

An hourglass-shaped graphic with a globe in the top bulb and a smaller globe in the bottom bulb. The hourglass is light blue and has a dark blue top and bottom. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The hourglass is centered on the page.

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Congressional Research Service

Report RL32906

*Presidential Appointments to Full-Time Positions in
Independent and Other Agencies During the 108th Congress*

Henry B. Hogue, Government and Finance Division; Maureen Bearden and Dana Ely, Knowledge Services Group

May 5, 2005

Abstract. This report provides an overview of the process for filling positions to which the President makes appointments with the advice and consent of the Senate. It also discusses nominations to full-time positions in 38 executive branch organizations (25 independent agencies, six agencies in the Executive Office of the President (EOP), and seven multilateral banking organizations) and four legislative branch agencies.

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May 5, 2005

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Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 108th Congress

Summary

This report provides an overview of the process for filling positions to which the President makes appointments with the advice and consent of the Senate. It also discusses nominations to full-time positions in 38 executive branch organizations (25 independent agencies, six agencies in the Executive Office of the President (EOP), and seven multilateral banking organizations) and four legislative branch agencies. It excludes appointments to executive departments and to regulatory and other boards and commissions, which are covered in other reports. The Federal Emergency Management Agency, formerly an independent agency covered by earlier versions of this report, became part of the Department of Homeland Security when that department was established during the period covered by this report. Another government organization, the Millennium Challenge Corporation, came into existence early in the 108th Congress after it was established by the Millennium Challenge Act of 2003.

During the 108th Congress, President George W. Bush submitted to the Senate 40 nominations to full-time positions in independent and other agencies. Of these, 31 were confirmed and nine were returned to the President; none were withdrawn. The President made four recess appointments during this period to positions in organizations covered in this report (the Environmental Protection Agency and the U.S. Agency for International Development). Two of these occurred during the 2004 Memorial Day recess and two during the 2004 August recess. All four of these recess appointments would have expired at the end of the first session of the 109th Congress. Before this time, the Senate confirmed nominations of each of these four appointees to their respective positions.

Information for this report was compiled from data from the Senate nominations database of the Legislative Information System at [<http://www.congress.gov/nomis/>], the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, and telephone discussions with agency officials. The report will not be updated.

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Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 108th Congress

Introduction

This report provides an overview of the process for filling positions to which the President makes appointments with the advice and consent of the Senate (PAS

positions).¹ It also identifies, for the 108th Congress, all nominations to full-time positions requiring Senate confirmation in 38 organizations in the executive branch (25 independent agencies, six agencies in the Executive Office of the President (EOP), and seven multilateral banking organizations) and four agencies in the legislative branch. It excludes appointments to executive departments and to regulatory and other boards and commissions, which are covered in other reports. The Federal Emergency Management Agency, formerly an independent agency covered by earlier versions of this report, became part of the Department of Homeland Security when that department was established in 2003;² it is not covered by this report. Another government organization, the Millennium Challenge Corporation, came into existence early in the 108th Congress after it was established by the Millennium Challenge Act of 2003.³

A profile of each agency tracks the agency's nominations, providing information on Senate activity (confirmations, rejections, returns to the President, and elapsed time between nomination and confirmation) as well as further related presidential activity (including withdrawals and recess appointments). The profiles also identify, for each agency, positions requiring Senate confirmation, the incumbents in those positions as of January 3, 2005, dates they were confirmed, dates their terms expire, if applicable, and pay levels.

The Appointments Process

The President and the Senate share the power to appoint the principal officers of the United States.⁴ The Constitution (Article II, Section 2) empowers the President to nominate and, by and with the advice and consent of the Senate, to appoint the principal officers of the United States. Three distinct stages mark the appointment process — selection and nomination, confirmation, and appointment.

Selection, Clearance, and Nomination. In this stage, the White House selects and clears a nominee before sending the formal nomination to the Senate. There are a number of steps in this stage of the process for most Senate-confirmed positions. First, with the assistance of, and preliminary vetting by, the White House Office of Presidential Personnel, the President selects a candidate for the position. Interested parties, including Members of Congress, may have input during this process.

¹The acronym is defined as “Presidential Appointment with Senate Confirmation” in the 2004 “Plum Book” (U.S. Congress, House Committee on Government Reform, *United States Government Policy and Supporting Positions*, 108th Cong., 2nd sess., Committee Print, Nov. 22, 2004 (Washington: GPO, 2004), p. v).

²Homeland Security Act of 2002, P.L. 107-296; 116 Stat. 2135.

³P.L. 108-199, Div. D, §§ 601-619; 118 Stat. 211.

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

During the clearance process, the candidate prepares and submits several forms: the “Public Financial Disclosure Report” (Standard Form (SF) 278), the “Questionnaire for National Security Positions” (SF 86), and the White House “Personal Data Statement Questionnaire.” The Office of the Counsel to the President oversees the clearance process, which often includes background investigations conducted 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 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 is often the longest part of the appointment process. There can be lengthy delays, particularly if many candidates are being processed, as at the beginning of an Administration, or if conflicts need to be resolved. Candidates for higher-level positions are often accorded priority in this process. In an effort to reduce the elapsed time between a new President’s inauguration and the appointment of his or her national security team, recent amendments to the Presidential Transitions Act of 1963⁵ encourage Presidents-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.⁶

For positions located within a state (U.S. attorney, U.S. marshal, and U.S. district judge), the President, by custom, normally nominates an individual recommended by the Senator or Senators (if they are from the same party as the President) from that state. If neither Senator is from the President’s party, he usually defers to the recommendations of party leaders from the state. Occasionally, the President solicits recommendations from Senators of the opposition party because of their positions in the Senate. Before making a nomination to a federal position at the state or national level, the President would likely consider how it will fare in the confirmation process.

