



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

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Summary

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

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 Of these 172 nominations, 125 were confirmed; 13 were withdrawn; and 34 were returned to him in accordance with Senate rules.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

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

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

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

This report will not be updated.

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This report explains the process for filling positions to which the President makes appointments with the advice and consent of the Senate (PAS positions). It also identifies, for the 110th Congress, all nominations to executive-level full-time positions¹ in the 15 departments. Profiles of the departments provide information regarding their full-time PAS positions and related appointment activity during the 110th Congress.

The Appointment Process for Advice and Consent Positions

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

Selection, Clearance, and Nomination

In the first stage, the White House selects and clears a prospective appointee before sending a formal nomination to the Senate. There are a number of steps in this stage of the process for most Senate-confirmed positions. First, with the assistance of, and preliminary vetting by, the White House Office of Presidential Personnel, the President selects a candidate for the position. Members of Congress and interest groups sometimes recommend candidates for specific PAS positions. They may offer their suggestions by letter, for example, or by contact with a White House liaison.⁴ In general, the White House is under no obligation to follow such recommendations. In the case of the Senate, however, it has been argued that Senators are constitutionally entitled, by virtue of the advice and consent clause noted above, to provide advice to the President regarding his selection; the extent of this entitlement is a matter of some debate.⁵ As a practical matter, in instances where Senators perceive insufficient pre-nomination

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

² A succinct historical and contemporary overview of the appointment power is found in Louis Fisher, "Appointment Powers," in his *Constitutional Conflicts between Congress and the President*, 5th ed., rev. (Lawrence, KS: University Press of Kansas, 2007), pp. 21-47.

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

⁴ The Council for Excellence in Government's Presidential Appointee Initiative, *A Survivor's Guide for Presidential Nominees*, The Brookings Institution, Washington, D.C., November 2000, pp. 31-32.

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

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

During the clearance process, the candidate prepares and submits several forms, including the “Public Financial Disclosure Report” (Standard Form (SF) 278), the “Questionnaire for National Security Positions” (SF 86), and the White House “Personal Data Statement Questionnaire.” The Office of the Counsel to the President oversees the clearance process, which often includes the collection and review of background information by the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Office of Government Ethics (OGE), and an ethics official for the agency to which the candidate is to be appointed. If conflicts of interest are found during the background check, OGE and the agency ethics officer may work with the candidate to mitigate the conflicts. Once the Office of the Counsel to the President has cleared the candidate, the nomination is ready to be submitted to the Senate.

The selection and clearance stage has often been the longest part of the appointment process. There have been, at times, lengthy delays, particularly when many candidates have been processed simultaneously, such as at the beginning of an Administration, or where conflicts needed to be resolved. Candidates for higher-level positions have often been accorded priority in this process. At the end of 2004, in an effort to reduce the elapsed time between a new President’s inauguration and the appointment of his or her national security team, Congress enacted amendments to the Presidential Transition Act of 1963.⁷ These amendments encourage a President-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.⁸ A separate provision of law, enacted as part of the Federal Vacancies Reform Act of 1998, lengthens, during presidential transitions, the potential duration of a temporary appointment by 90 days.⁹ Although this provision might give some additional flexibility to an incoming President, it might also lengthen the appointment process for some positions by, in effect, extending the deadline by which a permanent appointment must be completed.

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

If circumstances permit and conditions are met, the President could give the nominee a recess appointment to the position (see section entitled “Recess Appointments” below). Recess appointments have sometimes had political consequences, however, particularly where Senators perceived that such an appointment was an effort to circumvent their constitutional role. Some Senate-confirmed positions, such as many of those in the executive departments, may also be temporarily filled under the Vacancies Act.¹⁰

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

⁷ 3 U.S.C. § 102 note.

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

⁹ 5 U.S.C. § 3349a.

¹⁰ P.L. 105-277, Div. C, Title I, § 151; 5 U.S.C. §§ 3345-3349d. For more on the Vacancies Act, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate’s Confirmation Prerogative*, by Morton Rosenberg.

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

Senate Consideration

In the second stage, the Senate alone determines whether or not to confirm a nomination.¹¹ The way the Senate has acted on a nomination has depended largely on the importance of the position involved, existing political circumstances, and policy implications. Generally, the Senate has shown particular interest in the nominee’s views and how they are likely to affect public policy.¹² Two other factors have sometimes affected the examination of a nominee’s personal and professional qualities: whether the President’s party controlled the Senate, and the degree to which the President became involved in supporting the nomination.

Much of the Senate confirmation process occurs at the committee level. Administratively, nominations are received by the Senate executive clerk, who arranges for the referral of the nominations to committee, according to the Senate rules and precedents.¹³ Committee nomination activity has generally included investigation, hearing, and reporting stages. As part of investigatory work, committees have drawn on information provided by the White House, as well as information they themselves have collected. Some committees have held hearings on nearly all nominations; others have held hearings for only some. Hearings provide a public forum to discuss a nomination and any issues related to the program or agency for which the nominee would be responsible. Even where confirmation has been thought to be a virtual certainty, hearings have provided Senators and the nominee with opportunities to go on the record with particular views or commitments. Senators have used hearings to explore nominees’ qualifications, articulate policy perspectives, or raise related oversight issues.

