secy. - Occupational Safety and Health Administration	DOL	09/15/05	03/13/06	168
Antonio Fratto	Asst. Secy. - Public Affairs	TREAS	10/06/05	12/17/05	72
Jendayi E. Frazer	Asst. Secy. - African Affairs	DOS	06/30/05	07/29/05	29
Sharee M. Freeman	Dir. - Community Relations Service	DOJ	12/20/05	03/31/06	90
Daniel Fried	Asst. Secy. - European and Eurasian Affairs	DOS	03/08/05	04/28/05	51

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Kevin I. Fromer	Dep. Under Secy. - Legislative Affairs	TREAS	06/06/05	07/29/05	53
Janice B. Gardner	Asst. Secy. - Intelligence and Analysis	TREAS	05/16/05	07/28/05	73
David K. Garman	Under Secy.	DOE	03/04/05	06/15/05	103
Robert M. Gates	Secretary	DOD	12/04/06	12/06/06	2
Preston M. Geren	Under Secy. - Army	DOD	01/18/06	02/17/06	30
Edmund P. Giambastiani Jr.	Vice Chairman - Joint Chiefs of Staff	DOD	04/25/05	07/15/05	81
Cynthia A. Glassman	Under Secy. - Economic Affairs	DOC	08/03/06	09/29/06	26
Alberto R. Gonzales	Attorney General	DOJ	01/04/05	02/03/05	30
Emilio T. Gonzalez	Dir. - Bureau of Citizenship and Immigration Services	DHS	09/06/05	12/21/05	106
Keith E. Gottfried	General Counsel	HUD	07/25/05	10/07/05	41
Richard J. Griffin	Asst. Secy. - Diplomatic Security	DOS	04/28/05	06/16/05	49
Richard J. Griffin	Dir. - Office of Foreign Missions	DOS	04/28/05	06/16/05	49
John G. Grimes	Asst. Secy. - Networks and Information Integration	DOD	06/16/05	10/28/05	101
Carlos M. Gutierrez	Secretary	DOC	01/04/05	01/24/05	20
Terrell Halaska	Asst. Secy. - Legislation and Congressional Affairs	ED	06/29/05	07/28/05	29
H. Dale Hall	Dir. - U.S. Fish and Wildlife Service	DOI	07/18/05	10/07/05	48
Thomas E. Harvey	Asst. Secy. - Congressional and Legislative Affairs	DVA	06/26/06	Returned 12/09/06	
Edmund S. Hawley	Asst. Secy. - Transportation Security Administration	DHS	05/19/05	07/22/05	64
Robert J. Henke	Asst. Secy. - Management	DVA	07/29/05	10/26/05	56
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness	DHS	07/14/05	Returned 08/03/06	
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness	DHS		Recess appointment 01/04/06	
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness	DHS	02/10/06	Returned 08/03/06	
Tracy A. Henke	Exec. Dir. - Office of State and Local Government Coordination and Preparedness	DHS	09/05/06	Withdrawn 12/06/06	