A nominee has no legal authority to assume the duties and responsibilities of the position; the authority comes with Senate confirmation and presidential appointment. A nominee who is hired by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. If circumstances permit and conditions are met, the President may give the nominee a recess appointment to the position (see below). Recess appointments may have political consequences, however, particularly if Senators perceive that an appointment is an effort to circumvent their constitutional role. Some Senate-confirmed positions, such as many of those in the executive departments, may also be temporarily filled under the Vacancies Act.⁷

⁵3 U.S.C. § 102 note.

⁶P.L. 108-458, § 7601; 118 Stat. 3856.

⁷P.L. 105-277, Div. C, Title I, § 151; 112 Stat. 2681-611; 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.

Senate Consideration. In the confirmation or second stage, the Senate alone determines whether or not to confirm a nomination.⁸ The way the Senate acts on a nomination depends largely on the importance of the position involved, existing political circumstances, and policy implications. Generally, the Senate shows particular interest in the nominees' views and how they are likely to affect public policy.⁹ Two other factors may also affect the scrutiny with which a nominee's personal and professional qualities are examined: whether or not the President's party controls the Senate and the degree to which the President becomes involved in supporting the nomination.

The Senate confirmation process is centered at the committee level. Committee nomination activity generally includes investigation, hearing, and reporting stages. As part of investigatory work, committees may draw on information provided by the White House as well as information collected by the committees. 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 if confirmation is thought to be a virtual certainty, hearings may provide Senators and the nominee with an opportunity to go on the record with particular views or commitments. Senators may use hearings to explore a nominee's qualifications, articulate a policy perspective, or raise related oversight issues. Some committees hold hearings on nearly all nominations; others hold hearings for only some.

The committee may discontinue acting on a nomination at any point — upon referral, after investigation, or after a hearing. If the committee votes to report the nomination back to the full Senate, it has three options: it may report the nomination to the Senate favorably, unfavorably, or without recommendation. If the committee elects not to report a nomination, the Senate may, under certain circumstances, discharge the committee from further consideration of the nomination in order to bring it to the floor.¹⁰

Although the Senate confirms most nominations, some are not confirmed. Rarely, however, does a rejection occur on the Senate floor. Nearly all rejections occur in committee, either by committee vote or by committee inaction. Rejections in committee occur for a variety of reasons, including opposition to the nomination, an inadequate amount of time for consideration of the nomination, or factors that may have nothing to do with the merits of the nomination. If a nomination is not acted upon by the Senate by the end of a Congress, it is returned to the President. Pending nominations also may be returned automatically to the President at the beginning of

⁸For further information, 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.

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

¹⁰For more information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki, p. 7.

a recess of 30 days or longer, but the Senate rule providing for this return is often waived.¹¹

Appointment. In the final stage, the confirmed nominee is given a commission signed by the President, with the seal of the United States affixed thereto, and is sworn into office. The President may sign the commission at any time after confirmation. 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 enables the President to make an appointment without Senate confirmation when the Senate is in recess, either during a session (intrasession recess appointment) or between sessions (intersession recess appointment). Recess appointments expire at the end of the following session of Congress.¹² **Appendix C** provides a table showing the dates of the Senate recesses for the 108th Congress and the number of recess appointments during each recess.

Presidents have occasionally used the recess appointment power to circumvent the confirmation process. In response, Congress has placed restrictions on the President's authority to make a recess appointment. Under 5 U.S.C. § 5503(a), if the position to which the President makes a recess appointment falls vacant while the Senate is in session, the recess appointee may not be paid from the Treasury until he or she is confirmed by the Senate. The salary prohibition does not apply (1) if the vacancy arose within 30 days before the end of the session; (2) if a nomination for the office (other than the nomination of someone given a recess appointment during the preceding recess) was pending when the Senate recessed; or (3) if a nomination was rejected within 30 days before the end of the session and another individual was given the recess appointment. A recess appointment falling under any one of these three exceptions must be followed by a nomination to the position not later than 40 days after the beginning of the next session of the Senate.¹³ 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.¹⁴ In addition, although recess appointees whose nominations to a full term are subsequently rejected by the Senate

¹¹The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 107th Cong., 1st sess., S. Doc. 107-1 (Washington: GPO, 2002), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate. For an example of a waiver of the rule, see Sen. John E. Sununu, "Nomination in Status Quo," *Congressional Record*, daily edition, vol. 149, July 31, 2003, p. S10844.

¹²U.S. Constitution, Art. II, § 2, cl. 3.

¹³Congress placed limits on payments to recess appointees as far back as 1863. The current provisions date from 1940 (ch. 580, 54 Stat. 751, 5 U.S.C. § 56, revised, and recodified at 5 U.S.C. § 5503, by P.L. 89-554, 80 Stat. 475). For a legal history and overview of recess appointments, see CRS Report 87-832 A, *Recess Appointments: Legal Overview*, by Richard C. Ehlke (archived; contact Henry Hogue for more information).

¹⁴For further information on recess appointments, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue; and CRS Report RL30821, *Recess Appointments Made by President Clinton*, by Rogelio Garcia.

may continue to serve until the end of their recess appointment, a provision of the Treasury and General Government Appropriations Act may prevent them from being paid after their rejection.¹⁵

Temporary Appointments

Congress has provided limited statutory authority for the temporary filling of vacant positions requiring Senate confirmation. Under the Federal Vacancies Reform Act of 1998,¹⁶ 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 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 or to certain other specific positions which may be filled temporarily under other statutory provisions.¹⁷

Appointments During the 108th Congress

During the 108th Congress, President George W. Bush submitted to the Senate 40 nominations to full-time positions in independent and other agencies. Of these nominations, 31 were confirmed and nine were returned to the President; none were withdrawn. The President made four recess appointments during this period to positions in organizations covered in this report (the Environmental Protection Agency and the U.S. Agency for International Development). Two of these appointments occurred during the 2004 Memorial Day recess and two during the 2004 August recess. All four of these recess appointments would have expired at the end of the first session of the 109th Congress. Before this time, the Senate confirmed nominations of each of these four appointees to their respective positions. **Table 1** summarizes the appointment activity.

