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Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 111th Congress

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Summary

The President makes appointments, with the advice and consent of the Senate, to some 148 full-time leadership positions on 33 federal regulatory and other collegial boards and commissions. This appointment process consists of three distinct stages: selection, clearance, and nomination by the President; consideration by the Senate; and appointment by the President. These advice and consent positions can also temporarily be filled by the President alone through a recess appointment. Membership positions on this set of collegial bodies often have fixed terms, and incumbents are often protected from arbitrary removal by the President. The enabling statutes for most of these boards and commissions require political party balance in their membership.

During the 111th Congress, President Barack Obama submitted nominations to the Senate for 77 of these 148 positions. (Most of the remaining positions on these boards and commissions were not vacant during that time.) A total of 99 nominations were submitted, of which 76 were confirmed, 4 were withdrawn, and 19 were returned to the President. The number of nominations exceeded the number of positions being filled because the President submitted multiple nominations for some positions. In some cases, for example, the President submitted one nomination for the end of a term in progress and a second nomination of the same person to the same position for the succeeding term. In other cases, the President submitted a second nomination after his first choice failed to be confirmed. President Obama made seven recess appointments to boards covered by this report during the 111th Congress, and he submitted an “extra” nomination of those individuals in order to comply with a law affecting the payment of recess appointees. At the end of the 111th Congress, 24 incumbents were serving past the expiration of their terms. In addition, there were 10 vacancies among the 148 positions.

This report specifies, for the 111th Congress, all nominations to full-time positions on 33 regulatory and other collegial boards and commissions. Profiles of each board and commission provide information on their organizational structures, membership as of the end of the 111th Congress, and appointment activity during that Congress. The organizational section discusses the statutory requirements for the appointed positions, including the number of members on each board or commission, their terms of office, whether or not they may continue in their positions after their terms expire, whether or not political balance is required, and the method for selection of the chair. Membership and appointment activity are provided in tabular form. The report also includes tables summarizing the collective appointment activity for all 33 bodies.

Information for this report was compiled from data from the Senate nominations database of the Legislative Information System at <http://www.congress.gov/nomis/>, telephone discussions with agency officials, agency websites, the United States Code, and the 2008 edition of *United States Government Policy and Supporting Positions* (more commonly known as the “Plum Book”).

This report will not be updated.

Contents

Introduction.....	1
The Appointment Process for PAS Positions.....	1
Selection, Clearance, and Nomination.....	1
Senate Consideration.....	3
Appointment.....	4
Recess Appointments.....	5
Characterization of Regulatory and Other Collegial Bodies.....	6
Appointments During the 111 th Congress.....	8
Length of Time to Confirm a Nomination.....	8
Organization of the Report.....	9
Board and Commission Profiles.....	9
Additional Appointment Information.....	10
Chemical Safety and Hazard Investigation Board (CSB).....	11
Commodity Futures Trading Commission (CFTC).....	12
Consumer Product Safety Commission (CPSC).....	13
Defense Nuclear Facilities Safety Board (DNFSB).....	14
Election Assistance Commission (EAC).....	15
Equal Employment Opportunity Commission (EEOC).....	16
Export-Import Bank Board of Directors (EXIMBANK).....	18
Farm Credit Administration Board (FCA).....	20
Federal Communications Commission (FCC).....	21
Federal Deposit Insurance Corporation Board of Directors (FDIC).....	22
Federal Election Commission (FEC).....	23
Federal Energy Regulatory Commission (FERC).....	24
Federal Labor Relations Authority (FLRA).....	25
Federal Maritime Commission (FMC).....	26
Federal Mine Safety and Health Review Commission (FMSHRC).....	27
Federal Reserve System Board of Governors (FRS).....	28
Federal Trade Commission (FTC).....	30
Foreign Claims Settlement Commission (FCSC).....	31
Merit Systems Protection Board (MSPB).....	32
National Credit Union Administration Board of Directors (NCUA).....	33
National Labor Relations Board (NLRB).....	34
National Mediation Board (NMB).....	35
National Transportation Safety Board (NTSB).....	36
Nuclear Regulatory Commission (NRC).....	37
Occupational Safety and Health Review Commission (OSHRC).....	38
Postal Regulatory Commission (PRC).....	39

Privacy and Civil Liberties Oversight Board (PCLOB) 40
Railroad Retirement Board (RRB) 41
Securities and Exchange Commission (SEC)..... 42
Surface Transportation Board (STB) 43
United States International Trade Commission (USITC) 44
United States Parole Commission (USPC)..... 45
United States Sentencing Commission (USSC) 46

Tables

Table 1. Appointment Action for Regulatory and Other Collegial Boards and Commissions 9
Table 2. Full-Time CSB Incumbents as of the End of the 111th Congress..... 11
Table 3. CSB Appointment Action During the 111th Congress..... 11
Table 4. Full-Time CFTC Incumbents as of the End of the 111th Congress 12
Table 5. CFTC Appointment Action During the 111th Congress 12
Table 6. Full-Time CPSC Incumbents as of the End of the 111th Congress..... 13
Table 7. CPSC Appointment Action During the 111th Congress..... 13
Table 8. Full-Time DNFSB Incumbents as of the End of the 111th Congress 14
Table 9. DNFSB Appointment Action During the 111th Congress..... 14
Table 10. Full-Time EAC Incumbents as of the End of the 111th Congress 15
Table 11. EAC Appointment Action During the 111th Congress..... 15
Table 12. Full-Time EEOC Incumbents as of the End of the 111th Congress..... 16
Table 13. EEOC Appointment Action During the 111th Congress 16
Table 14. Full-Time EXIMBANK Incumbents as of the End of the 111th Congress..... 18
Table 15. EXIMBANK Appointment Action During the 111th Congress 18
Table 16. Full-Time FCA Incumbents as of the End of the 111th Congress..... 20
Table 17. FCA Appointment Action During the 111th Congress..... 20
Table 18. Full-Time FCC Incumbents as of the End of the 111th Congress..... 21
Table 19. FCC Appointment Action During the 111th Congress..... 21
Table 20. Full-Time FDIC Incumbents as of the End of the 111th Congress 22
Table 21. FDIC Appointment Action to Full-Time Positions During the 111th Congress..... 22
Table 22. Full-Time FEC Incumbents as of the end of the 111th Congress..... 23
Table 23. FEC Appointment Action During the 111th Congress 23
Table 24. Full-Time FERC Incumbents as of the End of the 111th Congress 24
Table 25. FERC Appointment Action During the 111th Congress 24
Table 26. Full-Time FLRA Incumbents as of the End of the 111th Congress 25

Table 27. FLRA Appointment Action During the 111 th Congress	25
Table 28. Full-Time FMC Incumbents as of the End of the 111 th Congress	26
Table 29. FMC Appointment Action During the 111 th Congress	26
Table 30. Full-Time FMSHRC Incumbents as of the End of the 111 th Congress	27
Table 31. FMSHRC Appointment Action During the 111 th Congress	27
Table 32. Full-Time FRS Incumbents as of the End of the 111 th Congress	28
Table 33. FRS Appointment Action During the 111 th Congress	28
Table 34. Full-Time FTC Incumbents as of the End of the 111 th Congress	30
Table 35. FTC Appointment Action During the 111 th Congress	30
Table 36. Full-Time FSFC Incumbents as of the End of the 111 th Congress	31
Table 37. Full-Time FCSC Appointment Action During the 111 th Congress.....	31
Table 38. Full-Time MSPB Incumbents as of the End of the 111 th Congress.....	32
Table 39. MSPB Appointment Action During the 111 th Congress.....	32
Table 40. Full-Time NCUA Incumbents as of the End of the 111 th Congress	33
Table 41. NCUA Appointment Action During the 111 th Congress	33
Table 42. Full-Time NLRB Incumbents as of the End of the 111 th Congress.....	34
Table 43. NLRB Appointment Action During the 111 th Congress.....	34
Table 44. Full-Time NMB Incumbents as of the End of the 111 th Congress	35
Table 45. NMB Appointment Action During the 111 th Congress	35
Table 46. Full-Time NTSB Incumbents as of the End of the 111 th Congress	36
Table 47. NTSB Appointment Action During the 111 th Congress	36
Table 48. Full-Time NRC Incumbents as of the End of the 111 th Congress	37
Table 49. NRC Appointment Action During the 111 th Congress	37
Table 50. Full-Time OSHRC Incumbents as of the End of the 111 th Congress	38
Table 51. OSHRC Appointment Action During the 111 th Congress	38
Table 52. Full-Time PRC Incumbents as of the End of the 111 th Congress.....	39
Table 53. PRC Appointment Action During the 111 th Congress	39
Table 54. Full-Time PCLOB Incumbents as of the End of the 111 th Congress	40
Table 55. PCLOB Appointment Action During the 111 th Congress.....	40
Table 56. Full-Time RRB Incumbents as of the End of the 111 th Congress	41
Table 57. RRB Appointment Action During the 111 th Congress	41
Table 58. Full-Time SEC Incumbents as of the End of the 111 th Congress	42
Table 59. SEC Appointment Action During the 111 th Congress	42
Table 60. Full-Time STB Incumbents as of the End of the 111 th Congress	43
Table 61. STB Appointment Action During the 111 th Congress	43
Table 62. Full-Time USITC Incumbents as of the End of the 111 th Congress.....	44
Table 63. USITC Appointment Action During the 111 th Congress.....	44

Table 64. Full-Time USPC Incumbents as of the End of the 111th Congress 45

Table 65. USPC Appointment Action During the 111th Congress 45

Table 66. Full-Time USSC Incumbents as of the End of the 111th Congress 46

Table 67. USSC Appointment Action to Full-Time Positions During the 111th Congress..... 46

Table A-1. Nominations and Appointments to Full-Time Positions on Regulatory and
Other Collegial Boards and Commissions, 111th Congress 47

Table A-2. Appointment Action, Regulatory and Other Collegial Boards and
Commissions, 111th Congress 51

Appendixes

Appendix A. Summary of All Nominations and Appointments to Collegial Boards and
Commissions 47

Appendix B. Board/Commission Abbreviations..... 53

Contacts

Author Contact Information..... 54

Introduction

This report provides an overview of the process for filling positions to which the President makes appointments with the advice and consent of the Senate (PAS positions).¹ It also specifies, for the 111th Congress (January 2009-January 2011), all nominations to full-time PAS positions on 33 regulatory and other collegial boards and commissions that have such positions (e.g., the Consumer Product Safety Commission, the Federal Reserve Board, and the Election Assistance Commission). A profile of each board and commission provides information on its organizational structure, membership as of the end of the 111th Congress, and appointment activity during that Congress.

The Appointment Process for PAS Positions

High-ranking appointed leadership positions in the federal government are filled through a process that involves both the President and the Senate. The Constitution 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, such as Secretaries and agency heads.² Secondary leadership positions—those of so-called “inferior officers”—also may be filled in this manner, where so provided by Congress through law. The term “officer of the United States” encompasses “any appointee exercising significant authority pursuant to the laws 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 Nomination⁴

In this stage, the White House selects and clears a candidate for a position before sending the 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 other interested parties have sometimes recommended candidates for specific positions. They have offered their suggestions by letter, for example, or by contact with a

¹ The acronym “PAS” is defined as “Presidential Appointment with Senate Confirmation” in 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 (Washington: GPO, 2008), p. v.)

