



Presidential Appointments to Full-Time Positions in Executive Departments During the 110th Congress, 2007-2008

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Summary

The appointment process for advice and consent positions consists of three main stages. The first stage is selection, clearance, and nomination by the President. This step includes preliminary vetting, background checks, and ethics checks of potential nominees. At this stage, the president may also consult with Senators who are from the same party if the position is located in a state. The second stage of the process is consideration of the nomination in the Senate, most of which takes place in committee. Finally, if a nomination is approved by the full Senate, the nominee is given a commission signed by the President, which makes the nomination official.

During the 110th Congress, the President submitted to the Senate 172 nominations to executive department full-time positions. Of these 172 nominations, 125 were confirmed; 13 were withdrawn; and 34 were returned to him in accordance with Senate rules. For those nominations that were confirmed, an average of 104 days elapsed between nomination and confirmation. The median number of days elapsed was 92.

The methodology used in this report to count the length of time between nomination and confirmation differs from that which was used in previous similar CRS reports. The statistics presented here include the days during which the Senate was adjourned for its summer recesses and between sessions of Congress. The methodological change, which may reduce the comparability of statistics in this report with those of the earlier research, is discussed in the text of this report as well as in an appendix. Reasons for the change include the conversion of long recesses into a series of short recesses punctuated by pro forma sessions during the 110th Congress; the fact that although committees may not be taking direct action on nominations in the form of hearings or votes, they are likely still considering and processing nominations during recesses; and a desire to be consistent with the methodology used by many political scientists as well as CRS research on judicial nominations. In addition, an argument could be made that the decision to extend Senate consideration of nominees over the course of a recess is intentional, and the choice to extend this length of time is better represented by including all days, including long recesses.

President George W. Bush did not make any recess appointments to executive department full-time positions during the 110th Congress.

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 2008 “Plum Book” (*United States Government Policy and Supporting Positions*).

This report will not be updated.

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This report explains 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 110th Congress, all nominations to executive-level full-time positions¹ in the 15 departments. Profiles of the departments provide information regarding their full-time PAS positions and related appointment activity during the 110th 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. Members of Congress and interest groups sometimes recommend candidates for specific PAS positions. They may offer their suggestions by letter, for example, or by contact with a White House liaison.⁴ In general, the White House is under no obligation to follow such recommendations. In the case of the Senate, however, 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.⁵ As a practical matter, in instances where Senators perceive insufficient pre-nomination

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 The Council for Excellence in Government's Presidential Appointee Initiative, *A Survivor's Guide for Presidential Nominees*, The Brookings Institution, Washington, D.C., November 2000, pp. 31-32.

⁵ See, for example, Michael J. Gerhardt, *The Federal Appointments Process: A Constitutional and Historical Analysis* (Durham: Duke University Press, 2003), pp. 29-34.

consultation has occurred, they have sometimes exercised their procedural prerogatives to delay or even effectively block consideration of a nomination.⁶

During the clearance process, the candidate prepares and submits several forms, including 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 to which the candidate is to be appointed. If conflicts of interest 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. At the end of 2004, in an effort to reduce the elapsed time between a new President’s inauguration and the appointment of his or her national security team, Congress enacted amendments to the Presidential Transition Act of 1963.⁷ These amendments encourage a President-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.⁸ 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 90 days.⁹ 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 one or both 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.

If circumstances permit and conditions are met, the President could give the nominee a recess appointment to the position (see section entitled “Recess Appointments” 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.¹⁰

⁶ See, for example, *ibid.*, pp. 152-153.

⁷ 3 U.S.C. § 102 note.

⁸ P.L. 108-458, § 7601; 118 Stat. 3856.

⁹ 5 U.S.C. § 3349a.

¹⁰ 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).

A nominee has no legal authority to assume the duties and responsibilities of the position; a nominee who is hired by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. Authority to act comes once there is Senate confirmation and presidential appointment, or if another method of appointment, such as a recess appointment or a temporary appointment, is utilized. (For further information on these methods, see sections entitled “Recess Appointments” and “Temporary Appointments” below.)

Senate Consideration

In the second stage, the Senate alone determines whether or not to confirm a nomination.¹¹ The way the Senate has acted on a nomination has depended largely on the importance of the position 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.¹² Two other factors have sometimes affected the examination of a nominee’s personal and professional qualities: whether the President’s party controlled the Senate, and the degree to which the President became involved in supporting the nomination.

Much of the Senate confirmation process occurs at the committee level. Administratively, nominations are received by the Senate executive clerk, who arranges for the referral of the nominations to committee, according to the Senate rules and precedents.¹³ 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 decline to act on a nomination at any point—upon referral, after investigation, or after a hearing. If the committee votes to report a nomination to the full Senate, it has three options: it may report the nomination favorably, unfavorably, or without recommendation. A failure to obtain a majority on the motion to report means the nomination will not be reported to the Senate.¹⁴ If the committee declines to report a nomination, the Senate may, under certain

¹¹ For further information on this stage of the appointment process, 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).

¹² G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

¹³ Formally, the presiding officer of the Senate makes the referrals. For more information, see Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992), pp. 1154-8; and CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted), pp. 2-3.

¹⁴ One example of such an occurrence was the Senate Judiciary Committee’s rejection of William Lucas, whom President George H. W. Bush had nominated for Assistant Attorney General for Civil Rights. Reportedly, the committee first rejected reporting the nomination favorably, then the committee rejected sending the nomination to the full Senate without any recommendation. Although the disposition of the vote was 7-7, a majority is required to report a nomination out of committee. For further information on this example, see “Senate Panel Rejects Lucas for Rights Post,” *St. Louis Post-Dispatch*, August 2, 1989, p. 1A.

circumstances, discharge the committee from further consideration of the nomination in order to bring it to the floor.¹⁵

The Senate historically has confirmed most, but not all, executive nominations. Rarely, however, has a vote to confirm a nomination failed on the Senate floor. Unsuccessful nominations usually do not make it past the committee stage. Failure of a nomination to make it out of committee has occurred for a variety of reasons, including opposition to the nomination, inadequate amount of time for consideration of the nomination, or factors that may not be directly related to the merits of the nomination.

Senate rules provide that “[n]ominations 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.”¹⁶ In practice, such pending nominations have been returned to the President at the end of the session or Congress. Pending nominations also may be returned automatically to the President at the beginning of a recess of more than 30 days, but the Senate rule providing for this return is often waived.¹⁷

Appointment

In the final stage, the confirmed nominee is given a commission bearing the Great Seal of the United States signed by the President and is sworn into office. The President may sign the commission at any time after confirmation, at which point the appointment becomes official. Once the appointee is given the commission and sworn in, he or she has full authority to carry out the responsibilities of the office.

Recess Appointments

The Constitution also empowers the President to make limited-term appointments without Senate confirmation when the Senate is in recess.¹⁸ 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 110th Congress and showing that during this Congress, President Bush made no recess appointments to executive department positions.

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

¹⁵ For more information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted), p. 7.

¹⁶ The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

¹⁷ For an example of a waiver of the rule, see Sen. Harry Reid, “Nominations Status Quo,” *Congressional Record*, daily edition, vol. 153, December 19, 2007, p. S16061.

¹⁸ Art. II, Sec. 2, cl. 3.

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 of the Senate;
- (2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or
- (3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.¹⁹

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.²⁰ 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.²¹ 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.²²

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 provision of the FY2008 Financial Services and General Government Appropriations Act may prevent them from being paid after their rejection. 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.”²³ Prior to this provision, similar wording was included in annual funding measures for most or all of the previous 50 years.

Another recent congressional response to the President’s use of recess appointments was the decision, during the latter part of the first session of the 110th Congress, to restructure the Senate’s longer recesses into a series of shorter recesses divided by pro forma sessions.²⁴ Based upon the notion that the President can be restricted from making recess appointments during a recess that is no more than three days, the Senate sought to prevent recess appointments by holding pro forma sessions approximately every three days.²⁵ Beginning in November of 2007, the Senate agreed to

¹⁹ 5 U.S.C. § 5503(a).

²⁰ 5 U.S.C. § 5503(b).

²¹ 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).

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

²³ P.L. 110-161, Div. D, § 709.

²⁴ A pro forma session is a short meeting of the House or Senate during which it is understood that no business will be conducted.

²⁵ The Constitution does not specify how long the Senate must be in recess for the President to have the ability to make a recess appointment. The three-day norm derives from a Justice Department brief written in 1993. In this brief, the authors posited that because the Constitution allows the Senate to adjourn its session for up to three days without obtaining the consent of the House, a recess of three days or fewer is not considered “constitutionally significant.” Over the past two decades, the shortest recess during which a President made an appointment was 10 days. For more information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted). For the Justice Department brief, see *Mackie v. Clinton*, Memorandum of Points and Authorities in Support of Defendants’ (continued...)

regularly scheduled pro forma sessions during periods that would have otherwise been recesses of duration of a week or longer. The Senate recessed on November 16, and pro forma meetings were convened on November 20, 23, 27, and 29, with no business conducted. The Senate reconvened and conducted business beginning on December 3, 2007. Similar procedures were followed for the remainder of the 110th Congress during other periods that would otherwise have been Senate recesses of at least a week in duration. For the remainder of his presidency, President Bush did not make any more recess appointments.²⁶

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 1998,²⁷ when an executive agency position requiring confirmation becomes vacant, it may be filled temporarily in 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.²⁸

Appointments During the 110th Congress

Table 1 summarizes appointment activity, during the 110th Congress, related to full-time positions in the 15 departments. President George W. Bush submitted to the Senate 172 nominations to executive department full-time positions. Of these 172 nominations, 125 were confirmed; 13 were withdrawn; and 34 were returned to the President under the provisions of Senate rules.²⁹

(...continued)

Opposition to Plaintiffs’ Motion for Partial Summary Judgment, at 24-26, Civ. Action No. 93-0032-LFO, (D.D.C. 1993).

²⁶ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted).

²⁷ 5 U.S.C. §§ 3345-3349d.

²⁸ 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).

²⁹ 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 (continued...)”

President Bush did not make any recess appointments to the departments during this period.

Table I. Nomination Action for 15 Departments During the 110th Congress

| | |
|---|------------------------|
| Positions in the 15 departments (total) | 364 |
| Positions to which nominations were made | 156 ^a |
| Individual nominees | 167 ^b |
| Nominations submitted to the Senate during the 110th Congress (total) | 172^b |
| Disposition of nominations | |
| Confirmed by the Senate | 125 |
| Withdrawn | 13 |
| Returned (total) | 34 |
| End of the 1 st session of the 110 th Congress | 2 |
| End of the 2 nd session of the 110 th Congress | 32 |
| Recess Appointments (total) | 0 |

Source: Table developed by the Congressional Research Service using data presented in the appendices of this report.

- a. One of the positions, the Department of Veterans' Affairs' Assistant Secretary for Congressional Affairs, was filled twice during the 110th Congress. Thomas E. Harvey was confirmed for the position on May 25, 2007, and then Christine O. Hill was confirmed on October 2, 2008 after Harvey left the position. This is counted as a single position in the total count of positions to which nominations were made. Considering this a separate position, since there was a second successful nomination, would bring this count of positions to which nominations were made up to 157.
- b. The figures shown here reveal that there is a distinction between the number of positions to which nominations were made (156), the number of individual nominees (167), and the total number of nominations submitted (172). The number of positions to which nominations were made (156) differs from the number of individual nominees (167) for two reasons. First, the President sometimes nominated more than one individual successively to an open position, usually following the return or withdrawal of his original nomination. Second, less frequently, the President nominated a single individual to more than one position over the course of the Congress. Again, this usually followed the return or withdrawal of the first nomination. The number of total nominations submitted (172) is higher than both of these numbers because it includes cases in which the President nominated an individual to the same position more than once. For example, Anita K. Blair was nominated for positions three times during the 110th Congress. Two of these nominations were to the same position in the Navy (but both nominations were unsuccessful and returned to the President), and the third was to a position in the Air Force. This would count as two positions to which nominations were made, one individual nominee, and three nominations submitted total.

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 were confirmed within a few days, others were confirmed within several months, and some were never confirmed. This report provides, for each executive department nomination

(...continued)

the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President." U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58.

that was confirmed in the 110th Congress, the number of days between nomination and confirmation (“days to confirm”). For confirmed nominations, an average (mean) of 104 days elapsed between nomination and confirmation. The median number of days elapsed was 92.

The methodology used in this report to count the length of time between nomination and confirmation differs from that which was used in previous similar CRS reports. The statistics presented here include the days during which the Senate was adjourned for its summer recesses and between sessions of Congress. The methodological change reduces the direct comparability of statistics in this report with those of the earlier research. Reasons for the change include the conversion of long recesses into a series of short recesses punctuated by pro forma sessions during the 110th Congress; the fact that although committees may not be taking direct action on nominations in the form of hearings or votes, they are likely still considering and processing nominations during recesses; and a desire to be consistent with the methodology used by a majority of political scientists as well as CRS research on judicial nominations. In addition, an argument could be made that the decision to extend Senate consideration of nominees over the course of a recess is intentional, and the choice to extend this length of time is better represented by including all days, including long recesses. A more detailed explanation of this methodological change is located in **Appendix E**.

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 110th Congress, regarding the organization’s full-time PAS positions, and a table listing nominations and appointments to these positions during the 110th Congress. Data for these tables were collected from several authoritative sources.³⁰

The first of these two tables identifies, as of the end of the 110th Congress,³¹ each full-time PAS position in the department,³² its incumbent, and its pay level. For most presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which, as of January 2009, ranged from level I (\$196,700) for Cabinet-level offices to level V (\$143,500) for the lowest-ranked positions. An incumbent’s name followed by “(A)” indicates an official who was, at that time, serving in an acting capacity. Vacancies are also noted in the first table.

