

CRS Report for Congress

Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 109th Congress

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Summary

During the 109th Congress, President George W. Bush submitted nominations to the Senate for 90 of the 152 full-time positions on 33 regulatory and other boards and commissions that have such positions. (Most of the remaining positions were not vacant during that time.) A total of 111 nominations were submitted for these 90 positions, of which 79 were confirmed, 6 were withdrawn, and 26 were returned to the President. The number of nominations exceeds the number of positions because the President submitted multiple nominations for some positions. In some cases, for example, the President submitted one nomination for the end of a term in progress and a second nomination of the same person to the same position for the succeeding term. In other cases, the President submitted a second nomination after his first choice failed to be confirmed. The President also usually submitted an “extra” nomination of an individual to whom he had given a recess appointment in order to comply with a law affecting the payment of that appointee. President Bush made 10 appointments to regulatory and other boards and commissions when the Senate was adjourned during a session (known as intrasession recess appointments) and 2 other appointments between sessions (known as intersession recess appointments). At the end of the Congress, 12 incumbents were serving past the expiration of their terms. In addition, there were 11 vacancies among the 152 positions.

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 specifies, for the 109th Congress, all nominations to full-time positions on 33 regulatory and other collegial boards and commissions. Profiles of each board and commission provide information on their organizational structures, membership as of end of the 109th Congress, and appointment activity during that Congress. The organizational section discusses the statutory requirements for the appointed positions, including the number of members on each board or commission, their terms of office, whether or not they may continue in their positions after their terms expire, whether or not political balance is required, and the method for selection of the chair. Membership and appointment activity are provided in tabular form. The report also includes tables summarizing the collective appointment activity for all 33 bodies, and identifying Senate recesses during the 109th Congress.

Information for this report was compiled from data from the Senate nominations database of the Legislative Information System at [<http://www.congress.gov/nomis/>], telephone discussions with agency officials, agency websites, the *United States Code*, and the 2004 edition of *United States Government Policy and Supporting Positions* (more commonly known as the “Plum Book”).

This report will not be updated.

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Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 109th 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). It also specifies, for the 109th Congress (January 2005-December 2006), all nominations to full-time positions on 33 regulatory and other collegial boards and commissions that have such positions (e.g., the Consumer Product Safety Commission, the Federal Reserve Board, and the Election Assistance Commission). Profiles of each board and commission provide information on their organizational structures, membership as of the end of the 109th Congress, and appointment activity during that Congress.

The Appointment Process for PAS Positions

The President and the Senate share the power to appoint the principal officers of the United States.¹ The Constitution (Article II, Section 2, clause 2) empowers the President to nominate and, by and with the advice and consent of the Senate, to appoint the principal officers of the United States.² Three distinct stages mark the appointment process: selection, clearance, and nomination by the President; consideration by the Senate; and appointment by the President.

Selection, Clearance, and Nomination. In 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, often have input during this process. Most boards and commissions are required, by statute, to have a political

¹ A succinct historical and contemporary overview of the appointment power is found in Louis Fisher, "Appointment Powers," in his *Constitutional Conflicts between Congress and the President*, 5th ed. (Lawrence, KS: University Press of Kansas, 2007), pp. 21-47.

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

balance among their members (i.e., no more than a simple majority may be from the same political party), so the President normally negotiates over nominations with leaders of the opposition party in Congress. These negotiations involve questions not only of patronage but of policy, especially when the board or commission is involved in areas that, at the time, may be particularly sensitive. This often results in a packaging process in which the President submits several nominations together for positions in a particular agency and the Senate then confirms them as a group. Sometimes, however, only one or two nominations are submitted when three or four positions may be available. When this occurs, a nomination may remain before the Senate for many months, until one or two additional nominations are submitted. Generally, all are then quickly confirmed.

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), the Internal Revenue Service (IRS), the Office of Government Ethics (OGE), and an ethics official for the agency to which the candidate is to be appointed. If conflicts are found during the 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 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. In an effort to reduce the elapsed time between a new President’s inauguration and the appointment of his or her national security team, provisions added, in 2004, to the Presidential Transition Act of 1963 encourage Presidents-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.³

For positions located within a state (e.g., U.S. attorneys, U.S. marshals, and U.S. district judges), 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.⁴ 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 consider how it will fare in the confirmation process.

³ 3 U.S.C. 102 note.

⁴ For more on the role of Senators in the appointment of U.S. district judges, see CRS Report RL34405, *Role of Home State Senators in the Selection of Lower Federal Court Judges*, by Denis Steven Rutkus.

A nominee has no legal authority to assume the duties and responsibilities of the position; the authority comes with Senate confirmation and presidential appointment. A nominee who is hired by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. If circumstances permit and conditions are met, the President may give the nominee a recess appointment to the position (see below). Recess appointments may have political consequences, however, particularly if Senators perceive that an appointment is an effort to circumvent their constitutional role. Some Senate-confirmed positions, such as many of those in the executive departments, may also be temporarily filled under the Federal Vacancies Reform Act of 1998.⁵ Positions on most boards and commissions, however, are not covered by this act.⁶

Senate Consideration. In the confirmation or second stage, the Senate alone determines whether or not to confirm a nomination.⁷ 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 nominee's views and how they are likely to affect public policy.⁸ 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. On the day the President submits a nomination to the Senate, the Senate's executive clerk refers it to the appropriate committee or committees. When making a referral, the executive clerk is guided by Senate Rule XXV, which establishes the subject matters under the purview of each committee and directs that "all proposed legislation, messages, petitions, memorials, and other matters relating primarily to [those] subjects" be referred to that committee. The executive clerk is also guided by precedents set by prior referrals and by standing orders and unanimous consent (UC) agreements pertaining to referral of nominations.⁹ Most nominations are sent to a single committee. Occasionally, the Senate has agreed, by unanimous consent, by standing order, or by statute, to refer one or more nominations to more than one committee.

⁵ P.L. 105-277, Div. C, Title I, sec. 151; 5 U.S.C. § 3345-3349d. For more on the Federal Vacancies Reform Act of 1998, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate's Confirmation Prerogative*, by Morton Rosenberg.

⁶ 5 U.S.C. § 3349c.

⁷ For 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.

⁸ G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

⁹ For more, see CRS Report RL30959, *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*, by Henry B. Hogue, Maureen Bearden, and Terrence Lisbeth.

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 that are referred to them; 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, report it unfavorably, or report it 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 nominations are not confirmed. Rarely, however, does the full Senate reject a nomination. Most nominations that are not confirmed fail 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. If a nomination is not acted upon by the Senate by the end of a Congress, it is returned to the President. Pending nominations also may be returned automatically to the President at the beginning of a recess of 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.

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

¹¹ The 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. William H. Frist, "Nomination to Remain in Status Quo," *Congressional Record*, daily edition, vol. 152, Sept. 29, 2006, p. S10762.

Recess Appointments

The Constitution also empowers the President to make limited-term appointments without Senate confirmation when the Senate is in recess.¹² Such recess appointments expire at the end of the next full session of Congress. Appendix C provides a table showing the dates of the Senate recesses for the 109th Congress and the number of recess appointments to positions on regulatory and other collegial boards and commissions 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. For this reason, when a recess appointment is made, the President generally submits a new nomination for the appointee even when an earlier nomination is still pending.¹³ 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 annual financial services and general government appropriations act prohibits payments, from appropriated funds, to an appointee after such a rejection.¹⁴

Characterization of Regulatory and Other Collegial Bodies

Federal executive branch boards and commissions share, among other things, the following characteristics: (1) they are independent executive branch bodies located, with four exceptions, outside executive departments;¹⁵ (2) several members

¹² Art. II, § 2, cl. 3.

¹³ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue.

¹⁴ P.L. 109-115, Div. A, Sec. 809; 119 Stat. 2497. 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 funding bill since at least 1950.

¹⁵ Exceptions are as follows: (1) the Federal Energy Regulatory Commission (FERC), located in the Department of Energy (DOE); (2) the Foreign Claims Settlement Commission (FCSC) and (3) the United States Parole Commission (USPC), both located in the
(continued...)

head each entity; (3) the members are appointed by the President with the advice and consent of the Senate; and (4) the members serve fixed terms of office, and, except in a few bodies, the President's power to remove them is restricted.

In this context, fixed terms of office have set beginning and end dates, irrespective of whether the posts are filled or when appointments are made. (In other contexts, in contrast, the full term begins to run when an appointee takes office, and it expires after the incumbent has held the post for the requisite period of time.) The end dates of the fixed terms of a board's members are staggered, so that the terms do not expire all at once. The use of terms with fixed beginning and end dates is intended to minimize the occurrence of simultaneous board member departures and thereby increase leadership continuity.

A new commission or board member may be nominated and confirmed for a position from which someone has resigned (or died) with an unexpired term or for a position with a new term that is already underway. Occasionally, where the unexpired term has been for a very short period, the President has submitted two nominations of the same person simultaneously — the first to complete the unexpired term and the second to complete a regular term of office.