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Emil W. Henry Jr.	Asst. Secy. - Financial Institutions	TREAS	07/28/05	10/07/05	38
Israel Hernandez	Asst. Secy. - Trade Promotion/Dir. Gen. - U.S. and Foreign Commercial Service	DOC	05/26/05	10/07/05	101
Bradford F. Higgins	Asst. Secy. - Resource Management	DOS	12/13/05	02/16/06	54
Bradford F. Higgins	Chief Financial Officer	DOS	12/13/05	02/16/06	54
Christopher R. Hill	Asst. Secy. - East Asian and Pacific Affairs	DOS	03/04/05	03/17/05	13
David R. Hill	General Counsel	DOE	04/14/05	07/28/05	105
John H. Hill	Admin. - Federal Motor Carrier Safety Administration	DOT	05/16/06	08/03/06	79
John Hillen	Asst. Secy. - Political-Military Affairs	DOS	06/28/05	10/07/05	68
Robert T. Howard	Asst. Secy. - Information and Technology	DVA	09/05/06	09/29/06	24
Robert F. Hoyt	General Counsel	TREAS	09/29/06	12/09/06	71
Karen P. Hughes	Under Secy. - Public Diplomacy and Public Affairs	DOS	06/29/05	07/29/05	30
Darryl W. Jackson	Asst. Secy. - Export Enforcement	DOC	06/28/05	10/07/05	68
Michael P. Jackson	Deputy Secy.	DHS	02/18/05	03/10/05	20
Ronald J. James	Asst. Secy. - Army - Manpower and Reserve Affairs	DOD	07/21/06	09/29/06	39
Jeffrey D. Jarrett	Asst. Secy. - Fossil Energy	DOE	09/06/05	12/17/05	102
William A. Jeffrey	Dir. - National Institute of Standards and Technology	DOC	05/25/05	07/22/05	58
Frank R. Jimenez	General Counsel - Navy	DOD	06/29/06	09/21/06	53
Mike Johanns	Secretary	USDA	01/04/05	01/20/05	16
Nancy M. Johner	Under Secy. - Food, Nutrition, and Consumer Services	USDA	06/16/06	08/03/06	48
Charles E. Johnson	Asst. Secy. - Budget, Technology, and Finance	HHS	04/25/05	07/22/05	88
Collister Johnson Jr.	Admin. - Saint Lawrence Seaway Development Corporation	DOT	09/05/06	09/29/06	24
Henry L. Johnson	Asst. Secy. - Elementary and Secondary Education	ED	06/06/05	07/28/05	52
Robert W. Johnson	Commissioner - Bureau of Reclamation	DOI	07/21/06	09/29/06	39
Robert Joseph	Under Secy. - Arms Control and International Security	DOS	03/14/05	05/26/05	73
Troy R. Justesen	Asst. Secy. - Vocational and Adult Education	ED	05/08/06	07/26/06	79

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
R. Shane Karr	Asst. Secy. - Governmental Affairs	DOT	01/18/06	05/26/06	128
Alexander A. Karsner	Asst. Secy. - Energy Efficiency and Renewable Energy	DOE	12/21/05	03/16/06	74
Ashok G. Kaveeshwar	Admin. - Research and Innovative Technology Administration	DOT	05/25/05	06/30/05	36
Mark E. Keenum	Under Secy. - Farm and Foreign Agricultural Services	USDA	11/13/06	Returned 12/09/06	
Scott A. Keller	Asst. Secy. - Congressional and Intergovernmental Relations	HUD	11/13/06	Returned 12/09/06	
Dirk Kempthorne	Secretary	DOI	04/24/06	05/26/06	32
Kim Kendrick	Asst. Secy. - Fair Housing and Equal Opportunity	HUD	06/29/05	10/07/05	67
Marc L. Kesselman	General Counsel	USDA	11/16/05	05/12/06	166
Wan J. Kim	Asst. Atty. General - Civil Rights Division	DOJ	06/16/05	11/04/05	108
Robert M. Kimmit	Deputy Secy.	TREAS	06/29/05	07/29/05	30
John M. R. Kneuer	Asst. Secy. - Communications and Information	DOC	05/01/06	12/09/06	191
Bruce I. Knight	Under Secy. - Marketing and Regulatory Programs	USDA	06/29/06	08/03/06	35
Kevin M. Kolevar	Asst. Secy. - Electricity Delivery and Energy Reliability	DOE	09/26/06	Returned 12/09/06	
Kenneth J. Krieg	Under Secy. - Acquisition, Technology and Logistics	DOD	04/04/05	05/26/05	52
Howard J. Krongard	Inspector General	DOS	01/24/05	04/27/05	93
David H. Laufman	Inspector General	DOD	06/05/06	Withdrawn 12/06/06	
Franklin L. Lavin	Under Secy. - International Trade	DOC	07/29/05	10/28/05	58
Michael O. Leavitt	Secretary	HHS	01/04/05	01/26/05	22
Daniel R. Levinson	Inspector General	HHS	01/24/05	06/08/05	135
Mark A. Limbaugh	Asst. Secy. - Water and Science	DOI	05/11/05	07/22/05	72
James B. Lockhart III	Dir. - Office of Federal Housing Enterprise Oversight	HUD	04/27/06	06/15/06	49
Barry F. Lowenkron	Asst. Secy. - Democracy, Human Rights, and Labor	DOS	07/28/05	10/07/05	38
Clay Lowery	Dep. Under Secy. - International Affairs	TREAS	09/06/05	10/28/05	52
Tom Luce	Asst. Secy. - Planning, Evaluation and Policy Development	ED	05/23/05	06/30/05	38
Jane C. Luxton	Asst. Secy. - Oceans and Atmosphere	DOC	09/29/06	Returned 12/09/06	
Lauren M. Maddox	Asst. Secy. - Communications and Outreach	ED	09/07/06	09/21/06	14