¹⁵P.L. 108-447, Div. H, § 609; 118 Stat. 3274. The provision reads, “No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.” This provision has been part of this annual funding activity since at least 1950.

¹⁶P.L. 105-277, Div. C, Title I, § 151; 112 Stat. 2681-611; 5 U.S.C. §§ 3345-3349d.

¹⁷For 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.

Table 1. Appointment Action for 42 Independent and Other Agencies During the 108th Congress

Positions at the 42 independent and other agencies (total)	118
Positions to which nominations were made	36
Individual nominees	36
Nominations submitted to the Senate during the 108th Congress (total)	40
Disposition of nominations	
Confirmed by the Senate	31
Returned at the end of the 2 nd session of the 108 th Congress	9
Withdrawn	0
Recess Appointments (total)	4
Intrasession	4
Intercession	0

Average Time to Confirm a Nomination

The length of time a given nomination may be pending in the Senate varies widely. Some nominations are confirmed within a few days, others may not be confirmed for several months, and some are never confirmed. This report provides, for each independent agency nomination confirmed in the 108th Congress, the number of days between nomination and confirmation (“days to confirm”). These counts exclude days during August recesses and between sessions of Congress. This cutoff point is suggested by the Senate rules, which provide that, “if the Senate shall adjourn or take recess for more than thirty days, all nominations pending and not finally acted upon” shall be returned to the President, although this rule is often waived.¹⁸ The 31 days during the August 2003 recess, the 41 days between the first and second sessions of the 108th Congress, and the 46 days during the August 2004 recess were subtracted from the “days to confirm” for those nominations that spanned one or more recesses. Although it also exceeded 30 days, no days were subtracted for a 35-day recess during October and November 2004 in order to maintain consistency with similar reports for previous Congresses.

The mean (average) number of days taken by the Senate to confirm a nomination to a position covered by this report was 114.¹⁹ Of the 31 confirmed nominations, 20 were confirmed in less than this amount of time, and 11 took longer. The median number of days taken by the Senate was 77. The duration of the confirmation process varied considerably, with eight taking 60 days or less, and four taking longer than 250 days. The shortest confirmation, of Porter J. Goss to be Director of the Central Intelligence Agency, took 15 days, while the longest

¹⁸U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 107th Cong., 1st sess., S.Doc. 107-1 (Washington: GPO, 2002), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

¹⁹See Appendix B for a further breakdown.

confirmation, of William A. Chatfield to be Director of the Selective Service System, took 358 days.

Organization of this Report

Agency Profiles. The agency profiles provide data on presidential nominations and appointments to full-time positions requiring Senate confirmation, and Senate action on the nominations. Data²⁰ on appointment actions during the 108th Congress appear in two tables for each agency, “Appointment Action During 108th Congress” and “Positions and Incumbents in Department as of January 3, 2005.” As noted, some agencies had no appointment activity during this period of time.

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. As discussed earlier (see “Average Time to Confirm a Nomination,” above), the numbers of days shown in the tables in this report exclude days during the longer recesses around August and between sessions of Congress. Actions other than confirmation (i.e., nominations rejected by the Senate and nominations returned to, or withdrawn by, the President) are also noted. Some nominees identified in this report were nominated more than once for the same position because of a recess appointment. When a nominee is awaiting Senate action and he or she is given a recess appointment, a second, follow-up, nomination is usually submitted to comply with the requirements of 5 U.S.C. § 5503(b) (see “Recess Appointments,” above).

In tables that show more than one confirmed nomination, the mean number of days to confirm a nomination is provided. This figure is determined by calculating the number of days between the nomination and confirmation dates, adding these numbers for all confirmed nominations, and dividing the result by the number of nominations confirmed.

The second table of each profile identifies the agency’s full-time positions requiring Senate confirmation and the incumbents in those positions as of January 3, 2005. An incumbent’s name followed by “(A)” indicates an official who is serving in an acting capacity. A blank space indicates that either the position is vacant or current information about the position-holder was not available from the agency. The table also includes the pay level for each position. For presidentially appointed

²⁰This report was compiled from data from the nominations file of the Senate Executive Files database of the Legislative Information System (LIS), available at [<http://www.congress.gov/nomis/>]; the “Plum Book” (U.S. Congress, House Committee on Government Reform, *United States Government Policy and Supporting Positions*, 108th Cong., 2nd sess., Committee Print, Nov. 22, 2004 (Washington: GPO, 2004)); and telephone discussions with agency officials. Information concerning position incumbents was also drawn from nomination and confirmation data supplemented by information from the following two federal agency directories: The Leadership Library on the Internet, *Federal Yellow Book*, at [<http://www.leadershipdirectories.com/fyb.htm>] (New York: Leadership Directories, Inc); and CQ Press, *2004/Fall Federal Staff Directory*, 46th ed. (Washington: CQ Press, 2004).

positions requiring Senate confirmation, the pay levels generally fall under the Executive Schedule, which ranges from Level I (\$180,100) for cabinet level offices to Level V (\$131,400) for the lowest-ranked positions.²¹

Additional Appointment Information. Appendix A presents a table of all nominations to positions in all of the organizations covered by this report, alphabetically organized and following a similar format to that of the agency 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, or if a recess appointment was made. The mean number of days taken to confirm a nomination is calculated as described above. The table also shows the median, which is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

Appendix B provides a table with summary information on appointments and nominations by four agency categories: independent executive agencies, agencies in the EOP, multilateral banking organizations, and agencies in the legislative branch. For each of these categories, the table provides the number of positions, nominations, individual nominees, confirmations, nominations returned, and nominations withdrawn. The table also provides, for each of the four categories, the mean number of days to confirm a nomination.

