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Presidential Appointments to Full-Time Positions in Executive Departments During the 111th Congress, 2009-2010

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Summary

This report explains the process for filling positions to which the President makes appointments with the advice and consent of the Senate (also referred to as PAS positions). It also identifies, for the 111th Congress, all nominations to full-time positions requiring Senate confirmation in the 15 executive departments. It excludes appointments to regulatory boards and commissions and independent and other agencies, which are covered in other CRS reports.

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

During the 111th Congress, the President submitted to the Senate 347 nominations to executive department full-time positions. Of these 347 nominations, 293 were confirmed; 16 were withdrawn; and 38 were returned to him in accordance with Senate rules. For those nominations that were confirmed, an average of 73.2 days elapsed between nomination and confirmation. The median number of days elapsed was 52.0.

The President made 10 recess appointments to full-time positions in executive departments during the 111th Congress.

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

This report will not be updated.

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Introduction

This report explains the process for filling positions to which the President makes appointments with the advice and consent of the Senate (PAS positions). It also identifies, for the 111th Congress, all nominations to executive-level full-time positions¹ in the 15 executive departments.² It excludes appointments to regulatory boards and commissions and independent and other agencies, which are covered in other CRS reports.³

A profile of each agency tracks the appointments to positions within the agency, providing information on Senate activity (confirmations, rejections, returns to the President, and elapsed time between nominations and confirmation) as well as further related presidential activity (including withdrawals and recess appointments). The profiles also identify, for each agency, the executive-level positions in the agency requiring Senate confirmation, the incumbents in those positions as of the end of the 111th Congress, and the pay levels of those officials.

The Appointment Process for Advice and Consent Positions

The Constitution (Article II, Section 2) empowers the President to nominate and, by and with the advice and consent of the Senate, to appoint the principal officers of the United States, as well as some subordinate officers.⁴ Officers of the United States are those individuals serving in high-ranking positions that have been established by Congress and “exercising *significant authority* pursuant to the laws of the United States” (emphasis added).⁵

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

² During the 112th Congress, the enactment of P.L. 112-166 removed the advice and consent requirements for certain positions, changing the appointment process of those individuals to consist of presidential appointment without Senate confirmation. Those changes are not addressed in this report.

³ For a list of nominations made to full-time positions in other agencies, see CRS Report R42932, *Presidential Appointments to Full-Time Positions in Independent and Other Agencies During the 111th Congress*, by Maeve P. Carey, Michael Greene, and Maureen O. Bearden, and CRS Report R43238, *Presidential Appointments to Full-Time Positions on Regulatory and Other Collegial Boards and Commissions, 111th Congress*, by Henry B. Hogue, Maureen O. Bearden, and Michael Greene.

⁴ Art. II, Section 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.” A succinct historical and contemporary overview of the appointment power is found in Louis Fisher, “Appointment Powers,” in his *Constitutional Conflicts between Congress and the President*, 5th ed., rev. (Lawrence, KS: University Press of Kansas, 2007), pp. 21-47.

⁵ *Buckley v. Valeo*, 424 U.S. 1, 126 (1976). For further information on the distinction between officers and employees of the United States, as well as the distinction between principal and inferior officers, see CRS Report R40856, *The Debate Over Selected Presidential Assistants and Advisors: Appointment, Accountability, and Congressional Oversight*, by Barbara L. Schwemle et al.

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 Nomination⁶

In the first stage, the White House selects and clears a prospective appointee before sending a formal nomination to the Senate. There are a number of steps in this stage of the process for most Senate-confirmed positions. First, with the assistance of, and preliminary vetting by, the White House Office of Presidential Personnel, the President selects a candidate for the position. Members of Congress and interest groups sometimes recommend candidates for specific PAS positions. They may offer their suggestions by letter, for example, or by contact with a White House liaison.⁷ In general, the White House is under no obligation to follow such recommendations. In the case of the Senate, however, it has been argued that Senators are constitutionally entitled, by virtue of the advice and consent clause noted above, to provide advice to the President regarding his selection; the extent of this entitlement is a matter of some debate.⁸ As a practical matter, in instances where Senators perceive insufficient pre-nomination consultation has occurred, they have sometimes exercised their procedural prerogatives to delay or even effectively block consideration of a nomination.⁹

During the clearance process, the candidate prepares and submits several forms, including the “Public Financial Disclosure Report” (Office of Government Ethics (OGE) 278), the “Questionnaire for National Security Positions” (Standard Form (SF) 86), a supplement to SF 86 (“86 Supplement”), and sometimes a White House Personal Data Statement.¹⁰ The vetting process often includes a background investigation conducted by the Federal Bureau of Investigation (FBI), which prepares a report that is delivered to the White House. It also includes a review of financial disclosure materials by OGE and an ethics official for the agency to which the candidate is to be nominated. If conflicts of interest are found during the background investigation, OGE and the agency ethics officer may work with the candidate to mitigate the conflicts. At the completion of the vetting process, the nomination is ready to be submitted to the Senate.

⁶ The White House process for clearing individuals for nominations differs from the process that individuals undertake to obtain a formal security clearance to be eligible for access to classified information.

⁷ The Council for Excellence in Government’s Presidential Appointee Initiative, *A Survivor’s Guide for Presidential Nominees*, The Brookings Institution, Washington, D.C., November 2000, pp. 31-32. A more recent version of this report was compiled by the National Academy of Public Administration (see footnote 10 below for full citation).

⁸ See, for example, Michael J. Gerhardt, *The Federal Appointments Process: A Constitutional and Historical Analysis* (Durham: Duke University Press, 2003), pp. 29-34.

⁹ See, for example, *ibid.*, pp. 152-153.

¹⁰ Additional information about the selection and clearance process for nominees to executive branch positions can be found in a November 2012 study which was conducted pursuant to the enactment of P.L. 112-166, the Presidential Appointment Efficiency and Streamlining Act. See Working Group on Streamlining Paperwork for Executive Nominations, *Streamlining Paperwork for Executive Nominations: Report to the President and the Chairs and Ranking Members of the Senate Committee on Homeland Security and Government Affairs and the Senate Committee on Rules and Administration*, November 2012, at <http://www.hsgac.senate.gov/download/report-of-working-group-on-streamlining-paperwork-for-executive-nominations-final>. According to this report, the Administration of President Barack Obama was not using a White House Personal Data Statement at the time of the report’s publication. The Obama Administration has posted a background information form at https://apply.whitehouse.gov/sites/apply.whitehouse.gov/files/apply_whitehouse_gov_2012_1205.pdf. See also National Academy of Public Administration, *A Survivor’s Guide for Presidential Nominees*, Washington, DC, 2013 Edition, at <http://www.napawash.org/wp-content/uploads/2013/05/SurvivorsGuide2013.pdf>.

The selection and clearance stage has often been the longest part of the appointment process. There have been, at times, lengthy delays, particularly when many candidates have been processed simultaneously, such as at the beginning of an Administration, or where conflicts needed to be resolved. Candidates for higher-level positions have often been accorded priority in this process. At the end of 2004, in an effort to reduce the elapsed time between a new President's inauguration and the appointment of his or her national security team, Congress enacted amendments to the Presidential Transition Act of 1963.¹¹ These amendments encourage a President-elect to submit, for security clearance, potential nominees to high-level national security positions as soon as possible after the election.¹² A separate provision of law, enacted as part of the Federal Vacancies Reform Act of 1998, lengthens, during presidential transitions, the potential duration of a temporary appointment by 90 days.¹³

For a position located within a state (e.g., U.S. attorney, U.S. marshal, and U.S. district judge), the President, by custom, frequently has nominated an individual recommended by one or both Senators from that state (if they are from the same party as the President). In instances where neither Senator is from the President's party, he usually has deferred to the recommendations of party leaders from the state. Occasionally, the President has solicited recommendations from Senators of the opposition party because of their positions in the Senate.¹⁴

If circumstances permit and conditions are met, the President could give the nominee a recess appointment to the position (see section entitled "Recess Appointments" below). Recess appointments have sometimes had political consequences, however, particularly where Senators perceived that such an appointment was an effort to circumvent their constitutional role. Some Senate-confirmed positions, including many of those in the executive departments, may also be temporarily filled under the Vacancies Act.¹⁵

A nominee has no legal authority to assume the duties and responsibilities of the position; a nominee who is hired by the agency as a consultant while awaiting confirmation may serve only in an advisory capacity. Authority to act comes once there is Senate confirmation and presidential appointment, or if another method of appointment, such as a recess appointment or a temporary appointment, is utilized.