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

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

¹⁵ (...continued)

Department of Justice (DOJ); and (4) the Surface Transportation Board (STB), located in the Department of Transportation (DOT). FERC's enabling statute designates it as an independent entity in DOE, and provides that its members and employees are not subject to the supervision or direction of department officials (42 U.S.C. § 7171). The FCSC is designated as an independent entity within DOJ, with a specific provision that decisions of the commission shall not be subject to review by the Attorney General (22 U.S.C. § 1622g). The enabling statute of the STB provides that "members, employees, and other personnel of the board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent" of DOT (49 U.S.C. § 703(c)). The enabling statute of the USPC establishes it as an independent agency within the Department of Justice (18 U.S.C. § 4202).

of vacancies after extended periods during which the President fails to nominate, or the Senate fails to confirm, members.

Two other notable characteristics apply to appointments to some of the boards and commissions. First, for 25 of the regulatory and other collegial boards and commissions, the law limits the number of appointed members who may belong to the same political party, usually to no more than a simple majority of the appointed members (e.g., two of three, or three of five).¹⁶ Second, advice and consent requirements also apply to inspector general appointments in four of these organizations and general counsel appointments in three.

Appointments During the 109th Congress

During the 109th Congress, President George W. Bush submitted nominations to the Senate for 90 of the 152 full-time positions on 33 regulatory and other boards and commissions. (Most of the remaining positions were not vacant during that time.) A total of 111 nominations were submitted for these positions, of which 79 were confirmed, 6 were withdrawn, and 26 were returned to the President. The number of nominations exceeded the number of positions because the President submitted multiple nominations for some positions. In some cases, for example, the President submitted one nomination for the end of a term in progress and a second nomination of the same person to the same position for the succeeding term. In other cases, the President submitted a second nomination after his first choice failed to be confirmed. The President also usually submitted an “extra” nomination of an individual to whom he had given a recess appointment in order to comply with a law affecting the payment of that appointee (see “Recess Appointments,” above). President Bush made 10 appointments to regulatory and other boards and commissions when the Senate was adjourned during a session (known as intrasession recess appointments), and 2 other appointments between sessions (known as intersession recess appointments). **Table 1** summarizes the appointment activity for the 109th Congress. At the end of the Congress, 12 incumbents were serving past the expiration of their terms.¹⁷ In addition, there were 11 vacancies among the 152 positions.

Length of 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. In the board and

¹⁶ For 3 of these 25 organizations, the Election Assistance Commission, the Federal Election Commission, and the United States International Trade Commission, the number of member positions is even, and no more than half may be of the same party.

¹⁷ The enabling statutes for some boards and commissions provide for the continuation of a member’s service past the end of his or her term for an additional specified period of time, or until replaced by successor. Such provisions are known as holdover provisions. A member of the Defense Nuclear Facilities Safety Board, for example, serves for a term of five years, but “may serve after the expiration of that member’s term until a successor has taken office” (42 U.S.C. § 2286(d)(3)).

commission profiles following this opening narrative, this report provides, for each board or commission nomination that was confirmed in the 109th Congress, the number of days between nomination and confirmation (“days to confirm”). For those nominations that were confirmed, an average of 96 days elapsed between nomination and confirmation. The median¹⁸ number of days elapsed was 50. The difference between these two numbers suggests that the average was pulled upward by a small number of unusually high numbers. These statistics exclude days during August recesses and between sessions of the 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.¹⁹ The 33 days during the August 2005 recess, the 11 days between the first and second sessions of the 109th Congress, and the 31 days during the August 2006 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 39-day recess during October and November 2006 in order to maintain consistency with similar reports for previous Congresses.

Table 1. Appointment Action for 33 Regulatory and Other Boards and Commissions During the 109th Congress

Positions on the 33 boards and commissions (total)	152
Positions to which nominations were made	90
Individual nominees	87
Nominations submitted to the Senate during the 109th Congress (total)	111
Disposition of nominations	
Confirmed by the Senate	79
Withdrawn	6
Returned	26
Recess Appointments (total)	12
Intrasession	10
Intersession	2

Organization of the Report

Board and Commission Profiles. Each of the 33 board or commission profiles following the narrative portion of this report is organized into three parts: a paragraph discussing the body’s organizational structure, a table identifying its membership as of the end of the 109th Congress, and a table listing nominations and appointments to its positions during the 109th Congress. The organizational sections discuss the statutory requirements for the appointed positions, including the number

¹⁸ This median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

¹⁹ 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.

of members on each board or commission, their terms of office, whether or not they may continue in their positions after their terms expire, whether or not political balance is required, and the method for selection of the chair.

Data²⁰ on appointment actions during the 109th Congress appear under both the sections entitled “Membership as of the End of the 109th Congress” and those entitled “Appointment Action in the 109th Congress.” The former identifies the agency’s positions requiring Senate confirmation and the incumbents in those positions as of that time. Incumbents whose terms have expired are italicized. Most of the incumbents serve fixed terms of office and are removable only for specified causes. They generally remain in office when a new administration assumes office following a presidential election. For those agencies requiring political balance among their members, the party affiliation of an incumbent is listed as Democrat (D), Republican (R), or Independent (I). The section also includes the pay levels of the positions. For presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which ranges from level I, for cabinet-level offices, to level V, for the lowest-ranked positions. Most of the chair positions are at level III, and most of the other positions are at level IV.²¹

The “Appointment Action” section identifies the nominees (in chronological order), the positions to which they were nominated, the dates of nomination, the dates of confirmation, and the number of days taken for confirmation. Actions other than confirmation (i.e., nominations rejected by the Senate, nominations returned to or withdrawn by the President, and recess appointments) are also noted. Occasionally, when a position is vacant and the unexpired term of office ends within a number of weeks or months, two nominations for the same nominee are submitted, the first to complete the unexpired term, and the second for a full term following completion of the expired term. Also, 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).

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

²⁰ This report was compiled from data from the Senate nominations database of the Legislative Information System [<http://www.congress.gov/nomis/>], telephone discussions with agency officials, agency websites, the *United States Code*, and the 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)).

²¹ The pay rates for the Executive Schedule, as of the end of the 109th Congress (2006), were as follows: Level I, \$183,500; Level II, \$165,200; Level III, \$152,000; Level IV, \$143,000; and Level V, \$133,900. U.S. Office of Personnel Management “Salary Table 2006-EX,” available at [<http://www.opm.gov/oca/06tables/html/ex.asp>].

averaging all values in the “Days to confirm” column, including the values for both confirmations.

Additional Appointment Information. **Appendix A** provides, in a single table, information on all of the nominations and appointments to regulatory and other collegial boards and commissions during the 109th Congress, alphabetically organized, and following a similar format to that of the “Appointment Action” sections just discussed. It identifies the board or commission involved and the dates of nomination and confirmation. The appendix also indicates if a nomination was withdrawn, returned, or rejected, or if a recess appointment was made. The mean and median number of days taken to confirm a nomination are also provided.²²

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

Appendix C provides the dates of Senate adjournments during the 109th Congress and the number of recess appointments during each period of adjournment. A list of organization abbreviations can be found in **Appendix D**.

²² This median is the middle number when the “days to confirm” data for all the confirmed nominations are arranged in numerical order.

Chemical Safety and Hazard Investigation Board (CSB)

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

Membership as of the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Carolyn W. Merritt (Chair)	na	08/01/02	08/02/07	IV
John S. Bresland	na	08/01/02	08/02/07	IV
Gary L. Visscher	na	11/21/04	11/29/09	IV
William B. Wark	na	09/15/06	09/22/11	IV
William E. Wright	na	09/15/06	09/22/11	IV

na - not applicable

CSB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
William E. Wright	na	Member	Gerald V. Poje	06/26/06	09/15/06	50
William B. Wark	na	Member	Rixio E. Medina	06/26/06	09/15/06	50
Mean number of days to confirm a nomination						50

na - not applicable

Commodity Futures Trading Commission (CFTC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Reuben Jeffery III (Chair)	R	06/30/05	04/13/07	III
Michael V. Dunn	D	11/21/04	06/19/11	IV
Walter Lukken	R	08/01/02	04/15/10	IV
Frederick W. Hatfield	D	10/07/04	04/13/08	IV
Vacant			04/13/09	IV

CFTC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Reuben Jeffery III	R	Commissioner	Barbara P. Holum	05/17/05	06/30/05	44
Reuben Jeffery III	R	Chair	James E. Newsome	05/17/05	06/30/05	44
Walter Lukken	R	Commissioner	Reappointment	05/25/05	06/30/05	36
Michael V. Dunn	D	Commissioner	Reappointment	06/16/06	08/03/06	48
Jill E. Sommers	R	Commissioner	Sharon Brown-Hruska	12/05/06	Returned 12/09/06 ^a	
Mean number of days to confirm a nomination						43

a. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Consumer Product Safety Commission (CPSC)

The statute establishing the CPSC calls for five members, who serve seven-year terms. During a period that included the 109th Congress, however, funding was authorized for only three of these positions. No more than three of the members may be from the same political party. A member may remain in office for one year at the end of a term, unless replaced. The chair is also appointed by the President, with the advice and consent of the Senate. (15 U.S.C. § 2053)

Membership at the End of the 109th Congress ^a

Incumbent	Party	Date first confirmed	Term expires	Pay level
Nancy A. Nord (Acting Chair)	R	04/28/05	10/27/12	III
Thomas H. Moore	D	04/06/95	10/26/10	IV
Vacant			10/27/13	IV
Vacant			na	IV
Vacant			na	IV

na - not applicable

CPSC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Nancy A. Nord ^b	R	Commissioner	Mary S. Gall	02/28/05	04/28/05	59
Nancy A. Nord ^b	R	Commissioner	Reappointment	02/28/05	04/28/05	59
Mean number of days to confirm a nomination						59

a. From FY1993 through the period covered by this report, funds were not available for the compensation and benefits of more than three members of the commission. (P.L. 102-389, Title 3, Oct. 6, 1992; 105 Stat. 1596; 15 U.S.C. § 2053 note).

b. The first nomination was to the position formerly held by Mary S. Gall for the remainder of the term expiring October 26, 2005. The second nomination was to the same position for the succeeding term.