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Sean I. McCormack	Asst. Secy. - Public Affairs	DOS	04/04/05	05/26/05	52
David H. McCormick	Under Secy. - Export Administration	DOC	06/28/05	10/07/05	68
Margo M. McKay	Asst. Secy. - Civil Rights	USDA	06/12/06	08/03/06	52
Claudia A. McMurray	Asst. Secy. - Oceans and International Environmental and Scientific Affairs	DOS	11/16/05	02/16/06	81
Paul J. McNulty	Deputy Attorney General	DOJ	11/09/05	03/16/06	116
Charles E. McQueary	Dir. - Operational Test and Evaluation	DOD	06/29/06	07/21/06	22
William W. Mercer	Associate Attorney General	DOJ	09/05/06	Returned 12/09/06	
Daniel Meron	General Counsel	HHS	11/16/05	Returned 12/09/06	
Daniel Meron	General Counsel	HHS		Recess appointment 08/31/06	
Daniel Meron	General Counsel	HHS	09/07/06	Returned 12/09/06	
Richard T. Miller	U.S. Rep. - Economic and Social Council - U.N.	DOS	01/25/06	03/16/06	50
John M. Molino	Asst. Secy. - Policy, Planning, and Preparedness	DVA	09/06/05	Withdrawn 12/13/05	
Lisette M. Mondello	Asst. Secy. - Public and Intergovernmental Affairs	DVA	09/06/05	10/26/05	50
Stephanie J. Monroe	Asst. Secy. - Civil Rights	ED	06/23/05	12/17/05	144
Brian D. Montgomery	Asst. Secy. - Housing/Federal Housing Commissioner	HUD	04/25/05	06/13/05	49
Philip D. Morrison	Asst. Secy. - Tax Policy	TREAS	05/26/05	Withdrawn 10/07/05	
T. Michael Moseley	Chief of Staff - Air Force - Joint Chiefs of Staff	DOD	05/16/05	06/30/05	45
Edmund C. Moy	Dir. - Mint	TREAS	06/29/06	07/26/06	27
Michael G. Mullen	Chief of Naval Operations - Joint Chiefs of Staff	DOD	03/02/05	04/28/05	57
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement	DHS	06/29/05	Returned 12/09/06	
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement	DHS		Recess appointment 01/04/06	
Julie L. Myers	Asst. Secy. - U.S. Immigration and Customs Enforcement	DHS	02/10/06	Returned 12/09/06	
Mark Myers	Dir. - U.S. Geological Survey	DOI	05/03/06	Returned 08/03/06	
Mark Myers	Dir. - U.S. Geological Survey	DOI	09/05/06	09/15/06	10
Nicole R. Nason	Admin. - National Highway Traffic Safety Administration	DOT	01/18/06	05/26/06	128

