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Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 107th Congress

Henry B. Hogue, Government and Finance Division

Updated July 11, 2003

Abstract. This report discusses nominations to full-time positions in 37 executive branch organizations and four legislative branch agencies.



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# Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 107<sup>th</sup> Congress

Updated July 11, 2003

Henry B. Hogue Analyst in American National Government Government and Finance Division

## Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 107<sup>th</sup> Congress

#### **Summary**

During the 107<sup>th</sup> Congress, 109 nominations to full-time positions in independent and other agencies were submitted to the Senate. Of these nominations, three were submitted by President Clinton before he left office and were withdrawn by President Bush on March 19, 2001. President Bush submitted 106 nominations, of which 94 were confirmed, 10 were returned to him, and two were withdrawn.

President Clinton made three recess appointments to these positions during the intersession between the 106<sup>th</sup> and 107<sup>th</sup> Congresses; all expired at the end of the first session of the 107<sup>th</sup> Congress. President Bush did not make any recess appointments to these positions between the beginning of his Administration and the end of the 107<sup>th</sup> Congress.

This report discusses nominations to full-time positions in 37 executive branch organizations (25 independent agencies, six agencies in the Executive Office of the President (EOP), and six 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.

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 107<sup>th</sup> 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. It also identifies, for the 107<sup>th</sup> Congress, all nominations to full-time positions requiring Senate confirmation in 37 organizations in the executive branch (25 independent agencies, six agencies in the Executive Office of the President (EOP), and six multilateral banking organizations) and four agencies in the legislative branch. 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, 2003, dates they were confirmed, dates their terms expire, if applicable, and pay levels.

<sup>1</sup>This report was built on research by Rogelio Garcia and Henry B. Hogue. Significant portions of the text presented here were written by Dr. Garcia for earlier versions of this report.

<sup>2</sup>For information and data on appointments during the 107<sup>th</sup> Congress to positions in the executive departments, regulatory bodies, and federal judiciary, see the following reports: CRS Report RL31346, Presidential Appointments to Full-Time Positions in Executive Departments During the 107th Congress, 2001-2002, by Henry B. Hogue; CRS Report RL30910, Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 107th Congress, by Henry B. Hogue; and CRS Report RL31868, U.S. Circuit and District Court Nominations by President George W. Bush During the 107th Congress, by Denis Steven Rutkus and Mitchel A. Sollenberger. For similar reports for previous Congresses, see CRS Report 94-473 GOV, Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 103rd Congress, by Rogelio Garcia (archived); CRS Report 96-985 GOV, Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 104th Congress, by Rogelio Garcia (archived); CRS Report RL30124, Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 105th Congress, by Rogelio Garcia (archived); and CRS Report RL30564, Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 106th Congress, by Rogelio Garcia and Henry B. Hogue. For archived reports, contact Henry B. Hogue.

#### **Appointments During the 107th Congress**

During the 107<sup>th</sup> Congress, 109 nominations to full-time positions in independent and other agencies were submitted to the Senate. Of these nominations, three were submitted by President Clinton before he left office and were withdrawn by President Bush on March 19, 2001. President Bush submitted 106 nominations, of which 94 were confirmed, 10 were returned, and two were withdrawn. President Clinton made three recess appointments to these positions during the intersession between the 106<sup>th</sup> and 107<sup>th</sup> Congresses, all of which expired at the end of the first session of the 107<sup>th</sup> Congress. President Bush did not make any recess appointments to these positions between the beginning of his Administration and the end of the 107<sup>th</sup> Congress. **Table 1** summarizes the appointment activity. The number of nominations submitted to the Senate exceeds the number of individual nominees because, due to the return of pending nominations at the August 2001 recess, as discussed below, eight nominees were nominated twice to the same position. In addition, two individuals, Sean O'Keefe and Mark W. Everson, were nominated to two different positions.

Table 1. Nomination and Appointment Action in the 107<sup>th</sup> Congress, January 3, 2001 - January 3, 2003

Total positions	118
Positions held by incumbents appointed under a previous administration	18
Nominations submitted to the Senate	109
Nominations confirmed by the Senate	94
Unduplicated nominations <sup>a</sup>	101
Nominations returned to the President	10
Nominations submitted by Clinton, withdrawn by Bush	3
Nominations submitted and withdrawn by Bush	2
Intersession recess appointments between 106 <sup>th</sup> and 107 <sup>th</sup> Congresses (Clinton)	3
Intrasession recess appointments (Bush)	0
Intersession recess appointments (Bush)	0

<sup>&</sup>lt;sup>a</sup> The figure for unduplicated nominations excludes instances in which the President submitted a second nomination of the same person for the same position.

#### **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 agency nomination that was confirmed in the 107th Congress, the number of days between nomination and confirmation ("days to confirm"). Some Senate recess days are not included in this sum because Senators are unable to take up nominations on these days. For practical reasons, only days from the longer recesses around August and between congressional sessions are excluded. These recesses are often longer than 30 days. 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,

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although this rule is often waived.<sup>3</sup> The 32 days during the August 2002 recess and the 33 days between the first and second sessions of the 107<sup>th</sup> Congress were subtracted from the "days to confirm" for those nominations that spanned one or both recesses. No days were subtracted for the August 2001 recess, because, as discussed below, all pending nominations were returned prior to that recess.

An accurate calculation of the average time the Senate took to confirm a nomination in the 107<sup>th</sup> Congress is made more challenging by an unusual characteristic of the session. Senate rules provide that "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" shall be returned to the President. Usually the Senate agrees, by unanimous consent, to waive this rule and retain pending nominations over their recesses. Prior to the 31-day August 2001 recess, however, the Senate did not reach such an agreement, and 162 pending nominations, eight of which are among those covered by this report, were returned to the President.<sup>5</sup> The President sent forward some of these nominees again after the recess. Those nominations were considered to be new nominations, rather than continuations of the pre-recess nominations. As a result, when such nominations are confirmed, the length of the confirmation process, as shown in the tables of this report as "days to confirm," does not include any pre-recess time during which the nominee was under consideration in the Senate. Consequently, the average is smaller than it would be if the pre- and post-recess nomination times were added together. For example, the average number of days to confirm for nominations to the positions covered by this report is 60 days, but if the pre-recess days during which a nominee was under consideration in the Senate were included for all confirmed nominees, this average would be 61 days. Footnotes for appointment action tables for each agency (below) provide figures that take such prerecess time into account. In general, however, comparisons between average confirmation times from this report and those from previous reports should be made cautiously.