A committee may decline to act on a nomination at any point—upon referral, after investigation, or after a hearing. If the committee votes to report a nomination to the full Senate, it has three options: it may report the nomination favorably, unfavorably, or without recommendation. A failure to obtain a majority on the motion to report means the nomination will not be reported to the Senate.¹⁴ If the committee declines to report a nomination, the Senate may, under certain

¹¹ For further information on this stage of the appointment process, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki; and CRS Report RL31948, *Evolution of the Senate’s Role in the Nomination and Confirmation Process: A Brief History*, by Betsy Palmer.

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

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

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

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

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

Senate rules provide that “[n]ominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President.”¹⁶ In practice, such pending nominations have been returned to the President at the end of the session or Congress. Pending nominations also may be returned automatically to the President at the beginning of a recess of more than 30 days, but the Senate rule providing for this return is often waived.¹⁷

Appointment

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

Recess Appointments

The Constitution also empowers the President to make limited-term appointments without Senate confirmation when the Senate is in recess.¹⁸ Such recess appointments expire at the end of the next session of the Senate. **Appendix C** provides a table showing the dates of the Senate recesses for the 110th Congress and showing that during this Congress, President Bush made no recess appointments to executive department positions.

Presidents have occasionally used the recess appointment power to circumvent the confirmation process. In response, Congress has enacted provisions that restrict the pay of recess appointees under certain circumstances. Because most potential appointees to full-time positions cannot serve without a salary, the President has an incentive to use his recess appointment authority in ways that allow them to be paid. Under the provisions, if the position falls vacant while the Senate is in session and the President fills it by recess appointment, the appointee may not be paid

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

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

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

¹⁸ Art. II, Sec. 2, cl. 3.

from the Treasury until he or she is confirmed by the Senate. However, the salary prohibition does not apply

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

A recess appointment falling under any one of these three exceptions must be followed by a nomination to the position not later than 40 days after the beginning of the next session of the Senate.²⁰ For this reason, when a recess appointment is made, the President generally submits a new nomination for the nominee even when an old nomination is pending.²¹ These provisions have been interpreted by the Department of Justice to preclude payment of an appointee who is given successive recess appointments to the same position.²²

Although recess appointees whose nominations to a full term are subsequently rejected by the Senate may continue to serve until the end of their recess appointment, a provision of the FY2008 Financial Services and General Government Appropriations Act may prevent them from being paid after their rejection. The provision reads, “Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.”²³ Prior to this provision, similar wording was included in annual funding measures for most or all of the previous 50 years.

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

¹⁹ 5 U.S.C. § 5503(a).

²⁰ 5 U.S.C. § 5503(b).

²¹ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue; and CRS Report RL33009, *Recess Appointments: A Legal Overview*, by T. J. Halstead.

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

²³ P.L. 110-161, Div. D, § 709.

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

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

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

Temporary Appointments

Congress has provided limited statutory authority for the temporary filling of vacant positions requiring Senate confirmation. It is expected that, in general, officials holding PAS positions who have been designated as “acting” are holding their offices under this authority or other statutory authority specific to their agencies. Under the Federal Vacancies Reform Act of 1998,²⁷ when an executive agency position requiring confirmation becomes vacant, it may be filled temporarily in one of three ways: (1) the first assistant to such a position may automatically assume the functions and duties of the office; (2) the President may direct an officer in any agency who is occupying a position requiring Senate confirmation to perform those tasks; or (3) the President may select any officer or employee of the subject agency who is occupying a position for which the rate of pay is equal to or greater than the minimum rate of pay at the GS-15 level, and who has been with the agency for at least 90 of the preceding 365 days. The temporary appointment is for 210 days, but the time restriction is suspended if a first or second nomination for the position is pending. In addition, during a presidential transition, the 210-day restriction period does not begin to run until either 90 days after the President assumes office, or 90 days after the vacancy occurs, if it is within the 90-day inauguration period. The act does not apply to positions on multi-headed regulatory boards and commissions and to certain other specific positions that may be filled temporarily under other statutory provisions.²⁸

Appointments During the 110th Congress

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

(...continued)

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

²⁶ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue.

²⁷ 5 U.S.C. §§ 3345-3349d.

²⁸ For more on the Vacancies Act, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate’s Confirmation Prerogative*, by Morton Rosenberg.