³⁰Sources 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 2008 “Plum Book” (U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, committee print, 110th Cong., 2nd sess., November 12, 2008, S. Prt. 110-36 (Washington: GPO, 2008)).

³¹ The data collected on incumbents at the end of the 110th Congress were collected as of the Senate’s last day of business on December 11, 2008. Beginning on December 12, agency officials were contacted and the lists of incumbents were finalized.

³² As noted above, the following full-time positions are not included in this report: U.S. Attorney and U.S. Marshal 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.

The appointment action table provides, in chronological order, information concerning each nomination. 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, usually because the first nomination was returned to the President.

Each appointment action table provides the average “days to confirm” in two ways: mean and median. Both are presented because the mean can be influenced by outliers in the data, while the median does not tend to be influenced by outliers. In other words, a nomination that took an extraordinarily long time might cause a significant change in the mean, but the median would be unaffected. Presenting both numbers is a better way to look at the central tendency of the data.

For a small number of positions in this report, the two tables may give slightly different titles to the same position. This is a result of the fact that the titles used in the nomination the White House submits to the Senate, the title of each position as established by statute, and the title of the position used by the department itself are not always identical. The first table presented for each department, the table listing the incumbents at the end of the 110th Congress, relies upon data provided by the department itself in listing the positions. The second table presented, the list of nomination action within each department, relies primarily upon the Senate nominations database of the Legislative Information System (LIS).³³ This information is based upon the nomination sent to the Senate by the White House, which is not always identical to the exact title of the position used by the department. However, the inconsistency only appears in a small minority of the positions listed in this report. Inconsistencies are noted in the footnotes following each appointment table.

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 follows 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.

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, and nominations withdrawn. 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 110th Congress.

³³ In some cases, the title drawn from the LIS database is expanded upon for clarity in the second table. For example, Sheila M. Greenwood was nominated to be Assistant Secretary of Housing and Urban Development (HUD). Her nomination, as shown in the LIS database, does not indicate *which* Assistant Secretary position she was nominated to; it merely states that she was nominated as an Assistant Secretary. In the section on HUD, the second table shows that she was nominated to be Assistant Secretary for Congressional and Intergovernmental Affairs. The expansion of this title was based upon knowledge of the previous position holder and the title held by that individual. This information is included to give the reader a better understanding of the position to which the individual was nominated.

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

As noted above, this report employs certain methods that differ from reports tracking appointments during previous Congresses. These methodological changes are explained in detail in **Appendix E**.

Department of Agriculture (USDA)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|--------------------------------------|-----------|
| Secretary | Ed Schafer | I |
| Deputy Secretary | Charles F. Conner | II |
| Inspector General ^a | Phyllis K. Fong | a |
| Under Secretary – Farm and Foreign Agricultural Services | Mark E. Keenum | III |
| Under Secretary – Food, Nutrition, and Consumer Services | Nancy Montanez-Johner | III |
| Under Secretary – Food Safety | Elizabeth Johnson (A) ^b | 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 | Douglas L. Faulkner (A) ^b | 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 ^c | Charles R. Christopherson Jr. | IV |
| General Counsel | Marc L. Kesselman | IV |
| Administrator – Rural Utilities Services | James M. Andrew | IV |

- a. 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- b. Johnson was named as acting in a September 25, 2008 USDA press release. Faulkner was named as acting in a December 23, 2008, USDA press release.
- 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)).

USDA Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|------------|-----------|-----------|-----------|-----------------|
| Ed Schafer | Secretary | 12/06/07 | 01/28/08 | 53 |

Department of Commerce (DOC)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position ^a | Incumbent | Pay Level |
|--|------------------------|-----------|
| Secretary | Carlos M. Gutierrez | I |
| Deputy Secretary | John J. Sullivan | II |
| Under Secretary – Economic Affairs | Cynthia A. Glassman | III |
| Under Secretary – Export Administration ^b | Mario Mancuso | III |
| Under Secretary – Intellectual Property/Director - U.S. Patent and Trademark Office | Jonathan W. Dudas | III |
| Under Secretary – International Trade | Christopher A. Padilla | III |
| Under Secretary – Oceans and Atmosphere/Administrator – National Oceanic and Atmospheric Administration (NOAA) | William J. Brennan (A) | III |
| Inspector General ^c | Todd J. Zinser | c |
| Assistant Secretary – Administration/Chief Financial Officer ^d | Otto J. Wolff | IV |
| Assistant Secretary – Communications and Information | Meredith A. Baker (A) | IV |
| Assistant Secretary – Economic Development | Santanu K. Baruah | IV |
| Assistant Secretary – Export Administration | Matthew S. Norman (A) | 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 | William G. Sutton Jr. | IV |
| Assistant Secretary – Market Access and Compliance | David S. Bohigian | IV |
| Assistant Secretary – Oceans and Atmosphere/Deputy Administrator – NOAA | William J. Brennan | IV |
| Assistant Secretary – Trade Promotion/Director General – U.S. and Foreign Commercial Service | Israel Hernandez | IV |
| Director – U.S. Census Bureau | Steven H. Murdock | IV |
| Director – National Institute of Standards and Technology | Vacant | IV |
| General Counsel | Lily F. Claffee | IV |
| Chief Scientist – NOAA ^e | Vacant | V |

- Positions in this column do not include those in the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA).
- Within the Department of Commerce, this position is also sometimes known as Under Secretary of Industry and Security.
- 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 an IG, however, the law provides that “[i]f an Inspector General is

removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- 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)). Wolff was separately nominated and confirmed to be CFO and to be Assistant Secretary for Administration in the 107th Congress.
- e. According to an agency spokesperson, this position had not been filled since 1996.

DOC Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|--|------------------|--------------------------------|------------------------|
| Jane C. Luxton | Asst. Secy. – Oceans and Atmosphere | 01/09/07 | Withdrawn 05/03/07 | |
| Mario Mancuso | Under Secy. – Export Administration ^a | 01/18/07 | 05/25/07 | 127 |
| William G. Sutton Jr. | Asst. Secy. – Manufacturing and Services | 05/07/07 | 08/03/07 | 88 |
| Steven H. Murdock | Dir. – Census ^b | 06/18/07 | 12/19/07 | 184 |
| Christopher A. Padilla | Under Secy. – International Trade | 09/04/07 | 12/19/07 | 106 |
| Todd J. Zinser | Inspector General | 09/07/07 | 12/19/07 | 103 |
| John J. Sullivan | Deputy Secretary | 12/04/07 | 03/13/08 | 100 |
| William J. Brennan | Asst. Secy. – Oceans and Atmosphere | 01/22/08 | 06/04/08 | 134 |
| Neil S. Patel | Asst. Secy. – Communications and Information | 03/05/08 | Returned 01/02/09 ^c | |
| Lily F. Claffee | General Counsel | 03/31/08 | 06/04/08 | 65 |
| Christopher R. Wall | Asst. Secy. – Export Administration | 03/31/08 | 06/27/08 | 88 |
| Mean number of days to confirm a nomination | | | 111 | |
| Median number of days to confirm a nomination | | | 103 | |

- a. Within the Department of Commerce, this position is also sometimes known as Under Secretary for Industry and Security.
- b. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Commerce Department, the Director of the U.S. Census Bureau (listed in the incumbents table above) is the same position as the Director of the Census listed in this nomination table.
- c. Returned to the President at the end of the 110th 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 110th Congress

| Position | Incumbent | Pay Level |
|---|-------------------------|-----------|
| Secretary | Robert M. Gates | I |
| Deputy Secretary | Gordon England | II |
| Under Secretary – Acquisition, Technology, and Logistics | John J. Young Jr. | II |
| Under Secretary – Comptroller/Chief Financial Officer ^a | Tina W. Jonas | III |
| Under Secretary – Intelligence | James R. Clapper Jr. | 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 |
| Inspector General ^b | Gordon S. Heddell (A) | b |
| Principal Deputy Under Secretary – Personnel and Readiness | Michael L. Domiguez | IV |
| Principal Deputy Under Secretary – Policy | Christopher R. Henry | IV |
| Assistant Secretary – Asian and Pacific Security Affairs ^c | James Shinn | IV |
| Assistant Secretary – Health Affairs | S. Ward Casscells | IV |
| Assistant Secretary – Homeland Defense | Paul McHale | IV |
| Assistant Secretary – International Security Affairs | Mary Beth Long | IV |
| Assistant Secretary – International Security Policy | Joseph A. Benkert | IV |
| Assistant Secretary – Legislative Affairs | Robert L. Wilkie | IV |
| Assistant Secretary – Networks and Information Integration | John G. Grimes | IV |
| Assistant Secretary – Public Affairs | Robert Hastings | IV |
| Assistant Secretary – Reserve Affairs | Thomas F. Hall | IV |
| Assistant Secretary – Special Operations and Low-Intensity Conflict | Michael G. Vickers | IV |
| Director – Defense Research and Engineering | Vacant | IV |
| Director – Operational Test and Evaluation ^d | Charles E. McQueary | IV |
| General Counsel | Daniel J. Dell’Orto (A) | IV |
| Assistant to the Secretary – Nuclear and Chemical and Biological Defense Programs | Frederick S. Celec | V |
| Department of the Air Force | | |
| Secretary | Michael B. Donley | II |
| Under Secretary | Vacant | IV |

| Position | Incumbent | Pay Level |
|---|---------------------|---|
| Assistant Secretary – Acquisition | Sue C. Payton | IV |
| Assistant Secretary – Financial Management/Comptroller | John H. Gibson | IV |
| Assistant Secretary – Manpower and Reserve Affairs | Craig W. Duehring | IV |
| Assistant Secretary – Installations, Environment, and Logistics | Kevin W. Billings | IV |
| General Counsel | Mary L. Walker | IV |
| Department of the Army | | |
| Secretary | Preston M. Geren | II |
| Under Secretary | Nelson M. Ford | IV |
| Assistant Secretary – Civil Works | John P. Woodley Jr. | IV |
| Assistant Secretary – Financial Management/Comptroller | Peter Kunkel (A) | 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 | Dean G. Popps (A) | 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 | Douglas A. Brook | IV |
| Assistant Secretary – Installations and Environment | Buddie J. Penn | IV |
| Assistant Secretary – Manpower and Reserve Affairs | Anita K. Blair (A) | IV |
| Assistant Secretary – Research, Development, and Acquisition | Sean J. Stackley | IV |
| General Counsel | Frank R. Jimenez | IV |
| Joint Chiefs of Staff^a | | (Members of the Joint Chiefs of Staff are compensated under the military pay system, rather than the executive schedule.) |
| Chairman | Michael G. Mullen | |
| Vice Chairman | James E. Cartwright | |
| Chief of Staff (Air Force) | Norton A. Schwartz | |
| Chief of Staff (Army) | George W. Casey Jr. | |
| Chief of Naval Operations | Gary Roughead | |
| 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 an IG, however, the law provides that “[i]f an Inspector General is

removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- c. The position of Assistant Secretary of Asian and Pacific Security Affairs in the Department of Defense was filled for the first time during the 110th Congress. The position was established by the John Warner National Defense Authorization Act during the 109th Congress on Oct. 17, 2006 (P.L. 109-364, Div A, Title IX, Subtitle A, § 901(a); 120 Stat. 2350).
- d. The President may remove the Director of Operational Test and Evaluation from office. The law provides that “The President shall communicate the reasons for any such removal to both Houses of Congress.” (10 U.S.C. § 139(a)(1)).
- e. The chairman and vice chairman serve two-year terms; other members serve four-year terms.