<sup>&</sup>lt;sup>3</sup>U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 106<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Doc. 106-1 (Washington: GPO, 1999), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

<sup>&</sup>lt;sup>4</sup>U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, S.Doc. 106-1, 106<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 1999), p. 55, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

<sup>&</sup>lt;sup>5</sup>See Sen. Harry Reid and Sen. Trent Lott, "Unanimous Consent Request — Executive Calendar," colloquy, *Congressional Record*, daily edition, vol. 147, August 3, 2001, p. S8888. Such a unanimous consent agreement was reached, however, for the recess between the first and second sessions of the 107<sup>th</sup> Congress. Sen. Harry Reid, "Nominations to Remain in Status Quo Notwithstanding the Adjournment of the Senate," *Congressional Record*, daily edition, vol. 147, Dec. 20, 2001, p. S14049. Under this agreement, only two nominations, Otto Reich, to be Assistant Secretary of State for Western Hemisphere Affairs, and Colonel David R. Leffarge, to be Brigadier General, were returned to the President.

#### **The Appointments Process**

The President and the Senate share the power to appoint the principal officers of the United States.<sup>6</sup> 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 and Nomination. In this stage, the President selects the nominee and sends the nomination to the Senate. There are a number of steps in the President's selection. First, with the assistance of the White House Office of Presidential Personnel, the President selects a candidate for the position. The candidate then 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, with background investigations conducted by the Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), Office of Government Ethics (OGE), and 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 Counsel has cleared the candidate, the nomination is ready to be submitted to the Senate. The selection and vetting stage is often the longest part of the appointment process. There can be lengthy delays, particularly if many candidates are being processed, as they are 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.

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 must 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 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 or a temporary 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.

<sup>&</sup>lt;sup>6</sup>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*, 4<sup>th</sup> ed. (Lawrence, KS: University Press of Kansas, 1997), pp. 22-48.

**Confirmation.**<sup>7</sup> In the confirmation or second stage, the Senate alone determines whether to approve or disapprove a nomination. 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.<sup>8</sup> 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 he becomes involved in supporting the nomination.

Although the Senate confirms most nominations, no President can safely assume that his nominees will be approved routinely. 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, inadequate amount of time for consideration of the nomination, or factors that may have nothing to do with the merits of the nomination. The most recent study of Senate confirmation action, which looked at the period between 1981 and 1992, found that the Senate failed to confirm 11% of all nominations to full-time positions in independent agencies. During the same period, 9% of nominations to the executive departments and 22% of nominations to boards and commissions also failed.

**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. Under unusual circumstances, he may not sign it at all, thus preventing the appointment. 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 appointment process also enables the President to make an appointment without Senate confirmation when the Senate is in recess, either during a session

<sup>&</sup>lt;sup>7</sup>For a more detailed description of the confirmation process, see CRS Report RL31980, Senate Consideration of Presidential Nominations: Committee and Floor Procedure, by Elizabeth Rybicki. For more information on the history of the confirmation process, see CRS Report RL31948, Evolution of the Senate's Role in the Nomination and Confirmation Process: A Brief History, by Betsy Palmer.

<sup>&</sup>lt;sup>8</sup>G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

<sup>&</sup>lt;sup>9</sup>CRS Report 93-464 GOV, Senate Action on Nominations to Policy Positions in the Executive Branch, 1981-1992, by Rogelio Garcia (archived; contact Henry Hogue for more information). The study did not include nominations submitted by Presidents Carter and Reagan in the last months of their administrations, or nominations submitted within a month of the Senate's adjournment at the end of a session. It also excluded nominations to the judiciary, military services, Foreign Service, National Oceanic and Atmospheric Administration Officer Corps, and Public Health Service Officer Corps, as well as nominations to all ambassadorial, U.S. attorney, U.S. marshal, and part-time positions.

(intrasession recess appointment) or between sessions (intersession recess appointment). Recess appointments expire at the end of the next session of Congress.<sup>10</sup>

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. 11 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. <sup>12</sup> In addition, 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 Treasury and General Government Appropriations Act may prevent them from being paid after their rejection.<sup>13</sup>

#### **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,<sup>14</sup> 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

<sup>&</sup>lt;sup>10</sup>Art. II, Sec. 2, Cl. 3 of the Constitution.

<sup>&</sup>lt;sup>11</sup>Congress 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 the author for more information).

<sup>&</sup>lt;sup>12</sup>For 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.

<sup>&</sup>lt;sup>13</sup>P.L. 108-7, sec. 609; 117 Stat. 465. 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.

<sup>&</sup>lt;sup>14</sup>P.L. 105-277, Div. C, Title I, sec. 151; 5 U.S.C. 3345-3349d

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 which may be filled temporarily under other statutory provisions.<sup>15</sup>

#### 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. Data<sup>16</sup> on appointment actions during the 107<sup>th</sup> Congress appear in two tables for each agency, "Appointment Action During 107<sup>th</sup> Congress" and "Positions and Incumbents in Department." 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 are nominated more than once for the same position, either because the first nomination is returned to the President, as discussed below, or because of a recess appointment. When a nominee is awaiting Senate action and he or she is given a recess appointment, a second, follow-up, nomination is usually submitted to comply with the requirements of 5 U.S.C. 5503(b).

<sup>&</sup>lt;sup>15</sup>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.

<sup>&</sup>lt;sup>16</sup>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. Information concerning position incumbents was also drawn from nomination and confirmation data supplemented by information from the following two federal agency directories: Carroll Publishing, *Carroll's Federal Directory: November/December 2002* (Bethesda, MD: Carroll Publishing, 2002) and CQ Press, 2002/Fall Federal Staff Directory, 40<sup>th</sup> ed. (Washington: CQ Press, 2002). Where information from the two directories was in conflict, the information from *Carroll's Federal Directory*, which was more consistent with data from the Senate nominations database, was used.

Where there has been more than one confirmed nomination in an agency, this table also shows the average number of days the Senate has taken to confirm the agency's nominations. 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. This average should be used cautiously. As discussed earlier, the Senate took the unusual step of returning all nominations to the President prior to the August 2001 recess. Many of those whose nominations were returned were re-nominated after the recess. Consequently, these individuals were nominated twice, and the days that elapsed while their first nominations were pending in the Senate are not included in the calculation of the average days to confirm a nomination. As a result, this average time is shorter than it would be otherwise.

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, 2003. 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. The table also includes the pay level for each position. For presidentially-appointed positions requiring Senate confirmation, the pay levels generally fall under the Executive Schedule, which ranges from Level I (\$171,900) for cabinet level offices to Level V (\$125,400) for the lowest-ranked positions.<sup>17</sup>

**Additional Appointment Information.** Appendix A presents a table of all nominations to positions in all of the agencies 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, returned, or rejected. The average number of days taken to confirm a nomination is calculated as described above, and the same caution is advised.

Appendix B provides a table with summary information on appointments and nominations by four agency categories: independent executive agencies, agencies in 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 the average number of days to confirm a nomination.

A list of department abbreviations can be found in Appendix C.

<sup>&</sup>lt;sup>17</sup>The salary figures are as of Jan. 2003. For information on pay for federal officials, see CRS Report 98-53, *Salaries of Federal Officials: A Fact Sheet*, by Sharon Gressle.