Senate Consideration

In the second stage, the Senate alone determines whether or not to confirm a nomination.¹⁶ The way the Senate has acted on a nomination has depended largely on the importance of the position involved, existing political circumstances, and policy implications. Generally, the Senate has

¹¹ 3 U.S.C. §102 note.

¹² P.L. 108-458, §7601; 118 Stat. 3856.

¹³ 5 U.S.C. §3349a. For more information on the Federal Vacancies Reform Act, see section below entitled "Temporary Appointments."

¹⁴ For more information, see CRS Report RL34405, *Role of Home State Senators in the Selection of Lower Federal Court Judges*, by Barry J. McMillion and Denis Steven Rutkus.

¹⁵ P.L. 105-277, Div. C, Title I, §151; 5 U.S.C. §§3345-3349d. For more on the Vacancies Act, see CRS Report RS21412, *Temporarily Filling Presidentially Appointed, Senate-Confirmed Positions*, by Henry B. Hogue.

¹⁶ For more detailed information on this stage of the appointment process, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

shown particular interest in the nominee's views and how they are likely to affect public policy.¹⁷ Two other factors have sometimes affected the examination of a nominee's personal and professional qualities: whether the President's party controlled the Senate, and the degree to which the President became involved in supporting the nomination.

Much of the Senate confirmation process occurs at the committee level. Administratively, nominations are received by the Senate executive clerk, who arranges for the referral of the nominations to committee, according to the Senate rules and precedents.¹⁸ Committee nomination activity has generally included investigation, hearing, and reporting stages. As part of investigatory work, committees have drawn on information provided by the White House, as well as information they themselves have collected. Some committees have held hearings on nearly all nominations; others have held hearings for only some. Hearings provide a public forum to discuss a nomination and any issues related to the program or agency for which the nominee would be responsible. Even where confirmation has been thought to be a virtual certainty, hearings have provided Senators and the nominee with opportunities to go on the record with particular views or commitments. Senators have used hearings to explore nominees' qualifications, articulate policy perspectives, or raise related oversight issues.

A committee may decline to act on a nomination at any point—upon referral, after investigation, or after a hearing. If the committee votes to report a nomination to the full Senate, it has three options: it may report the nomination favorably, unfavorably, or without recommendation. A failure to obtain a majority on the motion to report means the nomination will not be reported to the Senate.¹⁹ If the committee declines to report a nomination, the Senate may, under certain circumstances, discharge the committee from further consideration of the nomination in order to bring it to the floor.²⁰

The Senate historically has confirmed most, but not all, executive nominations. Rarely, however, has a vote to confirm a nomination failed on the Senate floor.²¹ Unsuccessful nominations usually do not make it past the committee stage. Failure of a nomination to make it out of committee has occurred for a variety of reasons, including opposition to the nomination, inadequate amount of time for consideration of the nomination, or factors that may not be directly related to the merits of the nomination.

¹⁷ G. Calvin Mackenzie, *The Politics of Presidential Appointments* (New York: The Free Press, 1981), pp. 97-189.

¹⁸ Formally, the presiding officer of the Senate makes the referrals. For more information, see Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992), pp. 1154-8; and CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

¹⁹ One example of such an occurrence was the Senate Judiciary Committee's rejection of William Lucas, whom President George H. W. Bush had nominated for Assistant Attorney General for Civil Rights. Reportedly, the committee first rejected reporting the nomination favorably, then the committee rejected sending the nomination to the full Senate without any recommendation. Although the disposition of the vote was 7-7, a majority is required to report a nomination out of committee. For further information on this example, see "Senate Panel Rejects Lucas for Rights Post," *St. Louis Post-Dispatch*, August 2, 1989, p. 1A.

²⁰ For more information, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

²¹ Although nominations are rarely rejected on the Senate floor, in the modern era, motions to invoke cloture on a nomination (and thereby initiate a process for bringing it to a vote) have sometimes failed. See CRS Report RL32878, *Cloture Attempts on Nominations: Data and Historical Development*, by Richard S. Beth.

Senate rules provide that “nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President...”²² In practice, such pending nominations have been returned to the President at the end of the session or Congress. Pending nominations also may be returned automatically to the President at the beginning of a recess of more than 30 days, but the Senate rule providing for this return is often waived.²³

Appointment

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

Recess Appointments

The Constitution also empowers the President to make limited-term appointments without Senate confirmation when the Senate is in recess, either during a session (intrasession recess appointment) or between sessions (intersession recess appointment).²⁴ Such recess appointments expire at the end of the next session of the Senate.

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

(1) if the vacancy arose within 30 days before the end of the session of the Senate;

(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or

(3) if a nomination for the office was rejected by the Senate within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.²⁵

²² The rule may be found in U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58, Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

²³ For an example of a waiver of the rule, see Sen. Harry Reid, “Nominations Status Quo,” *Congressional Record*, daily edition, vol. 153, December 19, 2007, p. S16061.

²⁴ Art. II, Section 2, cl. 3.

²⁵ 5 U.S.C. §5503(a).

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.²⁶ For this reason, when a recess appointment is made, the President generally submits a new nomination for the nominee even when an earlier nomination is pending.²⁷

Although a recess appointee whose nominations to a full term is subsequently rejected by the Senate may continue to serve until the end of his or her recess appointment, a provision of the FY2008 Financial Services and General Government Appropriations Act may prevent him or her from being paid after the rejection.²⁸

From the 110th Congress on, Congress has periodically used specific scheduling practices in an attempt to prevent the President from making recess appointments. The evolution of these practices, the President's response to them, and associated controversies are beyond the scope of this report. Detailed information may be found in other CRS reports.²⁹ Notably, these practices were used only once during the 111th Congress.³⁰

Temporary Appointments

Congress has provided limited statutory authority for the temporary filling of vacant positions requiring Senate confirmation. It is expected that, in general, officials holding PAS positions who have been designated as “acting” are holding their offices under this authority or other statutory authority specific to their agencies. Under the Federal Vacancies Reform Act of 1998 (FVRA),³¹ when an executive agency position requiring confirmation becomes vacant, it may be filled temporarily in one of three ways:

- (1) the first assistant to such a position may automatically assume the functions and duties of the office;
- (2) the President may direct an officer in any agency who is occupying a position requiring Senate confirmation to perform those tasks; or

²⁶ 5 U.S.C. §5503(b).

²⁷ For further information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue; and CRS Report RL33009, *Recess Appointments: A Legal Overview*, by Vivian S. Chu.

²⁸ P.L. 110-161, Div. D, §709.

²⁹ See CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue; CRS Report R42329, *Recess Appointments Made by President Barack Obama*, by Henry B. Hogue and Maureen O. Bearden; CRS Report RL33009, *Recess Appointments: A Legal Overview*, by Vivian S. Chu; CRS Report WSLG379, *DC Circuit Rules President Obama's Recess Appointments Unconstitutional*, by David H. Carpenter; and CRS Report R43030, *The Recess Appointment Power After Noel Canning v. NLRB: Constitutional Implications*, by Todd Garvey and David H. Carpenter, *The Recess Appointment Power After Noel Canning v. NLRB: Constitutional Implications*, by Todd Garvey and David H. Carpenter.