Appendix C provides a list of department abbreviations.

²¹The salary figures are as of Jan. 2005. For information on pay for federal officials, see CRS Report 98-53, *Salaries of Federal Officials: A Fact Sheet*, by Barbara L. Schwemle.

**NOMINATIONS AND INCUMBENTS:
FULL-TIME POSITIONS IN
INDEPENDENT AGENCIES**

Appalachian Regional Commission

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Federal Co-Chair	Anne B. Pope	III
Alternate Federal Co-Chair	Richard J. Peltz	V

Broadcasting Board of Governors

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director, International Broadcasting Bureau	^a	IV

^a Seth Cropsey, the former director, resigned his position on Jan. 1, 2005.

Central Intelligence Agency/ Intelligence Community

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Larry C. Kindsvater	Deputy Director-Community Management	05/11/04	07/22/04	72
Porter J. Goss	Director	09/07/04	09/22/04	15
Average number of days to confirm a nomination				44

Positions and Incumbents in Agency/Community as of January 3, 2005^a

Position	Incumbent	Pay Level
Director	Porter J. Goss	II
Deputy Director	^b	III
Deputy Director - Community Management	Larry C. Kindsvater	III
Assistant Director - Administration		IV
Assistant Director - Analysis and Production		IV
Assistant Director - Collection		IV
General Counsel		IV
Inspector General	John L. Helgerson	IV

^a The 108th Congress enacted the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458), which, among other things, changed the leadership structure of the Central Intelligence Agency and the Intelligence Community. These changes are not reflected here because they did not take effect until after the end of the 108th Congress.

^b John E. McLaughlin announced his retirement as deputy director effective Dec. 30, 2004.

Corporation for National and Community Service

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm ^a
David Eisner	Chief Executive Officer	09/15/03	12/09/03	85
Edward L. Flippen	Inspector General	10/07/04	Returned 12/08/04 ^a	
Average number of days to confirm a nomination				85

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
President and Chief Executive Officer	David Eisner	III
Chief Financial Officer	Andrew Kleine (A)	IV
Managing Director		IV
Managing Director		IV
Inspector General	Carol Bates (A)	IV

^aReturned to the President at the end of the 108th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Court Services and Offender Supervision Agency to the District of Columbia

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director ^a	Paul A. Quander, Jr.	IV

^aSix-year term; incumbent may be removed from office prior to the expiration of term only for neglect of duty, malfeasance in office, or other good cause shown. (*District of Columbia Code 24-133(b)(1)*). Quander's term expires on Aug. 4, 2008.

Delta Regional Authority

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Federal Co-Chair	Patrick H. Johnson	III

Environmental Protection Agency

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Michael O. Leavitt	Administrator	09/03/03	10/28/03	55
Charles Johnson	Chief Financial Officer	01/21/04	11/21/04	259
Stephen L. Johnson	Deputy Administrator	01/21/04	11/21/04	259
Ann R. Klee	General Counsel	03/01/04	11/21/04	219
Benjamin Grumbles	Asst. Admin. - Water	03/01/04	11/21/04	219
Charles Johnson	Chief Financial Officer	Recess Appointment 05/28/04 ^a		
Ann R. Klee	General Counsel	Recess Appointment 05/28/04 ^a		
Ann R. Klee	General Counsel	06/24/04	Returned 12/08/04 ^b	
Charles Johnson	Chief Financial Officer	06/24/04	Returned 12/08/04 ^b	
Stephen L. Johnson	Deputy Administrator	Recess Appointment 08/02/04 ^a		
Thomas V. Skinner	Asst. Admin. - Enforcement and Compliance Assurance	09/08/04	Returned 12/08/04 ^c	
Stephen L. Johnson	Deputy Administrator	09/10/04	Returned 12/08/04 ^b	
Average number of days to confirm a nomination				202

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Administrator	Michael O. Leavitt ^d	II
Deputy Administrator	Stephen L. Johnson	III
Assistant Administrator - Administration and Resources Management	David J. O'Connor (A)	IV
Assistant Administrator - Air and Radiation	Jeffrey R. Holmstead	IV
Assistant Administrator - Enforcement and Compliance Assurance	Thomas V. Skinner (A)	IV
Assistant Administrator - Environmental Information	Kimberly T. Nelson	IV
Assistant Administrator - International Affairs	Judith E. Ayres	IV
Assistant Administrator - Prevention, Pesticides and Toxic Substances	Susan B. Hazen (A)	IV
Assistant Administrator - Research and Development	J. Paul Gilman	IV
Assistant Administrator - Solid Waste and Emergency Response	Thomas Dunne (A)	IV
Assistant Administrator - Water	Benjamin Grumbles	IV
Chief Financial Officer ^e	Charles Johnson	IV
General Counsel	Ann R. Klee	IV
Inspector General	Nikki L. Tinsley	IV

^a These three recess appointments would have expired at the end of the first session of the 109th Congress, by which time their nominations would have been confirmed by the Senate, as shown.

^b When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an old nomination is pending, in compliance with 5 U.S.C. § 5503. In this case, the first nomination was acted upon, and the second, "duplicate" nomination was returned to the President at the end of the 108th Congress under the provision of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^c Returned to the President at the end of the 108th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^d Leavitt was nominated by the President to the position of Secretary, Department of Health and Human Services on Jan. 4, 2005 and confirmed by the Senate on Jan. 26, 2005. Upon Leavitt's resignation from EPA, Deputy Administrator Johnson became the Acting Administrator.