²⁹ Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate provides that “Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by (continued...) ”

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

Table 1. Nomination Action for 15 Departments During the 110th Congress

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

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

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

Length of Time to Confirm a Nomination

The length of time a given nomination may be pending in the Senate has varied widely. Some nominations were confirmed within a few days, others were confirmed within several months, and some were never confirmed. This report provides, for each executive department nomination

(...continued)

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

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

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

Organization of This Report

Executive Department Profiles

Each of the 15 executive department profiles provided in this report is organized into two parts: a table providing information, as of the end of the 110th Congress, regarding the organization’s full-time PAS positions, and a table listing nominations and appointments to these positions during the 110th Congress. Data for these tables were collected from several authoritative sources.³⁰

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

³⁰ Sources include the Senate nominations database of the Legislative Information System <http://www.congress.gov/nomis/>, the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, telephone discussions with agency officials, agency websites, the *United States Code*, and the 2008 “Plum Book” (U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, committee print, 110th Cong., 2nd sess., November 12, 2008, S. Prt. 110-36 (Washington: GPO, 2008)).

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

³² As noted above, the following full-time positions are not included in this report: U.S. Attorney and U.S. Marshal positions in the Department of Justice; Foreign Service and diplomatic positions in the Department of State; most officer corps positions in the civilian uniformed services of the National Oceanic and Atmospheric Administration in the Department of Commerce, and of the Public Health Service in the Department of Health and Human Services; and the officer corps in the military services.

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

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

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

Additional Appointment Information

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

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

Appendix C provides a table showing the dates of the Senate recesses for the 110th Congress.

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

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

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

Department of Agriculture (USDA)

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

Position	Incumbent	Pay Level
Secretary	Ed Schafer	I
Deputy Secretary	Charles F. Conner	II
Inspector General ^a	Phyllis K. Fong	a
Under Secretary – Farm and Foreign Agricultural Services	Mark E. Keenum	III
Under Secretary – Food, Nutrition, and Consumer Services	Nancy Montanez-Johner	III
Under Secretary – Food Safety	Elizabeth Johnson (A) ^b	III
Under Secretary – Marketing and Regulatory Programs	Bruce I. Knight	III
Under Secretary – Natural Resources and Environment	Mark E. Rey	III
Under Secretary – Research, Education, and Economics	Gale A. Buchanan	III
Under Secretary – Rural Development	Douglas L. Faulkner (A) ^b	III
Assistant Secretary – Administration	Boyd K. Rutherford	IV
Assistant Secretary – Civil Rights	Margo M. McKay	IV
Assistant Secretary – Congressional Relations	Linda A. Strachan	IV
Chief Financial Officer ^c	Charles R. Christopherson Jr.	IV
General Counsel	Marc L. Kesselman	IV
Administrator – Rural Utilities Services	James M. Andrew	IV

- The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- Johnson was named as acting in a September 25, 2008 USDA press release. Faulkner was named as acting in a December 23, 2008, USDA press release.
- The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).

USDA Nomination Action During the 110th Congress

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

Department of Commerce (DOC)

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

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

- Positions in this column do not include those in the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA).
- Within the Department of Commerce, this position is also sometimes known as Under Secretary of Industry and Security.
- The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is

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

- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Wolff was separately nominated and confirmed to be CFO and to be Assistant Secretary for Administration in the 107th Congress.
- e. According to an agency spokesperson, this position had not been filled since 1996.

DOC Nomination Action During the 110th Congress

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

- a. Within the Department of Commerce, this position is also sometimes known as Under Secretary for Industry and Security.
- b. As noted in the text of this report, position titles occasionally differ across the two tables provided for each department. In the Commerce Department, the Director of the U.S. Census Bureau (listed in the incumbents table above) is the same position as the Director of the Census listed in this nomination table.
- c. Returned to the President at the end of the 110th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Defense (DOD)

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

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

Position	Incumbent	Pay Level
Assistant Secretary – Acquisition	Sue C. Payton	IV
Assistant Secretary – Financial Management/Comptroller	John H. Gibson	IV
Assistant Secretary – Manpower and Reserve Affairs	Craig W. Duehring	IV
Assistant Secretary – Installations, Environment, and Logistics	Kevin W. Billings	IV
General Counsel	Mary L. Walker	IV
Department of the Army		
Secretary	Preston M. Geren	II
Under Secretary	Nelson M. Ford	IV
Assistant Secretary – Civil Works	John P. Woodley Jr.	IV
Assistant Secretary – Financial Management/Comptroller	Peter Kunkel (A)	IV
Assistant Secretary – Installations and Environment	Keith E. Eastin	IV
Assistant Secretary – Manpower and Reserve Affairs	Ronald J. James	IV
Assistant Secretary – Acquisition, Logistics, and Technology	Dean G. Popps (A)	IV
General Counsel	Benedict S. Cohen	IV
Department of the Navy		
Secretary	Donald C. Winter	II
Under Secretary	Dionel M. Aviles	IV
Assistant Secretary – Financial Management/Comptroller	Douglas A. Brook	IV
Assistant Secretary – Installations and Environment	Buddie J. Penn	IV
Assistant Secretary – Manpower and Reserve Affairs	Anita K. Blair (A)	IV
Assistant Secretary – Research, Development, and Acquisition	Sean J. Stackley	IV
General Counsel	Frank R. Jimenez	IV
Joint Chiefs of Staff^a		(Members of the Joint Chiefs of Staff are compensated under the military pay system, rather than the executive schedule.)
Chairman	Michael G. Mullen	
Vice Chairman	James E. Cartwright	
Chief of Staff (Air Force)	Norton A. Schwartz	
Chief of Staff (Army)	George W. Casey Jr.	
Chief of Naval Operations	Gary Roughead	
Commandant of the Marine Corps	James T. Conway	

a. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). In the 108th Congress, Jonas was confirmed to be Under Secretary of Defense/Comptroller, and she also served as CFO.

b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is

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

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

DOD Nomination Action During the 110th Congress

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

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

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

Department of Education (ED)

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

Position	Incumbent	Pay Level
Secretary	Margaret Spellings	I
Deputy Secretary	Raymond J. Simon	II
Director – Institute of Education Sciences ^a	Sue Betka (A)	II
Under Secretary	Kent D. Talbert (A)	III
Inspector General ^b	Jerry G. Bridges (A)	b
Chief Financial Officer ^c	Thomas Skelly (A)	IV
Assistant Secretary – Civil Rights	Stephanie J. Monroe	IV
Assistant Secretary – Communications and Outreach	Meredith Beaton (A)	IV
Assistant Secretary – Elementary and Secondary Education	Kerri L. Briggs	IV
Assistant Secretary – Legislation and Congressional Affairs	Holly A. Kuzmich	IV
Assistant Secretary – Management	Christopher M. Marston	IV
Assistant Secretary – Planning, Evaluation and Policy Development	Williamson Evers	IV
Assistant Secretary – Postsecondary Education	Cheryl Oldham (A)	IV
Assistant Secretary – Special Education and Rehabilitative Services	Tracy R. Justesen	IV
Assistant Secretary – Vocational and Adult Education	Troy R. Justesen	IV
General Counsel	Kent D. Talbert	IV
Commissioner – Education Statistics ^d	Stuart Kerachsky (A)	IV
Commissioner – Rehabilitation Services Administration	Edward Anthony (A)	V

- a. This position has a six-year term and specified qualifications. See 20 U.S.C. § 9514(b, d).
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). In previous Congresses, the CFO for the Department of Education has been appointed by the President, with the advice and consent of the Senate.
- d. This position has a six-year term and specified qualifications. See 20 U.S.C. §9517(b).

ED Nomination Action During the 110th Congress

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

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

Department of Energy (DOE)

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

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

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

- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).

DOE Nomination Action During 110th Congress

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

a. NNSA: National Nuclear Security Administration

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

Department of Health and Human Services (HHS)

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

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

- The positions in this column do not include officers of the U.S. Public Health Service Commissioned Corps, except in cases where such a commission is incidental to the position listed.
- The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- The Assistant Secretary for Health was compensated as a commissioned officer at Level 0-10 (37 U.S.C. § 201).
- The position of Assistant Secretary for Preparedness and Readiness was established by P.L. 109-417, Title I, § 102(a)(3); (120 Stat. 2833). The position was first filled in the 110th Congress as shown.
- The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for

other positions (31 U.S.C. § 901(a)(1)). Department representatives have indicated that the positions were combined as noted in the table.

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

HHS Nomination Action During the 110th Congress

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

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

Department of Homeland Security (DHS)

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

Position ^a	Incumbent	Pay Level
Secretary	Michael Chertoff	I
Deputy Secretary	Paul A. Schneider	II
Under Secretary – Management	Elaine C. Duke	III
Under Secretary – National Protection and Programs	Robert D. Jamison	III
Under Secretary – Science and Technology	Jay M. Cohen	III
Director – U.S. Citizenship and Immigration Services	Michael Aytes (A)	III
Commissioner – U.S. Customs and Border Protection	W. Ralph Basham	III
Inspector General ^b	Richard L. Skinner	b
Assistant Secretary – Policy	Stewart A. Baker	IV
Assistant Secretary – U.S. Immigration and Customs Enforcement	John P. Torres (A)	IV
Assistant Secretary – Transportation Security Administration	Edmund S. “Kip” Hawley	IV
Assistant Secretary – Health Affairs and Chief Medical Officer ^c	Jeffrey W. Runge	IV
Chief Financial Officer ^d Error! Reference source not found.	Peggy Sherry (A)	IV
General Counsel	Gus P. Coldebella (A)	IV
Commandant of the Coast Guard	Thad W. Allen	Admiral ^e
Director - Office of Counternarcotics Enforcement	Uttam Dhillon	IV
Federal Emergency Management Agency		
Administrator ^f	R. David Paulison	II
Deputy Administrator – National Preparedness ^c	Dennis Schrader	III
Deputy Administrator/Chief Operating Officer ^c	Harvey E. Johnson Jr.	III
Assistant Administrator – Grants Program Directorate ^c	W. Ross Ashley III	IV
United States Fire Administrator	Gregory B. Cade	IV