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

#### **Appalachian Regional Commission**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Anne B. Pope	Federal Co-Chair	09/05/02	11/18/02	74
Richard J. Peltz	Alternate Federal Co-Chair	09/05/02	11/18/02	74
Average number of days to confirm a nomination			74	

Position	Incumbent	Level
Federal Co-Chair	a	III
Alternate Federal Co-Chair	Richard J. Peltz	IV

<sup>&</sup>lt;sup>a</sup> Pope was sworn in on Feb. 3, 2003.

#### Central Intelligence Agency/ Intelligence Community

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
John L. Helgerson	Inspector General	02/27/02	04/26/02	58
Scott W. Muller	General Counsel	09/03/02	10/17/02	44
	Average number of days to co	onfirm a nomination		51

Position	Incumbent	Level
Director <sup>a</sup>	George J. Tenet <sup>b</sup>	II
Deputy Director <sup>a</sup>	John E. McLaughlin <sup>b</sup>	III
Deputy Director <sup>a</sup> - Community Management	Joan A. Dempsey <sup>b</sup>	III
Assistant Director - Administration		IV
Assistant Director - Analysis and Production	Mark M. Lowenthal <sup>c</sup>	IV
Assistant Director - Collections	Charles E. Allen <sup>c</sup>	IV
General Counsel	Scott W. Muller	IV
Inspector General	John L. Helgerson	IV

<sup>&</sup>lt;sup>a</sup> Not more than one of the individuals serving in the positions of Director, Deputy Director, or Deputy Director for Community Management may be a commissioned officer of the Armed Forces, whether in active or retired status (50 U.S.C. 403(c)(1)(A)).

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration.

<sup>&</sup>lt;sup>c</sup> The incumbents of the positions of Assistant Director for Administration and Assistant Director for Collections were never formally nominated by the President nor confirmed by the Senate for those positions. See "Hearing of the Senate Select Intelligence Committee: Nomination for Inspector General of the Central Intelligence Agency," *Federal News Service*, April 17, 2002.

#### **Corporation for National and Community Service**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>a</sup>
Leslie Lenkowsky	Chief Executive Officer	07/31/01	Returned 08/03/	/01 <sup>b</sup>
Leslie Lenkowsky	Chief Executive Officer	09/04/01	10/02/01	28
J. Russell George	Inspector General	02/27/02	07/29/02	152
Michelle Guillermin	Chief Financial Officer	06/25/02	09/26/02	61
Average number of days to confirm a nomination			80	

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
President and Chief Executive Officer	Leslie Lenkowsky	III
Chief Financial Officer	Michelle Guillermin	IV
Managing Director		IV
Managing Director - Domestic Volunteer Programs		IV
Inspector General	J. Russell George	IV

<sup>&</sup>lt;sup>a</sup> If the number of days the first (pre-recess) Lenkowsky nomination was pending in the Senate were included, Lenkowsky's total would be 31, and the average number of days to confirm would be 81. <sup>b</sup> Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules fo the Senate.

### Court Services and Offender Supervision Agency to the District of Columbia

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Paul A. Quander	Director	12/04/01	07/25/02	200

Position	Position Incumbent	
Director <sup>a</sup>	Paul A. Quander, Jr.	IV

<sup>&</sup>lt;sup>a</sup>Six-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 24-1233(b)(1)).

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#### **Environmental Protection Agency**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>a</sup>
Edwin A. Levine	Asst. Admin Environmental Information	01/05/01	Withdrawn 03/19/01 <sup>b</sup>	
James V. Aidala	Asst. Admin Prevention Pesticides and Toxic Substances	01/05/01	Withdrawn 03/	/19/01 <sup>b</sup>
Christine Todd Whitman	Administrator	01/20/01	01/30/01	10
Stephen L. Johnson	Asst. Admin Prevention Pesticides and Toxic Substances	04/26/01	06/14/01	49
Linda J. Fisher	Deputy Administrator	04/30/01	05/24/01	24
Jeffrey R. Holmstead	Asst. Admin Air and Radiation	04/30/01	08/03/01	95
G. Tracy Mehan III	Asst. Admin Water	05/14/01	08/03/01	81
Robert E. Fabricant	General Counsel	05/17/01	08/03/01	78
Donald R. Schregardus	Asst. Admin Enforcement and Compliance Assurance	06/28/01	Returned 08/03/01 <sup>c</sup>	
Judith E. Ayres	Asst. Admin International Affairs	06/29/01	08/03/01	35
Marianne L. Horinko	Asst. Admin Solid Waste and Emergency Response	07/25/01	Returned 08/03/01 <sup>b</sup>	
Marianne L. Horinko	Asst. Admin Solid Waste and Emergency Response	09/04/01	10/01/01	27
Donald R. Schregardus	Asst. Admin Enforcement and Compliance Assurance	09/04/01	Withdrawn 09/	25/01
Kimberly T. Nelson	Asst. Admin Environmental Information	09/21/01	11/09/01	49
J. Paul Gilman	Asst. Admin Research/Development	11/15/01	03/22/02	94
Morris X. Winn	Asst. Admin Administration and Resources Management	11/15/01	02/13/02	57
Linda M. Combs	Chief Financial Officer	12/20/01	02/13/02	22
John P. Suarez	Asst. Admin Enforcement and Compliance Assurance	04/09/02	08/01/02	114
A	Average number of days to confirm a nor	nination		57

<sup>&</sup>lt;sup>a</sup> If the number of days the first (pre-recess) Horinko nomination was pending in the Senate were included in these figures, her total would be 36, and the average number of days to confirm a nomination for the agency would be unchanged.

<sup>&</sup>lt;sup>b</sup> The nomination was submitted by President Clinton and withdrawn by President Bush.

<sup>&</sup>lt;sup>c</sup> Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

#### **CRS-13**

#### **Environmental Protection Agency (cont.)**

Position	Incumbent	Level
Administrator	Christine Todd Whitman	II
Deputy Administrator	Linda J. Fisher	III
Assistant Administrator - Administration and Resources Management	Morris X. Winn	IV
Assistant Administrator - Air and Radiation	Jeffrey R. Holmstead	IV
Assistant Administrator - Enforcement and Compliance Assurance	John P. Suarez	IV
Assistant Administrator - Environmental Information	Kimberly T. Nelson	IV
Assistant Administrator - International Affairs	Judith E. Ayres	IV
Assistant Administrator - Prevention Pesticides and Toxic Substances	Stephen L. Johnson	IV
Assistant Administrator - Research and Development	J. Paul Gilman	IV
Assistant Administrator - Solid Waste and Emergency Response	Marianne L Horinko	IV
Assistant Administrator - Water	G. Tracy Mehan III	IV
Chief Financial Officer <sup>a</sup>	Linda M. Combs	IV
General Counsel	Robert E. Fabricant	IV
Inspector General	Nikki L. Tinsley <sup>b</sup>	IV

<sup>&</sup>lt;sup>a</sup> 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)).

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration.