² Article II, § 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.”

³ *Buckley v. Valeo*, 424 U.S. 1, 125-126 (1976). For further information on the distinction between officers and employees of the United States, as well as the distinction between principal and inferior officers, see CRS Report R40856, *The Debate Over Selected Presidential Assistants and Advisors: Appointment, Accountability, and Congressional Oversight*, by (name redacted) et al., pp. 44-49.

⁴ The White House process for clearing individuals for nominations differs from the requirement that individuals have a formal security clearance to be eligible for access to classified information. Appointees to some positions must go through both processes due to the nature of their positions.

White House liaison.⁵ In general, the White House is under no obligation to follow such recommendations. Some have argued, however, that Senators are constitutionally entitled, by virtue of the advice and consent requirements of the appointments clause, to provide advice to the President regarding his selection. The scope of this entitlement is a matter of some debate.⁶ As a practical matter, in instances in which Senators have perceived that insufficient pre-nomination consultation has occurred, they have sometimes exercised their procedural prerogatives to delay or, effectively, block consideration of a nomination.⁷

Most boards and commissions are required, by statute, to have a political balance among their members (i.e., no more than a simple majority may be from the same political party), so the White House has often negotiated over nominations to these positions with leaders of the opposition party in Congress. These negotiations involve questions not only of patronage but of policy, especially when the board or commission is involved in areas that, at the time, may be particularly sensitive. This has sometimes resulted in a packaging process in which the President has submitted several nominations together for positions on a particular board or commission, and the Senate has then considered and confirmed them as a group.

During the White House clearance process, candidates for nomination to the positions discussed in this report usually are required to prepare and submit several forms: the Public Financial Disclosure Report (Standard Form (SF) 278), the Questionnaire for National Security Positions (SF 86), the supplement to SF 86 (SF 86 Supplement), and sometimes a White House Personal Data Statement. The vetting process often includes a background investigation conducted by the Federal Bureau of Investigation (FBI), which prepares a report that is delivered to the White House. It also includes a review of financial disclosure materials by the Office of Government Ethics (OGE) and an ethics official for the agency to which the candidate is to be appointed. If conflicts are found during the financial disclosure process, OGE and the agency ethics officer may work with the candidate to mitigate the conflicts. At the completion of the vetting process, the nomination is ready to be submitted to the Senate.⁸

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,⁹ or if conflicts needed to

⁵ The Presidential Appointee Initiative, *A Survivor's Guide for Presidential Nominees*, (Washington: Brookings, 2000), pp. 31-32.

⁶ See for example, Michael J. Gerhardt, *The Federal Appointments Process: A Constitutional and Historical Analysis*, rev'd. ed. (Durham: Duke University, 2003) pp. 29-34.

⁷ See, for example, *ibid*, pp. 152-153.

⁸ Working Group on Streamlining Paperwork for Executive Nominations, *Streamlining Paperwork for Executive Nominations: Report to the President and the Chairs and Ranking Members of the Senate Committee on Homeland Security & Governmental Affairs and the Senate Committee on Rules & Administration*, Executive Office of the President, Washington, November 2012, pp. 9-11. According to this report, the Obama Administration was not using a White House Personal Data Statement at the time of its publication.

⁹ Since the ratification of the Twentieth Amendment to the Constitution, on January 23, 1933, the terms of the President and Vice President expire at noon on January 20 following a presidential election. Prior to this change, presidential transitions occurred on March 4 following a presidential election. Arguably, the growth in the number of presidentially appointed positions and the shorter period between election and inauguration of a new President has intensified the transition period appointment bottleneck and its impact. On the other hand, aspects of this process have probably been eased by improvements in transportation that have allowed elected officials and appointees to more quickly travel to the capital after an election, and by improvements in communication and information technology that have facilitated more rapid exchanges of appointment-related information.

be resolved. Candidates for higher-level positions are often accorded priority in this process. In an effort to reduce the elapsed time between a new President's inauguration and the appointment of his or her national security team, provisions added in 2004 to the Presidential Transition Act of 1963 encourage Presidents-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.¹⁰ 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.¹¹ This provision does not apply to members of collegial boards and commissions, however.

Inasmuch as many board and commission members often serve across presidential terms and administrations, provisions intended to speed the appointment process during transitions might not do so for the positions listed in this report, as a whole. The chairmanships of these bodies often do turn over at these times, however.

A nominee has no legal authority to assume the duties and responsibilities of the position; the authority comes with Senate confirmation and presidential appointment. A nominee who is hired by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. If circumstances permit and conditions are met, the President may give the nominee a recess appointment to the position (see below). Recess appointments may have political consequences, however, particularly if Senators perceive that an appointment is an effort to circumvent their constitutional role. Some Senate-confirmed positions, such as many of those in the executive departments, may also be temporarily filled under the Federal Vacancies Reform Act of 1998.¹² As just noted, however, positions on most boards and commissions are not covered by this act.¹³

Senate Consideration

During the second stage, the Senate alone determines whether or not to confirm a nomination.¹⁴ The way the Senate acts on a nomination depends largely on the importance of the position involved, existing political circumstances, and policy implications. Generally, the Senate has shown particular interest in the nominee's views and how they are likely to affect public policy.¹⁵ Two other factors have sometimes affected the examination with which a nominee's personal and professional qualities are examined: whether or not the President's party controls the Senate and the degree to which the President becomes involved in supporting the nomination.

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

¹⁰ 3 U.S.C. 102 note.

¹¹ 5 U.S.C. § 3349a(b).

¹² P.L. 105-277, Div. C, Title I, Section 151; 5 U.S.C. § 3345-3349d.

¹³ 5 U.S.C. § 3349c.

¹⁴ 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). Palmer has since retired from CRS; questions about the report's content can be directed to (name redacted), Specialist on Congress and the Legislative Process.

¹⁵ G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

nominations to committee, according to the Senate rules and precedents.¹⁶ 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. 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 by most 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. Some committees hold hearings on nearly all nominations that are referred to them; others hold hearings for only some.

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. If the committee declines to report a nomination, the Senate may, under certain circumstances, discharge the committee from further consideration of the nomination in order to bring it to the floor.¹⁷

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. Usually, unsuccessful nominations fail to be reported or discharged from committee. 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.”¹⁸ 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.¹⁹

Appointment

In the final stage, the confirmed nominee is given a commission, which bears the Great Seal of the United States and is 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.

¹⁶ 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 RL30959, *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*, by (name redacted) and (name redacted).

¹⁷ For more information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted), pp. 6-7.

¹⁸ 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.

¹⁹ 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.

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.²⁰ Such recess appointments expire at the end of the next full session of the Senate. Seven recess appointments were made to positions on regulatory or other collegial boards or commissions during the 111th Congress.²¹

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 prospective appointees to full-time positions cannot serve without a salary, the President has an incentive to use his recess appointment authority in ways that permit them to be paid. Under one such statute, if the position to which the President makes a recess appointment falls vacant while the Senate is in session, the recess appointee may not be paid from the Treasury until he or she is confirmed by the Senate. However, the salary prohibition does not apply if

- (1) the vacancy arose within 30 days before the end of the session of the Senate;
- (2) a nomination for the office, other than the nomination of an individual given a recess appointment during the preceding recess of the Senate, was pending when the Senate recessed; or
- (3) if a nomination to the office was rejected by the Senate within 30 days of the end of the session and another individual was given the recess appointment.²²

A recess appointment falling under any one of these three exceptions must be followed by a nomination to the position not later than 40 days after the beginning of the next session of the Senate. For this reason, when a recess appointment is made, the President generally submits a new nomination for the appointee even when an earlier nomination is still pending.²³ This statute has been interpreted by the Department of Justice to preclude payment of an appointee who is given successive recess appointments to the same position.²⁴

²⁰ Art. II, § 2, cl. 3.

²¹ Information on other recess appointments during the Administration of President Barack Obama may be found in CRS Report R42329, *Recess Appointments Made by President Barack Obama*, by (name redacted) and (name redacted).

²² 5 U.S.C. § 5503.

²³ 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).

²⁴ A 1991 Department of Justice opinion stated “Although its language is far from clear, Section 5503(a) has been interpreted as prohibiting the payment of compensation to successive recess appointees.” 15 Op. O.L.C. 93 (1991). See also 6 Op. O.L.C. 585 (1982); 41 Op. A.G. 463 (1960). While this provision implicitly bars payments to successive recess appointees, however, some legal interpretations have suggested that the prohibition does not apply to all successive recess appointments. Under such interpretations, “if someone other than a prior recess appointee whose nomination was pending at the time of adjournment is appointed, § 5503(a)(2) does not bar payment.” 6 Op. O.L.C. 585, 586 (1982) (emphasis added). See also “Modern Statutory Pay Restriction (5 U.S.C. §5503)” in CRS Report RL33009, *Recess Appointments: A Legal Overview*, by (name redacted).

In addition, although a recess appointee whose nomination to a full term is subsequently rejected by the Senate may continue to serve until the end of his or her recess appointment, a provision of the FY2008 Financial Services and General Government Appropriations Act might prevent an appointee from being paid after his or her rejection.²⁵

From the 110th Congress on, Congress has periodically used specific scheduling practices in an attempt to prevent the President from making recess appointments. The evolution of these practices, the President's response to them, and associated controversies are beyond the scope of this report. Detailed information may be found in other CRS reports.²⁶ Notably, these practices were used only once during the 111th Congress.²⁷

Characterization of Regulatory and Other Collegial Bodies

The boards and commissions discussed in this report share, among other characteristics, the following: (1) with the exception of one agency—the United States Sentencing Commission—they are executive branch bodies; (2) they are located, with four exceptions, outside executive departments;²⁸ (3) several members head each entity, and at least one member serves full time; (4) the members are appointed by the President with the advice and consent of the Senate; and (5) the members serve fixed terms of office, and, except in a few bodies, the President's power to remove them is restricted.

For most of the boards included in this report, the fixed terms of office for the member positions have set beginning and end dates, irrespective of whether the posts are filled or when appointments are made.²⁹ The end dates of the fixed terms of a board's members are staggered, so

²⁵ P.L. 110-161, Div. D, § 709; 121 Stat. 2021. 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."

²⁶ See CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by (name redacted); CRS Report R42329, *Recess Appointments Made by President Barack Obama*, by (name redacted) and (name redacted); CRS Report RL33009, *Recess Appointments: A Legal Overview*, by (name redacted); CRS Legal Sidebar WSLG379, DC Circuit Rules President Obama's Recess Appointments Unconstitutional, by (name redacted); and CRS Report R43030, *The Recess Appointment Power After Noel Canning v. NLRB: Constitutional Implications*, by (name redacted) and (name redacted).