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Terry Neese	Dir. - Mint	TREAS	07/29/05	Withdrawn 09/19/05	
Keith A. Nelson	Asst. Secy. - Administration	HUD	07/12/05	10/07/05	54
(name redacted)son	Secretary	DVA	01/04/05	01/26/05	22
David L. Norquist	Chief Financial Officer	DHS	01/18/06	05/26/06	128
Patrick M. O'Brien	Asst. Secy. - Terrorist Financing	TREAS	06/29/05	10/07/05	67
George J. Opfer	Inspector General	DVA	09/06/05	11/10/05	65
Raymond L. Orbach	Under Secy. - Science	DOE	12/13/05	05/26/06	153
Peter Pace	Chairman - Joint Chiefs of Staff	DOD	04/25/05	07/15/05	81
Sandra L. Pack	Asst. Secy. - Management	TREAS	05/16/05	07/29/05	74
Christopher A. Padilla	Asst. Secy. - Export Administration	DOC	07/13/06	09/29/06	47
Pamela H. Patenaude	Asst. Secy. - Community Planning and Development	HUD	01/24/05	04/15/05	81
Anne W. Patterson	Asst. Secy.- International Narcotics and Law Enforcement Affairs	DOS	10/19/05	11/10/05	22
R. David Paulison	Under Secy. - Federal Emergency Management	DHS	04/06/06	05/26/06	50
Henry M. Paulson Jr.	Secretary	TREAS	06/19/06	06/28/06	9
Sue C. Payton	Asst. Secy. - Air Force - Acquisition	DOD	04/25/06	07/21/06	87
Buddie J. Penn	Asst. Secy. - Navy - Installations and Environment	DOD	01/24/05	02/17/05	24
Jonathan B. Perlin	Under Secy. - Health	DVA	02/18/05	04/28/05	69
Philip J. Perry	General Counsel	DHS	04/04/05	06/08/05	65
Mary E. Peters	Secretary	DOT	09/07/06	09/29/06	22
Dina H. Powell	Asst. Secy. - Educational and Cultural Affairs	DOS	04/28/05	06/24/05	57
Randal Quarles	Under Secy. - Domestic Finance	TREAS	05/26/05	07/29/05	64
Richard A. Raymond	Under Secy. - Food Safety	USDA	05/26/05	07/01/05	36
John M. Reich	Dir. - Office of Thrift Supervision	TREAS	05/25/05	Withdrawn 06/06/05	
John M. Reich	Dir. - Office of Thrift Supervision	TREAS	06/06/05	07/29/05	53
Condoleezza Rice	Secretary	DOS	01/04/05	01/26/05	22
James A. Rispoli	Asst. Secy. - Environmental Management	DOE	05/17/05	07/29/05	73

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
John C. Rood	Asst. Secy. - International Security and Non-proliferation	DOS	07/12/06	09/13/06	32
Boyd K. Rutherford	Asst. Secy. - Administration	USDA	01/27/06	05/12/06	105
Anthony W. Ryan	Asst. Secy. - Financial Markets	TREAS	11/13/06	12/09/06	26
David A. Sampson	Deputy Secy.	DOC	04/04/05	07/22/05	109
David C. Sanborn	Admin. - Maritime Administration	DOT	01/18/06	Withdrawn 03/27/06	
Jackie Wolcott Sanders	U.S. Rep. - Special Political Affairs - U.N.	DOS	01/18/06	02/16/06	29
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	DOS	09/06/05	Returned 12/09/06	
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	DOS		Recess appointment 01/04/06	
Ellen R. Sauerbrey	Asst. Secy. - Population, Refugees, and Migration	DOS	02/10/06	Returned 12/09/06	
P. Lynne Scarlett	Deputy Secy.	DOI	02/18/05	11/18/05	240
Phyllis F. Scheinberg	Asst. Secy. - Budget and Programs	DOT	04/14/05	04/28/05	14
Mark S. Schneider	Commissioner - Education Statistics	ED	07/27/05	10/21/05	53
Paul A. Schneider	Under Secy. - Management	DHS	11/13/06	12/09/06	26
Regina B. Schofield	Asst. Atty. General - Office of Justice Programs	DOJ	04/04/05	06/08/05	65
Calvin L. Scovel	Inspector General	DOT	07/13/06	09/29/06	47
Jeffrey L. Sedgwick	Dir. - Bureau of Justice Statistics	DOJ	01/31/06	03/31/06	59
Ronald M. Sega	Under Secy. - Air Force	DOD	06/28/05	07/29/05	31
J. Clay Sell	Deputy Secy.	DOE	02/28/05	03/17/05	17
Leon R. Sequeira	Asst. Secy. - Policy	DOL	11/13/06	Returned 12/09/06	
Thomas A. Shannon Jr.	Asst. Secy. - Western Hemisphere Affairs	DOS	09/06/05	10/07/05	31
Josette Sheeran	Under Secy. - Economic, Business, and Agricultural Affairs	DOS	06/28/05	07/29/05	31
Jill L. Sigal	Asst. Secy. - Congressional and Intergovernmental Affairs	DOE	05/09/05	07/28/05	80
Kristen Silverberg	Asst. Secy. - International Organizations	DOS	06/29/05	07/29/05	30
Raymond J. Simon	Deputy Secy.	ED	04/15/05	05/26/05	41
James S. Simpson	Admin. - Federal Transit Administration	DOT	01/18/06	08/03/06	197
Richard L. Skinner	Inspector General	DHS	04/28/05	07/28/05	91