^e The chief financial officer may be appointed by the President with the advice and consent of the Senate, or designated by the President from among agency officials confirmed by the Senate for another position (31 U.S.C. § 901(a)(1)).

Federal Mediation and Conciliation Service

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	Scot L. Beckenbaugh (A) ^a	III

^a Peter J. Hurtgen, the former director, announced his retirement effective Dec. 31, 2004.

General Services Administration

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Bryan David Miller	Inspector General	10/07/04	Returned 12/08/04 ^a	

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Administrator	Stephen A. Perry	III
Inspector General	Daniel R. Levinson	IV

^a Returned to the President at the end of the 108th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Millennium Challenge Corporation^a

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Paul V. Applegarth	Chief Executive Officer	02/23/04	05/05/04	72

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	Paul V. Applegarth	II

^a P.L.108-199, Division D, Title VI, § 604, established the Millennium Challenge Corporation.

National Aeronautics and Space Administration

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Gwendolyn Brown	Chief Financial Officer	07/17/03	11/04/03	79

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Administrator	Sean O'Keefe ^a	II
Deputy Administrator	Frederick D. Gregory	III
Chief Financial Officer ^b	Gwendolyn Brown	IV
Inspector General	Robert W. Cobb	IV

^a O'Keefe sent his resignation to the President on Dec. 13, 2004, and stated that he would remain in his position until a successor was nominated and confirmed. Upon O'Keefe's departure on Feb. 18, 2005, Deputy Administrator Gregory became the Acting Administrator.

^b The chief financial officer 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 another position (31 U.S.C. § 901(a)(1)).

National Archives and Records Administration

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Allen Weinstein	Archivist	04/08/04	Returned 12/08/04 ^a	

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Archivist ^b	John W. Carlin ^c	III

^a Returned to the President at the end of the 108th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b The President may remove the archivist at any time, but must communicate the reasons for such removal to Congress (44 U.S.C. § 2103).

^c Carlin submitted his resignation on Dec. 19, 2003 and left the position on Feb. 16, 2005. On Jan. 24, 2005, Weinstein was nominated again in the 109th Congress to be Archivist. He was confirmed by the Senate on Feb. 10, 2005, and was sworn in as the ninth Archivist on Feb. 16, 2005.

National Foundation on the Arts and Humanities

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Dana Gioia	Chair - National Endowment for the Arts	01/09/03	01/29/03	20

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Chair - National Endowment for the Arts ^a	Dana Gioia	III
Chair - National Endowment for the Humanities ^b	Bruce Cole	III
Director - Institute of Museum and Library Services ^c	Robert S. Martin	III

^a Term of office is four years; when term expires, incumbent may remain in office until a successor is appointed (20 U.S.C. § 954(b)). Gioia's term expires Feb. 10, 2007.

^b Term of office is four years; when term expires, incumbent may remain in office until a successor is appointed (20 U.S.C. § 956(b)). Cole's term expires Dec. 10, 2005.

^c Term of office is four years (20 U.S.C. § 9103(2)). Martin's term expires July 13, 2005.

National Science Foundation

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Arden L. Bement	Director	10/15/04	11/21/04	37

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director ^a	Arden L. Bement	II
Deputy Director	Joseph Bordogna	III

^a Term of office is six years, but the President may remove the incumbent at any time. The incumbent must leave office when term expires (42 U.S.C. § 1864(a)).

Office of Government Ethics

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Edwin D. Williamson	Director	05/20/04	Returned 12/08/04 ^a	

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director ^b	Marilyn L. Glynn (A)	III

^a Returned to the President at the end of the 108th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^b Term of office is five years; the incumbent must leave office when the term expires (5 U.S.C. App., § 401).

Office of Navajo and Hopi Indian Relocation

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Commissioner	^a	IV

^aThere has not been a confirmed Commissioner for the Office of Navajo and Hopi Indian Relocation since the resignation of Carl J. Kunasek on Apr. 12, 1994.

Office of Personnel Management

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director ^a	Kay Coles James ^b	II
Deputy Director	Dan G. Blair	III
Inspector General	Patrick E. McFarland	IV

^aTerm of office is four years, but the President may remove the incumbent at any time. The incumbent must leave office when term expires (5 U.S.C. § 1102(a)).

^bJames announced her resignation Jan. 31, 2005. Deputy Director Blair became Acting Director on Feb. 1, 2005.

Office of Special Counsel

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Scott J. Bloch	Special Counsel	06/26/03	12/09/03	135

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Special Counsel ^a	Scott J. Bloch	V

^a Term of office is five years; incumbent may continue to serve for one year after his or her term expires. The President may remove incumbent from office only for inefficiency, neglect of duty, or malfeasance in office (5 U.S.C. § 1211(b)).

Overseas Private Investment Corporation

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
President	Peter S. Watson	III
Executive Vice President	Ross J. Connelly	IV

Peace Corps

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	Gaddi H. Vasquez	II
Deputy Director	Josephine K. Olsen	IV

Selective Service System

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
William A. Chatfield	Director	09/03/03	11/21/04	358

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	William A. Chatfield	IV

Small Business Administration

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Harold Damelin	Inspector General	01/09/03	03/31/03	81

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Administrator	Hector V. Barreto	III
Deputy Administrator	Melanie Sabelhaus	IV
Chief Counsel for Advocacy	Thomas M. Sullivan	IV
Inspector General	Harold Damelin	IV

Social Security Administration

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Patrick P. O'Carroll	Inspector General	04/08/04	11/21/04	181

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Commissioner ^a	Jo Anne B. Barnhart	I
Deputy Commissioner ^b	James B. Lockhart III	II
Inspector General	Patrick P. O'Carroll	IV

^a Term of office is six years. When a term expires, the incumbent may continue in office until a successor is appointed. The President may remove an incumbent only for neglect of duty or malfeasance in office (42 U.S.C. § 902(a)). Barnhart's term expires Jan. 19, 2007.