²⁷ At the end of the second session, the Senate structured its 2010 pre-election break as a series of shorter recesses separated by pro forma sessions. In this case, the use of the practice reportedly stemmed from a lack of agreement between the Senate majority leader and the Senate minority leader regarding the disposition of pending nominations over the break. Brian Friel, "Senate to Block Recess Appointments," CQ Today Online News, September 29, 2010, available at <http://www.cq.com/doc/news-3743961?wr=bGFldXRDRDVoeG9ZMzFpS0g4Y3pRdw>.

²⁸ Exceptions are as follows: (1) the Federal Energy Regulatory Commission (FERC), located in the Department of Energy (DOE); (2) the Foreign Claims Settlement Commission (FCSC) and (3) the United States Parole Commission (USPC), both located in the Department of Justice (DOJ); and (4) the Surface Transportation Board (STB), located in the Department of Transportation (DOT). FERC's enabling statute designated it as an independent entity in DOE, and provided that its members and employees are not subject to the supervision or direction of department officials (42 U.S.C. § 7171(d)). The FCSC was designated as an independent entity within DOJ, with a specific provision that decisions of the commission with respect to claims shall not be subject to review by the Attorney General (22 U.S.C. § 1622g). The enabling statute of the STB provided that "members, employees, and other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent" of DOT (49 U.S.C. § 703(c)). The enabling statute of the USPC established it is an independent agency within the Department of Justice (18 U.S.C. § 4202).

²⁹ In contrast, for a few agencies, such as the Chemical Safety and Hazard Investigation Board, the full term begins to run when an appointee takes office, and it expires after the incumbent has held the post for the requisite period of time.

that the terms do not expire all at once. The use of terms with fixed beginning and end dates is intended to minimize the occurrence of simultaneous board member departures and thereby increase leadership continuity.

Under such an arrangement, an individual is nominated to a particular position and a particular term of office. An individual may be nominated and confirmed for a position for the remainder of an unexpired term in order to replace an appointee who has resigned (or died). Alternatively, an individual might be nominated for an upcoming term with the expectation that the new term will be underway by the time of confirmation. Occasionally, where the unexpired term has been for a very short period, the President has submitted two nominations of the same person simultaneously—the first to complete the unexpired term and the second to complete the entire succeeding term of office.

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

As independent entities with staggered membership, executive branch boards and commissions typically have more political independence from the President than do executive departments. Nonetheless, the President can sometimes exercise significant influence over the composition of the membership when he designates the chair or has the opportunity to fill a number of vacancies at once. For example, President George W. Bush had the opportunity to shape the Securities and Exchange Commission during the first two years of his presidency because of existing vacancies, resignations, and the death of a member.³⁰ Likewise, during the same time period, President Bush was able to submit nominations for all of the positions on the National Labor Relations Board because of existing vacancies, expiring recess appointments, and resignations.³¹ Simultaneous turnover of board or commission membership may result from coincidence, but it may also be the result of a buildup of vacancies after extended periods during which the President fails to nominate, or the Senate fails to confirm, members. Even where the President has the opportunity to make appointments to all positions on a board, however, where statute or custom requires politically balanced membership, his ability to shape the board might be tempered.

Two other notable characteristics apply to appointments to some of the boards and commissions. First, for 25 of the boards and commissions in this report, the law limits the number of appointed members who may belong to the same political party, usually to no more than a simple majority of the appointed members (e.g., two of three, or three of five).³² Second, advice and consent requirements also apply to inspector general appointments in four of these organizations and general counsel appointments in three.

³⁰ See CRS Report RL30910, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 107th Congress*, by (name redacted), p. 38.

³¹ *Ibid.*, p. 31.

³² For 3 of these 26 organizations, the Election Assistance Commission, the Federal Election Commission, and the United States International Trade Commission, the number of member positions is even, and no more than half may be of the same party.

Appointments During the 111th Congress

During the 111th Congress, President Barack Obama submitted nominations to the Senate for 77 of the 148 full-time positions on 33 regulatory and other boards and commissions. (Most of the remaining positions were not vacant during that time.) A total of 99 nominations were submitted for these positions, of which 76 were confirmed, 4 were withdrawn, and 19 were returned to the President. The number of nominations exceeded the number of positions being filled because the President submitted multiple nominations for some positions. In some cases, for example, the President submitted one nomination for the end of a term in progress and a second nomination of the same person to the same position for the succeeding term. In other cases, the President submitted a second nomination after his first choice failed to be confirmed. The President also submitted an “extra” nomination of the one individual to whom he had given a recess appointment in order to comply with a law affecting the payment of that appointee (see “Recess Appointments,” above). **Table 1** summarizes the appointment activity for the 111th Congress. At the end of the Congress, 24 incumbents were serving past the expiration of their terms.³³ In addition, there were 10 vacancies among the 148 positions.

Length of Time to Confirm a Nomination

The length of time a given nomination may be pending in the Senate has varied widely. Some nominations have been confirmed within a few days; others have been confirmed within several months; and some have never been confirmed. In the board and commission profiles following this opening narrative, this report provides, for each board or commission nomination that was confirmed in the 111th Congress, the number of days between nomination and confirmation (“days to confirm”). For those nominations that were confirmed, an average of 128.5 days elapsed between nomination and confirmation. The median³⁴ number of days elapsed was 97.0. The difference between these two numbers suggests that the average was pulled upward by a small number of unusually high numbers.

The calculations of nomination-to-confirmation intervals provided in this report counted all the days within such intervals, including those during summer recesses and between sessions of the Senate. The inclusion of all days differs from the methodology used in CRS reports similar to this one that covered Congresses prior to the 110th.³⁵ In these earlier reports, days during August and intersession recesses were not included in calculations of nomination-to-confirmation intervals. These changes may reduce the comparability of statistics provided in this report with those provided in those earlier reports.

³³ The enabling statutes for some boards and commissions provide for the continuation of a member’s service past the end of his or her term for an additional specified period of time, or until replaced by a successor. Such provisions are known as holdover provisions. A member of the Defense Nuclear Facilities Safety Board, for example, serves for a term of five years, but “may serve after the expiration of that member’s term until a successor has taken office” (42 U.S.C. § 2286(d)(3)).

³⁴ This median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

³⁵ 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. Detailed information on this methodological change may be found in Appendix D of CRS Report R41463, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 110th Congress*, by (name redacted) and (name redacted).

Table I. Appointment Action for Regulatory and Other Collegial Boards and Commissions

111th Congress, 2009-2010

Positions on boards and commissions (total)	148
Positions to which nominations were made	77
Individual nominees	72
Nominations submitted to the Senate during the 111th Congress (total)	99
Disposition of nominations	
Confirmed by the Senate	76
Withdrawn	4
Returned	19
Recess Appointments (total)	7

Source: The information in this table summarizes data presented in **Table A-2**.

Organization of the Report

Board and Commission Profiles

Each of the 33 board or commission profiles following the narrative portion of this report is organized into three parts: a paragraph discussing the body’s organizational structure, a table identifying its membership as of the end of the 111th Congress, and a table listing nominations and appointments to its positions during the 111th Congress. The organizational sections discuss the statutory requirements for the appointed positions, including the number of members on each board or commission, their terms of office, whether or not they may continue in their positions after their terms expire, whether or not political balance is required, and the method for selection of the chair.

Data³⁶ on appointment actions during the 111th Congress appear under both the sections entitled “Membership as of the End of the 111th Congress” and those entitled “Appointment Action in the 111th Congress.” The former identify the agencies’ positions requiring Senate confirmation and the incumbents in those positions as of that time. Incumbents whose terms have expired are italicized. Most of the incumbents serve fixed terms of office and are removable only for specified causes. They generally remain in office when a new administration assumes office following a presidential election. For those agencies requiring political balance among their members, the party affiliation of an incumbent is listed as Democrat (D), Republican (R), or Independent (I). The section also includes the pay levels of the positions. For presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which ranges from level I, for Cabinet-level offices, to level V, for the lowest-ranked

³⁶ This report was compiled from data from the Senate nominations database of the Legislative Information System <http://www.congress.gov/nomis/>, 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*, 110th Cong., 2nd sess., Committee Print, November 12, 2008 (Washington: GPO, 2008)).

positions. Most of the chair positions are at level III, and most of the other positions are at level IV.³⁷

The “Appointment Action” section provides information about each nomination, in chronological order, including the name of the nominee, the position to which he or she was nominated, the date of submission, the date of confirmation (if any), and the number of days that elapsed between submission and confirmation. Actions other than confirmation (i.e., nominations rejected by the Senate, nominations returned to or withdrawn by the President, and recess appointments) are also noted. Occasionally, where a position was vacant and the unexpired term of office was to end within a number of weeks or months, two nominations for the same nominee were submitted: the first to complete the unexpired term, and the second for a full term following completion of the expired term. Also, where the President gave a recess appointment to a nominee for a position covered by this report while the nomination was awaiting Senate action, a second, follow-up nomination was submitted to comply with the requirements of 5 U.S.C. § 5503(b).

In tables that show more than one value in the “Days to confirm” column, the mean number of days to confirm a nomination is provided. This figure was determined by calculating the number of days between the nomination and confirmation dates, adding these numbers for all confirmed nominations, and dividing the result by the number of nominations confirmed. For tables in which one individual was confirmed more than once (to be a chair and a member, for example), the mean was calculated by averaging all values in the “Days to confirm” column, including the values for both confirmations.

Additional Appointment Information

Appendix A provides two tables. **Table A-1** includes information on each of the nominations and appointments to regulatory and other collegial boards and commissions during the 111th Congress, alphabetically organized, and following a similar format to that of the “Appointment Action” sections just discussed. It identifies the board or commission involved and the dates of nomination and confirmation. The appendix also indicates if a nomination was withdrawn, returned, or rejected, or if a recess appointment was made. The mean and median number of days taken to confirm a nomination are also provided.³⁸

Table A-2 provides summary information on appointments and nominations by organization. For each of the 33 independent boards and commissions discussed in this report, the appendix provides the number of positions, vacancies, incumbents whose term has expired, nominations, individual nominees, positions to which nominations were made, confirmations, nominations returned to the President, nominations withdrawn, and recess appointments.

A list of organization abbreviations can be found in **Appendix B**.

³⁷ The pay rates for the Executive Schedule, as of the end of the 111th Congress (2010), were as follows: Level I, \$199,700; Level II, \$179,700; Level III, \$165,300; Level IV, \$155,500; and Level V, \$145,700. U.S. Office of Personnel Management “Salary Table No. 2010-EX,” available at <http://archive.opm.gov/oca/10tables/html/ex.asp>.

³⁸ This median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

Chemical Safety and Hazard Investigation Board (CSB)

The CSB is an independent agency consisting of five members (no political balance is required), including a chair, who serve five-year terms. The President appoints the members, including the chair, with the advice and consent of the Senate. When a term expires, the incumbent must leave office. (42 U.S.C. § 7412(r)(6))

Table 2. Full-Time CSB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Rafael Moure-Eraso (Chair)	na	06/23/10	06/23/15	IV
William B. Wark	na	09/15/06	09/22/11	IV
William E. Wright	na	09/15/06	09/22/11	IV
John S. Bresland	na	08/01/02	03/14/13	IV
Mark A. Griffon	na	06/23/10	06/23/15	IV

Note: The abbreviation “na” means not applicable. As noted above, the membership of CSB is not required to be politically balanced.