³⁰ At the end of the second session, the Senate structured its 2010 pre-election break as a series of shorter recesses separated by pro forma sessions. In this case, the use of the practice reportedly stemmed from a lack of agreement between the Senate majority leader and the Senate minority leader regarding the disposition of pending nominations over the break. Brian Friel, “Senate to Block Recess Appointments,” CQ Today Online News, September 29, 2010, available at <http://www.cq.com/doc/news-3743961?wr=bGFldXRDRDVoG9ZMzFpS0g4Y3pRdw>.

³¹ 5 U.S.C. §§3345-3349d.

(3) the President may select any officer or employee of the subject agency who is occupying a position for which the rate of pay is equal to or greater than the minimum rate of pay at the GS-15 level, and who has been with the agency for at least 90 of the preceding 365 days.

A temporary appointment made under the FVRA is limited to 210 days from the date of the vacancy, but the time restriction is suspended if a first or second nomination for the position is pending. In addition, during a presidential transition, the 210-day restriction period does not begin to run until either 90 days after the President assumes office, or 90 days after the vacancy occurs, if the vacancy occurs during the 90-day inauguration period. The act does not apply to positions on multi-headed regulatory boards and commissions and to certain other specific positions that may be filled temporarily under other statutory provisions.³²

Appointments During the 111th Congress

Table 1 summarizes appointment activity, during the 111th Congress, related to full-time executive-level positions in the 15 departments. President Barack H. Obama submitted to the Senate 347 nominations to executive department full-time positions. Of these 347 nominations, 293 were confirmed; 16 were withdrawn; and 38 were returned to the President under the provisions of Senate rules.³³

Table 1. Appointment Action for 15 Departments During the 111th Congress

Positions in the 15 departments (total)	373
Positions to which nominations were made	317 ^a
Individual nominees	325 ^a
Nominations submitted to the Senate during the 111th Congress (total)	347^a
Disposition of nominations	
Confirmed by the Senate	293
Withdrawn	16
Returned (total)	38
Recess Appointments (total)	10
Intercession	1
Intrasession	9

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

³² For more on the Vacancies Act, see CRS Report 98-892, *The New Vacancies Act: Congress Acts to Protect the Senate's Confirmation Prerogative*, by Morton Rosenberg.

³³ Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate provides that "Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President." U.S. Congress, Senate Committee on Rules and Administration, *Senate Manual*, 110th Cong., 2nd sess., S. Doc. 110-1 (Washington: GPO, 2008), p. 58.

- a. The figures shown here reveal that there is a distinction between the number of positions to which nominations were made (317), the number of individual nominees (325), and the total number of nominations submitted (347). The number of positions to which nominations were made (317) differs from the number of individual nominees (325) for two reasons. First, the President sometimes nominated more than one individual successively to a single open position, usually following the return or withdrawal of his original nomination. Second, less frequently, the President nominated a single individual to more than one position over the course of the Congress. Again, this usually followed the return or withdrawal of the first nomination. The number of total nominations submitted (347) is higher than both of these numbers because it includes cases in which the President nominated an individual to the same position more than once. For example, when the President makes a recess appointment, he generally submits more than one nomination of the individual to comply with statutory requirements that will enable the appointee to be paid, even when an earlier nomination is pending. See section entitled “Recess Appointments” for more information.

Length of Time to Confirm a Nomination

The length of time a given nomination may be pending in the Senate can vary widely.³⁴ Some nominations are confirmed within a few days, others are confirmed within several months, and some are never confirmed. This report provides, for each executive department nomination that was confirmed in the 111th Congress, the number of days between nomination and confirmation (“days to confirm”). For confirmed nominations, an average (mean) of 73.2 days elapsed between nomination and confirmation. The median number of days elapsed was 52.0.³⁵

Organization of This Report

Executive Department Profiles

Each of the 15 executive department profiles provided in this report is organized into two parts: a table providing information, as of the end of the 111th Congress, regarding the organization’s full-time PAS positions, and a table of appointment action with regard to these positions during the 111th Congress. Data for these tables were collected from several authoritative sources.³⁶

³⁴ The methodology used in this report to count the length of time between nomination and confirmation differs from that which was used in similar CRS reports prior to the 110th Congress. The statistics presented here include the days during which the Senate was adjourned for its summer recesses and between sessions of Congress. The methodological change reduces the direct comparability of statistics in this report with those of the earlier research. Reasons for the change include the conversion of long recesses into a series of short recesses punctuated by pro forma sessions during the 111th Congress; the fact that although committees may not be taking direct action on nominations in the form of hearings or votes, they are likely still considering and processing nominations during recesses; and a desire to be consistent with the methodology used by a majority of political scientists as well as CRS research on judicial nominations. In addition, an argument could be made that the decision to extend Senate consideration of nominees over the course of a recess is intentional, and the choice to extend this length of time is better represented by including all days, including long recesses. A more detailed explanation of this methodological change is located in Appendix E of CRS Report R41497, *Presidential Appointments to Full-Time Positions in Executive Departments During the 110th Congress, 2007-2008*, by Henry B. Hogue, Maeve P. Carey, and Maureen O. Bearden.

³⁵ Though the mean is the more commonly used measure, the median is sometimes considered a better measure of central tendency because it is not influenced by extreme values in the data. The discrepancy between the median (52) and mean (72.5) number of days suggests that a small number of nominations spent a significantly longer number of days in the Senate prior to confirmation than most.

³⁶ Sources include the Senate nominations database of the Legislative Information System <http://www.congress.gov/nomis/>, the *Congressional Record* (daily edition), the *Weekly Compilation of Presidential Documents*, telephone discussions with agency officials, agency websites, the *United States Code*, and the 2008 “*Plum Book*” (U.S. Congress, (continued...))

The first of these two tables identifies, as of the end of the 111th Congress,³⁷ each full-time PAS position in the department,³⁸ its incumbent, and its pay level. For most presidentially appointed positions requiring Senate confirmation, the pay levels fall under the Executive Schedule, which, as of the end of the 111th Congress, ranged from level I (\$199,700) for cabinet-level offices to level V (\$145,700) for the lowest-ranked positions. An incumbent's name followed by "(A)" indicates an official who was, at that time, serving in an acting capacity. Vacancies are also noted.

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

The appointment action tables that list more than one nomination also give statistics on the length of time between nomination and confirmation. Each appointment action table provides the average "days to confirm" in two ways: mean and median. Both are presented because although the mean is a more familiar measure, it can be influenced by extreme values ("outliers") in the data, while the median does not tend to be influenced by outliers. In other words, a nomination that took an extraordinarily long time might cause a significant change in the mean, but the median would be unaffected. Presenting both numbers provides a more accurate portrayal of the central tendency of the data.

For a small number of positions in this report, the two tables may give slightly different titles to the same position. This is a result of the fact that the titles used in the nomination the White House submits to the Senate, the title of each position as established by statute, and the title of the position used by the department itself are not always identical. The first table in each department profile, the table listing the incumbents at the end of the 111th Congress, relies upon data provided by the department itself in listing the positions. The second table presented, the list of Appointment Action within each department, relies primarily upon the Senate nominations database of the Legislative Information System (LIS). This information is based upon the nomination sent to the Senate by the White House, which is not always identical to the exact title of the position used by the department. However, the inconsistency only appears in a small minority of the positions listed in this report. Inconsistencies are noted in the footnotes following each appointment table.

(...continued)

Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, committee print, 110th Cong., 2nd sess., November 12, 2008, S. Prt. 110-36 (Washington: GPO, 2008)).

³⁷ The data on incumbents at the end of the 111th Congress were collected as of the Senate's last day of business on December 22, 2010. Beginning on December 23, agency officials were contacted and the lists of incumbents were finalized.