Defense Nuclear Facilities Safety Board (DNFSB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Andrew J. Eggenberger (Chair)	R	10/18/89	10/18/08	III
John E. Mansfield (Vice Chair)	R	10/30/97	10/18/11	III
Joseph F. Bader	D	11/21/04	10/18/07	III
Larry W. Brown	R	09/29/06	10/18/10	III
Peter S. Winokur	D	09/29/06	10/18/09	III

DNFSB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Andrew J. Eggenberger	R	Member	Reappointment	06/29/05	12/09/06	453
John E. Mansfield	R	Member	Reappointment	09/05/06	09/29/06	24
Larry W. Brown	R	Member	R. Bruce Matthews	09/05/06	09/29/06	24
Peter S. Winokur	D	Member	John T. Conway	09/05/06	09/29/06	24
Mean number of days to confirm a nomination						131

Election Assistance Commission (EAC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Paul S. DeGregorio</i> ^a (Chair)	R	12/09/03	12/12/05	IV
<i>Gracia M. Hillman</i> ^a	D	12/09/03	12/12/05	IV
Donetta Davidson	R	07/28/05	12/12/07	IV
Vacant			12/12/07	IV

EAC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Donetta Davidson	R	Member	DeForest B. Soaries Jr.	07/21/05	07/28/05	7
Caroline C. Hunter	R	Member	Paul S. DeGregorio	09/15/06	Returned 12/09/06 ^b	
Rosemary E. Rodriguez	D	Member	Raymundo Martinez III	12/06/06	Returned 12/09/06 ^b	
Mean number of days to confirm a nomination						7

- a. The terms of the incumbents shown in italics had expired. In each case, the incumbent continued to serve under the holdover provision noted above.
- b. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Equal Employment Opportunity Commission (EEOC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Commissioners</i>				
Naomi C. Earp (Chair)	R	10/31/03	07/01/10	IV
Leslie E. Silverman (Vice Chair)	R	03/01/02	07/01/08	IV
Stuart Ishimaru	D	10/31/03	07/01/07	IV
Christine M. Griffin	D	10/21/05	07/01/09	IV
Vacant			07/01/11	IV
<i>General Counsel</i>				
Ronald S. Cooper	na ^a	03/27/06	4 years	V

na - not applicable

EEOC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Christine M. Griffin	D	Member	Paul S. Miller	07/28/05	10/21/05	52
Naomi C. Earp	R	Member	Reappointment	07/29/05	10/21/05	51
Ronald S. Cooper	na ^a	General Counsel	Eric S. Dreiband	03/27/06	07/26/06	121
David Palmer	R	Member	Cari M. Dominguez	09/15/06	Returned 12/09/06 ^b	
Mean number of days to confirm a nomination						75

na - not applicable

a. The provision establishing the general counsel position does not include requirements with regard to political affiliation.

b. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Export-Import Bank (EXIMBANK)

The Export-Import Bank Board of Directors comprises the president of the bank, who serves as chair; the first vice president of the bank, who serves as vice chair; and three other members (no more than three of these five may be from the same political party). All five members are appointed by the President, with the advice and consent of the Senate, and serve four-year terms. An incumbent whose term has expired may continue to serve (1) until a successor is qualified, or (2) until six months pass after the term expires — whichever occurs earlier. (12 U.S.C. § 635a) The President also appoints an inspector general, with the advice and consent of the Senate. (5 U.S.C. App., Inspector General Act of 1978, § 11)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board of Directors</i>				
James H. Lambright (President/Chair)	R	07/26/06	01/20/09	III
Linda M. Conlin (Vice President/Vice Chair)	R	11/21/04	01/20/09	IV
J. Max Cleland	D	12/09/03	01/20/07	IV
Bijan Rafiekian ^a	R	09/29/06	01/20/07	IV
J. Joseph Grandmaison	D	12/20/01	01/20/09	IV
<i>Inspector General</i>				
Vacant ^b	na ^c		Indefinite ^d	IV

na - not applicable

EXIMBANK Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
James H. Lambright	R	President	Philip Merrill	02/13/06	07/26/06	163
Linda M. Conlin	R	Vice President	April H. Foley	06/26/06	07/26/06	30
J. Joseph Grandmaison	D	Member	Reappointment	06/26/06	07/26/06	30
Bijan Rafiekian	R	Member	Linda M. Conlin	07/21/06	09/29/06	39
Michael W. Tankersley	na ^c	Inspector General	New position ^b	12/05/06	Returned 12/09/06	
Mean number of days to confirm a nomination						66

na - not applicable

a. Rafiekian is known as Bijan R. Kian on the EXIMBANK Website [<http://www.exim.gov>].

b. This position was established by P.L. 107-189, § 22. Tankersley was the first nominee to the position. He was later confirmed, in the 110th Congress.

c. The provision establishing the inspector general position does not include requirements with regard to political affiliation.

d. The position does not have a fixed term. The President may remove an incumbent from office. During the period covered by this report, the Inspector General Act directed the President to “communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appendix, § 3(b)).

Farm Credit Administration (FCA)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Nancy C. Pellett (Chair)	R	11/14/02	05/31/08	III
<i>Douglas L. Flory</i> ^a	R	08/01/02	10/13/06	IV
Dallas Tonsager	D	11/21/04	05/21/10	IV

FCA Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Leland A. Strom	R	Member	Douglas L. Flory	08/01/06	12/09/06	99

a. The term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

Federal Communications Commission (FCC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Kevin J. Martin (Chair)	R	05/25/01	06/30/11	III
Michael J. Copps	D	05/25/01	06/30/10	IV
Jonathan S. Adelstein	D	11/14/02	06/30/08	IV
Deborah T. Tate	R	12/21/05	06/30/07	IV
Robert M. McDowell	R	05/26/06	06/30/09	IV

FCC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Michael J. Copps	D	Member	Reappointment	11/09/05	12/21/05	42
Deborah T. Tate	R	Member	Michael K. Powell	11/09/05	12/21/05	42
Robert M. McDowell	R	Member	Kathleen Q. Abernathy	02/06/06	05/26/06	109
Kevin J. Martin	R	Member	Reappointment	04/25/06	11/16/06	174
Mean number of days to confirm a nomination						92

Federal Deposit Insurance Corporation (FDIC), Board of Directors

The FDIC board of directors consists of five members, of whom two — the comptroller of the currency and the director of the Office of Thrift Supervision (OTS) — are *ex officio*. The three appointed members serve six-year terms. Not more than three of the members of the board of directors may be from the same political party. When a term expires, the member may continue to serve until a successor is appointed. The President appoints the chair and the vice chair, with the advice and consent of the Senate, from among the appointed officers. The chair is appointed for a term of five years. (12 U.S.C. § 1812) The President also appoints the inspector general, with the advice and consent of the Senate. (5 U.S.C. Appendix, Inspector General Act of 1978, § 11)

Full-Time Membership at the End of the 109th Congress

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

na - not applicable

FDIC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Martin J. Gruenberg	D	Member	John M. Reich ^c	07/22/05	07/29/05	7
Martin J. Gruenberg	D	Member	Reappointment ^c	07/22/05	07/29/05	7
Martin J. Gruenberg	D	Vice Chair	John M. Reich ^c	07/22/05	07/29/05	7
Jon T. Rymer	na ^a	Inspector General	Gaston L. Gianni Jr.	02/14/06	06/22/06	128
Sheila C. Bair	R	Member	Donald E. Powell ^d	05/02/06	06/15/06	44
Sheila C. Bair	R	Member	Reappointment ^d	05/02/06	06/15/06	44
Sheila C. Bair	R	Chair	Donald E. Powell ^d	05/02/06	06/15/06	44
Mean number of days to confirm a nomination						40

na - not applicable

- a. The provision establishing the inspector general position does not include requirements with regard to political affiliation.
- b. The position does not have a fixed term. The President may remove an incumbent from office. During the period covered by this report, the Inspector General Act directed the President to “communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appendix, § 3(b)).
- c. The first nomination was to the position formerly held by Reich for the remainder of the term expiring on December 27, 2006. The second nomination was to the same position for the succeeding six-year term. The third nomination was to the position of vice chair.
- d. The first nomination was to the position formerly held by Powell for the remainder of the term expiring on July 15, 2007. The second nomination was to the same position for the succeeding six-year term. The third nomination was to a five-year term as chair.