Table 3. CSB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Rafael Moure-Eraso	na	Chair	John S. Bresland	03/24/10	06/23/10	91
Rafael Moure-Eraso	na	Member	Gary L. Visscher	03/24/10	06/23/10	91
Mark A. Griffon	na	Member	Carolyn W. Merritt	03/24/10	06/23/10	91

Note: The abbreviation “na” means not applicable. As noted above, the membership of CSB is not required to be politically balanced.

Commodity Futures Trading Commission (CFTC)

The CFTC consists of five members (no more than three may be from the same political party) who serve five-year terms. At the end of a term, a member may remain in office, unless replaced, until the end of the next session of Congress. The chair is also appointed by the President, with the advice and consent of the Senate. (7 U.S.C. § 2(a)(2))

Table 4. Full-Time CFTC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Gary Gensler (Chair)	D	05/19/09	04/13/12	III
Michael V. Dunn	D	11/21/04	06/19/11	IV
Bartholomew H. Chilton	D	08/01/07	04/13/13	IV
Jill E. Sommers	R	08/01/07	04/13/14	IV
Scott D. O'Malia	R	10/08/09	04/13/15	IV

Table 5. CFTC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Gary Gensler	D	Commissioner	Reuben Jeffrey III	01/20/09	05/19/09	119
Gary Gensler	D	Chair	Reuben Jeffrey III	01/20/09	05/19/09	119
Bartholomew H. Chilton	D	Commissioner	Reappointment	05/20/09	10/08/09	141
Jill E. Sommers	R	Commissioner	Reappointment	07/20/09	10/08/09	80
Scott D. O'Malia	R	Commissioner	Walter Lukken	09/10/09	10/08/09	28
Scott D. O'Malia	R	Commissioner	Reappointment	09/10/09	10/08/09	28
Mean number of days to confirm a nomination						86

Consumer Product Safety Commission (CPSC)

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

Table 6. Full-Time CPSC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Inez M. Tenenbaum	D	06/19/09	10/26/13	III
<i>Thomas H. Moore^a</i>	D	04/06/1995	10/26/10	IV
Anne M. Northup	R	08/07/09	10/26/11	IV
Nancy A. Nord	R	04/28/05	10/26/12	IV
Robert S. Adler	D	08/07/09	10/26/14	IV

- a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Table 7. CPSC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Inez M. Tenenbaum	D	Chair	Harold D. Stratton	06/09/09	06/19/09	10
Inez M. Tenenbaum	D	Commissioner	Harold D. Stratton	06/09/09	06/19/09	10
Robert S. Adler	D	Commissioner	Stuart M. Statler	06/09/09	08/07/09	59
Anne M. Northup	R	Commissioner	Saundra B. Armstrong	08/03/09	08/07/09	4
Mean number of days to confirm a nomination						21

Defense Nuclear Facilities Safety Board (DNFSB)

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

Table 8. Full-Time DNFSB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Peter S. Winokur (Chair)	D	09/29/06	10/18/14	III
<i>Larry W. Brown^a</i>	R	09/29/06	10/18/10	III
John E. Mansfield	R	10/30/1997	10/18/11	III
Joseph F. Bader	D	11/21/04	10/18/12	III
Jessie H. Roberson (Vice Chair)	D	10/29/1999 ^b	10/18/13	III

- a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.
- b. Roberson was initially confirmed to the board on October 29, 1999. She served from January 18, 2000 to July 18, 2001. She was confirmed again on March 19, 2010.

Table 9. DNFSB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Jessie H. Roberson	D	Member	Andrew J. Eggenberger	10/15/09	03/19/10	155
Joseph F. Bader	D	Member	Reappointment	10/15/09	03/19/10	155
Peter S. Winokur	D	Member	Reappointment	10/15/09	03/19/10	155

Election Assistance Commission (EAC)

The EAC consists of four members (no more than two may be from the same political party), who serve four-year terms. After a term expires, a member may continue to serve until a successor takes office. The chair and vice chair, from different political parties and designated by the commission, change each year. (42 U.S.C. § 15323)

Table 10. Full-Time EAC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Donetta Davidson (Chair)	R	07/28/05	12/12/11	IV
<i>Gineen Bresso^a</i>	R	10/02/08	12/12/09	IV
Vacant			12/12/11	IV
Vacant			12/12/13	IV

- a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. She continued to serve under the holdover provision noted above.

Table 11. EAC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Thomas Hicks	D	Member	Gracia M. Hillman	4/12/10	Returned	12/22/10

Equal Employment Opportunity Commission (EEOC)

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

Table 12. Full-Time EEOC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Commissioners</i>				
Jacqueline A. Berrien (Chair)	D	12/22/10 ^a	07/01/14	III
Constance S. Barker	R	03/27/08	07/01/11	IV
Stuart J. Ishimaru	D	10/31/03	07/01/12	IV
Chai R. Feldblum	D	12/22/10 ^a	07/01/13	IV
Victoria A. Lipnic	R	12/22/10 ^a	07/01/15	IV
<i>General Counsel</i>				
P. David Lopez	na	12/22/10 ^a	4 years from appointment	V

Note: The abbreviation “na” means not applicable. The statutory provision establishing the position of general counsel does not include qualifications related to political party affiliation.

- a. On March 27, 2010, President Obama gave Berrien, Feldblum, Lipnic, and Lopez recess appointments to their respective positions. The recess appointments would have expired when the Senate adjourned sine die at the end of the first session of the 112th Congress, by which time each of these individuals had been confirmed.

Table 13. EEOC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Jacqueline A. Berrien	D	Member	Christine M. Griffin	07/16/09	12/22/10	524
Chai R. Feldblum	D	Member	Leslie Silverman	09/15/09	12/22/10	463
P. David Lopez	na	General Counsel	Ronald S. Cooper	10/26/09	12/22/10	422
Victoria A. Lipnic	R	Member	Naomi C. Earp	11/03/09	12/22/10	414
Victoria A. Lipnic	R	Member	Reappointment	11/03/09	12/22/10	414
Jacqueline A. Berrien	D	Member	Christine M. Griffin	Recess appointment 03/27/10		
Chai R. Feldblum	D	Member	Leslie Silverman	Recess appointment 03/27/10		
Victoria A. Lipnic	R	Member	Naomi C. Earp	Recess appointment 03/27/10		

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
P. David Lopez	na	General Counsel	Ronald S. Cooper	Recess appointment 03/27/10		
Chai R. Feldblum	D	Member	Leslie Silverman	04/21/10	Returned 12/22/10 ^a	
Jacqueline A. Berrien	D	Member	Christine M. Griffin	04/21/10	Returned 12/22/10 ^a	
Victoria A. Lipnic	R	Member	Naomi C. Earp	04/21/10	Returned 12/22/10 ^a	
P. David Lopez	na	General Counsel	Ronald S. Cooper	04/21/10	Returned 12/22/10 ^a	
Mean number of days to confirm a nomination						447

Note: The abbreviation “na” means not applicable. The statutory provision establishing the position of general counsel does not include qualifications related to political party affiliation.

- a. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Export-Import Bank Board of Directors (EXIMBANK)

The Export-Import Bank Board of Directors comprises the bank president, who serves as chair; the bank first vice president, who serves as vice chair; and three other members (no more than three of these five may be from the same political party). All five members are appointed by the President, with the advice and consent of the Senate, and serve for terms of up to four years. An incumbent whose term has expired may continue to serve until a successor is qualified, or until six months after the term expires—whichever occurs earlier (12 U.S.C. § 635a). The President also appoints an inspector general, with the advice and consent of the Senate. (5 U.S.C. App., Inspector General Act of 1978, § 3, 12)

Table 14. Full-Time EXIMBANK Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board of Directors</i>				
Fred P. Hochberg (President/Chair)	D	05/14/09	01/20/13	III
Vacant (Vice President/Vice Chair)			01/20/13	IV
Diane G. Farrell	D	05/24/07	01/20/11	IV
Bijan Rafiekian ^a	R	09/29/06	01/20/11	IV
Vacant			01/20/13	IV
<i>Inspector General</i>				
Oswaldo L. Gratacós ^b	na	09/29/10	Indefinite	III + 3%

Note: The abbreviation “na” means not applicable. The statute establishing the position of inspector general provides that appointment shall be made without regard to political party affiliation.

- Rafiekian was confirmed as Bijan Rafiekian and was known as Bijan R. Kian on the EX-IM Bank website: <http://www.exim.gov>.
- Gratacós was confirmed as Oswaldo Luis Gratacós Munet and was known as Oswaldo L. Gratacós on the EX-IM Bank website: <http://www.exim.gov>.

Table 15. EXIMBANK Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Fred P. Hochberg	D	President/Chair	James Lambright	04/20/09	05/14/09	24
Roszell Hunter	a	Member	J. Joseph Grandmaison	10/01/09	Withdrawn	01/21/10
Oswaldo L. G. Munet ^b	na	Inspector General	Michael W. Tankersley	05/13/10	09/29/10	139
Mean number of days to confirm a nomination						82

Note: The abbreviation “na” means not applicable. The statute establishing the position of inspector general provides that appointment shall be made without regard to political party affiliation.

- Party balance is statutorily required, as discussed above, but the commission staff does not release this information.

- b. Munet was confirmed as Osvaldo Luis Gratacós Munet and was known as Osvaldo L. Gratacós on the EX-IM Bank website: <http://www.exim.gov>.

Farm Credit Administration Board (FCA)

The FCA consists of three members (no more than two may be from the same political party), who serve six-year terms. A member may not succeed himself or herself unless he or she was first appointed to complete an unexpired term of three years or less. A member whose term expires may continue to serve until a successor takes office. One member is designated to serve as chair for the duration of the member's term. (12 U.S.C. § 2242)

Table 16. Full-Time FCA Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Leland A. Strom (Chair)	R	12/09/06	10/13/12	III
Jill L. Thompson	D	09/16/10 ^a	05/21/14	IV
Kenneth A. Spearman	D	10/08/09	05/21/16	IV

- a. On March 27, 2010, President Obama gave Thompson a recess appointment to this position. The recess appointment would have expired when the Senate adjourned sine die at the end of the first session of the 112th Congress, by which time Thompson had been confirmed to the position.