^b Term of office is six years. (42 U.S.C. § 902(b)). There is no provision regarding removal or continuing in office after a term expires.

Trade and Development Agency

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	Thelma J. Askey	III

U.S. Agency for International Development^a

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Douglas Menarchik	Asst. Admin.- Policy and Program Coordination	09/08/04	11/21/04	74
James R. Kunder	Asst. Admin. - Asia/Near East	05/11/04	11/21/04	148
James R. Kunder	Asst. Admin. - Asia/Near East	Recess Appointment 08/02/04 ^b		
James R. Kunder	Asst. Admin. - Asia/Near East	09/10/04	Returned 12/08/04 ^c	
Lloyd O. Pierson	Asst. Admin. - Sub-Saharan Africa	07/21/04	11/21/04	77
Average number of days to confirm a nomination				100

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Administrator	Andrew S. Natsios	II
Deputy Administrator	Frederick W. Schieck	III
Assistant Administrator - Sub-Saharan Africa	Lloyd O. Pierson	IV
Assistant Administrator - Asia and Near East	James R. Kunder	IV
Assistant Administrator - Latin American and Caribbean	Adolpho A. Franco	IV
Assistant Administrator - Europe and Eurasia	Kent R. Hill	IV
Assistant Administrator - Global Health	E. Anne Peterson ^d	IV
Assistant Administrator - Economic Growth/Agriculture/Trade	Emmy B. Simmons	IV
Assistant Administrator - Democracy/Conflict/Humanitarian Assistance	Roger P. Winter	IV
Assistant Administrator - Management	Steven G. Wisecarver (A)	IV
Assistant Administrator - Legislative and Public Affairs	J. Edward Fox	IV
Assistant Administrator - Policy and Program Coordination	Douglas Menarchik	IV
Inspector General	James R. Ebbitt (A)	IV

^a The United States Agency for International Development (USAID) is an independent establishment as defined by 5 U.S.C. § 104, with certain limitations (22 U.S.C. § 6563 (a)). The USAID director “shall report to and be under the direct authority and foreign policy guidance of the Secretary of State” (22 U.S.C. § 6592).

^b This recess appointment would have expired at the end of the first session of the 109th Congress, by which time the nomination would have been confirmed by the Senate, as shown.

^c When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an old nomination is pending, in compliance with 5 U.S.C. § 5503. In this case, the first nomination was acted upon, and the second, “duplicate” nomination was returned to the President at the end of the 108th Congress under the provision of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

^d Kent R. Hill was appointed Acting Assistant Administrator - Global Health on Jan. 21, 2005.

NOMINATIONS AND INCUMBENTS: FULL-TIME POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT

Council of Economic Advisers

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Nicholas Gregory Mankiw	Member	04/28/03	05/22/03	24
Kristin J. Forbes	Member	07/15/03	10/17/03	63
Harvey S. Rosen	Member	07/15/03	10/17/03	63
Average number of days to confirm a nomination				50

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Chair ^a	N. Gregory Mankiw	II
Member	Kristin J. Forbes	IV
Member	Harvey S. Rosen	IV

^a The chair and vice-chair are designated by the President (15 U.S.C. § 1023(a)). No vice-chair had been designated as of Jan. 3, 2005.

Council on Environmental Quality^a

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Chair	James L. Connaughton	II

^a The Council consists of one member who serves as chairman.

Office of Management and Budget

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Linda M. Springer	Controller - Federal Financial Management	01/09/03	03/31/03	81
Clay Johnson III	Deputy Director for Management	01/28/03	06/11/03	134
Joshua B. Bolten	Director	06/03/03	06/26/03	23
Joel David Kaplan	Deputy Director	07/11/03	07/31/03	20
David Safavian	Admin. for Federal Procurement Policy	01/22/04	11/21/04	258
Average number of days to confirm a nomination				103

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	Joshua B. Bolten	I
Deputy Director	Joel David Kaplan	II
Deputy Director - Management	Clay Johnson III	II
Controller - Office of Federal Financial Management	Linda M. Springer	III
Administrator - Office of Federal Procurement Policy	David Safavian	IV
Administrator - Office of Information and Regulatory Affairs	John D. Graham	IV

Office of National Drug Control Policy

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	John P. Walters	I
Deputy Director	Mary Ann Solberg	III
Deputy Director - Demand Reduction		III
Deputy Director - Supply Reduction		III
Deputy Director - State and Local	Scott M. Burns	III

Office of Science and Technology Policy

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Director	John H. Marburger III	II
Associate Director - Science	Kathie L. Olsen	III
Associate Director - Technology	Richard M. Russell	III

Office of the U.S. Trade Representative

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Josette Sheeran Shiner	Dep. U.S. Trade Representative	06/02/03	08/01/03	60

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Trade Representative	Robert B. Zoellick ^a	I
Deputy U.S. Trade Representative	Peter F. Allgeier	III
Deputy U.S. Trade Representative	Linnet F. Deily	III
Deputy U.S. Trade Representative	Josette Sheeran Shiner	III
Chief Agricultural Negotiator	Allen F. Johnson	III

^a Zoellick was nominated by the President on Feb. 10, 2005 to be Deputy Secretary of State. He was confirmed by the Senate on Feb. 16, 2005 and sworn in on Feb. 22, 2005. Upon Zoellick's resignation, Deputy U.S. Trade Representative Allgeier became the Acting U.S. Trade Representative.