#### Federal Emergency Management Agency<sup>a</sup>

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Joe M. Allbaugh	Director	02/06/01	02/15/01	9
R. David Paulison	Administrator - U.S. Fire Administration	10/16/01	11/30/01	45
Michael D. Brown	Deputy Director	03/21/02	08/01/02	133
Anthony Lowe	Federal Insurance Administrator	03/22/02	07/25/02	125
Average number of days to confirm a nomination			78	

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Director	Joe M. Allbaugh	II
Deputy Director	Michael D. Brown	IV
Administrator - Federal Insurance Administration	Anthony Lowe	IV
Administrator - U.S. Fire Administration	R. David Paulison	IV
Associate Director - Mitigation		IV
Associate Director - Response, Readiness, and Recovery		IV
Inspector General	Richard L. Skinner (A)	IV

<sup>&</sup>lt;sup>a</sup> Functions of the Federal Emergency Management Agency were transferred to the Department of Homeland Security, effective Mar. 1, 2003.

#### **Federal Mediation and Conciliation Service**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Peter J. Hurtgen	Director	06/06/02	07/29/02	53

Position	Incumbent	Level
Director	Peter J. Hurtgen	III

#### **General Services Administration**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Stephen A. Perry	Administrator	04/04/01	05/24/01	50
Daniel R. Levinson	Inspector General	06/12/01	08/03/01	52
Average number of days to confirm a nomination			51	

#### **Positions and Incumbents in Agency**

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

#### **National Aeronautics and Space Administration**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Sean O'Keefe	Administrator	11/27/01	12/20/01	23
Robert W. Cobb	Inspector General	02/26/02	04/11/02	44
Charles F. Bolden	Deputy Administrator	02/26/02	Withdrawn (	03/12/02
Frederick D. Gregory	Deputy Administrator	07/09/02	08/01/02	23
Average number of days to confirm a nomination			30	

Position	Incumbent	Level
Administrator	Sean O'Keefe	II
Deputy Administrator	Frederick D. Gregory	III
Chief Financial Officer <sup>a</sup>	Gwendolyn Brown (A)	IV
Inspector General	Robert W. Cobb	IV

<sup>&</sup>lt;sup>a</sup> 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**

#### **No Appointment Action**

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Archivist <sup>a</sup>	John W. Carlin <sup>b</sup>	III

<sup>&</sup>lt;sup>a</sup> The President may remove the archivist at any time, but must communicate the reasons for such removal to Congress (44 U.S.C. 2103).

#### **National Foundation on the Arts and Humanities**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>a</sup>
Robert S. Martin	Director - Institute of Museum and Library Services	06/05/01	07/12/01	37
Bruce Cole	Chair - National Endowment for the Humanities	07/25/01	Returned 08/03/	/01 <sup>b</sup>
Bruce Cole	Chair - National Endowment for the Humanities	09/04/01	09/14/01	10
Michael Hammond	Chair - National Endowment for the Arts	11/27/01	12/20/01	23
Average number of days to confirm a nomination				23

Position	Incumbent	Level
Chair - National Endowment for the Arts <sup>c</sup>	d	III
Chair - National Endowment for the Humanities <sup>e</sup>	Bruce Cole	III
Director - Institute of Museum and Library Services	Robert S. Martin	III

<sup>&</sup>lt;sup>a</sup> If the number of days the first (pre-recess) Cole nomination was pending in the Senate were included in these figures, his total would be 19, and the average number of days to confirm a nomination for the foundation would be 26.

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration.

<sup>&</sup>lt;sup>b</sup>Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

<sup>&</sup>lt;sup>c</sup> 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)).

<sup>&</sup>lt;sup>d</sup> Michael Hammond died on January 29, 2002, a week after taking office.

<sup>&</sup>lt;sup>e</sup> 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)).

#### **National Science Foundation**

#### **No Appointment Action**

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Director <sup>a</sup>	Rita R. Colwell <sup>b</sup>	II
Deputy Director	Joseph Bordogna <sup>c</sup>	III

<sup>&</sup>lt;sup>a</sup> 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

#### **No Appointment Action**

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Director <sup>a</sup>	Amy L. Comstock <sup>b</sup>	III

<sup>&</sup>lt;sup>a</sup> Term of office is five years; the incumbent must leave office when the term expires (5 U.S.C. Appendix, 401).

#### **Office of Personnel Management**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Kay Coles James	Director	04/30/01	07/11/01	72
Dan G. Blair	Deputy Director	12/20/01	02/13/02	22
Average number of days to confirm a nomination			47	

Position	Incumbent	Level
Director <sup>a</sup>	Kay Coles James	II
Deputy Director	Dan G. Blair	III
Inspector General	Patrick E. McFarland <sup>b</sup>	IV

 $<sup>^{\</sup>rm a}$  Term 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)).

<sup>&</sup>lt;sup>b</sup> Colwell was appointed under a previous Administration, and her term expires May 21, 2004.

<sup>&</sup>lt;sup>c</sup> The incumbent was appointed under a previous Administration.

<sup>&</sup>lt;sup>b</sup> Comstock was appointed Nov. 3, 2000 under the previous Administration.

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration.

#### Office of Special Counsel

#### **No Appointment Action**

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Special Counsel <sup>a</sup>	Elaine D. Kaplan <sup>b</sup>	V

<sup>&</sup>lt;sup>a</sup> 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**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Peter S. Watson	President	04/30/01	05/25/01	25
Ross J. Connelly	Executive Vice President	07/10/01	08/03/01	24

#### **Positions and Incumbents in Agency**

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

#### **Peace Corps**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Gaddi H. Vasquez	Director	10/03/01	01/25/02	81
Josephine K. Olsen	Deputy Director	11/05/01	01/25/02	48
Average number of days to confirm a nomination				65

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

<sup>&</sup>lt;sup>b</sup> Kaplan was appointed under a previous Administration, and her term expires Apr. 1, 2003.

#### **Selective Service System**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Alfred Rascon	Director	04/30/01	05/22/01	22

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Director	Alfred Rascon	IV

#### **Small Business Administration**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Hector V. Barreto	Administrator	05/01/01	07/25/01	85
Thomas M. Sullivan	Chief Counsel for Advocacy	09/21/01	01/25/02	93
Melanie Sabelhaus	Deputy Administrator	11/15/01	04/08/02	111
Harold Damelin	Inspector General	09/03/02	Returned 11	1/20/02 <sup>a</sup>
Average number of days to confirm a nomination				96

Position	Incumbent	Level
Administrator	Hector V. Barreto	III
Deputy Administrator	Melanie Sabelhaus	IV
Chief Counsel for Advocacy	Thomas M. Sullivan	IV
Inspector General	Peter L. McClintock (A)	IV

 $<sup>^{\</sup>rm a}$  Returned to the President at the end of the  $107^{\rm th}$  Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

#### **Social Security Administration**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>a</sup>
Jo Anne B. Barnhart	Commissioner	07/17/01	Returned 08/03/	/01 <sup>b</sup>
Jo Anne B. Barnhart	Commissioner	09/04/01	11/02/01	59
James B. Lockhart III	Deputy Commissioner	09/14/01	01/25/02	100
Average number of days to confirm a nomination				80

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Commissioner <sup>c</sup>	Jo Anne B. Barnhart	I
Deputy Commissioner <sup>d</sup>	James B. Lockhart III	II
Inspector General	James G. Huse, Jr. <sup>e</sup>	IV

<sup>&</sup>lt;sup>a</sup> If the number of days the first (pre-recess) Barnhart nomination was pending in the Senate were included in these figures, her total would be 76, and the average number of days to confirm a nomination for the agency would be 88.