Table 17. FCA Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Kenneth A. Spearman	D	Member	Nancy C. Pellett	07/16/09	Withdrawn	07/27/09
Kenneth A. Spearman	D	Member	Dallas Tonsager	07/27/09	10/08/09	73
Kenneth A. Spearman	D	Member	Reappointment	07/27/09	10/08/09	73
Jill L. Thompson	D	Member	Nancy C. Pellett	10/15/09	09/16/10	336
Jill L. Thompson	D	Member	Nancy C. Pellett	Recess appointment 03/27/10 ^a		
Jill L. Thompson	D	Member	Nancy C. Pellett	04/21/10	Returned	12/22/10
Mean number of days to confirm a nomination						161

- a. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Communications Commission (FCC)

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

Table 18. Full-Time FCC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Julius Genachowski	D	06/25/09	06/30/13	III
<i>Michael J. Copps^a</i>	D	05/25/01	06/30/10	IV
Meredith A. Baker	R	07/24/09	06/30/11	IV
Mignon L. Clyburn	D	07/24/09	06/30/12	IV
Robert M. McDowell	R	05/26/06	06/30/14	IV

a. As of the end of the 111th Congress the term of the incumbent shown in italics had expired. He continued to serve under the holdover position noted above.

Table 19. FCC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Julius Genachowski	D	Member	Jonathan S. Adelstein	03/23/09	06/25/09	94
Robert M. McDowell	R	Member	Reappointment	06/08/09	06/25/09	17
Meredith A. Baker	R	Member	Kevin J. Martin	06/25/09	07/24/09	29
Mignon L. Clyburn	D	Member	Deborah T. Tate	06/25/09	07/24/09	29
Mean number of days to confirm a nomination						42

Federal Deposit Insurance Corporation Board of Directors (FDIC)

The FDIC board of directors consists of five members, of whom two—the comptroller of the currency and the director of the Office of Thrift Supervision (OTS)—are *ex officio*. The three appointed members serve six-year terms. An appointed member may continue to serve after the expiration of a term until a successor is appointed. Not more than three of the members of the board of directors may be from the same political party. The President appoints the chair and the vice chair, with the advice and consent of the Senate, from among the appointed members. The chair is appointed for a term of five years. (12 U.S.C. § 1812) The President also appoints the inspector general, with the advice and consent of the Senate. (5 U.S.C. App., Inspector General Act of 1978, §§ 3, 12)

Table 20. Full-Time FDIC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board of Directors</i>				
Sheila C. Bair (Chair)	R	06/15/06	07/15/13 ^a	III
Martin J. Gruenberg (Vice Chair)	D	07/29/05	12/27/12	IV
<i>Thomas J. Curry^b</i>	I	12/09/03	12/12/09	IV
<i>Inspector General</i>				
Jon T. Rymer	na	06/22/06	Indefinite	III + 3%

Note: The abbreviation “na” means not applicable. The statute establishing the position of inspector general provides that appointment shall be made without regard to political party affiliation.

- a. Bair was sworn in for a five-year term as chair on June 26, 2006, and this term was due to expire in 2011. Her term as a member of the board expired on July 15, 2013, as shown here.
- b. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Table 21. FDIC Appointment Action to Full-Time Positions During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
No appointment action during the 111 th Congress						

Federal Election Commission (FEC)

The FEC consists of six members (no more than three may be from the same political party), who may serve for a single term of six years. When a term expires, a member may continue to serve until a successor takes office. The chair and vice chair, from different political parties and elected by the commission, change each year. Generally, the vice chair succeeds the chair. (2 U.S.C. § 437c)

Table 22. Full-Time FEC Incumbents as of the end of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Cynthia L. Bauerly (Chair)	D	06/24/08	04/30/11	IV
Caroline C. Hunter (Vice Chair)	R	06/24/08	04/30/13	IV
<i>Ellen L. Weintraub^a</i>	D	03/18/03	04/30/07	IV
<i>Donald F. McGahn II^a</i>	R	06/24/08	04/30/09	IV
<i>Steven T. Walther^a</i>	I	01/09/07	04/30/09	IV
Matthew S. Petersen	R	06/24/08	04/30/11	IV

a. As of the end of the 111th Congress, the terms of the incumbents shown in italics had expired. They continued to serve under the holdover provision noted above.

Table 23. FEC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
John J. Sullivan	^a	Member	Ellen L. Weintraub	05/04/09	Withdrawn	08/05/10

a. Party balance is statutorily required, as discussed above, but the commission staff does not release this information.

Federal Energy Regulatory Commission (FERC)

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

Table 24. Full-Time FERC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Jon Wellinghoff (Chair)	D	07/14/06	06/30/13	III
Marc Spitzer	R	07/14/06	06/30/11	IV
John R. Norris	D	12/24/09	06/30/12	IV
Cheryl A. LaFleur	D	06/22/10	06/30/14	IV
Philip D. Moeller	R	07/14/06	06/30/15	IV

Table 25. FERC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
John R. Norris	D	Member	Joseph T. Kelliher	06/11/09	12/24/09	196
Suedeem G. Kelly	D	Member	Reappointment	07/28/09	Withdrawn	12/23/09
Cheryl A. LaFleur	D	Member	Suedeem G. Kelly	03/09/10	06/22/10	105
Philip D. Moeller	R	Member	Reappointment	03/09/10	06/22/10	105
Mean number of days to confirm a nomination						135

Federal Labor Relations Authority (FLRA)

The FLRA consists of three members (no more than two may be from the same political party), who serve five-year terms. After the date on which a five-year term would expire, a member may continue to serve until the end of the next Congress, unless a successor is appointed before that time. The President designates the chair. The general counsel is also appointed by the President, with the advice and consent of the Senate. (5 U.S.C. § 7104)

Table 26. Full-Time FLRA Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Members</i>				
<i>Carol W. Pope^a (Chair)</i>	D	10/26/00	07/01/09	IV
<i>Thomas M. Beck^a</i>	R	10/02/08	07/01/10	V
<i>Ernest DuBester</i>	D	08/07/09	07/29/12	V
<i>General Counsel</i>				
Julia A. Clark	na	08/07/09	5 years from appointment	V

Note: The abbreviation “na” means not applicable. The statutory provision establishing the position of general counsel does not include qualifications related to political party affiliation.

- a. As of the end of the 111th Congress, the terms of the incumbents shown in italics had expired. They continued to serve under the holdover provision noted above.

Table 27. FLRA Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Julia A. Clark	na	General Counsel	Colleen D. Kiko	06/04/09	08/07/09	61
Ernest W. DuBester	D	Member	Dale Cabaniss	06/04/09	08/07/09	61

Note: The abbreviation “na” means not applicable. The statutory provision establishing the position of general counsel does not include qualifications related to political party affiliation.

Federal Maritime Commission (FMC)

The FMC consists of five members (no more than three may be from the same political party), who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair. (46 U.S.C. § 301)

Table 28. Full-Time FMC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Richard A. Lidinsky Jr. (Chair)	D	07/24/09	06/30/12	III
<i>Joseph E. Brennan^a</i>	D	11/10/1999	06/30/08	IV
<i>Rebecca F. Dye^a</i>	R	11/14/02	06/30/10	IV
Michael A. Khouri	R	12/24/09	06/30/11	IV
Vacant			06/30/14	IV

a. As of the end of the 111th Congress, the terms of the incumbents shown in italics had expired. They continued to serve under the holdover provision noted above.

Table 29. FMC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Richard A. Lidinsky Jr.	D	Commissioner	A. Paul Anderson	06/18/09	07/24/09	36
Michael A. Khouri	R	Commissioner	Steven R. Blust	12/02/09	12/24/09	22
Mario Cordero	^a	Commissioner	Harold J. Creel Jr.	09/20/10	Returned	12/22/10
Rebecca F. Dye	R	Commissioner	Reappointment	09/20/10	Returned	12/22/10
Mean number of days to confirm a nomination						29

a. Party balance is statutorily required, as discussed above, but the commission staff does not release this information.

Federal Mine Safety and Health Review Commission (FMSHRC)

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

Table 30. Full-Time FMSHRC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Mary L. Jordan (Chair)	na	04/14/1994	08/30/14	III
Robert F. Cohen Jr.	na	03/13/08	08/30/12	IV
Michael F. Duffy	na	11/19/02	08/30/12	IV
Michael G. Young	na	07/31/03	08/30/14	IV
Patrick K. Nakamura	na	03/19/10	08/30/16	IV

Note: The abbreviation “na” means not applicable. As noted above, the membership of FMSHRC is not required to be politically balanced.

Table 31. FMSHRC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Patrick K. Nakamura	na	Member	Robert H. Beatty Jr.	11/30/09	03/19/10	109
Patrick K. Nakamura	na	Member	Reappointment	11/30/09	03/19/10	109

Note: The abbreviation “na” means not applicable. As noted above, the membership of FMSHRC is not required to be politically balanced.

Federal Reserve System Board of Governors (FRS)

The FRS consists of seven members (no political balance is required), who serve 14-year terms. When a term expires, a member may continue to serve until a successor takes office. The President appoints the chair and vice chair, who are separately appointed as members, for four-year terms, with the advice and consent of the Senate. (12 U.S.C. §§ 241, 242)

Table 32. Full-Time FRS Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Ben S. Bernanke (Chair)	na	07/31/02 ^a	01/31/20 ^b	I
Janet L. Yellen (Vice Chair)	na	09/29/10	01/31/24 ^b	II
Elizabeth A. Duke	na	06/27/08	01/31/12	II
Vacant	na		01/31/14	II
Sarah B. Raskin	na	09/29/10	01/31/16	II
Kevin M. Warsh	na	02/17/06	01/31/18	II
Daniel K. Tarullo	na	01/27/09	01/31/22	II

Note: The abbreviation “na” means not applicable. As noted above, the membership of FRS is not required to be politically balanced.

- a. Bernanke was initially confirmed July 31, 2002, to the unexpired term of Edward W. Kelly. That term would have expired January 31, 2004. He was then reappointed for a term that would have expired January 31, 2018, but he resigned to become a member of the Council of Economic Advisors. On November 1, 2005, Bernanke was nominated to succeed Alan Greenspan as a member and as chair. He was confirmed to both positions on January 31, 2006. He was confirmed to a second term as chair on January 28, 2010.
- b. Bernanke’s term as a member expires on January 31, 2020. His current term as chair expires on January 31, 2014. Yellen’s term as a member expires on January 31, 2024. Her current term as vice chair expires on October 4, 2014.

Table 33. FRS Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Daniel K. Tarullo	na	Member	Randall S. Kroszner	01/20/09	01/27/09	7
Ben S. Bernanke	na	Chair	Reappointment	09/17/09	01/28/10	133
Peter A. Diamond	na	Member	Frederic S. Mishkin	04/29/10	Returned 08/05/10 ^a	
Sarah B. Raskin	na	Member	Donald L. Kohn	04/29/10	09/29/10	153
Janet L. Yellen	na	Member	Mark W. Olson	04/29/10	09/29/10	153
Janet L. Yellen	na	Vice Chair	Donald L. Kohn	04/29/10	09/29/10	153
Peter A. Diamond	na	Member	Frederic S. Mishkin	09/13/10	Returned 12/22/10 ^b	
Mean number of days to confirm a nomination						120

Note: The abbreviation “na” means not applicable. As noted above, the membership of FRS is not required to be politically balanced.