Federal Election Commission (FEC)

The FEC consists of six members (no more than three may be from the same political party), who serve six-year terms. When a term expires, a member may continue to serve until a successor takes office. Persons nominated and appointed to the FEC after December 31, 1997, are not eligible for reappointment after their terms expire. (P.L. 105-61, Title 5, sec. 513) The chair and vice chair, from different political parties and designated by the commission, change each year. Generally, the vice chair succeeds the chair. (2 U.S.C. § 437c)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Robert D. Lenhard (Chair)	D	^a	04/30/11 ^c	IV
<i>David M. Mason</i> ^b (Vice Chair)	R	07/30/98	04/30/04	IV
Michael E. Toner	R	03/18/03	04/30/07	IV
Ellen L. Weintraub	D	03/18/03	04/30/07	IV
Hans von Spakovsky	R	^a	04/30/11 ^c	IV
Steven T. Walther	D	^a	04/30/09 ^c	IV

FEC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
David M. Mason	R	Member	Reappointment	12/16/05	Returned 12/09/06 ^d	
Steven T. Walther	D	Member	Scott E. Thomas	12/16/05	Returned 12/09/06 ^d	
Hans von Spakovsky	R	Member	Bradley A. Smith	12/16/05	Returned 12/09/06 ^d	
Robert D. Lenhard	D	Member	Danny L. McDonald	12/16/05	Returned 12/09/06 ^d	
Robert D. Lenhard	D	Member		Recess Appointment 01/04/06 ^c		
Hans von Spakovsky	R	Member		Recess Appointment 01/04/06 ^c		
Steven T. Walther	D	Member		Recess Appointment 01/04/06 ^c		
Steven T. Walther ^e	D	Member	Scott E. Thomas	02/10/06	Returned 12/09/06 ^d	
Hans von Spakovsky ^e	R	Member	Bradley A. Smith	02/10/06	Returned 12/09/06 ^d	
Robert D. Lenhard ^e	D	Member	Danny L. McDonald	02/10/06	Returned 12/09/06 ^d	

a. None of these commissioners were confirmed, as of the end of the 109th Congress. They were recess appointees, as shown.

b. The term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

c. Lenhard, von Spakovsky, and Walther were recess appointed to positions with terms that were to expire as shown. Recess appointments are always limited in duration, however, regardless of the term of office of a particular position. In each of these cases, the incumbent's recess

appointment expired at the end of the first session of the 110th Congress, prior to the expiration of the term of the position.

- d. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- e. 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, both nominations were returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Energy Regulatory Commission (FERC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Joseph T. Kelliher (Chair)	R	11/07/03	06/30/07	III
Suedeen G. Kelly	D	11/07/03	06/30/09	IV
Philip D. Moeller	R	07/14/06	06/30/10	IV
Jon Wellinghoff	D	07/14/06	06/30/08	IV
Marc Spitzer	R	07/14/06	06/30/11	IV

FERC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Philip D. Moeller	R	Commissioner	Patrick H. Wood III	03/07/06	07/14/06	129
Jon Wellinghoff	D	Commissioner	William L. Massey	03/07/06	07/14/06	129
Marc Spitzer	R	Commissioner	Nora M. Brownell	06/12/06	07/14/06	32
Mean number of days to confirm a nomination						97

Federal Housing Finance Board (FHFB)²³

The FHFB consists of five members, of whom one — the Secretary of Housing and Urban Development (HUD) or his or her designee — is *ex officio*. The four appointed members serve seven-year terms, and no more than three may be from the same political party. An appointed member whose term expires may continue to serve until a successor is appointed. The President designates the chair from among the appointed members. (12 U.S.C. § 1422a(1))²⁴

Full-Time Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Ronald A. Rosenfeld (Chair) ^a	R	03/16/05	02/27/09	III
Allan I. Mendelowitz	D	11/29/01	02/27/07	IV
Alicia K. Castaneda	R	12/09/03	02/27/11	IV
Geoffrey S. Bacino	D	07/26/06	02/27/13	IV

FHFB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Ronald A. Rosenfeld	R	Director	John T. Korsmo	01/24/05	03/16/05	51
Geoffrey S. Bacino	D	Director	Franz S. Leichter	06/16/06	07/26/06	40
Mean number of days to confirm a nomination						46

- a. At the end of the 108th Congress, on December 14, 2004, Rosenfeld was recess appointed to the board. The President designated him as chair. His recess appointment would have expired at the end of the first session of the 109th Congress, by which time he had been confirmed as shown.

²³ P.L. 110-289, § 1311 (122 Stat. 2797) provided for the abolishment of FHFB, effective one year from the statute's July 30, 2008, enactment.

²⁴ P.L. 110-289, § 1204 (122 Stat. 2785) repealed this section, but it was in effect during the period covered by this report.

Federal Labor Relations Authority (FLRA)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Members</i>				
Dale Cabaniss (Chair)	R	11/09/97	07/29/07	IV
<i>Carol W. Pope</i> ^a	D	10/26/00	07/01/04	V
Wayne C. Beyer	R	^b	07/01/10 ^c	V
<i>General Counsel</i>				
Colleen D. Kiko	na ^d	10/07/05	Five years ^e	V

na - not applicable

FLRA Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Colleen D. Kiko	na ^d	General Counsel	Peter Eide	06/23/05	10/07/05	73
Wayne C. Beyer	R	Member	Othoniel Armendariz	06/06/06	Returned 12/09/06 ^f	
Wayne C. Beyer	R	Member		Recess appointment 12/20/06 ^c		
Mean number of days to confirm a nomination						73

na - not applicable

a. The term of the incumbent shown in italics had expired. She continued to serve under the holdover provision noted above.

b. Beyer had not been confirmed, as of the end of the 109th Congress. He was a recess appointee, as shown.

c. Beyer was recess appointed to a seat with a term that was to expire July 1, 2010. Recess appointments are always limited in duration, however, regardless of the term of office of a particular position. In this case, Beyer's recess appointment expired at the end of the first session of the 110th Congress, prior to the expiration of the term of the position.

d. The provision establishing the general counsel position does not include requirements with regard to political affiliation.

e. The general counsel is appointed for a term of five years.

f. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Maritime Commission (FMC)

The FMC consists of five members (no more than three may be from the same political party), who serve five-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair. (46 U.S.C. § 301; Reorganization Plan No. 7 of 1961)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Joseph E. Brennan	D	11/10/99	06/30/08	IV
Harold J. Creel, Jr.	D	08/17/94	06/30/09	IV
Rebecca F. Dye	R	11/14/02	6/30/10	IV
A. Paul Anderson	R	05/05/04	06/30/07	IV
Vacant			06/30/11	IV

FMC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Rebecca F. Dye	R	Commissioner	Reappointment	07/12/05	07/22/05	10

Federal Mine Safety and Health Review Commission (FMSHRC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Michael F. Duffy (Chair)	na	11/19/02	08/30/12 ^a	III
Mary L. Jordan	na	04/14/94	08/30/08	IV
Michael G. Young	na	07/31/03	08/30/08	IV
Vacant			08/30/10	IV
Vacant			08/30/12	IV

na - not applicable

FMSHRC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Arlene Holen	na	Commissioner	Robert H. Beatty Jr.	05/23/05	Returned 09/29/06 ^b	
Michael F. Duffy	na	Commissioner	Reappointment	08/01/06	Returned 12/09/06 ^c	
Michael F. Duffy	na	Commissioner		Recess Appointment 8/31/06 ^a		
Michael F. Duffy ^d	na	Commissioner	Reappointment	09/07/06	Returned 12/09/06 ^c	
Arlene Holen	na	Commissioner	Robert H. Beatty Jr.	11/14/06	Returned 12/09/06 ^c	