DOD Nomination Action During the 110th Congress

| Nominee | Positions | Nominated | Confirmed | Days to Confirm |
|-----------------------|---|-----------|--------------------------------|-----------------|
| Anita K. Blair | Asst. Secy. – Air Force – Manpower and Reserve Affairs | 01/09/07 | Withdrawn 09/18/07 | |
| Michael J. Burns | Asst. to the Secretary – Nuclear and Chemical and Biological Defense Programs | 01/09/07 | Withdrawn 06/11/07 | |
| James R. Clapper Jr. | Under Secy. – Intelligence | 01/29/07 | 04/11/07 | 72 |
| S. Ward Casscells | Asst. Secy. – Health Affairs | 02/26/07 | 03/29/07 | 31 |
| Claude M. Kicklighter | Inspector General | 02/26/07 | 04/12/07 | 45 |
| Michael G. Vickers | Asst. Secy. – Special Operations and Low-Intensity Conflict | 04/10/07 | 07/23/07 | 104 |
| Preston M. Geren | Secretary – Army | 05/24/07 | 07/13/07 | 50 |
| Douglas A. Brook | Asst. Secy. – Navy – Financial Management/Comptroller | 06/05/07 | 11/16/07 | 164 |
| John J. Young Jr. | Under Secy. – Acquisition, Technology and Logistics | 06/21/07 | 11/16/07 | 148 |
| Anita K. Blair | Asst. Secy. – Navy – Manpower and Reserve Affairs | 09/18/07 | Returned 12/31/07 ^a | |
| James Shinn | Asst. Secy. – Asian and Pacific Security Affairs | 10/23/07 | 12/19/07 | 57 |
| John H. Gibson | Asst. Secy. – Air Force – Financial Management/Comptroller | 10/26/07 | 12/19/07 | 54 |
| Mary Beth Long | Asst. Secy. – International Security Affairs | 11/08/07 | 12/19/07 | 41 |
| Craig W. Duehring | Asst. Secy. – Air Force – Manpower and Reserve Affairs | 11/15/07 | 12/19/07 | 34 |
| Nelson M. Ford | Under Secy. – Army | 01/22/08 | 07/23/08 | 183 |

| Nominee | Positions | Nominated | Confirmed | Days to Confirm |
|--|---|------------------|--------------------------------|------------------------|
| Anita K. Blair | Asst. Secy. – Navy – Manpower and Reserve Affairs | 01/23/08 | Returned 01/02/09 ^b | |
| Joseph A. Benkert | Asst. Secy. – International Security Policy | 02/25/08 | 07/23/08 | 149 |
| Sean J. Stackley | Asst. Secy. – Navy – Research, Development, and Acquisition | 05/01/08 | 07/23/08 | 83 |
| Frederick S. Celec | Asst. to the Secretary – Nuclear and Chemical and Biological Defense Programs | 06/10/08 | 07/23/08 | 43 |
| Michael B. Donley | Secretary – Air Force | 06/25/08 | 10/02/08 | 99 |
| Robert Hastings | Asst. Secy. – Public Affairs | 07/10/08 | Returned 01/02/09 ^b | |
| Mean number of days to confirm a nomination | | | | 85 |
| Median number of days to confirm a nomination | | | | 65 |

- a. Returned to the President at the end of the first session of the 110th Congress 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 110th Congress under the provisions of the Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Education (ED)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|---|------------------------|-----------|
| Secretary | Margaret Spellings | I |
| Deputy Secretary | Raymond J. Simon | II |
| Director – Institute of Education Sciences ^a | Sue Betka (A) | II |
| Under Secretary | Kent D. Talbert (A) | III |
| Inspector General ^b | Jerry G. Bridges (A) | b |
| Chief Financial Officer ^c | Thomas Skelly (A) | IV |
| Assistant Secretary – Civil Rights | Stephanie J. Monroe | IV |
| Assistant Secretary – Communications and Outreach | Meredith Beaton (A) | IV |
| Assistant Secretary – Elementary and Secondary Education | Kerri L. Briggs | IV |
| Assistant Secretary – Legislation and Congressional Affairs | Holly A. Kuzmich | IV |
| Assistant Secretary – Management | Christopher M. Marston | IV |
| Assistant Secretary – Planning, Evaluation and Policy Development | Williamson Evers | IV |
| Assistant Secretary – Postsecondary Education | Cheryl Oldham (A) | IV |
| Assistant Secretary – Special Education and Rehabilitative Services | Tracy R. Justesen | IV |
| Assistant Secretary – Vocational and Adult Education | Troy R. Justesen | IV |
| General Counsel | Kent D. Talbert | IV |
| Commissioner – Education Statistics ^d | Stuart Kerachsky (A) | IV |
| Commissioner – Rehabilitation Services Administration | 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 President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- 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)). In previous Congresses, the CFO for the Department of Education has been appointed by the President, with the advice and consent of the Senate.
- d. This position has a six-year term and specified qualifications. See 20 U.S.C. §9517(b).

ED Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|------------------|--------------------------------|------------------------|
| Williamson Evers | Asst. Secy. – Planning, Evaluation, and Policy Development | 02/08/07 | 10/16/07 | 250 |
| Kerri L. Briggs | Asst. Secy. – Elementary and Secondary Education | 03/07/07 | 06/22/07 | 107 |
| Diane A. Jones | Asst. Secy. – Postsecondary Education | 05/22/07 | 08/01/07 | 71 |
| Tracy R. Justesen | Asst. Secy. – Special Education and Rehabilitative Services | 11/15/07 | 12/19/07 | 34 |
| Holly A. Kuzmich | Asst. Secy. – Legislation and Congressional Affairs | 06/24/08 | 08/01/08 | 38 |
| Christopher M. Marston | Asst. Secy. – Management | 06/24/08 | 08/01/08 | 38 |
| Jerry G. Bridges | Inspector General | 09/09/08 | Returned 01/02/09 ^a | |
| Mean number of days to confirm a nomination | | | | 90 |
| Median number of days to confirm a nomination | | | | 55 |

- a. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Energy (DOE)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|--------------------------|-----------|
| Secretary | Samuel W. Bodman | I |
| Deputy Secretary | Jeffrey F. Kupfer (A) | II |
| Under Secretary | Clarence H. Albright Jr. | III |
| Under Secretary – Nuclear Security/Administrator – National Nuclear Security Administration (NNSA) | Thomas P. D’Agostino | III |
| Under Secretary – Science | Raymond L. Orbach | III |
| Inspector General ^a | Gregory H. Friedman | a |
| Principal Deputy Administrator – NNSA | William C. Ostendorff | IV |
| Deputy Administrator – Defense Programs, NNSA | Robert L. Smolen | IV |
| Deputy Administrator – Defense Nuclear Nonproliferation, NNSA | William H. Tobey | IV |
| Administrator – Energy Information Administration | Howard Gruenspecht (A) | IV |
| Assistant Secretary – Congressional and Intergovernmental Affairs | Lisa E. Epifani | IV |
| Assistant Secretary – Electricity Delivery and Energy Reliability | Kevin M. Kolevar | IV |
| Assistant Secretary – Energy Efficiency and Renewable Energy | John F. Mizroch (A) | IV |
| Assistant Secretary – Environmental Management | Ines Triay (A) | IV |
| Assistant Secretary – Fossil Energy | James A. Slutz (A) | IV |
| Assistant Secretary – Nuclear Energy | Dennis R. Spurgeon | IV |
| Assistant Secretary – Policy and International Affairs | Jonathan Shrier (A) | IV |
| Chief Financial Officer ^b | Steven J. 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 |

- a. 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- 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)).

DOE Nomination Action During 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|-----------|--------------------------------|-----------------|
| Kevin M. Kolevar | Asst. Secy. – Electricity Delivery and Energy Reliability | 01/09/07 | 08/03/07 | 206 |
| Steven J. Isakowitz | Chief Financial Officer | 02/08/07 | 05/25/07 | 106 |
| William C. Ostendorff | Principal Deputy Administrator, NNSA | 02/26/07 | 03/29/07 | 31 |
| Thomas P. D’Agostino | Under Secy. – Nuclear Security/Admin., NNSA ^a | 05/21/07 | 08/01/07 | 72 |
| Lisa E. Epifani | Asst. Secy. – Congressional and Intergovernmental Affairs | 06/13/07 | 08/03/07 | 51 |
| Clarence H. Albright Jr. | Under Secy. | 06/21/07 | 08/03/07 | 43 |
| Robert L. Smolen | Deputy Admin. – Defense Programs, NNSA | 07/31/07 | 11/16/07 | 108 |
| Stanley C. Suboleski | Asst. Secy. – Fossil Energy | 12/11/07 | Withdrawn 02/26/08 | |
| J. Gregory Copeland | General Counsel | 01/22/08 | Withdrawn 06/24/08 | |
| Jeffrey F. Kupfer | Deputy Secy. | 04/02/08 | Returned 01/02/09 ^b | |
| James A. Slutz | Asst. Secy. – Fossil Energy | 07/30/08 | Returned 01/02/09 ^b | |
| F. Chase Hutto III | Asst. Secy. – International Affairs and Domestic Policy | 09/26/08 | Returned 01/02/09 ^b | |
| Mean number of days to confirm a nomination | | | 88 | |
| Median number of days to confirm a nomination | | | 72 | |

- a. NNSA: National Nuclear Security Administration
- b. Returned to the President at the end of the 110th 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 110th Congress

| Position ^a | Incumbent | Pay Level |
|---|----------------------------|-----------|
| Secretary | Michael O. Leavitt | I |
| Deputy Secretary | Tevi D. Troy | II |
| Administrator – Centers for Medicare and Medicaid Services | Kerry Weems (A) | III |
| Inspector General ^b | Daniel R. Levinson | b |
| Administrator – Substance Abuse and Mental Health Services Administration | Eric Broderick (A) | IV |
| Assistant Secretary – Aging | Josefina G. Carbonell | IV |
| Assistant Secretary – Children and Families | Daniel C. Schneider (A) | IV |
| Assistant Secretary – Health | Joxel Garcia | c |
| Assistant Secretary – Legislation | Vincent J. Ventimiglia Jr. | IV |
| Assistant Secretary – Planning and Evaluation | Benjamin E. Sasse | IV |
| Assistant Secretary – Preparedness and Response ^d | W. Craig Vanderwagen | IV |
| Assistant Secretary – Public Affairs | Christina H. Pearson | IV |
| Assistant Secretary – Resources and Technology/Chief Financial Officer ^e | Charles E. Johnson | IV |
| Commissioner – Food and Drug Administration | Andrew C. von Eschenbach | IV |
| Director – National Institutes of Health | Raynard S. Kington (A) | IV |
| General Counsel | Preeya M. Noronha (A) | IV |
| Commissioner – Children, Youth, and Families | Joan E. Ohl | V |
| Commissioner – Administration for Native Americans | Quanah C. Stamps | V |
| Director – Indian Health Service ^f | Robert G. McSwain | V |
| Surgeon General ^g | Steven K. Galson (A) | h |

- 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 incidental to the position listed.
- 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The Assistant Secretary for Health was compensated as a commissioned officer at Level 0-10 (37 U.S.C. § 201).
- d. The position of Assistant Secretary for Preparedness and Readiness was established by P.L. 109-417, Title 1, § 102(a)(3); (120 Stat. 2833). The position was first filled in the 110th Congress as shown.
- 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)). Department representatives have indicated that the positions were combined as noted in the table.

- f. This position has a four-year term; a Director may serve more than one term. See 25 U.S.C. § 1661(a).
- g. This position has a four-year term and specified qualifications. See 42 U.S.C. § 205.
- h. The Surgeon General is compensated as a commissioned officer at Level 0-9 (37 U.S.C. § 201).

HHS Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|-----------|--------------------------------|-----------------|
| Daniel Meron | General Counsel | 01/09/07 | Returned 01/02/09 ^a | |
| W. Craig Vanderwagen | Asst. Secy. – Preparedness and Response | 02/12/07 | 03/21/07 | 37 |
| Tevi D. Troy | Deputy Secy. | 05/03/07 | 08/03/07 | 92 |
| Charles W. Grim | Director – Indian Health Service | 05/21/07 | Withdrawn 09/04/07 | |
| James W. Holsinger Jr. | Surgeon General | 05/24/07 | Returned 01/02/09 ^a | |
| Diane D. Rath | Asst. Secy. – Family Support ^b | 07/11/07 | Returned 01/02/09 ^a | |
| Benjamin E. Sasse | Asst. Secy. – Planning and Evaluation | 07/26/07 | 12/19/07 | 146 |
| Christina H. Pearson | Asst. Secy. – Public Affairs | 09/25/07 | 12/19/07 | 85 |
| Robert G. McSwain | Director – Indian Health Service | 12/19/07 | 04/29/08 | 132 |
| Joxel Garcia | Asst. Secy. – Health | 01/22/08 | 03/13/08 | 51 |
| Mean number of days to confirm a nomination | | | | 91 |
| Median number of days to confirm a nomination | | | | 89 |

- a. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Health and Human Services Department, the Assistant Secretary for Children and Families (listed in the incumbents table above) is the same position as the Assistant Secretary for Family Support listed in this nomination table.

Department of Homeland Security (DHS)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position ^a | Incumbent | Pay Level |
|---|------------------------|----------------------|
| Secretary | Michael Chertoff | I |
| Deputy Secretary | Paul A. Schneider | II |
| Under Secretary – Management | Elaine C. Duke | III |
| Under Secretary – National Protection and Programs | Robert D. Jamison | III |
| Under Secretary – Science and Technology | Jay M. Cohen | III |
| Director – U.S. Citizenship and Immigration Services | Michael Aytes (A) | III |
| Commissioner – U.S. Customs and Border Protection | W. Ralph Basham | III |
| Inspector General ^b | Richard L. Skinner | b |
| Assistant Secretary – Policy | Stewart A. Baker | IV |
| Assistant Secretary – U.S. Immigration and Customs Enforcement | John P. Torres (A) | IV |
| Assistant Secretary – Transportation Security Administration | Edmund S. “Kip” Hawley | IV |
| Assistant Secretary – Health Affairs and Chief Medical Officer ^c | Jeffrey W. Runge | IV |
| Chief Financial Officer ^d | Peggy Sherry (A) | IV |
| General Counsel | Gus P. Coldebella (A) | IV |
| Commandant of the Coast Guard | Thad W. Allen | Admiral ^e |
| Director - Office of Counterterrorism Enforcement | Uttam Dhillon | IV |
| Federal Emergency Management Agency | | |
| Administrator ^f | R. David Paulison | II |
| Deputy Administrator – National Preparedness ^c | Dennis Schrader | III |
| Deputy Administrator/Chief Operating Officer ^c | Harvey E. Johnson Jr. | III |
| Assistant Administrator – Grants Program Directorate ^c | W. Ross Ashley III | IV |
| United States Fire Administrator | Gregory B. Cade | IV |

- a. 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. The act established, as PAS positions, an administrator of the Federal Emergency Management Agency (FEMA) (6 U.S.C. § 313(c)); four FEMA deputy administrators (6 U.S.C. § 321(c)(a)); and a chief medical officer for the department (6 U.S.C. § 321(e)(a)). It abolished the position of Under Secretary for Federal Emergency Management (6 U.S.C. § 113(a)). During the departmental reorganization that followed the act, the DHS Office of Grants and Training, which had been headed by an assistant secretary, was transferred to FEMA, within DHS, as the Office of Grants Programs. The head of this renamed office was retitled as the Assistant Administrator for Grant Programs. (See U.S. Department of Homeland Security, letter from Secretary Michael Chertoff to the Honorable Joseph I. Lieberman, Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC, January 18, 2007 (identical letter sent to other congressional leaders). Of the four FEMA deputy administrators, only the positions in use at the end of the 110th Congress are shown. Additionally, 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 110th 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. 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. This position, filled for the first time in the 110th Congress, is discussed in footnote a, above.
- 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 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).
- f. During the departmental reorganization that followed the Post-Katrina Act, it was determined that R. David Paulison, who had been confirmed as Under Secretary for Federal Emergency Management, would continue to lead FEMA in the new position of Administrator. (See page 3 of the letter from Secretary Michael Chertoff to specified members of Congress cited in footnote a, above.)