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Dorrance Smith	Asst. Secy. - Public Affairs	DOD	09/22/05	04/07/06	186
Dorrance Smith	Asst. Secy. - Public Affairs	DOD		Recess Appointment 01/04/06	
Dorrance Smith	Asst. Secy. - Public Affairs	DOD	02/10/06	Returned 12/09/06	
Eric Solomon	Asst. Secy. - Tax Policy	TREAS	05/09/06	12/09/06	183
Margaret Spellings	Secretary	ED	01/04/05	01/20/05	16
David M. Spooner	Asst. Secy. - Import Administration	DOC	11/10/05	12/17/05	37
Edward F. Sproat III	Dir. - Office of Civilian Radioactive Waste Management	DOE	09/08/05	05/26/06	249
Dennis R. Spurgeon	Asst. Secy. - Nuclear Energy	DOE	02/13/06	03/27/06	42
Daniel R. Stanley	Asst. Secy. - Legislative Affairs	DOD	05/16/05	06/30/05	45
George M. Staples	Dir. General - Foreign Service	DOS	03/02/06	05/19/06	78
Robert K. Steel	Under Secy. - Domestic Finance	TREAS	09/06/06	09/29/06	23
Andrew B. Steinberg	Asst. Secy. - Aviation and International Affairs	DOT	02/10/06	09/29/06	200
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	DOL	09/15/05	Returned 08/03/06	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	DOL	09/05/06	Returned 09/29/06	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	DOL		Recess Appointment 10/19/06	
Richard E. Stickler	Asst. Secy. - Mine Safety and Health Administration	DOL	11/14/06	Returned 12/09/06	
Linda A. Strachan	Asst. Secy. - Congressional Relations	USDA	02/17/06	05/12/06	84
Daniel S. Sullivan	Asst. Secy. - Economic, Energy and Business Affairs	DOS	04/24/06	05/26/06	32
John J. Sullivan	General Counsel	DOC	05/09/05	07/22/05	74
Kevin F. Sullivan	Asst. Secy. - Communications and Outreach	ED	04/28/05	07/28/05	91
Phillip L. Swagel	Asst. Secy. - Economic Policy	TREAS	09/26/06	12/09/06	74
Kent D. Talbert	General Counsel	ED	09/28/05	05/19/06	222
William H. Tobey	Deputy Admin. - Defense Nuclear Nonproliferation, NNSA	DOE	05/11/06	08/03/06	84
Sara A. Tucker	Under Secy.	ED	09/05/06	12/09/06	95
William F. Tuerk	Under Secy. - Memorial Affairs	DVA	07/29/05	10/26/05	56
Vincent J. Ventimiglia Jr.	Asst. Secy. - Legislation	HHS	07/18/05	12/21/05	123

Nominee/ recess appointee	Position	Department	Nomination date	Confirmation date	Days to confirm
Andrew C. von Eschenbach	Commissioner - Food and Drug Administration	HHS	03/15/06	12/07/06	236
Kenneth L. Wainstein	Asst. Atty. General - National Security Division	DOJ	03/13/06	09/21/06	161
Mark D. Wallace	U.S. Rep. - Management and Reform - U.N.	DOS	01/18/06	03/16/06	57
Lawrence A. Warder	Chief Financial Officer	ED	04/25/06	07/26/06	92
R. Thomas Weimer	Asst. Secy. - Policy, Management, and Budget	DOI	05/09/05	12/21/05	193
C. David Welch	Asst. Secy. - Near Eastern Affairs	DOS	02/14/05	03/17/05	31
Nathaniel F. Wienecke	Asst. Secy. - Legislative and Intergovernmental Affairs	DOC	06/29/06	08/03/06	35
Robert L. Wilkie	Asst. Secy. - Legislative Affairs	DOD	06/26/06	09/29/06	64
Darlene F. Williams	Asst. Secy. - Policy Development and Research	HUD	07/25/05	10/07/05	41
J. Clint Williamson	Ambassador-at-Large - War Crimes Issues	DOS	04/06/06	06/29/06	84
Donald C. Winter	Secretary - Navy	DOD	09/06/05	11/10/05	65
Alejandro D. Wolff	U.S. Dep. Rep. - U.N.	DOS	10/17/05	11/18/05	32
John P. Woodley Jr.	Asst. Secy. - Army - Civil Works	DOD	01/24/05	05/12/05	108
Sue Ellen Wooldridge	Asst. Atty. General - Environment and Natural Resources Division	DOJ	06/20/05	11/10/05	110
Michael W. Wynne	Under Secy. - Acquisition, Technology and Logistics	DOD		Recess Appointment 04/01/05	
Michael W. Wynne	Secretary - Air Force	DOD	09/06/05	10/28/05	52
John J. Young Jr.	Dir. - Defense Research and Engineering	DOD	07/28/05	10/28/05	59
Robert B. Zoellick	Deputy Secy.	DOS	02/10/05	02/16/05	6
Mean number of days to confirm					75
Median number of days to confirm					57