- a. The Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), enacted October 4, 2006, included provisions that established, abolished, and changed certain advice and consent positions at DHS. The act established, as PAS positions, an administrator of the Federal Emergency Management Agency (FEMA) (6 U.S.C. § 313(c)); four FEMA deputy administrators (6 U.S.C. § 321(c)(a)); and a chief medical officer for the department (6 U.S.C. § 321(e)(a)). It abolished the position of Under Secretary for Federal Emergency Management (6 U.S.C. § 113(a)). During the departmental reorganization that followed the act, the DHS Office of Grants and Training, which had been headed by an assistant secretary, was transferred to FEMA, within DHS, as the Office of Grants Programs. The head of this renamed office was retitled as the Assistant Administrator for Grant Programs. (See U.S. Department of Homeland Security, letter from Secretary Michael Chertoff to the Honorable Joseph I. Lieberman, Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC, January 18, 2007 (identical letter sent to other congressional leaders). Of the four FEMA deputy administrators, only the positions in use at the end of the 110th Congress are shown. Additionally, the Homeland Security Act (P.L. 107-296, § 103; 116 Stat. 2135) provided for “Not more than 12 Assistant Secretaries” appointed through the advice and consent process. Of these, only the positions in use at the end of

the 110th Congress are shown. Some assistant secretary positions previously created under this authority, such as the Assistant Secretary for Border and Transportation Security Policy, no longer exist, as such.

- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. This position, filled for the first time in the 110th Congress, is discussed in footnote a, above.
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- e. The Commandant of the Coast Guard is compensated as a commissioned officer with the rank of Admiral at Level O-10 (37 U.S.C. § 201).
- f. During the departmental reorganization that followed the Post-Katrina Act, it was determined that R. David Paulison, who had been confirmed as Under Secretary for Federal Emergency Management, would continue to lead FEMA in the new position of Administrator. (See page 3 of the letter from Secretary Michael Chertoff to specified members of Congress cited in footnote a, above.)

DHS Nomination Action During 110th Congress

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

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

Department of Housing and Urban Development (HUD)

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

Position	Incumbent	Pay Level
Secretary	Steven C. Preston	I
Deputy Secretary	Romolo “Roy” A. Bernardi	II
Director – Office of Federal Housing Enterprise Oversight ^a	James B. Lockhart III	II
Inspector General ^b	Kenneth M. Donohue Sr.	b
Assistant Secretary – Administration	Keith A. Nelson	IV
Assistant Secretary – Community Planning and Development	Susan D. Peppler	IV
Assistant Secretary – Congressional and Intergovernmental Relations	Sheila M. Greenwood	IV
Assistant Secretary – Fair Housing and Equal Opportunity	Kim Kendrick	IV
Assistant Secretary – Housing/Federal Housing Commissioner	Brian D. Montgomery	IV
Assistant Secretary – Policy Development and Research	Darlene F. Williams	IV
Assistant Secretary – Public Affairs	Vacant	IV
Assistant Secretary – Public and Indian Housing	Vacant	IV
Chief Financial Officer ^c	John W. Cox	IV
General Counsel	Michael C. Flynn (A)	IV
President – Government National Mortgage Association	Joseph J. Murin	IV

- a. This position has a five-year term and specified qualifications. See 12 U.S.C. § 4512.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The chief financial officer (CFO) may be appointed by the President , with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Cox was confirmed as HUD’s CFO in the 109th Congress.

HUD Nomination Action During the 110th Congress

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

Department of the Interior (DOI)

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

Position	Incumbent	Pay Level
Secretary	Dirk Kempthorne	I
Deputy Secretary	P. Lynn Scarlett	II
Special Trustee for American Indians	Ross O. Swimmer	a
Inspector General ^b	Earl E. Devaney	b
Assistant Secretary – Fish, Wildlife, and Parks	R. Lyle Lavery	IV
Assistant Secretary – Indian Affairs	George T. Skibine (A)	IV
Assistant Secretary – Land and Minerals Management	C. Stephen Allred	IV
Assistant Secretary – Policy, Management, and Budget/Chief Financial Officer ^c	Vacant ^d	IV
Assistant Secretary – Water and Science	Kameron L. Onley (A)	IV
Chairman – National Indian Gaming Commission ^e	Philip N. Hogen	IV
Solicitor	David L. Bernhardt	IV
Director – National Park Service	Mary A. Bomar	V
Director – Office of Surface Mining Reclamation and Enforcement	Brent T. Wahlquist (A)	V
Commissioner – Bureau of Reclamation	Robert W. Johnson	V
Director – Bureau of Land Management	James L. Caswell	V
Director – U.S. Fish and Wildlife Service	H. Dale Hall	V
Director – U.S. Geological Survey	Mark Myers	V
Commissioner - Indian Affairs ^f	Vacant	V