³⁸ As noted above, the following full-time positions are not included in this report: U.S. attorney and U.S. marshal positions in the Department of Justice; Foreign Service and diplomatic positions in the Department of State; most officer corps positions in the civilian uniformed services of the National Oceanic and Atmospheric Administration in the Department of Commerce, and of the Public Health Service in the Department of Health and Human Services; and the officer corps in the military services.

Additional Appointment Information

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

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

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

Department of Agriculture (USDA)

Table 2. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Thomas J. Vilsack	I
Deputy Secretary	Kathleen A. Merrigan	II
Inspector General ^a	Phyllis K. Fong	III + 3% ^b
Under Secretary – Farm and Foreign Agricultural Services	James W. Miller	III
Under Secretary – Food, Nutrition, and Consumer Services	Kevin W. Concannon	III
Under Secretary – Food Safety	Elisabeth A. Hagen	III
Under Secretary – Marketing and Regulatory Programs	Edward M. Avalos	III
Under Secretary – Natural Resources and Environment	Harris D. Sherman	III
Under Secretary – Research, Education, and Economics	Catherine E. Woteki	III
Under Secretary – Rural Development	Dallas P. Tonsager	III
Assistant Secretary – Administration	Pearlie S. Reed	IV
Assistant Secretary – Civil Rights	Joe Leonard Jr.	IV
Assistant Secretary – Congressional Relations	Krysta Harden	IV
Chief Financial Officer ^c	Jon Holladay (A)	IV
General Counsel	Ramona E. Romero	IV
Administrator – Rural Utilities Services	Jonathan S. Adelstein	IV

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

Table 3. USDA Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Thomas J. Vilsack	Secretary	01/20/09	01/20/09	0
James W. Miller	Under Secy. – Farm and Foreign Agricultural Services	03/18/09	04/03/09	16
Kathleen A. Merrigan	Deputy Secy.	03/19/09	04/03/09	15
Joe Leonard Jr.	Asst. Secy. – Civil Rights	03/23/09	04/03/09	11
Dallas P. Tonsager	Under Secy. – Rural Development	03/25/09	05/12/09	48
Krysta Harden	Asst. Secy. – Congressional Relations	04/02/09	05/12/09	40
Jonathan S. Adelstein	Admin. – Rural Utilities Services	04/21/09	07/24/09	94
Rajiv J. Shah	Under Secy. – Research, Education, and Economics	04/23/09	05/12/09	19
Pearlie S. Reed	Asst. Secy. – Administration	04/27/09	05/12/09	15
Kevin W. Concannon	Under Secy. – Food, Nutrition, and Consumer Services	04/29/09	07/31/09	93
Evan J. Segal	Chief Financial Officer	06/01/09	07/20/09	49
Edward M. Avalos	Under Secy. – Marketing and Regulatory Programs	06/18/09	10/08/09	112
Harris D. Sherman	Under Secy. – Natural Resources and Environment	09/10/09	Withdrawn 09/29/09	
Harris D. Sherman	Under Secy. – Natural Resources and Environment	09/29/09	10/08/09	9
Elisabeth A. Hagen	Under Secy. – Food Safety	01/26/10	09/16/10	233
Catherine E. Woteki	Under Secy. – Research, Education, and Economics	04/26/10	09/16/10	143
Ramona E. Romero	General Counsel	06/28/10	12/22/10	177
Elisabeth A. Hagen	Under Secy. – Food Safety		Recess Appointment 08/19/10 ^a	
Elisabeth A. Hagen ^b	Under Secy. – Food Safety	09/13/10	Returned 12/22/10 ^c	
Mean number of days to confirm a nomination			67.1	
Median number of days to confirm a nomination			44.0	

- a. Hagen’s recess appointment would have expired at the end of the first session of the 112th Congress, by which time she had been confirmed, as shown.
- b. When the President makes a recess appointment, he generally submits more than one nomination for the individual to comply with statutory requirements (see section entitled “Recess Appointments” in text). Usually when two or more identical nominations are submitted and the nominee is confirmed, one nomination is documented as confirmed and the others are returned to the President. In this case, the nomination from January 26, 2010, was confirmed, and the nomination from September 13, 2010, was returned to the President.
- c. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Commerce (DOC)

Table 4. Full-time PAS Positions, as of the End of the 111th Congress

Position^a	Incumbent	Pay level
Secretary	Gary Locke	I
Deputy Secretary	Rebecca M. Blank (A)	II
Inspector General ^b	Todd J. Zinser	III + 3% ^c
Under Secretary – Economic Affairs	Rebecca M. Blank	III
Under Secretary – Export Administration ^d	Eric L. Hirschhorn	III
Under Secretary – Intellectual Property/Director - U.S. Patent and Trademark Office	David J. Kappos	III
Under Secretary – International Trade	Francisco J. Sánchez	III
Under Secretary – Oceans and Atmosphere/Administrator – National Oceanic and Atmospheric Administration (NOAA)	Jane Lubchenco	III
Assistant Secretary – Administration/Chief Financial Officer ^e	Scott B. Quehl	IV
Assistant Secretary – Communications and Information	Lawrence E. Strickling	IV
Assistant Secretary – Economic Development	John R. Fernandez	IV
Assistant Secretary – Export Administration	Kevin Wolf	IV
Assistant Secretary – Export Enforcement	David W. Mills	IV
Assistant Secretary – Import Administration	Vacant	IV
Assistant Secretary – Legislative and Intergovernmental Affairs	April S. Boyd	IV
Assistant Secretary – Manufacturing and Services	Nicole Y. Lamb-Hale	IV
Assistant Secretary – Market Access and Compliance	Michael C. Camuñez	IV
Assistant Secretary – Environmental Observation and Prediction/Deputy Administrator – NOAA	Vacant	IV
Assistant Secretary – Conservation and Management/Deputy Administrator – NOAA	Larry Robinson	IV
Assistant Secretary – Trade Promotion/Director General – U.S. and Foreign Commercial Service	Suresh Kumar	IV
Director – Bureau of the Census	Robert M. Groves	IV
Director – National Institute of Standards and Technology	Patrick D. Gallagher	IV
General Counsel	Cameron F. Kerry	IV
Chief Scientist – NOAA	Vacant	V

- a. Positions in this column do not include those in the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA), which are located in the Department of Commerce.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General

- is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- c. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
 - d. Within the Department of Commerce, this position is also sometimes known as Under Secretary of Industry and Security.
 - e. The chief financial officer (CFO) may be appointed by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). Quehl was separately nominated and confirmed to be CFO and to be Assistant Secretary for Administration in the 111th Congress.

Table 5. DOC Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Jane Lubchenco	Under Secy. – Oceans and Atmosphere/Admin. – National Oceanic and Atmospheric Administration (NOAA)	01/20/09	03/19/09	58
Gary Locke	Secretary	03/16/09	03/24/09	8
April S. Boyd	Asst. Secy. – Legislative and Intergovernmental Affairs	03/19/09	04/29/09	41
Lawrence E. Strickling	Asst. Secy. – Communications and Information	03/31/09	06/25/09	86
Cameron F. Kerry	General Counsel	04/20/09	05/21/09	31
Francisco J. Sánchez	Under Secy. – International Trade	04/20/09	09/16/10	514
Rebecca M. Blank	Under Secy. – Economic Affairs	04/28/09	05/21/09	23
Robert M. Groves	Dir. – Bureau of the Census	04/29/09	07/13/09	75
David J. Kappos	Under Secy. – Intellectual Property/Dir. - U.S. Patent and Trademark Office	06/18/09	08/07/09	50
John R. Fernandez	Asst. Secy. – Economic Development	07/20/09	09/10/09	52
Dennis F. Hightower	Deputy Secy.	07/24/09	08/07/09	14
Eric L. Hirschhorn	Under Secy. – Export Administration ^a	09/14/09	Returned 12/22/10 ^b	
Patrick D. Gallagher	Dir. – National Institute of Standards and Technology	10/07/09	11/05/09	29
Scott B. Quehl	Asst. Secy. – Administration	10/15/09	12/24/09	70
Scott B. Quehl	Chief Financial Officer	10/15/09	12/24/09	70
Suresh Kumar	Asst. Secy. – Trade Promotion/Dir. General – U.S. and Foreign Commercial Service	10/29/09	02/11/10	105
Nicole Y. Lamb-Hale	Asst. Secy. – Manufacturing and Services	11/18/09	02/11/10	85
David W. Mills	Asst. Secy. – Export Enforcement	12/02/09	02/11/10	71
Kevin Wolf	Asst. Secy. – Export Administration	12/21/09	02/11/10	52
Timothy McGee	Asst. Secy. – Environmental Observation and Prediction/ Deputy Admin. – NOAA	12/21/09	Withdrawn 04/22/10	
Larry Robinson	Asst. Secy. – Conservation and Management/ Deputy Admin. – NOAA	02/04/10	Withdrawn 02/22/10	