DHS Nomination Action During 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|--|-----------|--------------------------------|-----------------|
| Gregory B. Cade | Admin. – U.S. Fire Administration ^a | 01/09/07 | 05/25/07 | 136 |
| Julie L. Myers | Asst. Secy. – U.S. Immigration and Customs Enforcement | 01/09/07 | 12/19/07 | 344 |
| Jeffrey W. Runge | Asst. Secy. – Health Affairs and Chief Medical Officer | 08/02/07 | 12/19/07 | 139 |
| Robert D. Jamison | Under Secy. – National Protection and Programs | 09/04/07 | Withdrawn 12/19/07 | |
| Harvey E. Johnson Jr. | Deputy Admin./ Chief Operating Officer – Federal Emergency Management Agency | 09/07/07 | Withdrawn 12/12/07 | |
| Gus P. Coldebella | General Counsel | 10/16/07 | Returned 01/02/09 ^b | |
| Harvey E. Johnson Jr. ^c | Deputy Admin. – Federal Emergency Management Agency | 12/12/07 | 06/27/08 | 198 |
| Robert D. Jamison | Under Secy. – National Protection and Programs | 12/19/07 | 12/19/07 | 0 |
| Paul A. Schneider | Deputy Secy. | 02/26/08 | 06/04/08 | 99 |
| Elaine C. Duke | Under Secy. – Management | 04/02/08 | 06/27/08 | 86 |
| Jonathan R. Scharfen | Dir. – U.S. Citizenship and Immigration Services | 10/01/08 | Returned 01/02/09 ^b | |
| Mean number of days to confirm a nomination | | | 143 | |
| Median number of days to confirm a nomination | | | 136 | |

- a. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Homeland Security Department, the United States Fire Administrator (listed in the incumbents table above) is the same position as the Administrator for the U.S. Fire Administration listed in this nomination table.
- b. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. Harvey E. Johnson Jr. was originally nominated to serve as FEMA's Deputy Administrator and its Chief Operating Officer. After the White House withdrew the nomination and submitted a second nomination for Johnson to only the Deputy Administrator position, he was successfully confirmed.

Department of Housing and Urban Development (HUD)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|--------------------------|-----------|
| Secretary | Steven C. Preston | I |
| Deputy Secretary | Romolo "Roy" A. Bernardi | II |
| Director – Office of Federal Housing Enterprise Oversight ^a | James B. Lockhart III | II |
| Inspector General ^b | Kenneth M. Donohue Sr. | b |
| Assistant Secretary – Administration | Keith A. Nelson | IV |
| Assistant Secretary – Community Planning and Development | Susan D. Pepler | IV |
| Assistant Secretary – Congressional and Intergovernmental Relations | Sheila M. Greenwood | 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 | Vacant | IV |
| Assistant Secretary – Public and Indian Housing | Vacant | IV |
| Chief Financial Officer ^c | John W. Cox | IV |
| General Counsel | Michael C. Flynn (A) | IV |
| President – Government National Mortgage Association | Joseph J. Murin | IV |

- a. This position has a five-year term and specified qualifications. See 12 U.S.C. § 4512.
- 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 an IG, however, the law provides that "[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer." (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), "The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent."
- 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)). Cox was confirmed as HUD's CFO in the 109th Congress.

HUD Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|------------------|--------------------|------------------------|
| Scott A. Keller | Asst. Secy. – Congressional and Intergovernmental Affairs | 01/09/07 | Withdrawn 09/04/07 | |
| Robert M. Couch | General Counsel | 04/10/07 | 06/13/07 | 64 |
| Joseph J. Murin | President – Government National Mortgage Association | 10/16/07 | 06/27/08 | 255 |
| Susan D. Pepler | Asst. Secy. – Community Planning and Development | 02/06/08 | 06/27/08 | 142 |
| Sheila M. Greenwood | Asst. Secy. – Congressional and Intergovernmental Relations | 02/26/08 | 06/27/08 | 122 |
| Steven C. Preston | Secretary | 05/01/08 | 06/04/08 | 34 |
| Mean number of days to confirm a nomination | | | | 123 |
| Median number of days to confirm a nomination | | | | 122 |

Department of the Interior (DOI)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|---|------------------------|-----------|
| Secretary | Dirk Kempthorne | I |
| Deputy Secretary | P. Lynn Scarlett | II |
| Special Trustee for American Indians | Ross O. Swimmer | a |
| Inspector General ^b | Earl E. Devaney | b |
| Assistant Secretary – Fish, Wildlife, and Parks | R. Lyle Lavery | IV |
| Assistant Secretary – Indian Affairs | George T. Skibine (A) | IV |
| Assistant Secretary – Land and Minerals Management | C. Stephen Allred | IV |
| Assistant Secretary – Policy, Management, and Budget/Chief Financial Officer ^c | Vacant ^d | IV |
| Assistant Secretary – Water and Science | Kameron L. Onley (A) | IV |
| Chairman – National Indian Gaming Commission ^e | Philip N. Hogen | IV |
| 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 | James L. Caswell | V |
| Director – U.S. Fish and Wildlife Service | H. Dale Hall | V |
| Director – U.S. Geological Survey | Mark Myers | V |
| Commissioner - Indian Affairs ^f | Vacant | 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 President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- 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)).
- d. The previous individual who held the position of Assistant Secretary for Policy, Management and Budget also served as the Chief Financial Officer. Because this Assistant Secretary position was vacant after that individual left the department, so was the position of the Chief Financial Officer.
- e. This position has a three-year term, specified qualifications. The President’s removal power is limited. See 25 U.S.C. § 2704(b).
- f. This position (provided for at 25 U.S.C. § 1) had been vacant since 1981.

DOI Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|-----------|--------------------------------|-----------------|
| Carl Joseph Artman | Asst. Secy. – Indian Affairs | 01/09/07 | 03/05/07 | 55 |
| John Ray Correll | Dir. – Office of Surface Mining Reclamation and Enforcement | 01/09/07 | Withdrawn 06/28/07 | |
| R. Lyle Laverty | Asst. Secy. – Fish and Wildlife ^a | 03/26/07 | 10/29/07 | 217 |
| James L. Caswell | Dir. – Bureau of Land Management | 06/04/07 | 08/03/07 | 60 |
| Brent T. Wahlquist | Dir. – Office of Surface Mining Reclamation and Enforcement | 06/28/07 | 08/03/07 | 36 |
| Kameran L. Onley | Asst. Secy. – Water and Science | 03/31/08 | Returned 01/02/09 ^b | |
| Mean number of days to confirm a nomination | | | 92 | |
| Median number of days to confirm a nomination | | | 58 | |

- a. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Interior Department, the Assistant Secretary for Fish, Wildlife, and Parks (listed in the incumbents table above) is the same position as the Assistant Secretary for Fish and Wildlife listed in this nomination table.
- b. Returned to the President at the end of the 110th 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 110th Congress

| Position ^a | Incumbent | Pay Level |
|--|--------------------------|-----------|
| Attorney General | Michael B. Mukasey | I |
| Deputy Attorney General | Mark R. Filip | II |
| Director – Federal Bureau of Investigation ^b | Robert S. Mueller III | II |
| Administrator – Drug Enforcement | Michele M. Leonhart (A) | III |
| Associate Attorney General | Kevin J. O'Connor | III |
| Solicitor General | Gregory G. Garre | III |
| Director – Bureau of Alcohol, Tobacco, Firearms, and Explosives ^c | Michael J. Sullivan (A) | III |
| Inspector General ^d | Glenn A. Fine | d |
| Assistant Attorney General – Antitrust Division | Deborah A. Garza (A) | IV |
| Assistant Attorney General – Civil Division | Gregory G. Katsas | IV |
| Assistant Attorney General – Civil Rights Division | Grace C. Becker (A) | IV |
| Assistant Attorney General – Criminal Division | Matthew W. Friedrich (A) | IV |
| Assistant Attorney General – Environment and Natural Resources Division | Ronald J. Tenpas | IV |
| Assistant Attorney General – Legislative Affairs | Keith B. Nelson (A) | IV |
| Assistant Attorney General – National Security Division | J. Patrick Rowan | IV |
| Assistant Attorney General – Office of Justice Programs | Jeffrey L. Sedgwick | IV |
| Assistant Attorney General – Office of Legal Counsel | Steven G. Bradbury (A) | IV |
| Assistant Attorney General – Office of Legal Policy | Elisebeth C. Cook | IV |
| Assistant Attorney General – Tax Division | Nathan J. Hochman | IV |
| Administrator – Office of Juvenile Justice and Delinquency Prevention | J. Robert Flores | IV |
| Deputy Administrator – Drug Enforcement Administration | Michele M. Leonhart | IV |
| Director – Bureau of Justice Assistance | Domingo S. Herraiz | IV |
| Director – Bureau of Justice Statistics | Michael Sinclair (A) | IV |
| Director – Community Relations Service ^e | Ondray T. Harris | IV |
| Director – National Institute of Justice | David W. Hagy | IV |
| Director – Office for Victims of Crime | John W. Gillis | IV |
| Director – U.S. Marshals Service | John F. Clark | IV |
| Special Counsel – Immigration-Related Unfair Employment Practices ^f | Patrick P. Shen | g |
| Director - Violence Against Women Office | Cynthia Dyer | 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 Director – Bureau of Alcohol, Tobacco, Firearms, and Explosives became a presidential appointment with Senate confirmation position (PAS) in P.L. 109-177, Title V § 504 (120 Stat. 247). As of the end of the 110th Congress, the position had not been filled through the advice and consent process.
- 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- e. This position has a four-year term. See 42 U.S.C. § 2000g.
- 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 8 U.S.C. § 1324b(c)(3). In 1990, Sec. 529 of P.L. 101-509 converted the GS-16, GS-17, and GS-18 positions to Senior Level (SL) positions for the purposes of pay (5 U.S.C. § 5376). With regard to pay for such positions, the Plum Book states, “Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee’s locality rate of pay may not exceed the pay for level III of the Executive Schedule” (p. 203).

DOJ Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|---------------------|---|------------------|--------------------------------|------------------------|
| William W. Mercer | Associate Attorney General | 01/09/07 | Withdrawn 06/25/07 | |
| Steven G. Bradbury | Asst. Atty. General – Office of Legal Counsel | 01/09/07 | Returned 12/31/07 ^a | |
| Patrick P. Shen | Special Counsel for Immigration-Related Unfair Employment Practices | 01/18/07 | 10/04/07 | 259 |
| Michael J. Sullivan | Dir. – Bureau of Alcohol, Tobacco, Firearms, and Explosives | 03/22/07 | Returned 01/02/09 ^b | |
| Ondray T. Harris | Dir. – Community Relations Service | 05/23/07 | 03/13/08 | 295 |
| Ronald J. Tenpas | Asst. Atty. General – Environment and Natural Resources Division | 06/04/07 | 12/13/07 | 192 |
| David W. Hagy | Dir. – National Institute of Justice | 06/05/07 | 03/13/08 | 282 |
| Cynthia Dyer | Dir. – Violence Against Women Office | 08/20/07 | 12/19/07 | 121 |
| Michael B. Mukasey | Attorney General | 09/21/07 | 11/08/07 | 48 |
| Nathan J. Hochman | Asst. Atty. General – Tax Division | 11/15/07 | 12/19/07 | 34 |

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|--|------------------|--------------------------------|------------------------|
| Grace C. Becker | Asst. Atty. General – Civil Rights Division | 11/15/07 | Returned 01/02/09 ^b | |
| Mark R. Filip | Deputy Attorney General | 12/05/07 | 03/03/08 | 89 |
| Gregory G. Katsas | Asst. Atty. General – Civil Division | 12/11/07 | 06/27/08 | 199 |
| Kevin J. O’Connor | Associate Attorney General | 12/11/07 | 04/01/08 | 112 |
| Steven G. Bradbury | Asst. Atty. General – Office of Legal Counsel | 01/23/08 | Returned 01/02/09 ^b | |
| Elisebeth C. Cook | Asst. Atty. General – Office of Legal Policy | 01/30/08 | 06/04/08 | 126 |
| Michele M. Leonhart | Admin. – Drug Enforcement | 04/15/08 | Returned 01/02/09 ^b | |
| Jeffrey L. Sedgwick | Asst. Atty. General – Office of Justice Programs | 04/23/08 | 10/02/08 | 162 |
| J. Patrick Rowan | Asst. Atty. General – National Security Division | 06/19/08 | 09/26/08 | 99 |
| Gregory G. Garre | Solicitor General | 06/19/08 | 10/02/08 | 105 |
| Matthew W. Friedrich | Asst. Atty. General – Criminal Division | 12/11/08 | Returned 01/02/09 ^b | |
| Mean number of days to confirm a nomination | | | | 152 |
| Median number of days to confirm a nomination | | | | 124 |