Appendix B. Appointment Action, 109th Congress

Department	Positions	Nominations	Individual Nominees	Confirmations	Returned	Withdrawn	Recess Appointments	Mean days to confirm	Median days to confirm
Agriculture	16	14	14	13	1	0	0	77	63
Commerce	25	18	18	16	1	1	0	74	68
Defense	53	40	36	32	7	1	5	80	53
Education	18	14	14	14	0	0	0	75	66
Energy	22	14	14	13	1	0	0	87	80
Health and Human Services	19	12	11	10	2	0	1	112	116
Homeland Security	19	20	17	14	5	1	2	71	61
Housing and Urban Development	15	11	11	10	1	0	0	67	57
Interior	18	15	12	10	5	0	0	71	36
Justice	29	19	16	13	5	1	1	129	110
Labor	19	10	6	3	7	0	2	87	73
State	47	44	39	39	5	0	2	47	49
Transportation	20	17	17	16	0	1	0	82	63
Treasury	24	24	23	21	0	3	0	66	64
Veterans Affairs	14	11	11	9	1	1	0	56	56
Total	358	283	259	233	41	9	13	75	57

Appendix C. Senate Intersession Recesses, Intrasession Recesses of Four or More Days, and Numbers of Recess Appointments to Departmental Positions, 109th Congress

Date Recessed	Date Reconvened	Number of Days Recessed ^b	Number of recess appointments to departmental positions
The first session of 109 th Congress convened on 01/04/05.			
01/06/05	01/20/05	13	0
01/26/05	01/31/05	4	0
02/18/05	02/28/05	9	0
03/20/05	04/04/05	14	1
04/29/05	05/09/05	9	0
05/26/05	06/06/05	10	0
07/01/05	07/11/05	9	0
07/29/05	09/01/05	33	4
09/01/05	09/06/05	4	0
10/07/05	10/17/05	9	0
11/18/05	12/12/05	23	0
The Senate adjourned sine die on 12/22/05. The second session of the 109 th Congress convened on 01/03/06. The intersession (period between these two dates) was 11 days long. ^a			0
01/03/06	01/18/06	14	5
02/17/06	02/27/06	9	0
03/16/06	03/27/06	10	0
04/07/06	04/24/06	16	0
05/26/06	06/05/06	9	0
06/29/06	07/10/06	10	0
08/04/06	09/05/06	31	2
09/30/06	11/09/06	39	1
11/16/06	12/04/06	17	0
The Senate adjourned sine die on 12/09/06. The first session of the 110 th Congress convened on 01/04/07. The intersession (period between these two dates) was 25 days long. ^a			0

Note: Includes all recesses of four days or longer as indicated in the Senate “Days-in-Session Calendars” website at <http://thomas.loc.gov/home/ds/index.html#senate>, accessed May, 5, 2008.

- a. The entries for the number of days adjourned include all days between the day the Senate adjourned and the day it reconvened. They do not include the days of adjournment or reconvening because the Senate is able to act on nominations on these days.

Appendix D. Abbreviations of Departments

DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOT	Department of Transportation
DVA	Department of Veterans Affairs
ED	Department of Education
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
TREAS	Department of the Treasury
USDA	Department of Agriculture

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