- a. The Special Trustee is to be paid “at a rate determined by the Secretary to be appropriate for the position, but not less than the rate of basic pay payable at Level II of the Executive Schedule...” (25 U.S.C. § 4042).
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).
- d. The previous individual who held the position of Assistant Secretary for Policy, Management and Budget also served as the Chief Financial Officer. Because this Assistant Secretary position was vacant after that individual left the department, so was the position of the Chief Financial Officer.
- e. This position has a three-year term, specified qualifications. The President’s removal power is limited. See 25 U.S.C. § 2704(b).
- f. This position (provided for at 25 U.S.C. § 1) had been vacant since 1981.

DOI Nomination Action During the 110th Congress

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

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

Department of Justice (DOJ)

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

Position ^a	Incumbent	Pay Level
Attorney General	Michael B. Mukasey	I
Deputy Attorney General	Mark R. Filip	II
Director – Federal Bureau of Investigation ^b	Robert S. Mueller III	II
Administrator – Drug Enforcement	Michele M. Leonhart (A)	III
Associate Attorney General	Kevin J. O'Connor	III
Solicitor General	Gregory G. Garre	III
Director – Bureau of Alcohol, Tobacco, Firearms, and Explosives ^c	Michael J. Sullivan (A)	III
Inspector General ^d	Glenn A. Fine	d
Assistant Attorney General – Antitrust Division	Deborah A. Garza (A)	IV
Assistant Attorney General – Civil Division	Gregory G. Katsas	IV
Assistant Attorney General – Civil Rights Division	Grace C. Becker (A)	IV
Assistant Attorney General – Criminal Division	Matthew W. Friedrich (A)	IV
Assistant Attorney General – Environment and Natural Resources Division	Ronald J. Tenpas	IV
Assistant Attorney General – Legislative Affairs	Keith B. Nelson (A)	IV
Assistant Attorney General – National Security Division	J. Patrick Rowan	IV
Assistant Attorney General – Office of Justice Programs	Jeffrey L. Sedgwick	IV
Assistant Attorney General – Office of Legal Counsel	Steven G. Bradbury (A)	IV
Assistant Attorney General – Office of Legal Policy	Elisebeth C. Cook	IV
Assistant Attorney General – Tax Division	Nathan J. Hochman	IV
Administrator – Office of Juvenile Justice and Delinquency Prevention	J. Robert Flores	IV
Deputy Administrator – Drug Enforcement Administration	Michele M. Leonhart	IV
Director – Bureau of Justice Assistance	Domingo S. Herraiz	IV
Director – Bureau of Justice Statistics	Michael Sinclair (A)	IV
Director – Community Relations Service ^e	Ondray T. Harris	IV
Director – National Institute of Justice	David W. Hagy	IV
Director – Office for Victims of Crime	John W. Gillis	IV
Director – U.S. Marshals Service	John F. Clark	IV
Special Counsel – Immigration-Related Unfair Employment Practices ^f	Patrick P. Shen	g
Director - Violence Against Women Office	Cynthia Dyer	V

- a. Does not include U.S. attorney and U.S. marshal positions. The position of chief financial officer (CFO) is also not listed here. Although the Department of Justice is included in the statute that provides presidentially appointed and Senate-confirmed CFOs for all of the major executive branch agencies (31 U.S.C. § 901(a)(1)), this provision is superseded by 28 U.S.C. § 507. The latter section provides that the Assistant Attorney General for Administration, appointed by the Attorney General with the approval of the President, shall be the CFO for the Department of Justice.
- b. This position has a 10-year term. See 28 U.S.C. § 532 note.
- c. The position of Director – Bureau of Alcohol, Tobacco, Firearms, and Explosives became a presidential appointment with Senate confirmation position (PAS) in P.L. 109-177, Title V § 504 (120 Stat. 247). As of the end of the 110th Congress, the position had not been filled through the advice and consent process.
- d. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- e. This position has a four-year term. See 42 U.S.C. § 2000g.
- f. This position has a four-year term. See 8 U.S.C. § 1324b(c)(1).
- g. “The Special Counsel for Immigration-Related Unfair Employment Practices is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule,” under 8 U.S.C. § 1324b(c)(3). In 1990, Sec. 529 of P.L. 101-509 converted the GS-16, GS-17, and GS-18 positions to Senior Level (SL) positions for the purposes of pay (5 U.S.C. § 5376). With regard to pay for such positions, the Plum Book states, “Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee’s locality rate of pay may not exceed the pay for level III of the Executive Schedule” (p. 203).