- a. Duffy was recess appointed to a seat with a term that was to expire August 30, 2012. Recess appointments are always limited in duration, however, regardless of the term of office of a particular position. In this case, Duffy's recess appointment expired at the end of the first session of the 110th Congress, prior to the expiration of the term of the position.
- b. Returned to the President at the beginning of a 39-day Senate recess under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- d. 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, both nominations were returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Federal Reserve System, Board of Governors (FRS)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Ben S. Bernanke (Chair)	na	10/24/03	01/31/20	II
Donald L. Kohn (Vice Chair)	na	07/31/02	01/31/16	III
Susan S. Bies	na	12/06/01	01/31/12	III
Frederic S. Mishkin	na	07/26/06	01/31/14	III
Randall S. Kroszner	na	02/17/06	01/31/08	III
Kevin M. Warsh	na	02/17/06	01/31/18	III
Vacant	na		01/31/10	III

na - not applicable

FRS Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Ben S. Bernanke	na	Member	Alan Greenspan	11/01/05	01/31/06	80
Ben S. Bernanke	na	Chair	Alan Greenspan	11/01/05	01/31/06	80
Randall S. Kroszner	na	Member	Edward M. Gramlich	01/27/06	02/17/06	21
Kevin M. Warsh	na	Member	Ben S. Bernanke	01/27/06	02/17/06	21
Donald L. Kohn	na	Vice Chair	Roger W. Ferguson Jr.	05/18/06	06/19/06	32
Frederic S. Mishkin	na	Member	Roger W. Ferguson Jr.	06/29/06	07/26/06	27
Mean number of days to confirm a nomination						44

na - not applicable

Federal Trade Commission (FTC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Deborah P. Majoras (Chair)	R	11/21/04	09/25/08	III
Pamela J. Harbour	I	07/23/03	09/25/09	IV
Jonathan D. Leibowitz	D	11/21/04	09/25/10	IV
William E. Kovacic	R	12/17/05	09/25/11	IV
J. Thomas Rosch	R	12/17/05	09/25/12	IV

FTC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
William E. Kovacic	R	Commissioner	Orson Swindle	07/28/05	12/17/05	109
J. Thomas Rosch	R	Commissioner	Thomas B. Leary	09/29/05	12/17/05	79
Mean number of days to confirm a nomination						94

Foreign Claims Settlement Commission (FCSC)

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

Full-Time Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Mauricio J. Tamargo (Chair)	na	01/25/02	09/30/09	V

na - not applicable

FCSC Appointment Action in the 109th Congress ^a

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Mauricio J. Tamargo	na	Chair	Reappointment	02/06/06	03/13/06	35

na - not applicable

a. Nominations for part-time positions at the Foreign Claims Settlement Commission also occurred during the 109th Congress. This report covers only full-time positions; the part-time nominations are not included in this table.

Merit Systems Protection Board (MSPB)

The MSPB consists of three members (no more than two may be from the same political party), who serve seven-year terms. When a term expires, the member may continue to serve for one year, unless a successor is appointed before that time. The President appoints the chair, with the advice and consent of the Senate, and designates the vice chair. (5 U.S.C. §§ 1201-1203)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Neil A. G. McPhie (Chair)	R	11/21/04	03/01/09	III
Mary M. Rose (Vice Chair)	R	12/17/05	03/01/11	IV
Barbara J. Sapin	D	11/21/04	03/01/07	IV

MSPB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Mary M. Rose	R	Member	Susanne T. Marshall	06/23/05	12/17/05	144

National Credit Union Administration, Board of Directors (NCUA)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
JoAnn M. Johnson (Chair)	R	03/22/02	08/02/07	III
Rodney E. Hood	R	11/07/05	04/10/09	IV
Gigi Hyland	D	11/07/05	08/02/11	IV

NCUA Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Rodney E. Hood	R	Member	Dennis Dollar	05/09/05	11/07/05	149
Gigi Hyland	D	Member	Deborah Matz	09/29/05	11/07/05	39
Mean number of days to confirm a nomination						94

National Labor Relations Board (NLRB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board</i>				
Robert J. Battista (Chair)	R	11/14/02	12/16/07	III
Peter C. Schaumber	R	11/14/02	08/27/10	IV
Wilma B. Liebman	D	11/14/02	08/27/11	IV
Peter Kirsanow	R	^a	08/27/08 ^b	IV
Dennis P. Walsh	D	^a	12/16/09 ^b	IV
<i>General Counsel</i>				
Ronald E. Meisburg	na ^c	08/03/06	08/13/10	IV

na - not applicable

NLRB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Ronald E. Meisburg	R	Member	Rene Acosta	01/24/05	Withdrawn	06/29/05
Dennis P. Walsh	D	Member	Reappointment	04/27/05	Returned	12/09/06 ^d
Ronald E. Meisburg	na ^c	General Counsel	Arthur F. Rosenfeld	06/29/05	08/03/06	356
Peter C. Schaumber	R	Member	Reappointment	06/29/05	08/03/06	356
Peter C. Schaumber	R	Member	Recess Appointment	08/31/05 ^e		
Peter C. Schaumber ^f	R	Member	Reappointment	09/19/05	08/03/06	307
Peter N. Kirsanow	R	Member	Ronald E. Meisburg	11/16/05	Returned	12/09/06 ^d
Ronald E. Meisburg	na ^c	General Counsel	Recess Appointment	01/04/06 ^g		
Peter N. Kirsanow	R	Member	Recess Appointment	01/04/06 ^b		
Dennis P. Walsh	D	Member	Recess Appointment	01/17/06 ^b		
Dennis P. Walsh ^h	D	Member	Reappointment	02/10/06	Returned	12/09/06 ^d
Ronald E. Meisburg ⁱ	na ^c	General Counsel	Arthur F. Rosenfeld	02/10/06	Returned	12/09/06 ^d

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Peter N. Kirsanow ^h	D	Member	Ronald E. Meisburg	02/10/06	Returned 12/09/06 ^d	
Wilma B. Liebman	D	Member	Reappointment	08/01/06	08/03/06	2
Mean number of days to confirm a nomination						255

na - not applicable

- a. Neither of these board members was confirmed, as of the end of the 109th Congress. They were recess appointees, as shown.
- b. Kirsanow and Walsh were recess appointed to positions with terms that were to expire as shown. Recess appointments are always limited in duration, however, regardless of the term of office of a particular position. In each of these cases, the incumbent's recess appointment expired at the end of the first session of the 110th Congress, prior to the expiration of the term of the position.
- c. The provision establishing the general counsel position does not include requirements with regard to political affiliation.
- d. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- e. Schaumber's recess appointment would have expired at the end of the 109th Congress, by which time he had been confirmed, as shown.
- f. 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, both nominations, to the same term of the same position, were confirmed.
- g. Meisburg's recess appointment would have expired at the end of the first session of the 110th Congress, by which time he had been confirmed, as shown.
- h. 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, both nominations were returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- i. 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 original nomination was confirmed, and the duplicate nomination was returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

National Mediation Board (NMB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Elizabeth Dougherty (Chair)	R	12/09/06	07/01/10	III
Harry R. Hoglander	D	08/01/02	07/01/08	IV
<i>Read Van de Water</i> ^a	R	12/03/03	07/01/06	IV

NMB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Harry R. Hoglander	D	Member	Reappointment	03/27/06	12/09/06	226
Peter W. Tredick ^b	R	Member	Edward Fitzmaurice Jr.	03/27/06	Withdrawn	11/14/06
Elizabeth Dougherty ^c	R	Member	Read Van de Water	05/25/06	Withdrawn	11/14/06
Peter W. Tredick ^b	R	Member	Reappointment	07/18/06	Withdrawn	11/14/06
Elizabeth Dougherty ^c	R	Member	Edward Fitzmaurice Jr.	11/14/06	12/09/06	25
Elizabeth Dougherty ^c	R	Member	Reappointment	11/14/06	12/09/06	25
Peter W. Tredick ^b	R	Member	Read Van de Water	11/14/06	Returned	12/09/06 ^d
Mean number of days to confirm a nomination						92

- a. The term of the incumbent shown in italics had expired. She continued to serve under the holdover provision noted above.
- b. Tredick's first nomination (withdrawn) was to the position formerly held by Fitzmaurice for a term expiring July 1, 2007. The second nomination (withdrawn) was to the same position for the succeeding three-year term, expiring July 1, 2010. The third nomination (returned to the President) was to the position held by Van de Water, for a term expiring July 1, 2009.
- c. Dougherty's first nomination (withdrawn) was to the position held by Van de Water, for a term expiring July 1, 2009. The second nomination (confirmed) was to the position formerly held by Fitzmaurice for a term expiring July 1, 2007. The third nomination (confirmed) was to the same position for the succeeding three-year term, expiring July 1, 2010.
- d. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

National Transportation Safety Board (NTSB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Mark V. Rosenker (Chair)	R	03/19/03	12/31/10	III
Robert L. Sumwalt III (Vice Chair)	R	08/03/06	12/31/11	IV
Deborah A. P. Hersman	D	03/02/04	12/31/08	IV
Kathryn O. Higgins	D	12/17/05	12/31/09	IV
Steven R. Chealander	R	12/09/06	12/31/07	IV

NTSB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Mark V. Rosenker	R	Member	Reappointment	04/04/05	12/17/05	224
Ellen G. Engleman (Conners) ^a	R	Chair	Reappointment	04/04/05	Withdrawn	12/13/05
Kathryn O. Higgins	D	Member	Carol J. Carmody	07/28/05	12/17/05	109
Mark V. Rosenker	R	Chair	Ellen G. Engleman (Conners) ^a	04/24/06	08/03/06	101
Robert L. Sumwalt III ^b	R	Member	Richard F. Healing	06/06/06	08/03/06	58
Robert L. Sumwalt III ^b	R	Member	Reappointment	06/06/06	08/03/06	58
Steven R. Chealander	R	Member	Ellen G. Engleman (Conners) ^a	09/21/06	12/09/06	79
Mean number of days to confirm a nomination						105

a. The surname of this nominee is shown in various forms in the nominations database. It is shown in this way consistently in this report for clarity.

b. The first nomination was to the position formerly held by Healing for the remainder of the term expiring on December 31, 2006. The second nomination was to the same position for the succeeding five-year term.