- a. Returned to the President at the beginning of a Senate recess of more than 30 days 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 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Trade Commission (FTC)

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

Table 34. Full-Time FTC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Jonathan D. Leibowitz^a (Chair)</i>	D	11/21/04	09/25/10	III
William E. Kovacic	R	12/17/05	09/25/11	IV
J. Thomas Rosch	R	12/17/05	09/25/12	IV
Edith Ramirez	D	03/03/10	09/25/15	IV
Julie S. Brill	D	03/03/10	09/25/16	IV

a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Table 35. FTC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Julie S. Brill	D	Commissioner	Pamela Harbour	11/17/09	03/03/10	106
Edith Ramirez	D	Commissioner	Deborah P. Majoras	11/17/09	03/03/10	106

Foreign Claims Settlement Commission (FCSC)

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

Table 36. Full-Time FSFC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Vacant (Chair)	na		09/30/12	V

Note: The abbreviation “na” means not applicable. As noted above, the membership of FCSC is not required to be politically balanced.

Table 37. Full-Time FCSC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Timothy J. Feighery	na	Chair	Mauricio J. Tamargo	11/15/10	Returned	12/22/10 ^a

Note: The abbreviation “na” means not applicable. As noted above, the membership of FCSC is not required to be politically balanced.

- a. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Merit Systems Protection Board (MSPB)

The MSPB consists of three members (no more than two may be from the same political party), who serve seven-year terms. A member who has been appointed to a full seven-year term may not be reappointed to any following term. When a term expires, the member may continue to serve for one year, unless a successor is appointed before that time. The President appoints the chair, with the advice and consent of the Senate, and designates the vice chair. (5 U.S.C. §§ 1201-1203)

Table 38. Full-Time MSPB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Susan T. Grundmann (Chair)	D	11/05/09	03/01/16	III
Mary M. Rose (Vice Chair)	R	12/17/05	03/01/11	IV
Anne M. Wagner	D	11/05/09	03/01/14	IV

Table 39. MSPB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Susan T. Grundmann	D	Chair	Neil McPhie	07/31/09	11/05/09	97
Susan T. Grundmann	D	Member	Neil McPhie	07/31/09	11/05/09	97
Anne M. Wagner	D	Member	Barbara J. Sapin	07/31/09	11/05/09	97

National Credit Union Administration Board of Directors (NCUA)

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

Table 40. Full-Time NCUA Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Deborah Matz (Chair)	D	08/07/09	04/10/15	III
Gigi Hyland	D	11/07/05	08/02/11	IV
Michael E. Fryzel	R	06/27/08	08/02/13	IV

Table 41. NCUA Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Deborah Matz	D	Member	Rodney E. Hood	06/01/09	08/07/09	67

National Labor Relations Board (NLRB)

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

Table 42. Full-Time NLRB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board</i>				
Wilma B. Liebman (Chair)	D	11/14/02	08/27/11	III
Brian Hayes	R	06/22/10	12/16/12	IV
Mark G. Pearce	D	06/22/10 ^a	08/27/13	IV
Craig Becker	D	na ^b	12/16/14 ^b	IV
Vacant			08/27/15	IV
<i>General Counsel</i>				
Lafe Solomon (Acting)	na	na	08/13/10	IV

Notes: The abbreviation “na” means not applicable. The statutory provision establishing the position of general counsel does not include qualifications related to political party affiliation. “Date first confirmed” is not applicable for Becker or Solomon because, as of the end of the 111th Congress, they had not been confirmed to their respective positions.

- a. On March 27, 2010, President Obama gave Pearce a recess appointment to this position. The recess appointment would have expired when the Senate adjourned sine die at the end of the first session of the 112th Congress, by which time Pearce had been confirmed to the position.
- b. On March 27, 2010, President Obama gave Becker a recess appointment to this position. The recess appointment expired when the Senate adjourned sine die at the end of the first session of the 112th Congress.

Table 43. NLRB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Craig Becker	D	Member	Dennis P. Walsh	07/09/09	Returned 12/24/09	
Craig Becker	D	Member	Reappointment	07/09/09	Returned 12/24/09	
Brian Hayes	R	Member	Robert J. Battista	07/09/09	06/22/10	348
Mark G. Pearce	D	Member	Peter N. Kirsanow	07/09/09	06/22/10	348
Craig Becker	D	Member	Dennis P. Walsh	01/20/10	Returned 08/05/10	
Craig Becker	D	Member	Dennis P. Walsh		Recess appointment 03/27/10	
Mark G. Pearce	D	Member	Peter N. Kirsanow		Recess appointment 03/27/10	
Craig Becker	D	Member	Dennis P. Walsh	04/21/10	Returned 12/22/10	
Mark G. Pearce	D	Member	Peter N. Kirsanow	04/21/10	Returned 12/22/10	

National Mediation Board (NMB)

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

Table 44. Full-Time NMB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Harry R. Hoglander (Chair)	D	08/01/02	07/01/11	III
<i>Elizabeth Dougherty^a</i>	R	12/09/06	07/01/10	IV
Linda A. Puchala	D	05/21/09	07/01/12	IV

a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. She continued to serve under the holdover provision noted above.

Table 45. NMB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Linda A. Puchala	D	Member	Read Van de Water	03/26/09	05/21/09	56
Linda A. Puchala	D	Member	Reappointment	03/26/09	05/21/09	56
Harry R. Hoglander	D	Member	Reappointment	06/10/09	07/24/09	44
Thomas M. Beck	R	Member	Elizabeth Dougherty	09/13/10	Returned 12/22/10	
Mean number of days to confirm a nomination						52

National Transportation Safety Board (NTSB)

The NTSB consists of five members (no more than three may be from the same political party), who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office. The President appoints the chair, from among the members, for a two-year term, with the advice and consent of the Senate, and designates the vice chair. (49 U.S.C. § 1111)

Table 46. Full-Time NTSB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Deborah A. P. Hersman (Chair)	D	03/02/04	12/31/13 ^a	III
Christopher A. Hart (Vice Chair)	D	08/04/1990 ^b	12/31/12	IV
Robert L. Sumwalt III	R	08/03/06	12/31/11	IV
Mark R. Rosekind	D	06/22/10	12/31/14	IV
Earl F. Weener	R	06/22/10	12/31/15	IV

- a. Hersman's term as a member expires on December 31, 2013. Her first term as chair expired on July 27, 2011, two years from the date of her appointment to that post.
- b. Hart was initially confirmed as a board member on August 4, 1990. He served on the NTSB until 1993. During the 111th Congress he was nominated to be a member on June 25, 2009, and confirmed on August 7, 2009.

Table 47. NTSB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Deborah A. P. Hersman	D	Member	Reappointment	06/18/09	07/24/09	36
Deborah A. P. Hersman	D	Chairman	Mark V. Rosenker	06/18/09	07/24/09	36
Christopher A. Hart	D	Member	Steven R. Chealander	06/25/09	08/07/09	43
Mark R. Rosekind	D	Member	Kathryn Higgins	10/01/09	Returned 08/05/10	
Mark R. Rosekind	D	Member	Reappointment	10/01/09	06/22/10	264
Earl F. Weener	R	Member	Mark V. Rosenker	01/20/10	06/22/10	153
Earl F. Weener	R	Member	Reappointment	06/14/10	06/22/10	8
Mean number of days to confirm a nomination						90

Nuclear Regulatory Commission (NRC)

The NRC consists of five members (no more than three may be from the same political party), who serve five-year terms. When a term expires, the member must leave office. The President designates the chair. The President also appoints the inspector general, with the advice and consent of the Senate. (42 U.S.C. § 5841 and 5 U.S.C. App., Inspector General Act of 1978, §§ 3, 12)

Table 48. Full-Time NRC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Commissioners</i>				
Gregory B. Jaczko (Chair)	D	05/26/06	06/30/13	II
William C. Ostendorff	R	03/19/10	06/30/11	III
Kristine L. Svinicki	R	03/13/08	06/30/12	III
George Apostolakis	D	03/19/10	06/30/14	III
William D. Magwood IV	D	03/19/10	06/30/15	III
<i>Inspector General</i>				
Hubert T. Bell	na	06/11/1996	Indefinite	III + 3%

Note: The abbreviation “na” means not applicable. The statute establishing the position of inspector general provides that appointment shall be made without regard to political party affiliation.

Table 49. NRC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
George Apostolakis	D	Member	Peter B. Lyons	10/13/09	03/19/10	279
William D. Magwood IV	D	Member	Edward McGaffigan Jr.	10/13/09	03/19/10	279
William D. Magwood IV	D	Member	Reappointment	10/13/09	03/19/10	279
William C. Ostendorff	R	Member	Dale Klein	12/11/09	03/19/10	98
Mean number of days to confirm a nomination						234

Occupational Safety and Health Review Commission (OSHRC)

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

Table 50. Full-Time OSHRC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Thomasina Rogers (Chair)	na	07/31/03	04/27/15	III
Horace A. Thompson III	na	05/19/06	04/27/11	IV
Cynthia L. Attwood	na	02/11/10	04/27/13	IV

Note: The abbreviation “na” means not applicable. As noted above, the membership of OSHRC is not required to be politically balanced.

Table 51. OSHRC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Thomasina Rogers	na	Member	Reappointment	04/21/09	05/01/09	10
Cynthia L. Attwood	na	Member	W. Scott Railton	11/10/09	02/11/10	93
Mean number of days to confirm a nomination						51

Note: The abbreviation “na” means not applicable. As noted above, the membership of OSHRC is not required to be politically balanced.

Postal Regulatory Commission (PRC)

The PRC consists of five members (no more than three may be from the same political party), who serve six-year terms. After a term expires, a member may continue to serve until his successor takes office, but the member may not continue to serve for more than one year after the date upon which his term otherwise would expire. The President designates the chair, and the members select the vice chair. (39 U.S.C. § 502)

Table 52. Full-Time PRC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Ruth Y. Goldway (Chair)	D	11/12/02	11/22/14	III
<i>Mark D. Acton^a (Vice Chair)</i>	R	08/03/06	10/14/10	IV
<i>Tony Hammond^a</i>	R	11/12/02	10/14/10	IV
Dan G. Blair	R	12/09/06	10/14/12	IV
Nanci E. Langley	D	06/04/08	11/22/12	IV

a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provisions noted above.

Table 53. PRC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
No appointment action during the 111 th Congress						

Privacy and Civil Liberties Oversight Board (PCLOB)

The board consists of five members (no more than three members of the board may be from the same political party), who serve six-year terms. When a term expires, the member may continue to serve until a successor takes office. Only the chair, who also is appointed by the President with the advice and consent of the Senate, serves full-time. (42 U.S.C. § 2000ee)

The Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, Title VIII, § 801 (121 Stat. 352) established the Privacy and Civil Liberties Oversight Board as an independent agency, and the first new nominations to the board were made in the 110th Congress. Previously the Privacy and Civil Liberties Oversight Board had functioned as part of the White House Office in the Executive Office of the President. That board ceased functioning on January 30, 2008. As of the end of the 111th Congress, the new board had not been constituted.