DOJ Nomination Action During the 110th Congress

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

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

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

Department of Labor (DOL)

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

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

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that "[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer." (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), "The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent."
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Webster was confirmed as CFO in the 110th Congress.
- c. This position has a four-year term. See 29 U.S.C. § 3.
- d. By statute, the incumbent must be a woman (29 U.S.C. § 12).
- e. According to the 2008 Plum Book, the Director of the Women's Bureau was a Senior Level (SL) position (p. 108). With regard to pay for such positions, the Plum Book states, "Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee's locality rate of pay may not exceed the pay for level III of the Executive Schedule" (p. 203). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

DOL Nomination Action During the 110th Congress

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

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

Department of State (DOS)

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

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

Position^a	Incumbent	Pay Level
Assistant Secretary – International Organization Affairs	Brian H. Hook	IV
Assistant Secretary – International Security and Nonproliferation	John C. Rood	IV
Assistant Secretary – Legislative Affairs	Matthew A. Reynolds	IV
Assistant Secretary – Near Eastern Affairs	C. David Welch	IV
Assistant Secretary – Oceans and International Environmental and Scientific Affairs	Claudia A. McMurray	IV
Assistant Secretary – Political-Military Affairs	Mark Kimmitt	IV
Assistant Secretary – Population, Refugees, and Migration Affairs	Vacant	IV
Assistant Secretary – Public Affairs	Sean I. McCormack	IV
Assistant Secretary – Resource Management/Chief Financial Officer ^e	Bradford R. Higgins	IV
Assistant Secretary – South and Central Asian Affairs	Richard A. Boucher	IV
Assistant Secretary – Verification, Compliance, and Implementation	Paula A. DeSutter	IV
Assistant Secretary – Western Hemisphere Affairs	Thomas A. Shannon Jr.	IV
Director General – Foreign Service ^f	Harry K. Thomas Jr.	IV
Legal Adviser	John B. Bellinger III	IV
International Organizations		
U.S. Representative – United Nations (U.N.)	Zalmay Khalilzad	II
U.S. Representative – Organization of American States	Hector E. Morales	§
U.S. Deputy Representative – U.N.	Alejandro D. Wolff	III
U.S. Representative – Economic and Social Council – U.N.	T. Vance McMahan	IV
U.S. Representative – Management and Reform – U.N.	Vacant	IV
U.S. Alternative Representative – Special Political Affairs – U.N.	Rosemary A. DiCarlo	IV

- a. The positions in this column do not include chiefs of mission in overseas posts or Foreign Service officers. In addition, certain officers of the State Department may be required to have certain qualifications. See 22 USCS § 2651a(g).
- b. The position of Deputy Secretary – Management and Resources in the Department of State was established by P.L. 106-553, § 404(a) (114 Stat. 2762A-96), enacted December 21, 2000. As of the end of the 110th Congress, this position had never been filled.
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

- d. From 1998 through the end of the 110th Congress, each time an individual has been nominated to and confirmed for the position of Assistant Secretary for Diplomatic Security, he has simultaneously been nominated to and confirmed for the position of Director of Foreign Missions.
- e. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). With regard to State Department appointments, since 2001 through the 110th Congress, the same individual had been separately and simultaneously nominated for, and confirmed to, the positions of CFO and Assistant Secretary for Resource Management.
- f. By law, incumbent must be a current or former career senior Foreign Service officer (22 U.S.C. § 3928).
- g. The salary for the U.S. Representative to the Organization of American States is linked to the pay for Chiefs of Mission. For this particular mission/ambassador, the salary is set based on the Executive Schedule Level III.

DOS Nomination Action During the 110th Congress

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

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

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

Department of Transportation (DOT)

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

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

- a. This position has a five-year term and specified qualifications. See 49 U.S.C. § 106.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. This position has a seven-year term. See 33 U.S.C. § 982(a).
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for

other positions (31 U.S.C. § 901(a)(1)). Scheinberg was confirmed as Assistant Secretary for Budget and Programs and designated to serve as CFO.

- e. This position has specified qualifications. See 49 U.S.C. § 106.

DOT Nomination Action During the 110th Congress

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

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

Department of the Treasury (TREAS)