Nominee	Position	Nominated	Confirmed	Days to confirm
Larry Robinson	Asst. Secy. – Conservation and Management/ Deputy Admin. – NOAA	02/22/10	05/06/10	73
Michael C. Camuñez	Asst. Secy. – Market Access and Compliance	03/02/10	09/16/10	198
Eric L. Hirschhorn	Under Secy. – Export Administration	Recess Appointment 03/27/10 ^c		
Francisco J. Sánchez	Under Secy. – International Trade	Recess Appointment 03/27/10 ^c		
Francisco J. Sánchez ^d	Under Secy. – International Trade	04/21/10	Returned 12/22/10 ^b	
Eric L. Hirschhorn ^e	Under Secy. – Export Administration	04/21/10	Returned 12/22/10 ^b	
Scott C. Doney	Chief Scientist – NOAA	08/05/10	Returned 12/22/10 ^b	
Kathryn D. Sullivan	Asst. Secy. – Environmental Observation and Prediction/ Deputy Admin. – NOAA	12/03/10	Returned 12/22/10 ^b	
Mean number of days to confirm a nomination			85.3	
Median number of days to confirm a nomination			64.0	

- a. Within the Department of Commerce, this position is also sometimes known as Under Secretary for Industry and Security.
- b. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. Sánchez's and Hirschhorn's recess appointments would have ended at the end of the first session of the 112th Congress. Sánchez was confirmed prior to the expiration of his recess appointment, as shown above.
- d. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Sánchez on April 20, 2009, recess-appointed him on March 27, 2010, then sent another nomination following the recess on April 21, 2010.
- e. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Hirschhorn on September 14, 2009, recess-appointed him on March 27, 2010, then sent another nomination following the recess on April 21, 2010.

Department of Defense (DOD)

Table 6. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Robert M. Gates	I
Deputy Secretary	William J. Lynn III	II
Under Secretary – Acquisition, Technology and Logistics	Ashton B. Carter	II
Inspector General ^a	Gordon S. Heddell	III + 3% ^b
Under Secretary – Comptroller/Chief Financial Officer ^c	Robert F. Hale	III
Under Secretary – Intelligence	Thomas A. Ferguson (A)	III
Under Secretary – Personnel and Readiness	Clifford L. Stanley	III
Under Secretary – Policy	Michèle A. Flournoy	III
Deputy Chief Management Officer ^d	Elizabeth A. McGrath	III
Principal Deputy Under Secretary – Acquisition, Technology and Logistics ^e	Frank Kendall III	III
Principal Deputy Under Secretary – Comptroller ^f	Michael J. McCord	IV
Principal Deputy Under Secretary – Intelligence ^g	Thomas A. Ferguson	IV
Principal Deputy Under Secretary – Personnel and Readiness	Lynn C. Simpson (A)	IV
Principal Deputy Under Secretary – Policy	James N. Miller Jr.	IV
Assistant Secretary – Acquisition ^h	Shay Assad (A)	IV
Assistant Secretary – Asian and Pacific Security Affairs	Wallace C. Gregson	IV
Assistant Secretary – Global Strategic Affairs	Ken Handelman (A)	IV
Assistant Secretary – Health Affairs	Jonathan Woodson	IV
Assistant Secretary – Homeland Defense and Americas’ Security Affairs	Paul N. Stockton	IV
Assistant Secretary – International Security Affairs	Alexander Vershbow	IV
Assistant Secretary – Legislative Affairs	Elizabeth L. King	IV
Assistant Secretary – Logistics and Materiel Readiness ⁱ	Alan F. Estevez (A)	IV
Assistant Secretary – Networks and Information Integration	Teresa M. Takai (A)	IV
Assistant Secretary – Public Affairs	Douglas B. Wilson	IV
Assistant Secretary – Reserve Affairs	Dennis M. McCarthy	IV
Assistant Secretary – Special Operations and Low-Intensity Conflict	Michael G. Vickers	IV
Director – Cost Assessment and Program Evaluation ^j	Christine H. Fox	IV
Director – Defense Research and Engineering	Zachary J. Lemnios	IV
Director – Operational Energy Plans and Programs ^k	Sharon E. Burke	IV
Director – Operational Test and Evaluation ^l	J. Michael Gilmore	IV
General Counsel	Jeh C. Johnson	IV

Position	Incumbent	Pay level
Assistant to the Secretary – Nuclear, Chemical, and Biological Defense Programs	Andrew C. Weber	V
Department of the Air Force		
Secretary	Michael B. Donley	II
Under Secretary	Erin C. Conaton	III
Assistant Secretary – Acquisition	David M. Van Buren (A)	IV
Assistant Secretary – Financial Management/Comptroller	Jamie M. Morin	IV
Assistant Secretary – Manpower and Reserve Affairs	Daniel B. Ginsberg	IV
Assistant Secretary – Installations, Environment and Logistics	Terry A. Yonkers	IV
General Counsel	Charles A. Blanchard	IV
Department of the Army		
Secretary	John M. McHugh	II
Under Secretary	Joseph W. Westphal	III
Assistant Secretary – Civil Works	Jo-Ellen Darcy	IV
Assistant Secretary – Financial Management/Comptroller	Mary S. Matiella	IV
Assistant Secretary – Acquisition, Logistics and Technology	Malcolm R. O'Neill	IV
Assistant Secretary – Installations, Energy and Environment	Katherine Hammack	IV
Assistant Secretary – Manpower and Reserve Affairs	Thomas R. Lamont	IV
General Counsel	Vacant	IV
Department of the Navy		
Secretary	Raymond E. Mabus Jr.	II
Under Secretary	Robert O. Work	III
Assistant Secretary – Financial Management/Comptroller	Gladys J. Commons	IV
Assistant Secretary – Energy, Installations and Environment	Jackalyne Pfannenstiel	IV
Assistant Secretary – Manpower and Reserve Affairs	Juan M. Garcia III	IV
Assistant Secretary – Research, Development, and Acquisition	Sean J. Stackley	IV
General Counsel	Paul L. Oostburg Sanz	IV
Joint Chiefs of Staff^m		
Chairman	Michael Mullen	(Members of the Joint Chiefs of Staff are compensated under the military pay system, rather than the executive schedule.)
Vice Chairman	James E. Cartwright	
Chief of Staff (Air Force)	Norton A. Schwartz	
Chief of Staff (Army)	George W. Casey Jr.	
Chief of Naval Operations	Gary Roughead	
Commandant of the Marine Corps	James F. Amos	

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).