Nuclear Regulatory Commission (NRC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Commissioners</i>				
Dale E. Klein (Chair)	R	05/26/06	06/30/11	II
Edward McGaffigan Jr.	D	08/02/96	06/30/10	III
Jeffrey S. Merrifield	R	10/21/98	06/30/07	III
Gregory B. Jaczko	D	05/26/06	06/30/08	III
Peter B. Lyons	R	05/26/06	06/30/09	III
<i>Inspector General</i>				
Hubert T. Bell	na ^a	06/11/96	Indefinite ^b	IV

na-not applicable

NRC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Albert H. Konetzi	R	Member	Richard A. Meserve	01/04/05	Withdrawn	07/29/05
Gregory B. Jaczko	D	Member	Greta J. Dicus	01/04/05	05/26/06	463
Gregory B. Jaczko	D	Member		Recess Appointment 01/19/05 ^c		
Peter B. Lyons	R	Member		Recess Appointment 01/19/05 ^c		
Gregory B. Jaczko ^d	D	Member	Greta J. Dicus	02/14/05	05/26/06	422
Peter B. Lyons	R	Member	Richard A. Meserve	02/14/05	05/26/06	422
Edward McGaffigan Jr.	D	Member	Reappointment	07/28/05	10/07/05	38
Dale Klein	R	Member	Nils J. Diaz	04/27/06	05/26/06	29
Mean number of days to confirm a nomination						275

a. The provision establishing the inspector general position does not include requirements with regard to political affiliation.

b. The position does not have a fixed term. The President may remove an incumbent from office. During the period covered by this report, the Inspector General Act directed the President to “communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appendix, § 3(b)).

- c. Jaczko's and Lyons's recess appointments would have expired at the end of the 109th Congress, by which time they had been confirmed.
- d. 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 Jaczko's case, both nominations were confirmed.

Occupational Safety and Health Review Commission (OSHRC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
W. Scott Railton (Chair)	na	07/31/03	04/27/07	III
Thomasina Rogers	na	07/31/03	04/27/09	IV
Horace A. Thompson III	na	05/19/06	04/27/11	IV

na-not applicable

OSHRC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Horace A. Thompson III	na	Member	James M. Stephens	09/28/05	05/19/06	222

na-not applicable

Postal Rate Commission (PRC)

The PRC consists of five members (no more than three may be from the same political party), who serve six-year terms. When a term expires, the member may continue to serve for one year, unless a successor is appointed before that time. The President designates the chair. The commissioners designate the vice chair. (39 U.S.C. § 3601)

[The Postal Rate Commission became the Postal Regulatory Commission, as provided in Section 604 of P. L. 109-435, the Postal Accountability and Enhancement Act, enacted on December 20, 2006.]

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>George A. Omas</i> ^a (Chair)	R	06/11/97	10/14/06	III
<i>Dawn A. Tisdale</i> ^a (Vice Chair)	D	11/21/04	11/22/06	IV
Tony Hammond	R	11/12/02	10/14/10	IV
Ruth Y. Goldway	D	11/12/02	11/22/08	IV
Mark D. Acton	R	08/03/06	10/14/10	IV
Dan G. Blair ^b	R	12/09/06	10/14/12	IV

PRC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Tony Hammond	R	Commissioner	Reappointment	01/24/05	05/26/05	122
Mark D. Acton	R	Commissioner	Dana B. Covington Sr.	11/07/05	08/03/06	258
Dan G. Blair	R	Commissioner	George A. Omas	11/13/06	12/09/06	26
Mean number of days to confirm a nomination						135

a. The terms of the incumbents shown in italics had expired. They continued to serve under the holdover provision noted above.

b. Blair was designated chair on December 15, 2006.

Railroad Retirement Board (RRB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
<i>Board</i>				
Michael S. Schwartz (Chair; Member-at-Large)	na	05/23/03	08/28/07	III
<i>Virgil M. Speakman Jr.</i> ^a (Labor Member)	na	08/12/92	08/28/04	IV
<i>Jerome F. Kever</i> ^a (Management Member)	na	05/24/00	08/28/03	IV
<i>Inspector General</i>				
Martin J. Dickman	na	10/08/94	Indefinite ^b	IV

na - not applicable

- a. The terms of the incumbents shown in italics had expired. They continued to serve under the holdover provision noted above.
- b. This position does not have a fixed term. The President may remove an incumbent from office. During the period covered by this report, the Inspector General Act directed the President to “communicate the reasons for any such removal to both Houses of Congress” (5 U.S.C. Appendix, § 3(b)).

No RRB Appointment Action in the 109th Congress

Securities and Exchange Commission (SEC)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Christopher Cox (Chair)	R	07/29/05	06/05/09	III
Paul S. Atkins	R	07/25/02	06/05/08	IV
Roel C. Campos	D	07/25/02	06/05/10	IV
Annette L. Nazareth	D	07/29/05	06/05/07	IV
Kathleen L. Casey	R	06/15/06	06/05/11	IV

SEC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Christopher Cox	R	Member	Harvey J. Goldschmid	06/30/05	07/29/05	29
Roel C. Campos	D	Member	Reappointment	07/22/05	07/29/05	7
Annette L. Nazareth	D	Member	William H. Donaldson	07/22/05	07/29/05	7
Kathleen L. Casey	R	Member	Cynthia A. Glassman	05/18/06	06/15/06	28
Mean number of days to confirm a nomination						18

Surface Transportation Board (STB)

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

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Charles D. Nottingham (Chair)	R	08/03/06	12/31/10	III
Francis P. Mulvey (Vice Chair)	D	05/21/04	12/31/07	IV
W. Douglas Buttrey	R	05/21/04	12/31/08	IV

STB Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Charles D. Nottingham	R	Member	Roger P. Nober	06/05/06	08/03/06	59

United States International Trade Commission (USITC)

The USITC consists of six members (no more than three may be from the same political party), who serve nine-year terms. When a term expires, a member may continue to serve until a successor takes office. The President designates the chair and vice chair for two-year terms of office, but they may neither belong to the same political party nor be the two most recently appointed members of the commission. A new chair may not belong to the same political party as the chair being replaced, unless the replacement is to complete an unexpired term. (19 U.S.C. § 1330)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Daniel R. Pearson (Chair)	R	11/21/04	06/16/11	III
Shara L. Aranoff (Vice Chair)	D	07/29/05	12/16/12	IV
Jennifer A. Hillman	D	07/30/98	12/16/06	IV
<i>Stephen Koplan</i> ^a	D	07/30/98	06/16/05	IV
Deanna T. Okun	R	11/19/99	06/16/08	IV
Charlotte R. Lane	R	11/21/04	12/16/09	IV

USITC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
Shara L. Aranoff	D	Member	Marcia E. Miller	04/27/05	07/29/05	93
Dean A. Pinkert	D	Member	Jennifer A. Hillman	09/07/06	Returned 12/09/06 ^b	
Irving A. Williamson	D	Member	Stephen Koplan	09/07/06	Returned 12/09/06 ^b	

a. The term of the incumbent shown in italics had expired. He continued to serve under the holdover provision noted above.

b. Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

United States Parole Commission (USPC)

The USPC is an independent agency in the Department of Justice. The commission consists of five commissioners (political balance is not required) who serve for six-year terms. When a term expires, a member may continue to serve until a successor takes office, but no commissioner may serve more than 12 years. The President designates the chair. (18 U.S.C. § 4202) The commission was previously scheduled to be phased out, but its life has been extended several times by Congress. Under P.L. 110-312, § 2 (122 Stat. 3013), it was extended until November 1, 2011. (18 U.S.C. § 4202)

Membership at the End of the 109th Congress

Incumbent	Party	Date first confirmed	Term expires	Pay level
Edward F. Reilly, Jr. (Chair)	na	08/12/91		IV
Cranston J. Mitchell (Vice Chair)	na	03/06/03	For all positions, 6 years from appointment or when commission is phased out	V
Deborah Ann Spagnoli	na	11/21/04		V
Isaac Fulwood, Jr.	na	11/21/04		V
Patricia Cushwa	na	11/21/04		V

na - not applicable

No USPC Appointment Action in the 109th Congress

United States Sentencing Commission (USSC)