#### **Trade and Development Agency**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Thelma J. Askey	Director	04/06/01	05/26/01	50

Position	Incumbent	Level
Director	Thelma J. Askey	III

<sup>&</sup>lt;sup>b</sup>Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

<sup>&</sup>lt;sup>c</sup> 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)).

<sup>&</sup>lt;sup>d</sup> 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.

<sup>&</sup>lt;sup>e</sup> The incumbent was appointed under a previous Administration.

#### U.S. Agency for International Development<sup>a</sup>

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>b</sup>
Andrew S. Natsios	Administrator	03/22/01	04/26/01	35
Lori A. Forman	Asst. Admin Asia/Near East	05/16/01	07/12/01	57
Patrick M. Cronin	Asst. Admin Policy and Program Coordination	07/25/01	08/03/01	9
Kent R. Hill	Asst. Admin Europe/Eurasia	07/31/01	Returned 0	8/03/01°
Kent R. Hill	Asst. Admin Europe/Eurasia	09/04/01	10/30/01	56
J. Edward Fox	Asst. Admin Legislative/Public Affairs	09/12/01	10/30/01	48
E. Anne Peterson	Asst. Admin Global Health	09/12/01	10/30/01	48
Constance B. Newman	Asst. Admin Sub-Saharan Africa	10/16/01	11/15/01	30
John Marshall	Asst. Admin Management	10/23/01	11/15/01	23
Adolpho A. Franco	Asst. Admin Latin America/ Caribbean	11/09/01	01/25/02	44
Roger P. Winter	Asst. Admin Democracy/Conflict/ Humanitarian Assistance	11/27/01	01/25/02	26
Frederick W. Schieck	Deputy Administrator	11/27/01	01/25/02	26
Emmy B. Simmons	Asst. Admin Economic Growth/Agriculture/Trade	12/18/01	03/20/02	59
Wendy J. Chamberlain	Asst. Admin Asia/Near East	08/01/02	11/12/02	71
Average number of days to confirm a nomination				

<sup>&</sup>lt;sup>a</sup> 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).

<sup>&</sup>lt;sup>b</sup> If the number of days the first (pre-recess) Hill nomination was pending in the Senate were included in these figures, his total would be 59, and the average number of days to confirm a nomination for the agency would be unchanged.

<sup>&</sup>lt;sup>c</sup>Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

#### **U.S. Agency for International Development (cont.)**

Position	Incumbent	Level
Administrator	Andrew S. Natsios	II
Deputy Administrator	Frederick W. Schieck	III
Assistant Administrator - Sub-Saharan Africa	Constance B. Newman	IV
Assistant Administrator - Asia and Near East	Wendy J. Chamberlain	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	IV
Assistant Administrator - Economic Growth/Agriculture/Trade	Emmy B. Simmons	IV
Assistant Administrator - Democracy/Conflict/Humanitarian Assistance	Roger P. Winter	IV
Assistant Administrator - Management	John Marshall	IV
Assistant Administrator - Legislative and Public Affairs	J. Edward Fox	IV
Assistant Administrator - Policy and Program Coordination	Patrick M. Cronin	IV
Inspector General	Everett L. Mosley <sup>a</sup>	IV

<sup>&</sup>lt;sup>a</sup> The incumbent was appointed under a previous Administration.

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

#### **Council of Economic Advisors**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
R. Glenn Hubbard	Member	04/23/01	05/10/01	17
Mark B. McClellan	Member	06/05/01	07/19/01	44
Randall S. Kroszner	Member	11/05/01	11/28/01	23
Average number of days to confirm a nomination			28	

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Chair <sup>a</sup>	R. Glenn Hubbard	П
Member	Randall S. Kroszner	IV
Member		IV

<sup>&</sup>lt;sup>a</sup>The chair and vice-chair are designated by the President (15 U.S.C. 1023(a)). No vice-chair had been designated at the time of this writing.

#### Council on Environmental Quality<sup>a</sup>

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
James L. Connaughton	Member	04/30/01	06/14/01	45

Position	Incumbent	Level
Chair	James L. Connaughton	II

<sup>&</sup>lt;sup>a</sup> P.L. 106-65, Title III, reduced the number of members on the council from three to one, with this member "serving as chairman and exercising all powers, functions, and duties of the Council." Thus, Connaughton was nominated and confirmed as member, and automatically serves as chair.

#### CRS-24

#### Office of Management and Budget

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Mitchell E. Daniels, Jr.	Director	01/20/01	01/23/01	3
Sean O'Keefe	Deputy Director	02/15/01	03/01/01	14
John D. Graham	Admin Office of Information and Regulatory Affairs	03/28/01	07/19/01	113
Angela Styles	Admin Federal Procurement Policy	04/23/01	05/24/01	31
Mark W. Everson	Controller - Federal Financial Management	09/14/01	11/14/01	61
Nancy Dorn	Deputy Director	12/18/01	02/14/02	25
Mark W. Everson	Deputy Director for Management	05/06/02	08/01/02	87
Linda M. Springer	Controller - Federal Financial Management	09/03/02	Returned 11	1/20/02ª
Average number of days to confirm a nomination				48

Position	Incumbent	Level
Director	Mitchell E. Daniels, Jr.	I
Deputy Director	Nancy Dorn <sup>b</sup>	II
Deputy Director - Management	Mark W. Everson	II
Controller - Office of Federal Financial Management		III
Administrator - Office of Federal Procurement Policy	Angela Styles	IV
Administrator - Office of Information and Regulatory Affairs	John D. Graham	IV

<sup>&</sup>lt;sup>a</sup> Returned to the President at the end of the 107<sup>th</sup> Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

b Sean O'Keefe resigned from this position to become NASA administrator in December 2001.

#### Office of National Drug Control Policy

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm <sup>a</sup>
John P. Walters	Director	06/05/01	Returned 08/03/	01 <sup>b</sup>
Scott M. Burns	Dep. Dir State/Local Affairs	08/03/01	Returned 08/03/	01 <sup>b</sup>
John P. Walters	Director	09/04/01	12/05/01	92
Scott M. Burns	Dep. Dir State/Local Affairs	09/04/01	04/12/02	187
Barry D. Crane	Dep. Dir Supply Reduction	09/14/01	04/22/02	187
Mary Ann Solberg	Deputy Director	09/21/01	04/22/02	180
Andrea G. Barthwell	Dep. Dir Demand Reduction	12/13/01	01/25/02	10
Average number of days to confirm a nomination				131

Position	Incumbent	Level
Director	John P. Walters	I
Deputy Director	Mary Ann Solberg	III
Deputy Director - Demand Reduction	Andrea G. Barthwell	III
Deputy Director - Supply Reduction	Barry D. Crane	III
Deputy Director - State and Local	Scott M. Burns	III

<sup>&</sup>lt;sup>a</sup> If the number of days the first (pre-recess) Walters nomination was pending in the Senate were included in these figures, his total would be 151, and the average number of days to confirm a nomination for the agency would be 143.