- b. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). In the 111th Congress, Hale was confirmed to be Under Secretary of Defense/Comptroller and was designated CFO for DOD.
- d. The position of Deputy Chief Management Officer was established by P.L. 110-181, Division A, Title IX, Subtitle A, §904(a) (122 Stat. 273), and was filled for the first time during the 111th Congress, as shown.
- e. The position of Principal Deputy Under Secretary for Acquisition, Technology and Logistics was established by P.L. 111-84, Division A, Title IX, Subtitle A, §906(a) (123 Stat. 2425) and was filled for the first time during the 111th Congress, as shown.
- f. The position of Principal Deputy Under Secretary (Comptroller) was established by P.L. 111-84, Division A, Title IX, Subtitle A, §906(a) (123 Stat. 2425) and was filled for the first time during the 111th Congress, as shown.
- g. Ferguson was serving as Principal Deputy Under Secretary for Intelligence prior to the position’s becoming a presidential appointment requiring the advice and consent of the Senate. Under the provisions of P.L. 111-84, Division A, Title IX, Subtitle A, §906(a) (123 Stat. 2425), he may continue to serve in such position without requiring Senate confirmation for a period of up to four years after the date of the enactment of P.L. 111-94 (October 28, 2009).
- h. The position of Assistant Secretary for Acquisition was established by P.L. 111-84, Division A, Title IX, Subtitle A, §906(a) (123 Stat. 2425). At the end of the 111th Congress, the position was filled by an Acting Assistant Secretary for Acquisition.
- i. The position of Assistant Secretary for Logistics and Materiel Readiness was established by P.L. 111-84, Division A, Title IX, Subtitle A, §906(a) (123 Stat. 2425). At the end of the 111th Congress, the position was filled by an Acting Assistant Secretary for Logistics and Materiel Readiness.
- j. The position of Director of Cost Assessment and Program Evaluation was established by P.L. 111-23, Title I, §101(a) (123 Stat. 1705) and was filled for the first time during the 111th Congress, as shown.
- k. The position of Director of Operational Energy Plans and Programs was established by P.L. 110-417, Title IX, Subtitle A, §902(a) (122 Stat. 4564) and was filled for the first time during the 111th Congress, as shown. Within the Department of Defense, this position is referred to as the Assistant Secretary – Operational Energy Plans and Programs.
- l. The President may remove the Director of Operational Test and Evaluation from office. The law provides that “The President shall communicate the reasons for any such removal to both Houses of Congress” (10 U.S.C. §139(a)(1)).
- m. The chairman and vice chairman serve two-year terms; other members serve four-year terms. See 10 U.S.C. §152(a) and 10 U.S.C. §154(a)(3).

Table 7. DOD Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Michèle A. Flournoy	Under Secy. – Policy	01/20/09	02/09/09	20
Robert F. Hale	Under Secy. – Comptroller/Chief Financial Officer	01/20/09	02/09/09	20
Jeh C. Johnson	General Counsel	01/20/09	02/09/09	20
William J. Lynn III	Deputy Secy.	01/20/09	02/11/09	22
James N. Miller Jr.	Prin. Deputy Under Secy. – Policy	03/10/09	04/03/09	24
Alexander Vershbow	Asst. Secy. – International Security Affairs	03/12/09	04/03/09	22

Nominee	Position	Nominated	Confirmed	Days to confirm
Ashton B. Carter	Under Secy. – Acquisition, Technology and Logistics	03/18/09	04/23/09	36
Jo-Ellen Darcy	Asst. Secy. – Army – Civil Works	04/02/09	08/07/09	127
Robert O. Work	Under Secy. – Navy	04/20/09	05/18/09	28
Donald M. Remy	General Counsel – Army	04/20/09	Withdrawn 06/17/09	
Michael Nacht	Asst. Secy. – Global Strategic Affairs	04/20/09	05/07/09	17
Raymond E. Mabus Jr.	Secretary – Navy	04/20/09	05/18/09	28
Elizabeth L. King	Asst. Secy. – Legislative Affairs	04/20/09	05/07/09	17
Wallace C. Gregson	Asst. Secy. – Asian and Pacific Security Affairs	04/20/09	05/07/09	17
James E. Cartwright	Vice Chairman – Joint Chiefs of Staff	04/20/09	07/31/09	102
Thomas R. Lamont	Asst. Secy. – Army – Manpower and Reserve Affairs	04/27/09	05/18/09	21
Paul N. Stockton	Asst. Secy. – Homeland Defense and Americas’ Security Affairs	04/28/09	05/18/09	20
Andrew C. Weber	Asst. to the Secretary – Nuclear, Chemical, and Biological Defense Programs	04/29/09	05/18/09	19
Charles A. Blanchard	General Counsel – Air Force	04/30/09	05/18/09	18
Jamie M. Morin	Asst. Secy. – Air Force – Financial Management/Comptroller	05/11/09	06/19/09	39
Zachary J. Lemnios	Dir. – Defense Research and Engineering	05/18/09	06/19/09	32
Michael G. Mullen	Chairman – Joint Chiefs of Staff	05/20/09	09/25/09	128
Gordon S. Heddell	Inspector General	06/01/09	07/10/09	39
J. Michael Gilmore	Dir. – Operational Test and Evaluation	06/01/09	09/21/09	112
Dennis M. McCarthy	Asst. Secy. – Reserve Affairs	06/01/09	06/25/09	24
Daniel B. Ginsberg	Asst. Secy. – Air Force – Manpower and Reserve Affairs	06/02/09	07/06/09	34
Joseph W. Westphal	Under Secy. – Army	06/11/09	09/16/09	97
Juan M. Garcia III	Asst. Secy. – Navy – Manpower and Reserve Affairs	06/18/09	09/16/09	90
John M. McHugh	Secretary – Army	07/06/09	09/16/09	72
Terry A. Yonkers	Asst. Secy. – Air Force – Installations, Environment and Logistics	08/03/09	03/04/10	213
Frank Kendall III	Deputy Under Secy. – Acquisition, Technology and Logistics	08/05/09	Withdrawn 10/29/09	

Nominee	Position	Nominated	Confirmed	Days to confirm
Gladys J. Commons	Asst. Secy. – Navy – Financial Management/Comptroller	09/29/09	10/28/09	29
Christine H. Fox	Dir. – Cost Assessment and Program Evaluation	10/01/09	10/28/09	27
Clifford L. Stanley	Under Secy. – Personnel and Readiness	10/15/09	02/09/10	117
Frank Kendall III	Prin. Deputy Under Secy. – Acquisition, Technology and Logistics	10/29/09	03/04/10	126
Erin C. Conaton	Under Secy. – Air Force	11/10/09	03/04/10	114
Mary S. Matiella	Asst. Secy. – Army – Financial Management/Comptroller	11/20/09	02/11/10	83
Paul L. Oostburg Sanz	General Counsel – Navy	11/20/09	03/04/10	104
Solomon B. Watson IV	General Counsel – Army	11/20/09	Returned 12/22/10 ^a	
Malcolm R. O’Neill	Asst. Secy. – Army – Acquisition, Logistics and Technology	12/03/09	03/04/10	91
Jackalyne Pfannenstiel	Asst. Secy. – Navy – Energy, Installations and Environment	12/03/09	03/04/10	91
Douglas B. Wilson	Asst. Secy. – Public Affairs	12/03/09	02/11/10	70
Sharon E. Burke	Dir. – Operational Energy Plans and Programs	12/11/09	06/22/10	193
Katherine Hammack	Asst. Secy. – Army – Installations, Energy and Environment	01/20/10	06/22/10	153
Michael J. McCord	Prin. Deputy Under Secy./Comptroller	03/01/10	06/22/10	113
Elizabeth A. McGrath	Deputy Chief Management Officer	03/10/10	06/22/10	104
Jonathan Woodson	Asst. Secy. – Health Affairs	03/22/10	12/22/10	275
Teresa M. Takai	Asst. Secy. – Networks and Information Integration	04/12/10	Withdrawn 09/29/10	
James F. Amos	Commandant - Marine Corps - Joint Chiefs of Staff	07/21/10	09/29/10	70
Jo Ann Rooney	Prin. Deputy Under Secy. – Personnel and Readiness	09/29/10	Returned 12/22/10 ^a	
Michael Vickers	Under Secy. – Intelligence	09/29/10	Returned 12/22/10 ^a	
Mean number of days to confirm a nomination			71.5	
Median number of days to confirm a nomination			39.0	