Table 54. Full-Time PCLOB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Vacant (Chair)				III

Table 55. PCLOB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
No appointment action during the 111 th Congress						

Railroad Retirement Board (RRB)

The board consists of three members (political balance is not required), who serve five-year terms. When a term expires, the member may continue to serve until a successor takes office. The President appoints the chair, and an inspector general, with the advice and consent of the Senate. (45 U.S.C. § 231f and 5 U.S.C. App., Inspector General Act of 1978, §§ 3, 12)

Table 56. Full-Time RRB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board</i>				
Michael S. Schwartz (Chair; Member-at-Large)	na	05/23/03	08/28/12	III
Virgil M. Speakman Jr. ^a (Labor Member)	na	08/12/1992	08/28/09	IV
Jerome F. Kever ^a (Management Member)	na	05/24/00	08/28/08	IV
<i>Inspector General</i>				
Martin J. Dickman	na	10/08/1994	Indefinite	III + 3%

Notes: The abbreviation “na” means not applicable. As noted above, the membership of RRB is not required to be politically balanced. The statute establishing the position of inspector general provides that appointment shall be made without regard to political party affiliation.

- a. As of the end of the 111th Congress, the terms of the incumbents shown in italics had expired. They continued to serve in their respective positions under the holdover provision noted above.

Table 57. RRB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
No appointment action during the 111 th Congress						

Securities and Exchange Commission (SEC)

The commission consists of five members (no more than three may be from the same political party), who serve five-year terms. When a term expires, the member may continue to serve until the end of the next session of Congress, unless a successor is appointed before that time. The President designates the chair. (15 U.S.C. § 78d)

Table 58. Full-Time SEC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Mary L. Schapiro (Chair)	I	11/18/1989 ^a	06/05/14	III
<i>Luis A. Aguilar^b</i>	D	07/29/05	06/05/10	IV
Kathleen L. Casey	R	06/15/06	06/05/11	IV
Elisse Walter	D	07/25/02	06/05/12	IV
Troy A. Paredes	R	06/27/08	06/05/13	IV

- a. Schapiro was initially installed on the SEC through a recess appointment by President Ronald Reagan in late 1988. She was first confirmed for the position on November 18, 1989. She served on the commission until October 13, 1994. During the 111th Congress, she was confirmed to the SEC on January 22, 2009.
- b. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Table 59. SEC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Mary L. Schapiro	I	Member	Christopher Cox ^a	01/20/09	01/22/09	2
Mary L. Schapiro	I	Member	Christopher Cox ^a	01/26/09	01/26/09	0

- a. On January 20, 2009, the day of his inauguration, President Barack Obama nominated Schapiro to replace Christopher Cox “for a term expiring June 5, 2014.” The Senate confirmed this nomination January 22, 2009. It appears that this five-year term began on June 6, 2009, more than four months later. On January 26, 2009, the President nominated Schapiro to replace Cox “for the remainder of the term expiring June 5, 2009,” which was then underway. The Senate confirmed this nomination the same day, and Schapiro took office on January 27, 2009.

Surface Transportation Board (STB)

The STB, located within the Department of Transportation, consists of three members (no more than two may be from the same political party), who serve five-year terms. When a term expires, the member may continue to serve until a successor takes office, but not for more than one year after expiration. The President designates the chair. (49 U.S.C. § 701)

Table 60. Full-Time STB Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Daniel R. Elliott III (Chair)	D	08/07/09	12/31/13	III
<i>Charles D. Nottingham^a</i> (Vice Chair)	R	08/03/06	12/31/10	IV
Francis P. Mulvey	D	05/21/04	12/31/12	IV

- a. As of the end of the 111th Congress, the term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Table 61. STB Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Daniel R. Elliott III	D	Member	W. Douglas Buttrey	07/20/09	08/07/09	18
Ann D. Begeman	R	Member	Charles D. Nottingham	12/20/10	Returned 12/22/10	

United States International Trade Commission (USITC)

The USITC consists of six members (no more than three may be from the same political party), who serve nine-year terms. A member of the commission who has served for more than five years is ineligible for reappointment. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair and vice chair for two-year terms of office, but they may not belong to the same political party. The President may not designate a chair with less than one year of continuous service as a member. This restriction does not apply to the vice chair. (19 U.S.C. § 1330)

Table 62. Full-Time USITC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Deanna T. Okun</i> (Chair)	R	11/19/1999	06/16/08	III
Irving A. Williamson (Vice Chair)	D	02/01/07	06/16/14	IV
<i>Charlotte R. Lane</i>	R	11/21/04	12/16/09	IV
Daniel R. Pearson	R	11/21/04	06/16/11	IV
Shara L. Aranoff	D	07/29/05	12/16/12	IV
Dean A. Pinkert	D	02/01/07	12/16/15	IV

Table 63. USITC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
No appointment action during the 111 th Congress						

United States Parole Commission (USPC)

The USPC is an independent agency in the Department of Justice. The commission consists of five commissioners (political balance is not required), who serve for six-year terms. When a term expires, a member may continue to serve until a successor takes office. In most cases, a commissioner may serve no more than 12 years. However, Section 11017(c) of P.L. 110-273, enacted on November 2, 2002, provides that this limitation does not “apply to a person serving as Commissioner” when the act took effect. The President designates the chair (18 U.S.C. § 4202). The commission was previously scheduled to be phased out, but its life has been extended several times by Congress. Under P.L. 110-312, § 2 (122 Stat. 3013), it was extended until November 2011. Under P.L. 112-44, §2 (125 Stat. 533), it was extended to November 2013. (18 U.S.C. § 3551)

Table 64. Full-Time USPC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Isaac Fulwood Jr.</i> ^a (Chair)	na	11/21/04	12/11/10	IV
<i>Patricia Cushwa</i> ^a	na	11/21/04	12/11/10	V
Cranston J. Mitchell	na	03/06/03	08/07/15	V
J. Patricia Wilson Smoot	na	09/16/10	11/01/16	V
Vacant	na			V

Note: The abbreviation “na” means not applicable. As noted above, the membership of USPC is not required to be politically balanced.

- a. At the end of the 111th Congress, the terms of the incumbents shown in italics had expired. Each commissioner continued to serve under the holdover provision above.

Table 65. USPC Appointment Action During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Cranston J. Mitchell	na	Commissioner	Reappointment	05/21/09	08/07/09	78
J. Patricia Wilson Smoot	na	Commissioner	Deborah A. Spagnoli	02/01/10	09/16/10	227
Mean number of days to confirm a nomination						152

Note: The abbreviation “na” means not applicable. As noted above, the membership of USPC is not required to be politically balanced.

United States Sentencing Commission (USSC)

The USSC is a judicial branch agency that consists of seven voting members, who are appointed to six-year terms, and two non-voting members. The seven voting members are appointed by the President, with the advice and consent of the Senate. Only the chair and three vice chairs, selected from among the members, serve full-time. The President appoints the chair, with the advice and consent of the Senate, and designates the vice chairs. At least three members must be federal judges. Not more than four members may be of the same political party. No more than two vice chairs may be of the same political party. No voting member may serve more than two full terms. When a term expires, an incumbent may continue to serve until he or she is reappointed, a successor takes office, or Congress adjourns *sine die* at the end of the session that commences after the expiration of the term, whichever is earliest. The Attorney General (or designee) serves *ex officio* as a non-voting member. (28 U.S.C. § 991-992) The chair of the United State Parole Commission is also an *ex officio* non-voting member of the commission. (18 U.S.C. § 3551 note)

Table 66. Full-Time USSC Incumbents as of the End of the 111th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Patti B. Saris (Chair)	a	12/22/10	10/31/15	Same as rate for federal appeals court judges
William B. Carr Jr. (Vice Chair)	a	11/20/08	10/31/11	
Ketanji B. Jackson (Vice Chair)	a	02/11/10	10/31/13	
Vacant (Vice Chair)				

a. Party balance is statutorily required, as discussed above, but the commission staff does not release this information.

Table 67. USSC Appointment Action to Full-Time Positions During the 111th Congress

Nominee/Recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
William K. Sessions III	a	Chair	Ricardo H. Hinojosa	04/20/09	10/21/09	184
Ketanji B. Jackson	a	Member (Vice Chair)	Michael E. Horowitz	07/23/09	02/11/10	203
Patti B. Saris	a	Chair	William K. Sessions III	04/28/10	12/22/10	238
Patti B. Saris	a	Member	William K. Sessions III	04/28/10	12/22/10	238
Mean number of days to confirm a nomination						216

a. Party balance is statutorily required, as discussed above, but the commission staff does not release this information.

Appendix A. Summary of All Nominations and Appointments to Collegial Boards and Commissions

Table A-1. Nominations and Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 111th Congress

Nominee/Recess appointee	Board/ Commission ^a	Date nominated	Date confirmed	Days to confirm
Robert S. Adler	CPSC	06/09/09	08/07/09	59
George Apostolakis	NRC	10/13/09	03/19/10	279
Cynthia L. Attwood	OSHRC	11/10/09	02/11/10	93
Joseph F. Bader	DNFSB	10/15/09	03/19/10	155
Meredith A. Baker	FCC	06/25/09	07/24/09	29
Thomas M. Beck	NMB	09/13/10	Returned 12/22/10	
Craig Becker	NLRB	07/09/09	Returned 12/24/09	
Craig Becker	NLRB	07/09/09	Returned 12/24/09	
Craig Becker	NLRB	01/20/10	Returned 08/05/10	
Craig Becker	NLRB		Recess appointment 03/27/10	
Craig Becker	NLRB	04/21/10	Returned 12/22/10	
Ann D. Begeman	STB	12/20/10	Returned 12/22/10	
Ben S. Bernanke (Chair)	FRS	09/17/09	01/28/10	133
Jacqueline A. Berrien	EEOC	07/16/09	12/22/10	524
Jacqueline A. Berrien	EEOC		Recess appointment 03/27/10	
Jacqueline A. Berrien	EEOC	04/21/10	Returned 12/22/10	
Julie S. Brill	FTC	11/17/09	03/03/10	106
Bartholomew H. Chilton	CFTC	05/20/09	10/08/09	141
Julia A. Clark	FLRA	06/04/09	08/07/09	61
Mignon L. Clyburn	FCC	06/25/09	07/24/09	29
Mario Cordero	FMC	09/20/10	Returned 12/22/10	
Peter A. Diamond	FRS	04/29/10	Returned 08/05/10	
Peter A. Diamond	FRS	09/13/10	Returned 12/22/10	
Ernest DuBester	FLRA	06/04/09	08/07/09	61
Rebecca F. Dye	FMC	09/20/10	Returned 12/22/10	
Daniel R. Elliott III	STB	07/20/09	08/07/09	18
Timothy J. Feighery (Chair)	FCSC	11/15/10	Returned 12/22/10	
Chai R. Feldblum	EEOC	09/15/09	12/22/10	463
Chai R. Feldblum	EEOC		Recess appointment 03/27/10	