NOMINATIONS AND INCUMBENTS: FULL-TIME POSITIONS IN MULTILATERAL ORGANIZATIONS

African Development Bank

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Director	Cynthia S. Perry	^a

^a “The Director ... representing the United States, if [a citizen] of the United States, may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received from the Bank and from the African Development Fund, may not exceed those authorized for a chief of mission under the Foreign Service Act of 1980 ...” (22 U.S.C. § 290i-2).

Asian Development Bank

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Executive Director	Paul W. Speltz	^a

^a “The Director may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received from the Bank and from the African Development Fund, may not exceed those authorized for a chief of mission under the Foreign Service Act of 1980 ...” (22 U.S.C. § 285a (b)).

European Bank for Reconstruction and Development

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Director	Mark Sullivan	^a

^a The statutory basis for this position, 22 U.S.C. § 290l-1, makes no provision regarding the compensation of the position holder.

Inter-American Development Bank

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Hector E. Morales	U.S. Alternate Executive Director	09/03/03	12/09/03	64
Hector E. Morales	U.S. Executive Director	07/22/04	11/21/04	76
Average number of days to confirm a nomination				70

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Executive Director ^a	Hector E. Morales	^b
U. S. Alternate Executive Director		

^a Term of office is three years; incumbent remains in office when a term expires until a successor is appointed (22 U.S.C. § 283a(b)).

^b “No person shall be entitled to receive any salary or other compensation from the United States for services as ... executive director.” (22 U.S.C. § 283a(c)).

International Bank for Reconstruction and Development (World Bank)

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Executive Director ^a	Carole Brookins	^c
U.S. Alternate Executive Director ^b	Robert B. Holland III	^c

^a Term of office is two years; the incumbent may remain in office when a term expires until a successor is appointed (22 U.S.C. § 286a(a)). Brookins resigned Jan. 14, 2005.

^b Term of office is two years; the incumbent may remain in office when a term expires until a successor is appointed (22 U.S.C. § 286a(b)).

^c “No person shall be entitled to receive any salary or other compensation from the United States for services as ... executive director , ... alternate ...” (22 U.S.C. § 286a(d)(1)).

International Joint Commission, U.S. and Canada

Appointment Action in the 108th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Dennis L. Schornack	Commissioner, U.S. Section	01/09/03	10/03/03	236

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Chair, U.S. Section	Dennis L. Schornack	IV
Commissioner, U.S. Section	Irene B. Brooks	V
Commissioner, U.S. Section	Allen I. Olson	V

International Monetary Fund

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
U.S. Executive Director ^a	Nancy Jacklin	^b
U.S. Alternate Executive Director ^a	Margrethe Lundsager	^b

^a Term of office is two years; the incumbent may remain in office when a term expires until a successor is appointed (22 U.S.C. § 286a(a)).

^b "No person shall be entitled to receive any salary or other compensation from the United States for services as ... executive director, ... alternate ..." (22 U.S.C. § 286a(d)(1)).

NOMINATIONS AND INCUMBENTS: FULL-TIME POSITIONS IN LEGISLATIVE BRANCH AGENCIES

Architect of the Capitol

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Architect of the Capitol ^a	Alan M. Hantman	^b

^a The architect is appointed to a 10-year term. Hantman's term expires Jan. 30, 2007.

^b As provided in 2 U.S.C. § 1802, the "compensation of the Architect of the Capitol shall be at an annual rate which is equal to the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate."

Government Accountability Office

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Comptroller General ^a	David M. Walker	^b
Deputy Comptroller General ^c	^d	^b

^a The Comptroller General is appointed to a 15-year term, with no hold-over provision when the term expires. He may be removed before the term expires only by a joint resolution of Congress, for permanent disability, inefficiency, neglect of duty, malfeasance, or a felony or conduct involving moral turpitude (31 U.S.C. § 703(e)(1)). Walker's term expires Oct. 20, 2013.

^b Under 31 U.S.C. § 703(f), the "annual rate of basic pay of the - (1) Comptroller General is equal to the rate for level II of the Executive Schedule; and (2) Deputy Comptroller General is equal to the rate for level III of the Executive Schedule."

^c The term of the deputy comptroller general expires upon the appointment of a new Comptroller General, or when a successor is appointed.

^d No one has been nominated to this office for at least 25 years.

Government Printing Office

Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Public Printer	Bruce R. James	^a

^a Under 44 U.S.C. § 303, the “annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5.”

Library of Congress

No Appointment Action in the 108th Congress

Positions and Incumbents in Agency as of January 3, 2005

Position	Incumbent	Pay Level
Librarian of Congress	James H. Billington	^a

^a Under 2 U.S.C. § 136a-2(1), “the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5.”

Appendix A. Alphabetical Listing of Nominees and Appointees, January 3, 2003 - January 3, 2005