<sup>&</sup>lt;sup>b</sup> Returned to the President at the beginning of a 31-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

#### Office of Science and Technology Policy

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
John H. Marburger III	Director	09/21/01	10/23/01	32
Kathie L. Olsen	Associate Director - Science	03/20/02	08/01/02	134
Richard M. Russell	Associate Director - Technology	04/25/02	08/01/02	98
Average number of days to confirm a nomination				88

#### **Positions and Incumbents in Agency**

Position	Incumbent	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**

Nominee	Position	Nominated	Confirmed	Days to confirm
Gregory M. Frazier	Chief Agricultural Negotiator	01/05/01	Withdrawn 03/	19/01
Robert B. Zoellick	U.S. Trade Representative	01/29/01	02/06/01	8
Peter F. Allgeier	Dep. U.S. Trade Representative	04/23/01	05/26/01	33
Linnet F. Deily	Dep. U.S. Trade Representative	04/30/01	05/26/01	26
Allen F. Johnson	Chief Agricultural Negotiator	05/17/01	07/19/01	63
Jon M. Huntsman, Jr.	Dep. U.S. Trade Representative	06/21/01	08/03/01	43
Average number of days to confirm a nomination			35	

Position	Incumbent	Level
U.S. Trade Representative	Robert B. Zoellick	I
Deputy U.S. Trade Representative	Peter F. Allgeier	III
Deputy U.S. Trade Representative	Linnet F. Deily	III
Deputy U.S. Trade Representative	Jon M. Huntsman, Jr.	III
Chief Agricultural Negotiator	Allen F. Johnson	III

#### NOMINATIONS AND INCUMBENTS: FULL-TIME POSITIONS IN MULTILATERAL ORGANIZATIONS

#### **African Development Bank**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Cynthia S. Perry	U.S. Director	09/10/01	11/15/01	66

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
U.S. Director <sup>a</sup>	Cynthia S. Perry	V

<sup>&</sup>lt;sup>a</sup> Term of office is five years; incumbent may continue in office when a term expires until a successor is appointed (22 U.S.C. 290i-1(a)).

#### **Asian Development Bank**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Paul W. Speltz	U.S. Executive Director	06/05/02	08/01/02	57

Position	Incumbent	Level
U.S. Executive Director	Paul W. Speltz	V

## **European Bank for Reconstruction and Development**

#### **No Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Mark Sullivan	U.S. Director	04/25/02	08/01/02	98

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
U.S. Director	Mark Sullivan	n. a. <sup>a</sup>

<sup>&</sup>lt;sup>a</sup> The statutory basis for this position, 22 U.S.C. 2901-l, makes no provision regarding the compensation of the position holder.

#### **Inter-American Development Bank**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Jorge L. Arrizurieta	U.S. Alternate Executive Director	09/05/01	01/28/02	112
Jose A. Fourquet	U.S. Executive Director	09/12/01	11/15/01	64
	Average number of days to confirm a	nomination		88

Position	Incumbent	Level
U.S. Executive Director <sup>a</sup>	Jose A. Fourquet	n. a. <sup>b</sup>
U. S. Alternate Executive Director <sup>a</sup>	Jorge L. Arrizurieta	n. a. <sup>b</sup>

<sup>&</sup>lt;sup>a</sup> Term of office is three years; incumbent may remain in office when a term expires until a successor is appointed (22 U.S.C. 2831(b)).

<sup>&</sup>lt;sup>b</sup> The incumbent is not paid by the U.S. government (22 U.S.C. 283a(c)).

#### International Bank for Reconstruction and Development

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Carole Brookins	U.S. Executive Director	06/28/01	08/03/01	36
Robert B. Holland III	U.S. Alternate Executive Director	12/13/01	03/20/02	64
	Average number of days to confirm a 1	nomination		50

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
U.S. Executive Director <sup>a</sup>	Carole Brookins	IV
U.S. Alternate Executive Director <sup>a</sup>	Robert B. Holland III	V

<sup>&</sup>lt;sup>a</sup> 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)).

#### **International Monetary Fund**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Randal Quarles <sup>a</sup>	U.S. Executive Director	06/29/01	08/03/01	35
Nancy P. Jacklin	U.S. Executive Director	07/31/02	11/12/02	72
	Average number of days to confirm	n a nomination		54

Position	Incumbent	Level
U.S. Executive Director <sup>b</sup>	Nancy Jacklin	IV
U.S. Alternate Executive Director <sup>b</sup>	Margrethe Lundsager <sup>c</sup>	V

<sup>&</sup>lt;sup>a</sup> Quarles served in this position until March 2002. He became Assistant Secretary of the Treasury for International Affairs in April 2002.

<sup>&</sup>lt;sup>b</sup> 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)).

<sup>&</sup>lt;sup>c</sup> The incumbent was appointed under a previous Administration.

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

#### **Architect of the Capitol**

#### **No Appointment Action**

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Architect of the Capitol <sup>a</sup>	Alan M. Hantman <sup>b</sup>	III

<sup>&</sup>lt;sup>a</sup> The architect is appointed to a 10-year term.

#### **General Accounting Office**

#### **No Appointment Action**

Position	Incumbent	Level
Comptroller General <sup>a</sup>	David M. Walker <sup>b</sup>	II
Deputy Comptroller General <sup>c</sup>		III

<sup>&</sup>lt;sup>a</sup> 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)).

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration. His term expires Jan. 30, 2007.

<sup>&</sup>lt;sup>b</sup> The incumbent was appointed under a previous Administration. His term expires Oct. 20, 2013.

<sup>&</sup>lt;sup>c</sup> The term of the deputy comptroller general expires upon the appointment of a new Comptroller General, or when a successor is appointed.

#### **Government Printing Office**

#### **Appointment Action**

Nominee	Position	Nominated	Confirmed	Days to confirm
Bruce R. James	Public Printer	08/01/02	11/20/02	79

#### **Positions and Incumbents in Agency**

Position	Incumbent	Level
Public Printer	Bruce R. James	IV

#### **Library of Congress**

#### **No Appointment Action**

Position	Incumbent	Level
Librarian of Congress	James H. Billington <sup>a</sup>	III

<sup>&</sup>lt;sup>a</sup> The incumbent was appointed under a previous Administration.