- a. Returned to the President at the end of the first session of the 110th Congress 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 110th 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 110th Congress

| Position | Incumbent | Pay Level |
|---|--------------------------|-----------|
| Secretary | Elaine L. Chao | I |
| Deputy Secretary | Howard M. Radzely | II |
| Inspector General ^a | Gordon S. Heddell | a |
| Assistant Secretary – Administration and Management | Patrick Pizzella | IV |
| Assistant Secretary – Congressional and Intergovernmental Affairs | Kristine A. Iverson | IV |
| Assistant Secretary – Disability Employment Policy | Neil Romano | IV |
| Assistant Secretary – Employee Benefits Security Administration | Bradford P. Campbell | IV |
| Assistant Secretary – Employment and Training Administration | Brent R. Orrell (A) | IV |
| Assistant Secretary – Employment Standards Administration | Victoria A. Lipnic | IV |
| Assistant Secretary – Mine Safety and Health | Richard E. Stickler (A) | IV |
| Assistant Secretary – Occupational Safety and Health Administration | Thomas M. Stohler (A) | IV |
| Assistant Secretary – Public Affairs | David W. James | IV |
| Assistant Secretary – Policy | Leon R. Sequeira | IV |
| Assistant Secretary – Veterans' Employment and Training Service | Charles S. Ciccolella | IV |
| Chief Financial Officer ^b | Douglas W. Webster | IV |
| Commissioner – Bureau of Labor Statistics ^c | Keith D. Hall | IV |
| Solicitor | Gregory F. Jacob | IV |
| Administrator – Wage and Hour Division | Alexander Passantino (A) | V |
| Director – Women's Bureau ^d | Shinae Chun | e |

- a. 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- 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)). Webster was confirmed as CFO in the 110th Congress.
- c. This position has a four-year term. See 29 U.S.C. § 3.
- d. By statute, the incumbent must be a woman (29 U.S.C. § 12).
- e. According to the 2008 Plum Book, the Director of the Women's Bureau was a Senior Level (SL) position (p. 108). With regard to pay for such positions, the Plum Book states, “Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee's locality rate of pay may not exceed the pay for level III of the Executive Schedule” (p. 203). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

DOL Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|-----------|--------------------------------|-----------------|
| Paul DeCamp | Administrator – Wage and Hour Division | 01/09/07 | Withdrawn 02/07/08 | |
| Leon R. Sequeira | Asst. Secy. – Policy | 01/09/07 | 02/15/07 | 37 |
| Richard Stickler | Asst. Secy. – Mine Safety and Health | 01/09/07 | Returned 01/02/09 ^a | |
| Bradford P. Campbell | Asst. Secy. – Employee Benefits Security Administration | 05/03/07 | 08/03/07 | 92 |
| Howard Radzely | Deputy Secretary | 05/10/07 | 12/19/07 | 223 |
| David W. James | Asst. Secy. – Public Affairs | 06/18/07 | 08/03/07 | 46 |
| Gregory F. Jacob | Solicitor | 09/04/07 | 12/19/07 | 106 |
| Keith Hall | Commissioner – Labor Statistics | 09/18/07 | 12/19/07 | 92 |
| Douglas W. Webster | Chief Financial Officer | 09/27/07 | 12/19/07 | 83 |
| Neil Romano | Asst. Secy. – Disability Employment Policy | 12/03/07 | 03/12/08 | 100 |
| Alexander Passantino | Administrator – Wage and Hour Division | 03/05/08 | Returned 01/02/09 ^a | |
| Brent R. Orrell | Asst. Secy. – Employment and Training Administration | 06/19/08 | Returned 01/02/09 ^a | |
| Mean number of days to confirm a nomination | | | 97 | |
| Median number of days to confirm a nomination | | | 92 | |

a. Returned to the President at the end of the 110th 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 110th Congress

| Position ^a | Incumbent | Pay Level |
|--|----------------------|-----------|
| Secretary | Condoleezza Rice | I |
| Deputy Secretary | John D. Negroponte | II |
| Deputy Secretary – Management and Resources ^b | Vacant | II |
| Under Secretary – Arms Control and International Security | John C. Rood (A) | III |
| Under Secretary – Economic, Business, and Agricultural Affairs | Reuben Jeffrey III | III |
| Under Secretary – Democracy and Global Affairs | Paula J. Dobriansky | III |
| Under Secretary – Management | Patrick F. Kennedy | III |
| Under Secretary – Political Affairs | William J. Burns | III |
| Under Secretary – Public Diplomacy and Public Affairs | James K. Glassman | III |
| Ambassador-at-Large – International Religious Freedom | John V. Hanford III | III |
| Inspector General ^c | Howard W. Geisel (A) | c |
| Ambassador-at-Large/Director – Office to Monitor and Combat Trafficking in Persons | Mark P. Lagon | IV |
| Ambassador-at-Large – War Crimes Issues | J. Clint Williamson | IV |
| Ambassador-at-Large/Coordinator – Counterterrorism | Dell L. Dailey | IV |
| Coordinator – U.S. Global AIDS | Mark R. Dybul | IV |
| Chief of Protocol | Nancy G. Brinker | IV |
| Assistant Secretary – Administration | Rajkumar Chellaraj | IV |
| Assistant Secretary – African Affairs | Jendayi E. Frazer | IV |
| Assistant Secretary – Consular Affairs | Janice L. Jacobs | IV |
| Assistant Secretary – Democracy, Human Rights, and Labor | David J. Kramer | IV |
| Assistant Secretary – Diplomatic Security/Director – Office of Foreign Missions ^d | Eric J. Boswell | 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 | Goli Ameri | 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 | David T. Johnson | IV |
| Assistant Secretary – International Information Programs | Vacant | IV |

| Position^a | Incumbent | Pay Level |
|---|-----------------------|------------------|
| Assistant Secretary – International Organization Affairs | Brian H. Hook | IV |
| Assistant Secretary – International Security and Nonproliferation | John C. Rood | IV |
| Assistant Secretary – Legislative Affairs | Matthew A. Reynolds | 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 | Mark Kimmitt | IV |
| Assistant Secretary – Population, Refugees, and Migration Affairs | Vacant | IV |
| Assistant Secretary – Public Affairs | Sean I. McCormack | IV |
| Assistant Secretary – Resource Management/Chief Financial Officer ^e | Bradford R. Higgins | IV |
| 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 ^f | Harry K. Thomas Jr. | IV |
| Legal Adviser | John B. Bellinger III | IV |
| International Organizations | | |
| U.S. Representative – United Nations (U.N.) | Zalmay Khalilzad | II |
| U.S. Representative – Organization of American States | Hector E. Morales | § |
| U.S. Deputy Representative – U.N. | Alejandro D. Wolff | III |
| U.S. Representative – Economic and Social Council – U.N. | T. Vance McMahan | IV |
| U.S. Representative – Management and Reform – U.N. | Vacant | IV |
| U.S. Alternative Representative – Special Political Affairs – U.N. | Rosemary A. DiCarlo | 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. As of the end of the 110th Congress, this position had never been filled.
- 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- d. From 1998 through the end of the 110th Congress, 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.
- 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)). With regard to State Department appointments, since 2001 through the 110th Congress, the same individual had been separately and simultaneously nominated for, and confirmed to, the positions of CFO and Assistant Secretary for Resource Management.
- f. By law, incumbent must be a current or former career senior Foreign Service officer (22 U.S.C. § 3928).
- 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 Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|---------------------|---|-----------|--------------------------------|-----------------|
| Ellen R. Sauerbrey | Asst. Secy. – Population, Refugees, and Migration | 01/09/07 | Returned 01/02/09 ^a | |
| John D. Negroponte | Deputy Secy. | 01/22/07 | 02/12/07 | 21 |
| Zalmay Khalilzad | U.S. Representative – U.N. | 02/12/07 | 03/29/07 | 45 |
| Henry Bonilla | U.S. Representative – Organization of American States | 03/15/07 | Withdrawn 06/05/07 | |
| Dell L. Dailey | Coordinator – Counterterrorism/ Ambassador-at-Large | 03/15/07 | 06/22/07 | 99 |
| Mark P. Lagon | Director – Office to Monitor and Combat Trafficking/Ambassador-at- Large ^b | 03/15/07 | 05/25/07 | 71 |
| John C. Rood | Under Secy. – Arms Control and International Security | 03/22/07 | Returned 01/02/09 ^a | |
| Reuben Jeffrey III | Under Secy. – Economic, Business, and Agricultural Affairs | 04/18/07 | 06/22/07 | 65 |
| Nancy G. Brinker | Chief of Protocol | 06/18/07 | 09/12/07 | 86 |
| Mark Kimmitt | Asst. Secy. – Political-Military Affairs | 07/11/07 | 06/27/08 | 352 |
| David T. Johnson | Asst. Secy. – International Narcotics and Law Enforcement Affairs | 07/19/07 | 10/26/07 | 99 |
| Harry K. Thomas Jr. | Director General – Foreign Service | 07/25/07 | 09/12/07 | 49 |
| Patrick F. Kennedy | Under Secy. – Management | 10/16/07 | 11/06/07 | 21 |
| Goli Ameri | Asst. Secy. – Educational and Cultural Affairs | 11/15/07 | 03/13/08 | 119 |
| Hector E. Morales | U.S. Representative – Organization of American States | 12/04/07 | 03/06/08 | 93 |
| James K. Glassman | Under Secy. – Public Diplomacy ^b | 12/11/07 | 06/04/08 | 176 |
| David J. Kramer | Asst. Secy. – Democracy, Human Rights, and Labor | 12/14/07 | 03/13/08 | 90 |
| T. Vance McMahan | U.S. Representative – Economic and | 03/13/08 | 06/27/08 | 106 |

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|------------------|--------------------------------|------------------------|
| | Social Council – U.N. | | | |
| William J. Burns | Under Secy. – Political Affairs | 04/02/08 | 05/08/08 | 36 |
| Janice L. Jacobs | Asst. Secy. – Consular Affairs | 04/02/08 | 06/04/08 | 63 |
| Eric J. Boswell | Asst. Secy. – Diplomatic Security/Director – Office of Foreign Missions | 04/29/08 | 06/27/08 | 59 |
| Rosemary A. DiCarlo | U.S. Alternative Representative – Special Political Affairs – U.N. | 05/13/08 | 06/27/08 | 45 |
| Matthew A. Reynolds | Asst. Secy. – Legislative Affairs | 06/26/08 | 10/02/08 | 98 |
| Thomas A. Betro | Inspector General | 06/27/08 | Returned 01/02/09 ^a | |
| Brian H. Hook | Asst. Secy. – International Organization Affairs | 06/27/08 | 10/02/08 | 97 |
| Gregori Lebedev | U.S. Representative – Management and Reform – U.N. | 08/01/08 | Returned 01/02/09 ^a | |
| Michael S. Doran | Asst. Secy. – International Information Programs | 09/26/08 | Returned 01/02/09 ^a | |
| Mean number of days to confirm a nomination | | | 90 | |
| Median number of days to confirm a nomination | | | 86 | |

- a. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the State Department, the Director of the Office to Monitor and Combat Trafficking in Persons (listed in the incumbents table above) is the same position as the Office to Monitor and Combat Trafficking listed in this nomination table. The Under Secretary for Public Diplomacy and Public Affairs (listed in the incumbents table above) is the same position as the Under Secretary for Public Diplomacy listed here.

Department of Transportation (DOT)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|-------------------------|-----------|
| Secretary | Mary E. Peters | I |
| Deputy Secretary | Thomas J. Barrett | II |
| Under Secretary – Policy | Tyler D. Duvall (A) | II |
| Administrator – Federal Aviation Administration ^a | Robert A. Sturgell (A) | II |
| Administrator – Federal Highway Administration | Thomas J. Madison Jr. | II |
| Administrator – Federal Motor Carrier Safety Administration | John H. Hill | III |
| Administrator – Federal Railroad Administration | Vacant | III |
| Administrator – Federal Transit Administration | Vacant | III |
| Administrator – Maritime Administration | Sean T. Connaughton | III |
| Administrator – National Highway Traffic Safety Administration | Vacant | III |
| Administrator – Pipeline and Hazardous Materials Safety Administration | Carl T. Johnson | III |
| Administrator – Research and Innovative Technology Administration | Paul R. Brubaker | III |
| Inspector General ^b | Calvin L. Scovel | b |
| Administrator – Saint Lawrence Seaway Development Corporation ^c | Collister Johnson Jr. | IV |
| Assistant Secretary – Aviation and International Affairs | Michael W. Reynolds (A) | IV |
| Assistant Secretary – Budget and Programs/Chief Financial Officer ^d | Phyllis F. Scheinberg | IV |
| Assistant Secretary – Governmental Affairs | Vacant | IV |
| Assistant Secretary – Transportation Policy | Tyler D. Duvall | IV |
| Deputy Administrator – Federal Aviation Administration ^e | Ruth Leverentz (A) | IV |
| General Counsel | David J. Gribbin IV | IV |

- a. This position has a five-year term and specified qualifications. See 49 U.S.C. § 106.
- 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- 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.