The USSC consists of seven voting members, who are appointed to six-year terms. Only the chair and three vice chairs, selected from among the members, serve full-time. The President appoints the chair, with the advice and consent of the Senate, and designates the vice chairs. No more than three members may be federal judges, and no more than four may be of the same political party. No more than two vice chairs may be of the same political party. No voting member may serve more than two full terms. When a term expires, an incumbent may continue to serve until he or she is reappointed, a successor takes office, or Congress adjourns *sine die* at the end of the session that commences after the expiration of the term, whichever is earliest. The Attorney General (or designee) serves *ex officio*. (28 U.S.C. § 991-992) The chair of the United State Parole Commission is also an *ex officio* member of the commission. (18 U.S.C. § 3551 note)

Full-Time Membership as of December 9, 2006

Incumbent	Party	Date first confirmed	Term expires	Pay level
Ricardo Hinojosa (Chair)	R	11/21/04	10/31/07	Same as rate for federal appeals court judges
Ruben Castillo (Vice Chair)	^a	11/10/99	10/31/09	
William K. Sessions III (Vice Chair)	D	11/10/99	10/31/09	
<i>John R. Steer</i> ^b (Vice Chair)	R	11/10/99	10/31/05	

USSC Appointment Action in the 109th Congress

Nominee/recess appointee	Party	Position	To replace	Date nominated	Date confirmed	Days to confirm
John R. Steer	R	Commissioner	Reappointment	12/06/06	Returned 12/09/06 ^c	
John R. Steer	R	Commissioner			Recess appointment 12/12/06 ^b	

- Party balance is statutorily required, as discussed above, but the commission staff does not collect this information. For this member, alternative sources of information could not be located.
- The term of the incumbent shown in italics had expired. Because his term expired during the first session of the 109th Congress, he would have been able to continue to serve until the *sine die* adjournment of Congress at the end of the second session under the holdover provision noted above. The House and Senate each adjourned *sine die* on Friday, December 8, 2006. The President recess appointed Steer to a succeeding term in the same position on Tuesday, December 12, 2006, as shown, and he designated Steer as a vice chair. This term as commissioner was to expire on October 31, 2011. Recess appointments are always limited in duration, however, regardless of the term of office of a particular position. In this case, the incumbent's recess appointment expired at the end of the first session of the 110th Congress, prior to the expiration of the term of the position.
- Returned to the President at the end of the 109th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Appendix A. Nominations and Appointments to Regulatory and Other Collegial Boards and Commissions, 109th Congress

Nominee/recess appointee	Board/ Commission ^a	Nomination date	Confirmation date	Days to confirm
Mark D. Acton	PRC	11/07/05	08/03/06	258
Shara L. Aranoff	USITC	04/27/05	07/29/05	93
Geoffrey S. Bacino	FHFB	06/16/06	07/26/06	40
Sheila C. Bair (Member)	FDIC	05/02/06	06/15/06	44
Sheila C. Bair (Member)	FDIC	05/02/06	06/15/06	44
Sheila C. Bair (Chair)	FDIC	05/02/06	06/15/06	44
Ben S. Bernanke (Member)	FRS	11/01/05	01/31/06	80
Ben S. Bernanke (Chair)	FRS	11/01/05	01/31/06	80
Wayne C. Beyer	FLRA	06/06/06	Returned 12/09/06	
Wayne C. Beyer	FLRA	Recess appointment 12/20/06		
Dan G. Blair	PRC	11/13/06	12/09/06	26
Larry W. Brown	DNFSB	09/05/06	09/29/06	24
Roel C. Campos	SEC	07/22/05	07/29/05	7
Kathleen L. Casey	SEC	05/18/06	06/15/06	28
Steven R. Chealander	NTSB	09/21/06	12/09/06	79
Linda M. Conlin	EXIMBANK	06/26/06	07/26/06	30
Ronald S. Cooper	EEOC	03/27/06	07/26/06	121
Michael J. Copps	FCC	11/09/05	12/21/05	42
Christopher Cox	SEC	06/30/05	07/29/05	29
Donetta Davidson	EAC	07/21/05	07/28/05	7
Elizabeth Dougherty	NMB	05/25/06	Withdrawn 11/14/06	
Elizabeth Dougherty	NMB	11/14/06	12/09/06	25
Elizabeth Dougherty	NMB	11/14/06	12/09/06	25
Michael F. Duffy	FMSHRC	08/01/06	Returned 12/09/06	
Michael F. Duffy	FMSHRC	Recess Appointment 8/31/06		
Michael F. Duffy	FMSHRC	09/07/06	Returned 12/09/06	
Michael V. Dunn	CFTC	06/16/06	08/03/06	48
Rebecca F. Dye	FMC	07/12/05	07/22/05	10

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Nominee/recess appointee	Board/ Commission^a	Nomination date	Confirmation date	Days to confirm
Naomi C. Earp	EEOC	07/29/05	10/21/05	51
Andrew J. Eggenberger	DNFSB	06/29/05	12/09/06	453
Ellen G. Engleman (Conners)	NTSB	04/04/05	Withdrawn 12/13/05	
J. Joseph Grandmaison	EXIMBANK	06/26/06	07/26/06	30
Christine M. Griffin	EEOC	07/28/05	10/21/05	52
Martin J. Gruenberg (Member)	FDIC	07/22/05	07/29/05	7
Martin J. Gruenberg (Member)	FDIC	07/22/05	07/29/05	7
Martin J. Gruenberg (Vice Chair)	FDIC	07/22/05	07/29/05	7
Tony Hammond	PRC	01/24/05	05/26/05	122
Kathryn O. Higgins	NTSB	07/28/05	12/17/05	109
Harry R. Hoglander	NMB	03/27/06	12/09/06	226
Arlene Holen	FMSHRC	05/23/05	Returned 09/29/06	
Arlene Holen	FMSHRC	11/14/06	Returned 12/09/06	
Rodney E. Hood	NCUA	05/09/05	11/07/05	149
Caroline C. Hunter	EAC	09/15/06	Returned 12/09/06	
Gigi Hyland	NCUA	09/29/05	11/07/05	39
Gregory B. Jaczko	NRC	01/04/05	05/26/06	463
Gregory B. Jaczko	NRC	Recess Appointment 01/19/05		
Gregory B. Jaczko	NRC	02/14/05	05/26/06	422
Reuben Jeffery III (Commissioner)	CFTC	05/17/05	06/30/05	44
Reuben Jeffery III (Chair)	CFTC	05/17/05	06/30/05	44
Colleen D. Kiko	FLRA	06/23/05	10/07/05	73
Peter N. Kirsanow	NLRB	11/16/05	Returned 12/09/06	
Peter N. Kirsanow	NLRB	Recess Appointment 01/04/06		
Peter N. Kirsanow	NLRB	02/10/06	Returned 12/09/06	
Dale Klein	NRC	04/27/06	05/26/06	29
Donald L. Kohn (Vice Chair)	FRS	05/18/06	06/19/06	32
Albert H. Konetzi	NRC	01/04/05	Withdrawn 07/29/05	
William E. Kovacic	FTC	07/28/05	12/17/05	109
Randall S. Kroszner	FRS	01/27/06	02/17/06	21
James H. Lambright	EXIMBANK	02/13/06	07/26/06	163

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Nominee/recess appointee	Board/ Commission ^a	Nomination date	Confirmation date	Days to confirm
Robert D. Lenhard	FEC	12/16/05	Returned 12/09/06	
Robert D. Lenhard	FEC	Recess Appointment 01/04/06		
Robert D. Lenhard	FEC	02/10/06	Returned 12/09/06	
Wilma B. Liebman	NLRB	08/01/06	08/03/06	2
Walter Lukken	CFTC	05/25/05	06/30/05	36
Peter B. Lyons	NRC	Recess Appointment 01/19/05		
Peter B. Lyons	NRC	02/14/05	05/26/06	422
John E. Mansfield	DNFSB	09/05/06	09/29/06	24
Kevin J. Martin	FCC	04/25/06	11/16/06	174
David M. Mason	FEC	12/16/05	Returned 12/09/06	
Robert M. McDowell	FCC	02/06/06	05/26/06	109
Edward McGaffigan Jr.	NRC	07/28/05	10/07/05	38
Ronald E. Meisburg (Member)	NLRB	01/24/05	Withdrawn 06/29/05	
Ronald E. Meisburg (General Counsel)	NLRB	06/29/05	08/03/06	356
Ronald E. Meisburg (General Counsel)	NLRB	Recess Appointment 01/04/06		
Ronald E. Meisburg (General Counsel)	NLRB	02/10/06	Returned 12/09/06	
Frederic S. Mishkin	FRS	06/29/06	07/26/06	27
Philip D. Moeller	FERC	03/07/06	07/14/06	129
Annette L. Nazareth	SEC	07/22/05	07/29/05	7
Nancy A. Nord	CPSC	02/28/05	04/28/05	59
Nancy A. Nord	CPSC	02/28/05	04/28/05	59
Charles D. Nottingham	STB	06/05/06	08/03/06	59
David Palmer	EEOC	09/15/06	Returned 12/09/06	
Dean A. Pinkert	USITC	09/07/06	Returned 12/09/06	
Bijan Rafiekian	EXIMBANK	07/21/06	09/29/06	39
Rosemary E. Rodriguez	EAC	12/06/06	Returned 12/09/06	
J. Thomas Rosch	FTC	09/29/05	12/17/05	79
Mary M. Rose	MSPB	06/23/05	12/17/05	144
Ronald A. Rosenfeld	FHFB	01/24/05	03/16/05	51
Mark V. Rosenker (Member)	NTSB	04/04/05	12/17/05	224