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

Department of Education (ED)

Table 8. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Arne Duncan	I
Deputy Secretary	Anthony W. Miller	II
Director – Institute of Education Sciences ^a	John Q. Easton	II
Inspector General ^b	Kathleen S. Tighe	III + 3% ^c
Under Secretary	Martha J. Kanter	III
Chief Financial Officer ^d	Thomas Skelly (A)	IV
Assistant Secretary – Civil Rights	Russlynn Ali	IV
Assistant Secretary – Communications and Outreach	Peter Cunningham	IV
Assistant Secretary – Elementary and Secondary Education	Thelma Meléndez de Santa Ana	IV
Assistant Secretary – Legislation and Congressional Affairs	Gabriella C. Gomez	IV
Assistant Secretary – Management	Winona Varnon (A)	IV
Assistant Secretary – Planning, Evaluation and Policy Development	Carmel Martin	IV
Assistant Secretary – Postsecondary Education	Eduardo M. Ochoa	IV
Assistant Secretary – Special Education and Rehabilitative Services	Alexa E. Posny	IV
Assistant Secretary – Vocational and Adult Education	Brenda Dann-Messier	IV
General Counsel	Charles P. Rose	IV
Commissioner – Education Statistics ^e	Sean P. Buckley	IV
Commissioner – Rehabilitation Services Administration	Lynnae M. Ruttledge	V

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

Table 9. ED Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Arne Duncan	Secretary	01/20/09	01/20/09	0
Russlynn Ali	Asst. Secy. – Civil Rights	03/18/09	05/01/09	44
Carmel Martin	Asst. Secy. – Planning, Evaluation and Policy Development	03/18/09	05/01/09	44
Charles P. Rose	General Counsel	03/18/09	05/01/09	44
Peter Cunningham	Asst. Secy. – Communications and Outreach	03/19/09	05/01/09	43
Gabriella C. Gomez	Asst. Secy. – Legislation and Congressional Affairs	04/20/09	05/01/09	11
John Q. Easton	Dir. – Institute of Education Sciences	04/20/09	05/21/09	31
Martha J. Kanter	Under Secy.	04/29/09	06/19/09	51
Anthony W. Miller	Deputy Secy.	05/18/09	07/24/09	67
Thelma Meléndez de Santa Ana	Asst. Secy. – Elementary and Secondary Education	06/08/09	07/24/09	46
Alexa E. Posny	Asst. Secy. – Special Education and Rehabilitative Services	07/07/09	10/05/09	90
Brenda Dann-Messier	Asst. Secy. – Vocational and Adult Education	07/14/09	10/05/09	83
Lynnae M. Ruttledge	Commissioner – Rehabilitation Services Administration	10/15/09	12/24/09	70
Kathleen S. Tighe	Inspector General	11/20/09	03/10/10	110
Eduardo M. Ochoa	Asst. Secy. – Postsecondary Education	02/24/10	06/22/10	118
Sean P. Buckley	Commissioner – Education Statistics	07/12/10	12/22/10	163
Mean number of days to confirm a nomination			63.4	
Median number of days to confirm a nomination			48.5	

Department of Energy (DOE)

Table 10. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Steven Chu	I
Deputy Secretary	Daniel B. Poneman	II
Inspector General ^a	Gregory H. Friedman	III + 3% ^b
Under Secretary	Catherine R. Zoi (A)	III
Under Secretary – Nuclear Security/Administrator – National Nuclear Security Administration (NNSA)	Thomas P. D’Agostino	III
Under Secretary – Science	Steven E. Koonin	III
Director – Advanced Research Projects Agency-Energy ^c	Arun Majumdar	III
Principal Deputy Administrator – NNSA	Neile L. Miller	IV
Deputy Administrator – Defense Programs, NNSA	Donald L. Cook	IV
Deputy Administrator – Defense Nuclear Nonproliferation, NNSA	Anne M. Harrington	IV
Administrator – Energy Information Administration	Richard G. Newell	IV
Assistant Secretary – Congressional and Intergovernmental Affairs	Jeffrey A. Lane	IV
Assistant Secretary – Electricity Delivery and Energy Reliability	Patricia A. Hoffman	IV
Assistant Secretary – Energy Efficiency and Renewable Energy	Catherine R. Zoi	IV
Assistant Secretary – Environmental Management	Inés R. Triay	IV
Assistant Secretary – Fossil Energy	Victor Der (A)	IV
Assistant Secretary – Nuclear Energy	Peter B. Lyons (A)	IV
Assistant Secretary – Policy and International Affairs	David B. Sandalow	IV
Chief Financial Officer	Steven J. Isakowitz	IV
Director – Office of Civilian Radioactive Waste Management	^d	IV
Director – Office of Economic Impact and Diversity ^e	Bill Valdez (A)	IV
Director – Office of Science	William F. Brinkman	IV
General Counsel	Scott B. Harris	IV

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

- c. The position of Director – Advanced Research Projects Agency-Energy in the Department of Energy was established by P.L. 110-69, Title V, §5012 (121 Stat. 621), enacted August 9, 2007. The position was first filled in the 111th Congress as shown.
- d. This position ceased to exist after September 2010 (although it is still listed in the *U.S. Code* at 42 U.S.C. §10224). The Office of Civilian Radioactive Waste Management was abolished as September 30, 2010, after it was determined that the office would no longer receive funding. For more information, see CRS Report RL33461, *Civilian Nuclear Waste Disposal*, by Mark Holt.
- e. This position is called Director – Office of Minority Economic Impact in the Senate nominations database of the Legislative Information System (LIS). Within the Department of Energy it is referred to as the Office of Economic Impact and Diversity.

Table 11. DOE Appointment Action During 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Steven Chu	Secretary	01/20/09	01/20/09	0
Kristina M. Johnson	Under Secy.	03/23/09	05/19/09	57
Steven E. Koonin	Under Secy. – Science	03/26/09	05/19/09	54
Inés R. Triay	Asst. Secy. – Environmental Management	03/31/09	05/20/09	50
Scott B. Harris	General Counsel	04/02/09	05/19/09	47
David B. Sandalow	Asst. Secy. – Policy and International Affairs	04/20/09	05/18/09	28
Daniel B. Poneman	Deputy Secy.	04/20/09	05/18/09	28
Catherine R. Zoi	Asst. Secy. – Energy Efficiency and Renewable Energy	04/27/09	06/19/09	53
William F. Brinkman	Dir. – Office of Science	04/27/09	06/19/09	53
Richard G. Newell	Admin. – Energy Information Administration	05/18/09	07/31/09	74
James J. Markowsky	Asst. Secy. – Fossil Energy	06/18/09	08/07/09	50
Warren F. Miller Jr.	Asst. Secy. – Nuclear Energy	06/18/09	08/07/09	50
Warren F. Miller Jr.	Dir. – Office of Civilian Radioactive Waste Management ^a	06/22/09	Returned 08/05/10 ^b	
Jose A. Garcia	Dir. – Office of Economic Impact and Diversity ^c	07/20/09	10/21/09	93
Arun Majumdar	Dir. – Advanced Research Projects Agency-Energy	09/21/09	10/21/09	30
Donald L. Cook	Deputy Admin. – Defense Programs, NNSA	12/03/09	06/22/10	201
Patricia A. Hoffman	Asst. Secy. – Electricity Delivery and Energy Reliability	12/09/09	06/22/10	195
Jeffrey A. Lane	Asst. Secy. – Congressional and Intergovernmental Affairs	02/01/10	06/22/10	141
Neile L. Miller	Prin. Deputy Admin. – NNSA	05/27/10	08/05/10	70
Anne M. Harrington	Deputy Admin. – Defense Nuclear Nonproliferation, NNSA	06/14/10	09/29/10	107