DOT Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|------------------|--------------------------------|------------------------|
| David J. Gribbin IV | General Counsel | 01/11/07 | 06/20/07 | 160 |
| Thomas J. Barrett | Deputy Secy. | 06/11/07 | 08/08/07 | 58 |
| Paul R. Brubaker | Admin. – Research and Innovative Technology Administration | 06/18/07 | 08/03/07 | 46 |
| Simon C. Gros | Asst. Secy. – Governmental Affairs | 10/16/07 | 06/27/08 | 255 |
| Robert A. Sturgell | Admin. – Federal Aviation Administration | 10/23/07 | Returned 01/02/09 ^a | |
| Carl T. Johnson | Admin. – Pipeline and Hazardous Materials Safety Administration | 11/01/07 | 12/19/07 | 48 |
| Tyler D. Duvall | Under Secy. – Policy | 03/31/08 | Returned 01/02/09 ^a | |
| John P. Hewko | Asst. Secy. – Aviation and International Affairs | 04/02/08 | Returned 01/02/09 ^a | |
| Thomas J. Madison Jr. | Admin. – Federal Highway Administration | 07/15/08 | 08/01/08 | 17 |
| David Kelly | Admin. – National Highway Traffic Safety Administration | 09/28/08 | Returned 01/02/09 ^a | |
| Robert A. DeHaan | Asst. Secy. – Transportation Policy | 11/17/08 | Returned 01/02/09 ^a | |
| Mean number of days to confirm a nomination | | | | 97 |
| Median number of days to confirm a nomination | | | | 53 |

- a. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate

Department of the Treasury (TREAS)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|------------------------|-----------------|
| Secretary | Henry M. Paulson Jr. | I |
| Deputy Secretary | Robert M. Kimmitt | II |
| Commissioner of Internal Revenue ^a | Douglas H. Shulman | III |
| Comptroller of the Currency ^b | John C. Dugan | III |
| Director – Office of Thrift Supervision ^c | John M. Reich | III |
| Inspector General ^d | Eric M. Thorson | d |
| Inspector General – Tax Administration ^d | J. Russell George | d |
| Special Inspector General – Troubled Asset Relief Program ^{de} | Neil M. Barofsky | d |
| Under Secretary – Domestic Finance | Anthony W. Ryan (A) | III |
| Under Secretary – Terrorism and Financial Intelligence ^f | Stuart A. Levey | III |
| Under Secretary – International Affairs | David H. McCormick | III |
| Assistant Secretary – Economic Policy | Phillip L. Swagel | IV |
| Assistant Secretary – Financial Institutions | David G. Nason | IV |
| Assistant Secretary – Financial Markets | Karthik Ramanathan (A) | IV |
| Assistant Secretary – Intelligence and Analysis | Janice B. Gardner | IV |
| Assistant Secretary – International Economics and Development/Assistant Secretary (Interim) – Financial Stability ^g | Neel T. Kashkari | IV |
| Assistant Secretary – Management/Chief Financial Officer ^h | Peter B. McCarthy | 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 ⁱ | Clay Lowery | IV |
| Assistant Secretary – Legislative Affairs ⁱ | Kevin I. Fromer | IV |
| General Counsel | Robert F. Hoyt | IV |
| Chief Counsel – Internal Revenue Service/Assistant General Counsel for Tax | Donald L. Korb | V |
| Director of the Mint ^j | Edmund C. Moy | SL ^k |
| Treasurer of the United States | Anna E. Cabral | SL ^k |

- 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 President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that "[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall

communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- e. The position of Special Inspector General for the Troubled Asset Relief Program was established by P.L. 110-343, Division A, Title I, § 121, (122 Stat.3788). The position was first filled in the 110th Congress as shown. The Special Inspector General has the same removal provisions as other inspectors general (see footnote d, above).
- f. 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.
- g. The position of Interim Assistant Secretary for Financial Stability was established by P.L. 110-343, Division A, Title I, § 101(a)(3)(A), (122 Stat. 3767). The position was first filled in the 110th Congress as shown.
- h. 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)). McCarthy was confirmed for the position of Assistant Secretary for Management and designated as CFO.
- i. 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.
- j. The position has a five-year term and a limitation on the President’s removal power. See 31 U.S.C. § 304.
- k. According to the 2008 Plum Book, the Director of the United States Mint and the Treasurer of the United States were both Senior Level positions (p. 132). With regard to pay for such positions, the Plum Book states, “Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee’s locality rate of pay may not exceed the pay for level III of the Executive Schedule” (p.203). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

TREAS Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|---|-----------|--------------------------------|-----------------|
| David G. Nason | Asst. Secy. – Financial Institutions | 03/05/07 | 06/05/07 | 92 |
| Peter B. McCarthy | Asst. Secy. – Management | 04/10/07 | 08/01/07 | 113 |
| David H. McCormick | Under Secy. – International Affairs | 06/04/07 | 08/01/07 | 58 |
| Neel T. Kashkari | Asst. Secy. – International Economics and Development/Asst. Secy. (Interim) – Financial Stability | 11/15/07 | 06/27/08 | 225 |
| Eric M. Thorson | Inspector General | 11/15/07 | 08/01/08 | 260 |
| Douglas H. Shulman | Commissioner – Internal Revenue | 12/11/07 | 03/13/08 | 93 |
| Anthony W. Ryan | Under Secy. – Domestic Finance | 07/31/08 | Returned 01/02/09 ^a | |
| Neil M. Barofsky | Special Inspector General – Troubled Asset Relief Program | 11/17/08 | 12/08/08 | 21 |
| Mean number of days to confirm a nomination | | | 123 | |
| Median number of days to confirm a nomination | | | 93 | |

- a. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Veterans Affairs (DVA)

Full-Time PAS Positions, as of the End of the 110th Congress

| Position | Incumbent | Pay Level |
|--|----------------------|-----------|
| Secretary | James B. Peake | I |
| Deputy Secretary | Gordon H. Mansfield | II |
| Inspector General ^a | George J. Opfer | a |
| Under Secretary – Benefits | Patrick W. Dunne | III |
| Under Secretary – Health | Michael J. Kussman | III |
| Under Secretary – Memorial Affairs | William F. Tuerk | III |
| Assistant Secretary – Congressional and Legislative Affairs | Christine O. Hill | IV |
| Assistant Secretary – Human Resources and Administration | Vacant | IV |
| Assistant Secretary – Information and Technology | Robert T. Howard | IV |
| Assistant Secretary – Management/Chief Financial Officer ^b | Robert J. Henke | IV |
| Assistant Secretary – Operations, Preparedness, Security, and Law Enforcement ^c | Charles L. Hopkins | IV |
| Assistant Secretary – Policy and Planning | Karen Pane (A) | IV |
| Assistant Secretary – Public and Intergovernmental Affairs | Lisette M. Mondello | IV |
| Chairman – Board of Veterans’ Appeals ^d | James P. Terry | IV |
| General Counsel | John A. Thompson (A) | IV |

- a. 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 an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- 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)). Henke was confirmed for the position of Assistant Secretary for Management and designated as CFO.
- c. The position of Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement was established by P.L. 107-287, Section 5 (116 Stat. 2030), and filled for the first time during the 110th Congress, as shown.
- d. This position has a six-year term and limitations on the President’s removal power. See 38 U.S.C. § 7101(b).

DVA Nomination Action During the 110th Congress

| Nominee | Position | Nominated | Confirmed | Days to Confirm |
|--|--|-----------|-----------|-----------------|
| Thomas E. Harvey | Asst. Secy. – Congressional Affairs ^a | 01/09/07 | 05/25/07 | 136 |
| Michael J. Kussman | Under Secy. – Health | 04/10/07 | 05/25/07 | 45 |
| Charles L. Hopkins | Asst. Secy. – Operations, Preparedness, Security and Law Enforcement | 04/11/07 | 08/01/07 | 112 |
| Paul J. Hutter | General Counsel | 06/28/07 | 10/04/07 | 98 |
| Michael W. Hager | Asst. Secy. – Human Resources and Management ^a | 09/18/07 | 11/16/07 | 59 |
| James B. Peake | Secretary | 11/15/07 | 12/14/07 | 29 |
| Christine O. Hill | Asst. Secy. – Congressional Affairs ^a | 04/23/08 | 10/02/08 | 162 |
| Patrick W. Dunne | Under Secy. – Benefits | 07/30/08 | 10/02/08 | 64 |
| Mean number of days to confirm a nomination | | | | 88 |
| Median number of days to confirm a nomination | | | | 81 |

- a. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Veterans Affairs Department, the Assistant Secretary for Congressional and Legislative Affairs (listed in the incumbents table above) is the same position as the Assistant Secretary for Congressional Affairs listed in this nomination table. The Assistant Secretary for Human Resources and Administration (listed in the incumbents table above) is the same position as the Assistant Secretary for Human Resources and Management listed here.