## Appendix A. Alphabetical Listing of Nominees and Appointees, January 3, 2001 – January 3, 2003

Nominee	Position	Agencya	Nomination Date	Confirm- ation Date	Days to confirm
James V. Aidala	Asst. Admin Prevention Pesticides and Toxic Substances	EPA	01/05/01	Withdrawn	03/19/01
Joe M. Allbaugh	Director	FEMA	02/06/01	02/15/01	9
Peter F. Allgeier	Deputy U.S. Trade Representative	OUSTR	04/23/01	05/26/01	33
Jorge L. Arrizurieta	U.S. Alternate Executive Director	IADB	09/05/01	01/28/02	112
Thelma J. Askey	Director	TDA	04/06/01	05/26/01	50
Judith E. Ayres	Asst. Admin International Affairs	EPA	06/29/01	08/03/01	35
Jo Anne B. Barnhart	Commissioner	SSA	07/17/01	Returned 08/03/01	
Jo Anne B. Barnhart	Commissioner	SSA	09/04/01	11/02/01	59
Hector V. Barreto	Administrator	SBA	05/01/01	07/25/01	85
Andrea G. Barthwell	Deputy Director - Demand Reduction	ONDCP	12/13/01	01/25/02	10
Dan G. Blair	Deputy Director	OPM	12/20/01	02/13/02	22
Charles F. Bolden	Deputy Administrator	NASA	02/26/02	Withdrawn	03/12/02
Carole Brookins	U.S. Executive Director	IBRD	06/28/01	08/03/01	36
Michael D. Brown	Deputy Director	FEMA	03/21/02	08/01/02	133
Scott M. Burns	Deputy Director - State/Local Affairs	ONDCP	08/03/01	Returned (	08/03/01
Scott M. Burns	Deputy Director - State/Local Affairs	ONDCP	09/04/01	04/12/02	187
Wendy J. Chamberlain	Asst. Admin Asia/Near East	USAID	08/01/02	11/12/02	71
Robert W. Cobb	Inspector General	NASA	02/26/02	04/11/02	44
Bruce Cole	Chair - National Endowment for the Humanities		07/25/01	Returned 08/03/01	
Bruce Cole	Chair - National Endowment for the Humanities	NFAH	09/04/01	09/14/01	10
Linda M. Combs	Chief Financial Officer	EPA	12/20/01	02/13/02	22
James L. Connaughton	Member	CEQ	04/30/01	06/14/01	45
Ross J. Connelly	Executive Vice President	OPIC	07/10/01	08/03/01	24
Barry D. Crane	Deputy Director - Supply Reduction	ONDCP	09/14/01	04/22/02	187
Patrick M. Cronin	Asst. Admin Policy and Program Coordination	USAID	07/25/01	08/03/01	9
Harold Damelin	Inspector General	SBA	09/03/02	Returned	1/20/02
Mitchell E. Daniels, Jr.	Director	OMB	01/20/01	01/23/01	3
Linnet F. Deily	Deputy U.S. Trade Representative	OUSTR	04/30/01	05/26/01	26
Nancy Dorn	Deputy Director	OMB	12/18/01	02/14/02	25
Mark W. Everson	Controller - Federal Financial Management	OMB	09/14/01	11/14/01	61
Mark W. Everson	Deputy Director for Management	OMB	05/06/02	08/01/02	87
Robert E. Fabricant	Robert E. Fabricant General Counsel		05/17/01	08/03/01	78
Linda J. Fisher Deputy Administrator		EPA	04/30/01	05/24/01	24

Nominee	Position	Agencya	Nomination Date	Confirm- ation Date	Days to confirm
Lori A. Forman	Asst. Admin Asia/Near East	USAID	05/16/01	07/12/01	57
Jose A. Fourquet	U.S. Executive Director	IADB	09/12/01	11/15/01	64
J. Edward Fox	Asst. Admin Legislative/Public Affairs	USAID	09/12/01	10/30/01	48
Adolpho A. Franco	Asst. Admin Latin America/Caribbean	USAID	11/09/01	01/25/02	44
Gregory M. Frazier	Chief Agricultural Negotiator	OUSTR	01/05/01	Withdrawn 03/19/0	
J. Russell George	Inspector General	CNCS	02/27/02	07/29/02	152
J. Paul Gilman	Asst. Admin Research/Development	EPA	11/15/01	03/22/02	94
John D. Graham	Admin Office of Information/Regulatory Affairs	OMB	03/28/01	07/19/01	113
Frederick D. Gregory	Deputy Administrator	NASA	07/09/02	08/01/02	23
Michelle Guillermin	Chief Financial Officer	CNCS	06/25/02	09/26/02	61
Michael Hammond	Chair - National Endowment for the Arts	NFAH	11/27/01	12/20/01	23
John L. Helgerson	Inspector General	CIA	02/27/02	04/26/02	58
Kent R. Hill	Asst. Admin Europe/Eurasia	USAID	07/31/01	Returned (	08/03/01
Kent R. Hill	Asst. Admin Europe/Eurasia	USAID	09/04/01	10/30/01	56
Robert B. Holland III	U.S. Alternate Executive Director	IBRD	12/13/01	03/20/02	64
Jeffrey R. Holmstead	Asst. Admin Air and Radiation	EPA	04/30/01	08/03/01	95
Marianne L. Horinko	Asst. Admin Solid Waste and Emergency Response	EPA	07/25/01	Returned 08/03/01	
Marianne L. Horinko	Asst. Admin Solid Waste and Emergency Response	EPA	09/04/01	10/01/01	27
R. Glenn Hubbard	Member	CEA	04/23/01	05/10/01	17
Jon M. Huntsman, Jr.	Deputy U.S. Trade Representative	OUSTR	06/21/01	08/03/01	43
Peter J. Hurtgen	Director	FMCS	06/06/02	07/29/02	53
Nancy P. Jacklin	U.S. Executive Director	IMF	07/31/02	11/12/02	72
Bruce R. James	Public Printer	GPO	08/01/02	11/20/02	79
Kay Coles James	Director	OPM	04/30/01	07/11/01	72
Allen F. Johnson	Chief Agricultural Negotiator	OUSTR	05/17/01	07/19/01	63
Stephen L. Johnson	Asst. Admin Prevention Pesticides and Toxic Substances	EPA	04/26/01	06/14/01	49
Randall S. Kroszner	Member	CEA	11/05/01	11/28/01	23
Leslie Lenkowsky	Chief Executive Officer	CNCS	07/31/01	Returned 08/03/01	
Leslie Lenkowsky	Chief Executive Officer	CNCS	09/04/01	10/02/01	28
Edwin A. Levine	Asst. Admin Environmental Information	EPA	01/05/01	Withdrawn	
Daniel R. Levinson	Inspector General	GSA	06/12/01	08/03/01	52
James B. Lockhart III	Deputy Commissioner	SSA	09/14/01	01/25/02	100
Anthony Lowe	Federal Insurance Administrator	FEMA	03/22/02	07/25/02	125
John H. Marburger III	Director	OSTP	09/21/01	10/23/01	32
John Marshall	Asst. Admin Management	USAID	10/23/01	11/15/01	23