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

Position	Incumbent	Pay Level
Secretary	Henry M. Paulson Jr.	I
Deputy Secretary	Robert M. Kimmitt	II
Commissioner of Internal Revenue ^a	Douglas H. Shulman	III
Comptroller of the Currency ^b	John C. Dugan	III
Director – Office of Thrift Supervision ^c	John M. Reich	III
Inspector General ^d	Eric M. Thorson	d
Inspector General – Tax Administration ^d	J. Russell George	d
Special Inspector General – Troubled Asset Relief Program ^{de}	Neil M. Barofsky	d
Under Secretary – Domestic Finance	Anthony W. Ryan (A)	III
Under Secretary – Terrorism and Financial Intelligence ^f	Stuart A. Levey	III
Under Secretary – International Affairs	David H. McCormick	III
Assistant Secretary – Economic Policy	Phillip L. Swagel	IV
Assistant Secretary – Financial Institutions	David G. Nason	IV
Assistant Secretary – Financial Markets	Karthik Ramanathan (A)	IV
Assistant Secretary – Intelligence and Analysis	Janice B. Gardner	IV
Assistant Secretary – International Economics and Development/Assistant Secretary (Interim) – Financial Stability ^g	Neel T. Kashkari	IV
Assistant Secretary – Management/Chief Financial Officer ^h	Peter B. McCarthy	IV
Assistant Secretary – Public Affairs	Michele A. Davis	IV
Assistant Secretary – Tax Policy	Eric Solomon	IV
Assistant Secretary – Terrorist Financing	Patrick M. O'Brien	IV
Assistant Secretary – International Affairs ⁱ	Clay Lowery	IV
Assistant Secretary – Legislative Affairs ⁱ	Kevin I. Fromer	IV
General Counsel	Robert F. Hoyt	IV
Chief Counsel – Internal Revenue Service/Assistant General Counsel for Tax	Donald L. Korb	V
Director of the Mint ^j	Edmund C. Moy	SL ^k
Treasurer of the United States	Anna E. Cabral	SL ^k

- a. This position has a five-year term and specified qualifications. See 26 U.S.C. § 7803(a)(1).
- b. This position has a five-year term, and a limitation on the President's removal power. See 12 U.S.C. § 2.
- c. This position has a five-year term and specified qualifications. See 12 U.S.C. § 1462a(c).
- d. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that "[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall

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

- e. The position of Special Inspector General for the Troubled Asset Relief Program was established by P.L. 110-343, Division A, Title I, § 121, (122 Stat.3788). The position was first filled in the 110th Congress as shown. The Special Inspector General has the same removal provisions as other inspectors general (see footnote d, above).
- f. The position of Under Secretary for Terrorism and Financial Crimes (called Under Secretary for Terrorism and Financial Intelligence) was established by P.L. 108-447, Division H, Title II, § 222 (118 Stat. 3242). The Under Secretary was the successor office to the Office of Enforcement, and the incumbent in that office, Stuart A. Levey, continued to serve.
- g. The position of Interim Assistant Secretary for Financial Stability was established by P.L. 110-343, Division A, Title I, § 101(a)(3)(A), (122 Stat. 3767). The position was first filled in the 110th Congress as shown.
- h. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). McCarthy was confirmed for the position of Assistant Secretary for Management and designated as CFO.
- i. The U.S. Code provides that the department has two deputy under secretaries appointed by the President with the advice and consent of the Senate. “When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary” (31 U.S.C. § 301(d)). In each of these two cases, the President did so.
- j. The position has a five-year term and a limitation on the President’s removal power. See 31 U.S.C. § 304.
- k. According to the 2008 Plum Book, the Director of the United States Mint and the Treasurer of the United States were both Senior Level positions (p. 132). With regard to pay for such positions, the Plum Book states, “Pay for SL [Senior Level] positions ranges from 120 percent of the rate of basic pay for GS-15, step 1 to the rate payable for level IV of the Executive Schedule. ... SL employees are entitled to locality-based comparability payments for their respective locality pay area. The employee’s locality rate of pay may not exceed the pay for level III of the Executive Schedule” (p.203). See also 5 U.S.C. 5376 and 5 U.S.C. 5304(g)(2).

TREAS Nomination Action During the 110th Congress

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

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

Department of Veterans Affairs (DVA)

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

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

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.” (5 U.S.C. Appx. § 3 (b)). Under the provisions of 5 U.S.C. Appx. § 3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- b. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)). Henke was confirmed for the position of Assistant Secretary for Management and designated as CFO.
- c. The position of Assistant Secretary for Operations, Preparedness, Security, and Law Enforcement was established by P.L. 107-287, Section 5 (116 Stat. 2030), and filled for the first time during the 110th Congress, as shown.
- d. This position has a six-year term and limitations on the President’s removal power. See 38 U.S.C. § 7101(b).

DVA Nomination Action During the 110th Congress

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

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

Appendix A. Presidential Nominations, 110th Congress

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

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

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

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

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

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

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

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

Appendix B. Nomination Action, 110th Congress

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

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

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

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

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

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

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

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

Appendix D. Abbreviations of Departments

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

Appendix E. Change in Methodology from Previous Tracking Reports

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

Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President.³⁵

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

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

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

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

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

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

³⁸ As noted above, under Senate rules, if a nomination is not acted upon by the Senate by the end of a Congress, it is returned to the President. Pending nominations also may be returned automatically to the President at the beginning of a recess of more than 30 days, but the Senate rule providing for this return is often waived. The applicable Senate rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

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

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

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

⁴⁰ For example, see CRS Report RL33953, *Nominations to Article III Lower Courts by President George W. Bush During the 110th Congress*, by Denis Steven Rutkus, Susan Navarro Smelcer, and Maureen Bearden.

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