Appendix A. Presidential Nominations, 110th Congress

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|--------------------------|---|------------|-----------------|--------------------|-----------------|
| Clarence H. Albright Jr. | Under Secy. | DOE | 06/21/07 | 08/03/07 | 43 |
| Goli Ameri | Asst. Secy. – Education and Cultural Affairs | DOS | 11/15/07 | 03/13/08 | 119 |
| Carl Joseph Artman | Asst. Secy. | DOI | 01/09/07 | 03/05/07 | 55 |
| Neil M. Barofsky | Special Inspector General – Troubled Asset Relief Program | TREAS | 11/17/08 | 12/08/08 | 21 |
| Thomas J. Barrett | Deputy Secy. | DOT | 06/11/07 | 08/08/07 | 58 |
| Grace C. Becker | Asst. Atty. General – Civil Rights Division | DOJ | 11/15/07 | Returned 01/02/09 | |
| Joseph A. Benkert | Asst. Secy. – International Security Policy | DOD | 02/25/08 | 07/23/08 | 149 |
| Thomas A. Betro | Inspector General | DOS | 06/27/08 | Returned 01/02/09 | |
| Anita K. Blair | Asst. Secy. – Air Force – Manpower and Reserve Affairs | DOD | 01/09/07 | Withdrawn 09/18/07 | |
| Anita K. Blair | Asst. Secy. – Navy – Manpower and Reserve Affairs | DOD | 09/18/07 | Returned 12/31/07 | |
| Anita K. Blair | Asst. Secy. – Navy – Manpower and Reserve Affairs | DOD | 01/23/08 | Returned 01/02/09 | |
| Henry Bonilla | U.S. Representative – Organization of American States | DOS | 03/15/07 | Withdrawn 06/05/07 | |
| Eric J. Boswell | Asst. Secy. – Diplomatic Security/Director – Office of Foreign Missions | DOS | 04/29/08 | 06/27/08 | 59 |
| Steven G. Bradbury | Asst. Atty. General – Office of Legal Counsel | DOJ | 01/09/07 | Returned 12/31/07 | |
| Steven G. Bradbury | Asst. Atty. General – Office of Legal Counsel | DOJ | 01/23/08 | Returned 01/02/09 | |
| William J. Brennan | Asst. Secy. – Oceans and Atmosphere | DOC | 01/22/08 | 06/4/08 | 134 |
| Jerry G. Bridges | Inspector General | ED | 09/09/08 | Returned 01/02/09 | |
| Kerri L. Briggs | Asst. Secy. – Elementary and Secondary Education | ED | 03/07/07 | 06/22/07 | 107 |
| Nancy G. Brinker | Chief of Protocol | DOS | 06/18/07 | 09/12/07 | 86 |
| Douglas A. Brook | Asst. Secy. – Navy – Financial Management/Comptroller | DOD | 06/05/07 | 11/16/07 | 164 |
| Paul R. Brubaker | Admin. – Research and Innovative Technology Administration | DOT | 06/18/07 | 08/03/07 | 46 |
| Michael J. Burns | Asst. to the Secretary – Nuclear and Chemical and Biological Defense Programs | DOD | 01/09/07 | Withdrawn 06/11/07 | |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|----------------------|---|-------------------|------------------------|--------------------------|------------------------|
| William J. Burns | Under Secy. – Political Affairs | DOS | 04/02/08 | 05/08/08 | 36 |
| Gregory B. Cade | Admin. – U.S. Fire Administration | DHS | 01/09/07 | 05/25/07 | 136 |
| Bradford P. Campbell | Asst. Secy. – Employee Benefits Security Administration | DOL | 05/03/07 | 08/03/07 | 92 |
| S. Ward Casscells | Asst. Secy. – Health Affairs | DOD | 02/26/07 | 03/29/07 | 31 |
| James L. Caswell | Dir. – Bureau of Land Management | DOI | 06/04/07 | 08/03/07 | 60 |
| Frederick S. Celec | Asst. to the Secretary – Nuclear and Chemical and Biological Defense Programs | DOD | 06/10/08 | 07/23/08 | 43 |
| Lily F. Claffee | General Counsel | DOC | 03/31/08 | 06/04/08 | 65 |
| James R. Clapper Jr. | Under Secy. – Intelligence | DOD | 01/29/07 | 04/11/07 | 72 |
| Gus P. Coldebella | General Counsel | DHS | 10/16/07 | Returned 01/02/09 | |
| Elisebeth C. Cook | Asst. Atty. General – Office of Legal Policy | DOJ | 01/30/08 | 06/04/08 | 126 |
| J. Gregory Copeland | General Counsel | DOE | 01/22/08 | Withdrawn 06/24/08 | |
| John Ray Correll | Dir. – Office of Surface Mining Reclamation and Enforcement | DOI | 01/09/07 | Withdrawn 06/28/07 | |
| Robert M. Couch | General Counsel | HUD | 04/10/07 | 06/13/07 | 64 |
| Thomas P. D’Agostino | Under Secy. – Nuclear Security/Admin, NNSA | DOE | 05/21/07 | 08/01/07 | 72 |
| Dell L. Dailey | Coordinator – Counterterrorism | DOS | 03/15/07 | 06/22/07 | 99 |
| Paul DeCamp | Administrator – Wage and Hour Division | DOL | 01/09/07 | Withdrawn 02/07/08 | |
| Robert A. DeHaan | Asst. Secy. – Transportation Policy | DOT | 11/17/08 | Returned 01/02/09 | |
| Rosemary A. DiCarlo | U.S. Alternative Representative – Special Political Affairs – U.N. | DOS | 05/13/08 | 06/27/08 | 45 |
| Michael B. Donley | Secretary – Air Force | DOD | 06/25/08 | 10/02/08 | 99 |
| Michael S. Doran | Asst. Secy. – International Information Programs | DOS | 09/26/08 | Returned 01/02/09 | |
| Craig W. Duehring | Asst. Secy. – Air Force – Manpower and Reserve Affairs | DOD | 11/15/07 | 12/19/07 | 34 |
| Elaine C. Duke | Under Secy. – Management | DHS | 04/02/08 | 06/27/08 | 86 |
| Patrick W. Dunne | Under Secy. – Benefits | DVA | 07/30/08 | 10/02/08 | 64 |
| Tyler D. Duvall | Under Secy. – Policy | DOT | 03/31/08 | Returned 01/02/09 | |
| Cynthia Dyer | Dir. – Violence Against Women Office | DOJ | 08/20/07 | 12/19/07 | 121 |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|------------------------|--|-------------------|------------------------|--------------------------|------------------------|
| Lisa E. Epifani | Asst. Secy. – Congressional and Intergovernmental Affairs | DOE | 06/13/07 | 08/03/07 | 51 |
| Williamson Evers | Asst. Secy. – Planning, Evaluation, and Policy Development | ED | 02/08/07 | 10/16/07 | 250 |
| Mark R. Filip | Deputy Attorney General | DOJ | 12/05/07 | 03/03/08 | 89 |
| Nelson M. Ford | Under Secy. – Army | DOD | 01/22/08 | 07/23/08 | 183 |
| Matthew W. Friedrich | Asst. Atty. General – Criminal Division | DOJ | 12/11/08 | Returned 01/02/09 | |
| Joxel Garcia | Asst. Secy. – Health | HHS | 01/22/08 | 03/13/08 | 51 |
| Regory G. Garre | Solicitor General | DOJ | 06/19/08 | 10/02/08 | 105 |
| Preston M. Geren | Secretary – Army | DOD | 05/24/07 | 07/13/07 | 50 |
| John H. Gibson | Asst. Secy. – Air Force – Financial Management/Comptroller | DOD | 10/26/07 | 12/19/07 | 54 |
| James K. Glassman | Under Secy. – Public Diplomacy | DOS | 12/11/07 | 06/04/08 | 176 |
| Sheila M. Greenwood | Asst. Secy. – Congressional and Intergovernmental Affairs | HUD | 02/26/08 | 06/27/08 | 122 |
| David J. Gribbin IV | General Counsel | DOT | 01/11/07 | 06/20/07 | 160 |
| Charles W. Grim | Director – Indian Health Service | HHS | 05/21/07 | Withdrawn 09/04/07 | |
| Simon C. Gros | Asst. Secy. – Governmental Affairs | DOT | 10/16/07 | 06/27/08 | 255 |
| Michael W. Hager | Asst. Secy. – Human Resources and Management | DVA | 09/18/07 | 11/16/07 | 59 |
| David W. Hagy | Dir. – National Institute of Justice | DOJ | 06/05/07 | 03/13/08 | 282 |
| Keith Hall | Commissioner – Labor Statistics | DOL | 09/18/07 | 12/19/07 | 92 |
| Ondray T. Harris | Dir. – Community Relations Service | DOJ | 05/23/07 | 03/13/08 | 295 |
| Thomas E. Harvey | Asst. Secy. – Congressional Affairs | DVA | 01/09/07 | 05/25/07 | 136 |
| Robert Hastings | Asst. Secy. – Public Affairs | DOD | 07/10/08 | Returned 01/02/09 | |
| John P. Hewko | Asst. Secy. – Aviation and International Affairs | DOT | 04/02/08 | Returned 01/02/09 | |
| Christine O. Hill | Asst. Secy. – Congressional Affairs | DVA | 04/23/08 | 10/02/08 | 162 |
| Nathan J. Hochman | Asst. Atty. General – Tax Division | DOJ | 11/15/07 | 12/19/07 | 34 |
| James W. Holsinger Jr. | Surgeon General | HHS | 05/24/07 | Returned 01/02/09 | |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|-----------------------|---|-------------------|------------------------|--------------------------|------------------------|
| Brian H. Hook | Asst. Secy. – International Organization Affairs | DOS | 06/27/08 | 10/02/08 | 97 |
| Charles L. Hopkins | Asst. Secy. – Operations, Preparedness, Security and Law Enforcement | DVA | 04/11/07 | 08/01/07 | 112 |
| Paul J. Hutter | General Counsel | DVA | 06/28/07 | 10/04/07 | 98 |
| F. Chase Hutto, III | Asst. Secy. – International Affairs and Domestic Policy | DOE | 09/26/08 | Returned 01/02/09 | |
| Steven J. Isakowitz | Chief Financial Officer | DOE | 02/08/07 | 05/25/07 | 106 |
| Gregory F. Jacob | Solicitor | DOL | 09/04/07 | 12/19/07 | 106 |
| Janice L. Jacobs | Asst. Secy. – Consular Affairs | DOS | 04/02/08 | 06/04/08 | 63 |
| David W. James | Asst. Secy. – Public Affairs | DOL | 06/18/07 | 08/03/07 | 46 |
| Robert D. Jamison | Under Secy. – National Protection and Programs | DHS | 09/04/07 | Withdrawn 12/19/07 | |
| Robert D. Jamison | Under Secy. – National Protection and Programs | DHS | 12/19/07 | 12/19/07 | 0 |
| Reuben Jeffery III | Under Secy.– Economic, Business, and Agricultural Affairs | DOS | 04/18/07 | 06/22/07 | 65 |
| Harvey E. Johnson Jr. | Deputy Admin./ Chief Operating Officer – Federal Emergency Management Agency | DHS | 09/07/07 | Withdrawn 12/12/07 | |
| Harvey E. Johnson Jr. | Deputy Admin./ Chief Operating Officer – Federal Emergency Management Agency | DHS | 12/12/07 | 06/27/08 | 198 |
| Carl T. Johnson | Admin. – Pipeline and Hazardous Materials Safety Administration | DOT | 11/01/07 | 12/19/07 | 48 |
| David T. Johnston | Asst. Secy. – International Narcotics and Law Enforcement Affairs | DOS | 07/19/07 | 10/26/07 | 99 |
| Diane A. Jones | Asst. Secy. – Postsecondary Education | ED | 05/22/07 | 08/01/07 | 71 |
| Tracy R. Justesen | Asst. Secy. – Special Education and Rehabilitative Services | ED | 11/15/07 | 12/19/07 | 34 |
| Neel T. Kashkari | Asst. Secy. – International Economics and Development/Asst. Secy. (Interim) – Financial Stability | TREAS | 11/15/07 | 06/27/08 | 225 |
| Gregory G. Katsas | Asst. Atty. General – Civil Division | DOJ | 12/11/07 | 06/27/08 | 199 |
| Scott A. Keller | Asst. Secy. – Congressional and Intergovernmental Affairs | HUD | 01/09/07 | Withdrawn 09/04/07 | |
| David Kelly | Admin. – National Highway Traffic Safety Administration | DOT | 09/28/08 | Returned 01/02/09 | |
| Patrick F. Kennedy | Under Secy. – Management | DOS | 10/16/07 | 11/06/07 | 21 |
| Zalmay Khalilzad | U.S. Representative – U.N. | DOS | 02/12/07 | 03/29/07 | 45 |
| Claude M. Kicklighter | Inspector General | DOD | 02/26/07 | 04/12/07 | 45 |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|------------------------|---|-------------------|------------------------|--------------------------|------------------------|
| Mark Kimmitt | Asst. Secy. – Political-Military Affairs | DOS | 07/11/07 | 06/27/08 | 352 |
| Kevin M. Kolevar | Asst. Secy. – Electricity Delivery and Energy Reliability | DOE | 01/09/07 | 08/03/07 | 206 |
| David J. Kramer | Asst. Secy. – Democracy, Human Rights, and Labor | DOS | 12/14/07 | 03/13/08 | 90 |
| Jeffery F. Kupfer | Deputy Secy. | DOE | 04/02/08 | Returned 01/02/09 | |
| Michael K. Kussman | Under Secy. – Health | DVA | 04/10/07 | 05/25/07 | 45 |
| Holly A. Kuzmich | Asst. Secy. – Legislation and Congressional Affairs | ED | 06/24/08 | 08/01/08 | 38 |
| Mark P. Lagon | Director – Office to Monitor and Combat Trafficking | DOS | 03/15/07 | 05/25/07 | 71 |
| R. Lyle Laverty | Asst. Secy. – Fish and Wildlife | DOI | 03/26/07 | 10/29/07 | 217 |
| Gregori Lebedev | U.S. Representative – Management and Reform – U.N. | DOS | 08/01/08 | Returned 01/02/09 | |
| Michele M. Leonhart | Admin. – Drug Enforcement | DOJ | 04/15/08 | Returned 01/02/09 | |
| Mary Beth Long | Asst. Secy. – International Security Affairs | DOD | 11/08/07 | 12/19/07 | 41 |
| Jane C. Luxton | Asst. Secy. – Oceans and Atmosphere | DOC | 01/09/07 | Withdrawn 05/03/07 | |
| Thomas J. Madison Jr. | Admin. – Federal Highway Administration | DOT | 07/15/08 | 08/01/08 | 17 |
| Mario Mancuso | Under Secy. – Export Administration | DOC | 01/18/07 | 05/25/07 | 127 |
| Christopher M. Marston | Asst. Secy. – Management | ED | 06/24/08 | 08/01/08 | 38 |
| Peter B. McCarthy | Asst. Secy. – Management | TREAS | 04/10/07 | 08/01/07 | 113 |
| David H. McCormick | Under Secy. – International Affairs | TREAS | 06/04/07 | 08/01/07 | 58 |
| T. Vance McMahan | U.S. Representative – Economic and Social Council – U.N. | DOS | 03/13/08 | 06/27/08 | 106 |
| Robert G. McSwain | Director – Indian Health Service | HHS | 12/19/07 | 04/29/08 | 132 |
| William W. Mercer | Associate Attorney General | DOJ | 01/09/07 | Withdrawn 06/25/07 | |
| Daniel Meron | General Counsel | HHS | 01/09/07 | Returned 01/02/09 | |
| Hector E. Morales | U.S. Representative – Organization of American States | DOS | 12/04/07 | 03/06/08 | 93 |
| Michael B. Mukasey | Attorney General | DOJ | 09/21/07 | 11/08/07 | 48 |
| Steven H. Murdock | Dir. - Census | DOC | 06/18/07 | 12/19/07 | 184 |
| Joseph J. Murin | President – Government National Mortgage Association | HUD | 10/16/07 | 06/27/08 | 255 |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|------------------------|--|-------------------|------------------------|--------------------------|------------------------|
| Julie L. Myers | Asst. Secy. – U.S. Immigration and Customs Enforcement | DHS | 01/09/07 | 12/19/07 | 344 |
| David G. Nason | Asst. Secy. – Financial Institutions | TREAS | 03/05/07 | 06/05/07 | 92 |
| John D. Negroponte | Deputy Secy. | DOS | 01/22/07 | 02/12/07 | 21 |
| Kevin J. O'Connor | Associate Attorney General | DOJ | 12/11/07 | 04/01/08 | 112 |
| Kameran L. Onley | Asst. Secy. – Water and Science | DOI | 03/31/08 | Returned 01/02/09 | |
| Brent R. Orrell | Asst. Secy. – Employment and Training Administration | DOL | 06/19/08 | Returned 01/02/09 | |
| William C. Ostendorff | Principal Deputy Administrator, NNSA | DOE | 02/26/07 | 03/29/07 | 31 |
| Christopher A. Padilla | Under Secy. – International Trade | DOC | 09/04/07 | 12/19/07 | 106 |
| Alexander Passantino | Administrator – Wage and Hour Division | DOL | 03/05/08 | Returned 01/02/09 | |
| Neil S. Patel | Asst. Secy. – Communications and Information | DOC | 03/05/08 | Returned 01/02/09 | |
| James B. Peake | Secretary | DVA | 11/15/07 | 12/14/07 | 29 |
| Christina H. Pearson | Asst. Secy. – Public Affairs | HHS | 09/25/07 | 12/19/07 | 85 |
| Susan D. Pepler | Asst. Secy. – Community Planning and Development | HUD | 02/06/08 | 06/27/08 | 142 |
| Steven C. Preston | Secretary | HUD | 05/01/08 | 06/04/08 | 34 |
| Howard Radzely | Deputy Secretary | DOL | 05/10/07 | 12/19/07 | 223 |
| Diane D. Rath | Asst. Secy. – Family Support | HHS | 07/11/07 | Returned 01/02/09 | |
| Matthew A. Reynolds | Asst. Secy. – Legislative Affairs | DOS | 06/26/08 | 10/02/08 | 98 |
| Neil Romano | Asst. Secy. – Disability Employment Policy | DOL | 12/03/07 | 03/12/08 | 100 |
| John C. Rood | Under Secy. – Arms Control and International Security | DOS | 03/22/07 | Returned 01/02/09 | |
| J. Patrick Rowan | Asst. Atty. General - National Security Division | DOJ | 06/19/08 | 09/26/08 | 99 |
| Jeffery W. Runge | Asst. Secy. – Health Affairs and Chief Medical Officer | DHS | 08/02/07 | 12/19/07 | 139 |
| Anthony W. Ryan | Under Secy. – Domestic Finance | TREAS | 07/31/08 | Returned 01/02/09 | |
| Benjamin E. Sasse | Asst. Secy. – Planning and Evaluation | HHS | 07/26/07 | 12/19/07 | 146 |
| Ellen R. Sauerbrey | Asst. Secy. – Population, Refugees, and Migration | DOS | 01/09/07 | Returned 01/02/09 | |
| Ed Schafer | Secretary | USDA | 12/06/07 | 01/28/08 | 53 |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|-----------------------|---|-------------------|------------------------|--------------------------|------------------------|
| Jonathan R. Scharfen | Dir. – U.S. Citizenship and Immigration Services | DHS | 10/01/08 | Returned 01/02/09 | |
| Paul A. Schneider | Deputy Secy. | DHS | 02/26/08 | 06/04/08 | 99 |
| Jeffrey L. Sedgwick | Asst. Atty. General – Office of Justice Programs | DOJ | 04/23/08 | 10/02/08 | 162 |
| Leon R. Sequeira | Asst. Secy. – Policy | DOL | 01/09/07 | 02/15/07 | 37 |
| Patrick P. Shen | Special Council for Immigration-Related Unfair Employment Practices | DOJ | 01/18/07 | 10/04/07 | 259 |
| James Shinn | Asst. Secy. – Asian and Pacific Security Affairs | DOD | 10/23/07 | 12/19/07 | 57 |
| Douglas H. Shulman | Commissioner – Internal Revenue | TREAS | 12/11/07 | 03/13/08 | 93 |
| James A. Slutz | Asst. Secy. – Fossil Energy | DOE | 07/30/08 | Returned 01/02/09 | |
| Robert L. Smolen | Deputy Admin. – Defense Programs, NNSA | DOE | 07/31/07 | 11/16/07 | 108 |
| Sean J. Stackley | Asst. Secy. – Navy – Research, Development, and Acquisition | DOD | 05/01/08 | 07/23/08 | 83 |
| Richard Stickler | Asst. Secy. – Mine Safety and Health | DOL | 01/09/07 | Returned 01/02/09 | |
| Robert A. Sturgell | Admin. – Federal Aviation Administration | DOT | 10/23/07 | Returned 01/02/09 | |
| Stanley C. Suboleski | Asst. Secy. – Fossil Energy | DOE | 12/11/07 | Withdrawn 02/26/08 | |
| John J. Sullivan | Deputy Secretary | DOC | 12/04/07 | 03/13/08 | 100 |
| Michael J. Sullivan | Dir. – Bureau of Alcohol, Tobacco, Firearms and Explosives | DOJ | 03/22/07 | Returned 01/02/09 | |
| William G. Sutton Jr. | Asst. Secy. – Manufacturing and Services | DOC | 05/07/07 | 08/03/07 | 88 |
| Ronald J. Tenpas | Asst. Atty. General – Environment and Natural Resources Division | DOJ | 06/04/07 | 12/13/07 | 192 |
| Harry K. Thomas Jr. | Director General – Foreign Service | DOS | 07/25/07 | 09/12/07 | 49 |
| Eric M. Thorson | Inspector General | TREAS | 11/15/07 | 08/01/08 | 260 |
| Tevi D. Troy | Deputy Secy. | HHS | 05/03/07 | 08/03/07 | 92 |
| W. Craig Vanderwagen | Asst. Secy. – Preparedness and Response | HHS | 02/12/07 | 03/21/07 | 37 |
| Michael G. Vickers | Asst. Secy. – Special Operations and Low-Intensity Conflict | DOD | 04/10/07 | 07/23/07 | 104 |
| Brent T. Wahlquist | Dir. – Office of Surface Mining Reclamation and Enforcement | DOI | 06/28/07 | 08/03/07 | 36 |
| Christopher R. Wall | Asst. Secy. – Export Administration | DOC | 03/31/08 | 06/27/08 | 88 |
| Douglas W. Webster | Chief Financial Officer | DOL | 09/27/07 | 12/19/07 | 83 |