Nominee/Recess appointee	Board/ Commission ^a	Date nominated	Date confirmed	Days to confirm
Chai R. Feldblum	EEOC	04/21/10	Returned 12/22/10	
Julius Genachowski	FCC	03/23/09	06/25/09	94
Gary Gensler	CFTC	01/20/09	05/19/09	119
Gary Gensler (Chair)	CFTC	01/20/09	05/19/09	119
Mark A. Griffon	CSB	03/24/10	06/23/10	91
Susan T. Grundmann	MSPB	07/31/09	11/05/09	97
Susan T. Grundmann (Chair)	MSPB	07/31/09	11/05/09	97
Christopher A. Hart	NTSB	06/25/09	08/07/09	43
Brian Hayes	NLRB	07/09/09	06/22/10	348
Deborah A. P. Hersman	NTSB	06/18/09	07/24/09	36
Deborah A. P. Hersman	NTSB	06/18/09	07/24/09	36
Thomas Hicks	EAC	04/12/10	Returned 12/22/10	
Fred P. Hochberg (President/Chair)	EXIMBANK	04/20/09	05/14/09	24
Harry R. Hoglander	NMB	06/10/09	07/24/09	44
Roszell Hunter	EXIMBANK	10/01/09	Withdrawn 01/21/10	
Ketanji B. Jackson (Vice Chair)	USSC	07/23/09	02/11/10	203
Suedeen G. Kelly	FERC	07/28/09	Withdrawn 12/23/09	
Michael A. Khouri	FMC	12/02/09	12/24/09	22
Cheryl A. LaFleur	FERC	03/09/10	06/22/10	105
Richard A. Lidinsky Jr.	FMC	06/18/09	07/24/09	36
Victoria A. Lipnic	EEOC	11/03/09	12/22/10	414
Victoria A. Lipnic	EEOC	11/03/09	12/22/10	414
Victoria A. Lipnic	EEOC		Recess appointment 03/27/10	
Victoria A. Lipnic	EEOC	04/21/10	Returned 12/22/10	
P. David Lopez	EEOC	10/26/09	12/22/10	422
P. David Lopez	EEOC		Recess appointment 03/27/10	
P. David Lopez	EEOC	04/21/10	Returned 12/22/10	
William D. Magwood IV	NRC	10/13/09	03/19/10	279
William D. Magwood IV	NRC	10/13/09	03/19/10	279
Deborah Matz	NCUA	06/01/09	08/07/09	67
Robert M. McDowell	FCC	06/08/09	06/25/09	17
Cranston J. Mitchell	USPC	05/21/09	08/07/09	78
Philip D. Moeller	FERC	03/09/10	06/22/10	105
Rafael Moure-Eraso (Chair)	CSB	03/24/10	06/23/10	91
Rafael Moure-Eraso	CSB	03/24/10	06/23/10	91
Oswaldo L. G. Munet	EXIMBANK	05/13/10	09/29/10	139

Nominee/Recess appointee	Board/ Commission ^a	Date nominated	Date confirmed	Days to confirm
Patrick K. Nakamura	FMSHRC	11/30/09	03/19/10	109
Patrick K. Nakamura	FMSHRC	11/30/09	03/19/10	109
John R. Norris	FERC	06/11/09	12/24/09	196
Anne M. Northup	CPSC	08/03/09	08/07/09	4
Scott D. O'Malia	CFTC	09/10/09	10/08/09	28
Scott D. O'Malia	CFTC	09/10/09	10/08/09	28
William C. Ostendorff	NRC	12/11/09	03/19/10	98
Mark G. Pearce	NLRB	07/09/09	06/22/10	348
Mark G. Pearce	NLRB	Recess appointment 03/27/10		
Mark G. Pearce	NLRB	04/21/10	Returned 12/22/10	
Linda A. Puchala	NMB	03/26/09	05/21/09	56
Linda A. Puchala	NMB	03/26/09	05/21/09	56
Edith Ramirez	FTC	11/17/09	03/03/10	106
Sarah B. Raskin	FRS	04/29/10	09/29/10	153
Jessie H. Roberson	DNFSB	10/15/09	03/19/10	155
Thomasina Rogers	OSHRC	04/21/09	05/01/09	10
Mark R. Rosekind	NTSB	10/01/09	Returned 08/05/10	
Mark R. Rosekind	NTSB	10/01/09	06/22/10	264
Patti B. Saris	USSC	04/28/10	12/22/10	238
Patti B. Saris (Chair)	USSC	04/28/10	12/22/10	238
Mary L. Schapiro	SEC	01/20/09	01/22/09	2
Mary L. Schapiro	SEC	01/26/09	01/26/09	0
William K. Sessions III (Chair)	USSC	04/20/09	10/21/09	184
J. Patricia Wilson Smoot	USPC	02/01/10	09/16/10	227
Jill E. Sommers	CFTC	07/20/09	10/08/09	80
Kenneth A. Spearman	FCA	07/16/09	Withdrawn 07/27/09	
Kenneth A. Spearman	FCA	07/27/09	10/08/09	73
Kenneth A. Spearman	FCA	07/27/09	10/08/09	73
John J. Sullivan	FEC	05/04/09	Withdrawn 08/05/10	
Daniel K. Tarullo	FRS	01/20/09	01/27/09	7
Inez M. Tenenbaum	CPSC	06/09/09	06/19/09	10
Inez M. Tenenbaum (Chair)	CPSC	06/09/09	06/19/09	10
Jill L. Thompson	FCA	10/15/09	09/16/10	336
Jill L. Thompson	FCA	Recess appointment 03/27/10		
Jill L. Thompson	FCA	04/21/10	Returned 12/22/10	
Anne M. Wagner	MSPB	07/31/09	11/05/09	97

Nominee/Recess appointee	Board/ Commission^a	Date nominated	Date confirmed	Days to confirm
Earl F. Weener	NTSB	01/20/10	06/22/10	153
Earl F. Weener	NTSB	06/14/10	06/22/10	8
Peter S. Winokur	DNFSB	10/15/09	03/19/10	155
Janet L. Yellen	FRS	04/29/10	09/29/10	153
Janet L. Yellen (Vice Chair)	FRS	04/29/10	09/29/10	153
Mean number of days to confirm				126.1
Median number of days to confirm				97.0

a. The key to the agency acronyms may be found in **Appendix B**.

Table A-2. Appointment Action, Regulatory and Other Collegial Boards and Commissions, 111th Congress

Agency ^a	Total member, IG, & GC positions ^a	Vacant positions ^b	Incumbent serving; term expired	Nominations submitted	Individual nominees	Positions to which nominations were made ^c	Nominations confirmed	Nominations returned	Nominations withdrawn	Recess appointments
CSB	5	0	0	3	2	3	3	0	0	0
CFTC	5	0	0	6	4	5	6	0	0	0
CPSC	5	0	1	4	3	4	4	0	0	0
DNFSB	5	0	1	3	3	3	3	0	0	0
EAC	4	2	1	1	1	1	0	1	0	0
EEOC	6	0	0	9	4	4	5	4	0	4
EXIMBANK	6	2	0	3	3	3	2	0	1	0
FCA	3	0	0	5	2	2	3	1	1	1
FCC	5	0	1	4	4	4	4	0	0	0
FDIC	4	0	1	0	0	0	0	0	0	0
FEC	6	0	3	1	1	1	0	0	1	0
FERC	5	0	0	4	4	3	3	0	1	0
FLRA	4	0	2	2	2	2	2	0	0	0
FMC	5	1	2	4	4	4	2	2	0	0
FMSHRC	5	0	0	2	1	1	2	0	0	0
FRS	7	1	0	7	5	6	5	2	0	0
FTC	5	0	1	2	2	2	2	0	0	0
FCSC	1	1	0	1	1	1	0	1	0	0
MSPB	3	0	0	3	2	3	3	0	0	0
NCUA	3	0	0	1	1	1	1	0	0	0
NLRB	6	1	0	7	3	3	2	5	0	2

Agency ^a	Total member, IG, & GC positions ^a	Vacant positions ^b	Incumbent serving; term expired	Nominations submitted	Individual nominees	Positions to which nominations were made ^c	Nominations confirmed	Nominations returned	Nominations withdrawn	Recess appointments
NMB	3	0	1	4	3	3	3	1	0	0
NTSB	5	0	0	7	4	5	6	1	0	0
NRC	6	0	0	4	3	3	4	0	0	0
OSHRC	3	0	0	2	2	2	2	0	0	0
PRC	5	0	2	0	0	0	0	0	0	0
PCLOB	1	1	0	0	0	0	0	0	0	0
RRB	4	0	2	0	0	0	0	0	0	0
SEC	5	0	1	2	1	1	2	0	0	0
STB	3	0	1	2	2	2	1	1	0	0
USITC	6	0	1	0	0	0	0	0	0	0
USPC	5	1	2	2	2	2	2	0	0	0
USSC	4	1	0	4	3	3	4	0	0	0
Total	148	11	23	99	72	77	76	19	4	7

- a. A list of abbreviations may be found in **Appendix B**. This column includes the total number of member, inspector general, and general counsel positions in each agency that are filled through the advice and consent process. For some agencies, appointment of an individual to be chair (or vice chair) requires two nominations: one to be a member and the other to be chair. This column does not count such a chair or vice chair slot as an additional position, since the role is filled by an individual who serves simultaneously as a sitting member.
- b. As of the end of the 111th Congress.
- c. For some agencies, appointment of an individual to be chair requires two separate nominations: one to be a member and the other to be chair. This column counts such instances as **two** positions to which nominations were made. For those agencies in which members have fixed terms, a single individual may be nominated for successive terms in a single membership seat. This column counts such instances as **one** position to which a nomination was made.

Appendix B. Board/Commission Abbreviations

CSB	Chemical Safety and Hazard Investigation Board
CFTC	Commodity Futures Trading Commission
CPSC	Consumer Product Safety Commission
DNFSB	Defense Nuclear Facilities Safety Board
EAC	Election Assistance Commission
EEOC	Equal Employment Opportunity Commission
EXIMBANK	Export-Import Bank
FCA	Farm Credit Administration
FCC	Federal Communications Commission
FDIC	Federal Deposit Insurance Corporation, Board of Directors
FEC	Federal Election Commission
FERC	Federal Energy Regulatory Commission
FLRA	Federal Labor Relations Authority
FMC	Federal Maritime Commission
FMSHRC	Federal Mine Safety and Health Review Commission
FRS	Federal Reserve System, Board of Governors
FTC	Federal Trade Commission
FCSC	Foreign Claims Settlement Commission
MSPB	Merit Systems Protection Board
NCUA	National Credit Union Administration, Board of Directors
NLRB	National Labor Relations Board
NMB	National Mediation Board
NTSB	National Transportation Safety Board
NRC	Nuclear Regulatory Commission
OSHRC	Occupational Safety and Health Review Commission
PRC	Postal Regulatory Commission
PCLOB	Privacy and Civil Liberties Oversight Board
RRB	Railroad Retirement Board
SEC	Securities and Exchange Commission
STB	Surface Transportation Board
USITC	United States International Trade Commission
USPC	United States Parole Commission
USSC	United States Sentencing Commission

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