Nominee	Position	Agencya	Nomination Date	Confirm- ation Date	Days to confirm
Robert S. Martin	Director - Institute of Museum and Library Services	NFAH	06/05/01	07/12/01	37
Mark B. McClellan	Member	CEA	06/05/01	07/19/01	44
G. Tracy Mehan III	Asst. Admin Water	EPA	05/14/01	08/03/01	81
Scott W. Muller	General Counsel	CIA	09/03/02	10/17/02	44
Andrew S. Natsios	Administrator	USAID	03/22/01	04/26/01	35
Kimberly T. Nelson	Asst. Admin Environmental Information	EPA	09/21/01	11/09/01	49
Constance B. Newman	Asst. Admin Sub-Saharan Africa	USAID	10/16/01	11/15/01	30
Sean O'Keefe	Deputy Director	OMB	02/15/01	03/01/01	14
Sean O'Keefe	Administrator	NASA	11/27/01	12/20/01	23
Josephine K. Olsen	Deputy Director	PC	11/05/01	01/25/02	48
Kathie L. Olsen	Associate Director - Science	OSTP	03/20/02	08/01/02	134
R. David Paulison	Administrator - U.S. Fire Administration	FEMA	10/16/01	11/30/01	45
Richard J. Peltz	Alternate Federal Co-Chair	ARC	09/05/02	11/18/02	74
Cynthia S. Perry	U.S. Director	AfDB	09/10/01	11/15/01	66
Stephen A. Perry	Administrator	GSA	04/04/01	05/24/01	50
E. Anne Peterson	Asst. Admin Global Health	USAID	09/12/01	10/30/01	48
Anne B. Pope	Federal Co-Chair	ARC	09/05/02	11/18/02	74
Paul A. Quander	Director	CSOSA	12/04/01	07/25/02	200
Randal Quarles	U.S. Executive Director	IMF	06/29/01	08/03/01	35
Alfred Rascon	Director	SSS	04/30/01	05/22/01	22
Richard M. Russell	Associate Director - Technology	OSTP	04/25/02	08/01/02	98
Melanie Sabelhaus	Deputy Administrator	SBA	11/15/01	04/08/02	111
Frederick W. Schieck	Deputy Administrator	USAID	11/27/01	01/25/02	26
Donald R. Schregardus	Asst. Admin Enforcement and Compliance Assurance	EPA	06/28/01	Returned 08/03/01	
Donald R. Schregardus	Asst. Admin Enforcement and Compliance Assurance	EPA	09/04/01	Withdrawn 09/25/0	
Emmy B. Simmons	Asst. Admin Economic Growth/ Agriculture/Trade	USAID	12/18/01	03/20/02	59
Mary Ann Solberg	Deputy Director	ONDCP	09/21/01	04/22/02	180
Paul W. Speltz	U.S. Executive Director	AsDB	06/05/02	08/01/02	57
Linda M. Springer	Controller - Federal Financial Management		09/03/02	Returned 1	
Angela Styles	Admin Federal Procurement Policy	OMB	04/23/01	05/24/01	31
John P. Suarez	Asst. Admin Enforcement and Compliance Assurance	EPA	04/09/02	08/01/02	114
Mark Sullivan	U.S. Director	EBRD	04/25/02	08/01/02	98
nomas M. Sullivan Chief Counsel for Advocacy		SBA		01/25/02	-

Nominee	Position	Agency	Nomination Date	Confirm- ation Date	Days to confirm	
Gaddi H. Vasquez	Director	PC	10/03/01	01/25/02	81	
John P. Walters	Director	ONDCP	06/05/01	Returned 08/03/01		
John P. Walters	Director	ONDCP	09/04/01	12/05/01	92	
Peter S. Watson	President	OPIC	04/30/01	05/25/01	25	
Christine Todd Whitman Administrator		EPA	01/20/01	01/30/01	10	
Morris X. Winn	Asst. Admin Administration and Resources Management	EPA	11/15/01	02/13/02	57	
Roger P. Winter  Asst. Admin Democracy/Conflict/ Humanitarian Assistance		USAID	11/27/01	01/25/02	26	
Robert B. Zoellick	U.S. Trade Representative	OUSTR	01/29/01	02/06/01	8	
Average number of days to confirm nomination b						

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<sup>&</sup>lt;sup>a</sup> Agency abbreviations are found in Appendix C.
<sup>b</sup> All pending nominations were returned to the President prior to the August 2001 recess, and new nominations were submitted for most of the affected nominees in early September. If the pre-recess days during which a nominee was under consideration in the Senate were included for all confirmed nominees, the average number of days to confirm would be 61.

## Appendix B. Appointment Action During the 107<sup>th</sup> Congress, by Agency Grouping

Agency grouping	Positions	Nominations	Unduplicated nominations <sup>a</sup>	Confirm- ations	Returned	Withdrawn	Average days to confirm <sup>b</sup>
Independent agencies	81	71	65	60	7	4	56
Executive Office of the President	23	28	26	24	3	1	65
Multilateral units	9	9	9	9	0	0	67
Legislative agencies	5	1	1	1	0	0	79
Total	118	109	101	94	10	5	60

<sup>&</sup>lt;sup>a</sup> Figures in this column do not include repeat nominations of the same individual to the same position. Eight nominations to independent and other agencies were returned to the President on Aug. 3, 2001, prior to a 31-day Senate recess. The eight individuals were nominated a second time after the Senate reconvened, and these second nominations are not included in the figures in this column. In addition, two individuals, Sean O'Keefe and Mark Everson, were each nominated to two different positions during the 107<sup>th</sup> Congress. In each of these cases, both nominations are included in the figures in this column.

<sup>&</sup>lt;sup>b</sup> All pending nominations were returned to the President prior to the August 2001 recess, and new nominations were submitted for most of the affected nominees in early September. If the pre-recess days during which a nominee was under consideration in the Senate were included for all confirmed nominees, the average number of days to confirm would be 57 for independent agencies, 67 for the Executive Office of the President, 67 for multilateral units, 79 for legislative agencies, and 61 for all agencies combined.

#### **Appendix C. Agency Abbreviations**

#### **Independent Agencies**

ARC Appalachian Regional Commission
CIA Central Intelligence Agency

CNCS Corporation for National and Community Service

CSOSA Court Services and Offender Supervision Agency for the District of

Columbia

EPA Environmental Protection Agency
FEMA Federal Emergency Management Agency
FMCS Federal Mediation and Conciliation Service

GSA General Services Administration

NARA National Archives and Records Administration NASA National Aeronautics and Space Administration NFAH National Foundation on the Arts and Humanities

IMS Institute of Museum Sciences
 NEA National Endowment for the Arts
 NEH National Endowment for the Humanities

NSF National Science Foundation
OGE Office of Government Ethics
OPM Office of Personnel Management

OSC Office of Special Counsel

OPIC Overseas Private Investment Corporation

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

IMF International Monetary Fund

#### **Legislative Branch Agencies**

AC Architect of the Capitol
GAO General Accounting Office
GPO Government Printing Office

LC Library of Congres