| Nominee | Position | Department | Nomination Date | Confirmation Date | Days to Confirm |
|---|---|-------------------|------------------------|--------------------------|------------------------|
| John J. Young Jr. | Under Secy. – Acquisition, Technology and Logistics | DOD | 06/21/07 | 11/16/07 | 148 |
| Todd J. Zinser | Inspector General | DOC | 09/07/07 | 12/19/07 | 103 |
| Mean number of days to confirm | | | | | 104 |
| Median number of days to confirm | | | | | 92 |

Appendix B. Nomination Action, 110th Congress

| Department | Positions | Nominations | Individual Nominees | Confirmations | Returned | Withdrawn | Mean Days to Confirm | Median Days to Confirm |
|-------------------------------|------------|-------------|---------------------|---------------|-----------|-----------|----------------------|------------------------|
| Agriculture | 16 | 1 | 1 | 1 | 0 | 0 | 53 | 53 |
| Commerce | 23 | 11 | 11 | 9 | 1 | 1 | 111 | 103 |
| Defense | 54 | 21 | 19 | 16 | 3 | 2 | 85 | 65 |
| Education | 18 | 7 | 7 | 6 | 1 | 0 | 90 | 55 |
| Energy | 22 | 12 | 12 | 7 | 3 | 2 | 88 | 72 |
| Health and Human Services | 20 | 10 | 10 | 6 | 3 | 1 | 91 | 89 |
| Homeland Security | 21 | 11 | 9 | 7 | 2 | 2 | 143 | 136 |
| Housing and Urban Development | 15 | 6 | 6 | 5 | 0 | 1 | 123 | 122 |
| Interior | 18 | 6 | 6 | 4 | 1 | 1 | 92 | 58 |
| Justice | 29 | 21 | 20 | 14 | 6 | 1 | 152 | 124 |
| Labor | 20 | 12 | 12 | 8 | 3 | 1 | 97 | 92 |
| State | 48 | 27 | 27 | 21 | 5 | 1 | 90 | 86 |
| Transportation | 20 | 11 | 11 | 6 | 5 | 0 | 97 | 53 |
| Treasury | 26 | 8 | 8 | 7 | 1 | 0 | 123 | 93 |
| Veterans Affairs | 15 | 8 | 8 | 8 | 0 | 0 | 88 | 81 |
| Total | 364 | 172 | 167 | 125 | 34 | 13 | 104 | 92 |

Note: Similar previous reports included a column in this table for recess appointments. Because President Bush did not make any recess appointments to executive departments during the 110th Congress, a recess appointments column is not included.

Appendix C. Senate Intersession Recesses and Intrasection Recesses of Four or More Days, 110th Congress

| Date Recessed | Date Reconvened | Number of Days Adjourned ^b |
|--|-----------------|---------------------------------------|
| (The first session of the 110 th Congress convened on January 4, 2007.) | | |
| 02/17/07 | 02/26/07 | 9 |
| 03/29/07 | 04/10/07 | 12 |
| 05/25/07 | 06/04/07 | 10 |
| 06/29/07 | 07/09/07 | 10 |
| 08/03/07 | 09/04/07 | 32 |
| 10/05/07 | 10/15/07 | 10 |

The Senate adjourned sine die on December 31, 2007. The second session of the 110th Congress convened on January 3, 2008. The intersession (period between these two dates) was 3 days long.^b There were no intrasection recesses of four or more days during the 110th Congress, 2nd session. The Senate adjourned its second session on January 2, 2009.

Source: Table created by the Congressional Research Service using data from the *Congressional Record*.

Note: For the purposes of determining the length of an intrasection recess for inclusion in this table, Sundays were not counted. Under congressional precedents, Sunday is considered a “dies non,” or a day on which Congress is not expected to meet, for purposes of determining whether Congress has adjourned for “not more than three days.”

- b. The number of days adjourned was counted starting on the first calendar day after an adjournment and ending on the day of reconvening, including in the count the day the Senate reconvened. This is consistent with the House practice for counting recess days for the purposes of meeting congressional adjournment requirements in the Constitution (“Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days ...” Art. I, § 5, cl. 4). Under House precedents, “The House of Representatives in adjourning for not more than three days must take into the count either the day of adjourning or the day of the meeting, and Sunday is not taken into account in making this computation” U.S. Congress, House, *Constitution, Jefferson’s Manual and Rules of the House of Representatives of the United States, One Hundred Tenth Congress, 109th Cong., 2nd sess.*, H.Doc. 109-157 (Washington: GPO, 2007), p. 37. Senate practice appears to be consistent with this approach (Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28, (Washington: GPO, 1992), pp. 15-16). Inasmuch as it has been argued that the periods during which the President could make recess appointments might be those in which the Senate is in recess pursuant to the constitutional provision just quoted, it appears that this method of calculating recess days would provide a relevant measure of recess length in the context of discussions of recess appointments. Other methods might be used in other contexts. For example, a method in which neither the day of adjournment nor the day of reconvening was counted has been used elsewhere. This method takes into account that the Senate could act on nominations on either of these days, obviating the need for a recess appointment.

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 |

Appendix E. Change in Methodology from Previous Tracking Reports

The calculations of nomination-to-confirmation intervals provided in this report counted all the days within the interval, including those during summer recesses and between sessions of the Senate. The inclusion of all days differs from the methodology used in similar CRS reports for previous Congresses.³⁴ In these earlier reports, days during August and intersession recesses were not included in calculations of nomination-to-confirmation intervals. The rationale for the earlier methodology was that the Senate was unlikely to continue consideration of nominations during these periods; committee hearings and votes, among other activities, typically do not occur during these times. The exclusion of days during only certain periods of adjournment—intersession recesses and August recesses, which are usually longer than 30 days—is suggested by Senate rules regarding when nominations are to be returned to the President. These provide,

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 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.³⁵

This earlier methodology was also consistent with the approach of some political scientists who study executive branch appointments.³⁶

The methodology for this report is different from that which was used in previous similar reports for several reasons. First, as discussed above in the section on recess appointments, from the latter part of the first session through the end of the 110th Congress, the Senate chose to break up what would otherwise have been longer recesses into shorter recesses separated by pro forma sessions. This introduced two options for this report with regard to the calculation of nomination-to-confirmation intervals. The first option would have been to treat each series of short recesses created in this fashion as one long recess and to subtract these days from the nomination-to-confirmation interval.³⁷ The second option would have been to treat each recess in the series of short recesses created in this fashion as a short recess, and not to subtract these days from the nomination-to-confirmation interval. Arguably, actions of the Senate and the President were consistent with the latter construction—short recesses as short recesses. Otherwise, Senate rules would have required the return of pending nominations (or the waiver of that rule)³⁸ and the

³⁴ See, for example, CRS Report RL34744, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 109th Congress*, by (name redacted) et al.

³⁵ U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S.Doc. 110-1 (Washington: GPO, 2008), p. 58, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

³⁶ For example, see Nolan McCarty and Rose Razaghian, “Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996,” *American Journal of Political Science*, vol. 43, no. 4 (October 1999), pp. 1122-1143.

³⁷ This appears to be the construction adopted by the *Congressional Directory*. See U.S. Congress, Joint Committee on Printing, *Congressional Directory, 2009-2010*, 111th Cong., 1st sess., S. Pub. 111-14 (Washington: GPO, 2009), p. 541.

³⁸ As noted above, under Senate rules, 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 more than 30 days, but the Senate rule providing for this return is often waived. The applicable Senate rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

President could have made recess appointments. The Senate and the President did not take these actions. As a result, short recesses created by pro forma sessions are treated as short recesses in the count of the length of time to confirmation. It should be noted, however, that the inclusion of these days reduces the comparability of statistics provided in this report with statistics in previous similar tracking reports, since the intervals calculated in this report include days that in previous reports were part of longer recesses and therefore were subtracted from the length of the interval. Although the phenomenon underlying this methodological problem first arose during the 110th Congress, it could arise again in future Congresses.

Other reasons for the methodological change are not unique to the 110th Congress. First, in some cases, committee or floor action on a nomination that could have been completed before a recess has been, instead, deferred until after the recess. For such a nomination, the period of Senate consideration arguably has been intentionally extended. Counting all days, including those during a long recess, in calculations of elapsed time reflects that extension of Senate consideration. Second, it is unlikely that all work pertaining to nominations stops over a recess, and the inclusion of recess days is a reflection of the fact that the nominee is still under consideration, even during recess. Member and committee staffs may still be considering nominations at that time, even though they may not take direct action in the form of hearings or votes on the nominees. Ongoing activities may include investigatory work and interviews with nominees. Finally, although, as mentioned above, some political scientists who study nominations do subtract recess days during calculations of nomination-to-confirmation intervals, many others do not.³⁹ In addition, the calculation of nomination-to-confirmation intervals in CRS research concerning judicial nominations does not exclude days that fall during recesses.⁴⁰ By using methodology that is more similar to the work of other political scientists and to CRS judicial nominations research, the research presented here could be more easily compared and combined with related work. For all of these reasons, in this report, we employ a new methodology for calculating nomination-to-confirmation intervals.

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³⁹ For example, see Lauren Cohen Bell, "Senatorial Discourtesy: The Senate's Use of Delay to Shape the Federal Judiciary," *Political Research Quarterly*, vol. 55, no. 3 (September 2002), pp. 589-607; Sarah A. Binder and Forrest Maltzman, "Senatorial Delay in Confirming Federal Judges, 1947-1998," *American Journal of Political Science*, vol. 46, no. 1 (January 2002), pp. 190-199; and Karl DeRouen Jr., Jeffrey S. Peake, and Kenneth Ward, "Presidential Mandates and the Dynamics of Senate Advice and Consent, 1885-1996," *American Politics Research*, vol. 33, no. 1 (January 2005), pp. 106-131.

⁴⁰ For example, see CRS Report RL33953, *Nominations to Article III Lower Courts by President George W. Bush During the 110th Congress*, by (name redacted), (name redacted), and Maureen Bearden.

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(name redacted), Reference Assistant, and Mabel Gracias, Library Technician Reference Assistant, assisted in the collection of data used in this report.

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