Nominee	Position	Agency ^a	Nomination Date	Confirmation Date	Days to confirm
Paul V. Applegarth	Chief Executive Officer	MCC	02/23/04	05/05/04	72
Arden L. Bement	Director	NSF	10/15/04	11/21/04	37
Scott J. Bloch	Special Counsel	OSC	06/26/03	12/09/03	135
Joshua B. Bolten	Director	OMB	06/03/03	06/26/03	23
Gwendolyn Brown	Chief Financial Officer	NASA	07/17/03	11/04/03	79
William A. Chatfield	Director	SSS	09/03/03	11/21/04	358
Harold Damelin	Inspector General	SBA	01/09/03	03/31/03	81
David Eisner	Chief Executive Officer	CNCS	09/15/03	12/09/03	85
Edward L. Flippen	Inspector General	CNCS	10/07/04	Returned 12/08/04	
Kristin J. Forbes	Member	CEA	07/15/03	10/17/03	63
Dana Gioia	Chair, National Endowment for the Arts	NFAH	01/09/03	01/29/03	20
Porter J. Goss	Director	CIA	09/07/04	09/22/04	15
Benjamin Grumbles	Asst. Admin. - Water	EPA	03/01/04	11/21/04	219
Charles Johnson	Chief Financial Officer	EPA	01/21/04	11/21/04	259
Charles Johnson	Chief Financial Officer	EPA	Recess Appointment	05/28/04	
Charles Johnson	Chief Financial Officer	EPA	06/24/04	Returned 12/08/04	
Clay Johnson III	Deputy Director for Management	OMB	01/28/03	06/11/03	134
Stephen L. Johnson	Deputy Administrator	EPA	01/21/04	11/21/04	259
Stephen L. Johnson	Deputy Administrator	EPA	Recess Appointment	08/02/04	
Stephen L. Johnson	Deputy Administrator	EPA	09/10/04	Returned 12/08/04	
Joel D. Kaplan	Deputy Director	OMB	07/11/03	07/31/03	20
Larry C. Kindsvater	Deputy Director-Community Management	CIA	05/11/04	07/22/04	72
Ann R. Klee	General Counsel	EPA	03/01/04	11/21/04	219
Ann R. Klee	General Counsel	EPA	Recess Appointment	05/28/04	
Ann R. Klee	General Counsel	EPA	06/24/04	Returned 12/08/04	
James R. Kunder	Asst. Admin. - Asia/Near East	USAID	05/11/04	11/21/04	148
James R. Kunder	Asst. Admin. - Asia/Near East	USAID	Recess Appointment	08/02/04	
James R. Kunder	Asst. Admin. - Asia/Near East	USAID	09/10/04	Returned 12/08/04	
Michael O. Leavitt	Administrator	EPA	09/03/03	10/28/03	55
N. Gregory Mankiw	Member	CEA	04/28/03	05/22/03	24
Douglas Menarchik	Asst. Admin. - Policy and Program Coordination	USAID	09/08/04	11/21/04	74
Bryan David Miller	Inspector General	GSA	10/07/04	Returned 12/08/04	
Hector E. Morales	U.S. Alternate Executive Director	IADB	09/03/03	12/09/03	64
Hector E. Morales	U.S. Executive Director	IADB	07/22/04	11/21/04	76
Patrick P. O'Carroll	Inspector General	SSA	04/08/04	11/21/04	181
Lloyd O. Pierson	Asst. Admin. - Sub-Saharan Africa	USAID	07/21/04	11/21/04	77
Harvey S. Rosen	Member	CEA	07/15/03	10/17/03	63
David Safavian	Admin. for Federal Procurement Policy	OMB	01/22/04	11/21/04	258
Dennis L. Schornack	Commissioner, U.S. Section	IJC	01/09/03	10/03/03	236

Nominee	Position	Agency^a	Nomination Date	Confirmation Date	Days to confirm
Josette Sheeran Shiner	Dep. U.S. Trade Representative	OUSTR	06/02/03	08/01/03	60
Thomas V. Skinner	Asst. Admin. - Enforcement and Compliance Assurance	EPA	09/08/04	Returned 12/08/04	
Linda M. Springer	Controller - Federal Financial Management	OMB	01/09/03	03/31/03	81
Allen Weinstein	Archivist	NARA	04/08/04	Returned 12/08/04	
Edwin D. Williamson	Director	OGE	05/20/04	Returned 12/08/04	
Mean number of days to confirm nomination					114
Median number of days to confirm nomination					77

^a Agency abbreviations are found in Appendix C.

Appendix B. Appointment Action During the 108th Congress, by Agency Grouping

Agency grouping	Positions	Nominations	Individual nominees ^a	Confirmations	Nominations returned	Nominations Withdrawn	Mean days to confirm
Independent agencies	78	28	24	19	9	0	129
Executive Office of the President	23	9	9	9	0	0	81
Multilateral units	12	3	3	3	0	0	125
Legislative agencies	5	0	0	0	0	0	n.a.
Total	118	40	36	31	9	0	

^a This column counts Hector E. Morales twice, since he was nominated to two different positions over the course of the 108th Congress.

Appendix C. Agency Abbreviations

Independent Agencies

ARC	Appalachian Regional Commission
BBG	Broadcasting Board of Governors
CIA	Central Intelligence Agency
CNCS	Corporation for National and Community Service
CSOSA	Court Services and Offender Supervision Agency for the District of Columbia
DRA	Delta Regional Authority
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FMCS	Federal Mediation and Conciliation Service
GSA	General Services Administration
MCC	Millennium Challenge Corporation
NARA	National Archives and Records Administration
NASA	National Aeronautics and Space Administration
NFAH	National Foundation on the Arts and Humanities
NSF	Science Foundation
OGE	Office of Government Ethics
ONHIR	Office of Navajo and Hopi Indian Relocation
OPIC	Overseas Private Investment Corporation
OPM	Office of Personnel Management
OSC	Office of Special Counsel
PC	Peace Corps
SBA	Small Business Administration
SSA	Social Security Administration
SSS	Selective Service System
TDA	Trade Development Agency
USAID	United States Agency for International Development

Executive Office of the President (EOP)

CEA	Council of Economic Advisers
CEQ	Council on Environmental Quality
OMB	Office of Management and Budget
ONDCP	Office of National Drug Control Policy
OSTP	Office of Science and Technology Policy
OUSTR	Office of U.S. Trade Representative

Multilateral Banking Organizations

AfDB	African Development Bank
AsDB	Asian Development Bank
EBRD	European Bank for Reconstruction and Development
IADB	Inter-American Development Bank
IBRD	International Bank for Reconstruction and Development
IJC	International Joint Commission, U.S. and Canada
IMF	International Monetary Fund

Legislative Branch Agencies

AC	Architect of the Capitol
GAO	Government Accountability Office
GPO	Government Printing Office
LC	Library of Congress