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Nominee/recess appointee	Board/ Commission ^a	Nomination date	Confirmation date	Days to confirm
Mark V. Rosenker (Chair)	NTSB	04/24/06	08/03/06	101
Jon T. Rymer	FDIC	02/14/06	06/22/06	128
Peter C. Schaumber	NLRB	06/29/05	08/03/06	356
Peter C. Schaumber	NLRB	Recess Appointment 08/31/05		
Peter C. Schaumber	NLRB	09/19/05	08/03/06	307
Jill E. Sommers	CFTC	12/05/06	Returned 12/09/06	
Marc Spitzer	FERC	06/12/06	07/14/06	32
John R. Steer	USSC	12/06/06	Returned 12/09/06	
John R. Steer	USSC	Recess Appointment 12/12/06		
Leland A. Strom	FCA	08/01/06	12/09/06	99
Robert L. Sumwalt III	NTSB	06/06/06	08/03/06	58
Robert L. Sumwalt III	NTSB	06/06/06	08/03/06	58
Mauricio J. Tamargo	FCSC	02/06/06	03/13/06	35
Michael W. Tankersley	EXIMBANK	12/05/06	Returned 12/09/06	
Deborah T. Tate	FCC	11/09/05	12/21/05	42
Horace A. Thompson III	OSHRC	09/28/05	05/19/06	222
Peter W. Tredick	NMB	03/27/06	Withdrawn 11/14/06	
Peter W. Tredick	NMB	07/18/06	Withdrawn 11/14/06	
Peter W. Tredick	NMB	11/14/06	Returned 12/09/06	
Hans von Spakovsky	FEC	12/16/05	Returned 12/09/06	
Hans von Spakovsky	FEC	Recess Appointment 01/04/06		
Hans von Spakovsky	FEC	02/10/06	Returned 12/09/06	
Dennis P. Walsh	NLRB	04/27/05	Returned 12/09/06	
Dennis P. Walsh	NLRB	Recess Appointment 01/17/06		
Dennis P. Walsh	NLRB	02/10/06	Returned 12/09/06	
Steven T. Walther	FEC	12/16/05	Returned 12/09/06	
Steven T. Walther	FEC	Recess Appointment 01/04/06		
Steven T. Walther	FEC	02/10/06	Returned 12/09/06	
William B. Wark	CSB	06/26/06	09/15/06	50
Kevin M. Warsh	FRS	01/27/06	02/17/06	21
Jon Wellinghoff	FERC	03/07/06	07/14/06	129

Nominee/recess appointee	Board/ Commission ^a	Nomination date	Confirmation date	Days to confirm
Irving A. Williamson	USITC	09/07/06	Returned 12/09/06	
Peter S. Winokur	DNFSB	09/05/06	09/29/06	24
William E. Wright	CSB	06/26/06	09/15/06	50
Mean number of days to confirm				96
Median number of days to confirm				50

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

Appendix B. Appointment Action, Regulatory and Other Collegial Boards and Commissions, 109th Congress

Agency ^a	Total Positions	Vacant ^b positions	Incumbent serving; term expired ^b	Nominations submitted	Individual nominees	Positions to which nominations were made ^c	Nominations confirmed	Nominations Returned	Nominations Withdrawn	Recess appointments (Bush)
CSB	5	0	0	2	2	2	2	0	0	0
CFTC	5	1	0	5	4	5*	4	1	0	0
CPSC	5	3	0	2	1	1	2	0	0	0
DNFSB	5	0	0	4	4	4	4	0	0	0
EAC	4	1	2	3	3	3	1	2	0	0
EEOC	6	1	0	4	4	4	3	1	0	0
EXIMBANK	6	1	0	5	5	5	4	1	0	0
FCA	3	0	1	1	1	1	1	0	0	0
FCC	5	0	0	4	4	4	4	0	0	0
FDIC	4	0	0	7	3	5*	7	0	0	0
FEC	6	0	1	7	4	4	0	7	0	3
FERC	5	0	0	3	3	3	3	0	0	0
FHFB	4	0	0	2	2	2	2	0	0	0
FLRA	4	0	1	2	2	2	1	1	0	1

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Agency ^a	Total Positions	Vacant ^b positions	Incumbent serving; term expired ^b	Nominations submitted	Individual nominees	Positions to which nominations were made ^c	Nominations confirmed	Nominations Returned	Nominations Withdrawn	Recess appointments (Bush)
FMC	5	1	0	1	1	1	1	0	0	0
FMSHRC	5	2	0	4	2	2	0	4	0	1
FRS	7	1	0	6	5	6*	6	0	0	0
FTC	5	0	0	2	2	2	2	0	0	0
FCSC	1	0	0	1	1	1	1	0	0	0
MSPB	3	0	0	1	1	1	1	0	0	0
NCUA	3	0	0	2	2	2	2	0	0	0
NLRB	6	0	0	10	5	5	4	5	1	4
NMB	3	0	1	7	3	3	3	1	3	0
NTSB	5	0	0	7	5	5*	6	0	1	0
NRC	6	0	0	6	5	4	5	0	1	2
OSHRC	3	0	0	1	1	1	1	0	0	0
PRC	6	0	2	3	3	3	3	0	0	0
RRB	4	0	2	0	0	0	0	0	0	0
SEC	5	0	0	4	4	4	4	0	0	0
STB	3	0	0	1	1	1	1	0	0	0
USITC	6	0	1	3	3	3	1	2	0	0

Agency ^a	Total Positions	Vacant ^b positions	Incumbent serving; term expired ^b	Nominations submitted	Individual nominees	Positions to which nominations were made ^c	Nominations confirmed	Nominations Returned	Nominations Withdrawn	Recess appointments (Bush)
USPC	5	0	0	0	0	0	0	0	0	0
USSC	4	0	1	1	1	1	0	1	0	1
TOTALS	152	11	12	111	87	90	79	26	6	12

a. A list of abbreviations may be found in **Appendix D**.

b. As of the end of the 109th Congress.

c. For some agencies, appointment of an individual to be chair requires two separate nominations: one to be a member and the other to be chair. This column counts such instances as **two** positions to which nominations were made. For those agencies in which members have fixed terms, a single individual may be nominated for successive terms in a single membership seat. This column counts such instances as **one** position to which a nomination was made.

Appendix C. Senate Intersession Recesses, Intrasection Recesses of Four or More Days, and Numbers of Recess Appointments to Positions on Regulatory and Other Collegial Boards and Commissions, 109th Congress

Date recessed	Date reconvened	Number of days recessed ^a	Number of recess appointments to specified positions
The first session of 109 th Congress convened on 01/04/05.			
01/06/05	01/20/05	13	2
01/26/05	01/31/05	4	0
02/18/05	02/28/05	9	0
03/20/05	04/04/05	14	0
04/29/05	05/09/05	9	0
05/26/05	06/06/05	10	0
07/01/05	07/11/05	9	0
07/29/05	09/01/05	33	1
09/01/05	09/06/05	4	0
10/07/05	10/17/05	9	0
11/18/05	12/12/05	23	0
The Senate adjourned <i>sine die</i> on 12/22/05. The second session of the 109 th Congress convened on 01/03/06. The intersession (period between these two dates) was 11 days long. ^a			0
01/03/06	01/18/06	14	6
02/17/06	02/27/06	9	0
03/16/06	03/27/06	10	0
04/07/06	04/24/06	16	0
05/26/06	06/05/06	9	0
06/29/06	07/10/06	10	0
08/04/06	09/05/06	31	1
09/30/06	11/09/06	39	0
11/16/06	12/04/06	17	0
The Senate adjourned <i>sine die</i> on 12/09/06. The first session of the 110 th Congress convened on 01/04/07. The intersession (period between these two dates) was 25 days long. ^a			2

Notes: Includes all recesses of four days or longer as indicated in the Senate “Days-in-Session Calendars” website at [<http://thomas.loc.gov/home/ds/index.html#senate>], accessed May 5, 2008.

- a. he entries for the number of days adjourned include all days between the day the Senate adjourned and the day it reconvened. They do not include the days of adjournment or reconvening because the Senate is able to act on nominations on these days.

Appendix D. Board/Commission Abbreviations

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