Nominee	Position	Nominated	Confirmed	Days to confirm
Peter B. Lyons	Asst. Secy. – Nuclear Energy	12/13/10	Returned 12/22/10 ^d	
Mean number of days to confirm a nomination				72.7
Median number of days to confirm a nomination				53.0

- a. This position ceased to exist after September 2010 (although it is still listed in the *U.S. Code* at 42 U.S.C. §10224). The Office of Civilian Radioactive Waste Management was abolished as September 30, 2010, after it was determined that the office would no longer receive funding. For more information, see CRS Report RL33461, *Civilian Nuclear Waste Disposal*, by Mark Holt.
- b. Returned to the President at the beginning of a Senate recess of more than 30 days under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. This position is called Director – Office of Minority Economic Impact in the Senate nominations database of the Legislative Information System (LIS). Within the Department of Energy it is referred to as the Office of Economic Impact and Diversity.
- d. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Health and Human Services (HHS)

Table 12. Full-time PAS Positions, as of the End of the 111th Congress

Position ^a	Incumbent	Pay level
Secretary	Kathleen Sebelius	I
Deputy Secretary	William V. Corr	II
Inspector General ^b	Daniel R. Levinson	III + 3% ^c
Administrator – Centers for Medicare and Medicaid Services	Donald M. Berwick	III
Administrator – Substance Abuse and Mental Health Services Administration	Pamela S. Hyde	IV
Assistant Secretary – Aging	Kathy J. Greenlee	IV
Assistant Secretary – Children and Families ^d	David Hansell (A)	IV
Assistant Secretary – Health	Howard K. Koh	IV
Assistant Secretary – Legislation	Jim R. Esquea	IV
Assistant Secretary – Planning and Evaluation	Sherry Glied	IV
Assistant Secretary – Preparedness and Response	Nicole Lurie	IV
Assistant Secretary – Public Affairs	Richard Sorian	IV
Assistant Secretary – Financial Resources /Chief Financial Officer ^e	Ellen G. Murray	IV
Commissioner – Food and Drugs	Margaret A. Hamburg	IV
Director – National Institutes of Health	Francis S. Collins	IV
General Counsel	Mark Childress (A)	IV
Commissioner – Children, Youth, and Families	Bryan H. Samuels	V
Commissioner – Administration for Native Americans	Lillian A. Sparks	V
Director – Indian Health Service ^f	Yvette Roubideaux	V
Surgeon General ^g	Regina M. Benjamin	h

- a. The positions in this column do not include officers of the U.S. Public Health Service Commissioned Corps, which are located in the Department of Health and Human Services, except in cases where such a commission is incident to the position listed.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- c. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- d. This position is called Assistant Secretary for Family Support in the Senate nominations database of the Legislative Information System (LIS).
- e. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the

- Senate for other positions (31 U.S.C. §901(a)(l)). The Assistant Secretary for Financial Resources is HUD's designated CFO.
- f. This position has a four-year term; a Director may serve more than one term. See 25 U.S.C. §1661(a)(2).
 - g. This position has a four-year term and specified qualifications. See 42 U.S.C. §205.
 - h. The Surgeon General is compensated as a commissioned officer at Level 0-9. See 37 U.S.C. §201.

Table 13. HHS Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Thomas A. Daschle	Secretary	01/20/09	Withdrawn	02/09/09
Kathleen Sebelius	Secretary	03/17/09	04/28/09	42
William V. Corr	Deputy Secy.	03/17/09	05/06/09	50
Margaret A. Hamburg	Commissioner – Food and Drugs	03/25/09	05/18/09	54
Yvette Roubideaux	Dir. – Indian Health Service	03/26/09	05/06/09	41
Howard K. Koh	Asst. Secy.– Health	04/20/09	06/19/09	60
Kathy J. Greenlee	Asst. Secy. – Aging	05/04/09	06/25/09	52
Carmen R. Nazario	Asst. Secy. – Children and Families	05/06/09	09/22/09	139
Ellen G. Murray	Asst. Secy. – Financial Resources/ Chief Financial Officer	06/01/09	02/11/10	255
Nicole Lurie	Asst. Secy. – Preparedness and Response	06/01/09	07/10/09	39
Francis S. Collins	Dir. – National Institutes of Health	07/09/09	08/07/09	29
Sherry Glied	Asst. Secy. – Planning and Evaluation	07/09/09	06/22/10	348
Bryan H. Samuels	Commissioner – Children, Youth, and Families	07/13/09	02/11/10	213
Regina M. Benjamin	Surgeon General	07/22/09	10/29/09	99
Jim R. Esquea	Asst. Secy. – Legislation	08/06/09	06/22/10	320
Richard Sorian	Asst. Secy. – Public Affairs	10/05/09	Returned	12/22/10 ^a
Pamela S. Hyde	Admin. – Substance Abuse and Mental Health Services Administration	10/05/09	11/20/09	46
Lillian A. Sparks	Commissioner – Administration for Native Americans	10/22/09	03/03/10	132
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services	04/19/10	Returned	08/05/10 ^b
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services		Recess appointment	07/07/10 ^c
Donald M. Berwick ^d	Admin. – Centers for Medicare and Medicaid Services	07/19/10	Returned	08/05/10 ^b
Richard Sorian	Asst. Secy. – Public Affairs		Recess appointment	08/19/10 ^c

Nominee	Position	Nominated	Confirmed	Days to confirm
Donald M. Berwick ^d	Admin. – Centers for Medicare and Medicaid Services	09/13/10	Returned 12/22/10 ^a	
Richard Sorian ^e	Asst. Secy. – Public Affairs	09/13/10	Returned 12/22/10 ^a	
Mean number of days to confirm a nomination				119.9
Median number of days to confirm a nomination				57.0

- a. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules.
- b. Returned to the President at the beginning of a Senate recess of more than 30 days under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. The recess appointments of Berwick and Sorian expired at the end of the first session of the 112th Congress.
- d. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Berwick on April 19, 2010, recess-appointed him on July 7, 2010, then submitted another nomination following the recess on July 19, 2010. However, both nominations were returned to the President at the beginning of the Senate recess in August 2010, under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. Therefore, the President submitted another nomination for Berwick on September 13, 2010, following the conclusion of that recess.
- e. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Sorian on October 5, 2009, recess-appointed him on August 19, 2010, then submitted another nomination following the recess on September 13, 2010.

Department of Homeland Security (DHS)

Table 14. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Janet A. Napolitano	I
Deputy Secretary	Jane H. Lute	II
Inspector General ^a	Richard L. Skinner	III + 3% ^b
Under Secretary – Intelligence and Analysis ^c	Caryn A. Wagner	III
Under Secretary – Management	Rafael Borrás	III
Under Secretary – National Protection and Programs Directorate	Rand Beers	III
Under Secretary – Science and Technology	Tara J. O’Toole	III
Director – U.S. Citizenship and Immigration Services	Alejandro N. Mayorkas	III
Commissioner – U.S. Customs and Border Protection	Alan D. Bersin	III
Assistant Secretary – Health Affairs and Chief Medical Officer	Alexander G. Garza	IV
Assistant Secretary – Policy	David F. Heyman	IV
Assistant Secretary – Transportation Security Administration ^d	John S. Pistole	IV
Assistant Secretary – U.S. Immigration and Customs Enforcement ^e	John T. Morton	IV
Chief Financial Officer ^f	Vacant	IV
General Counsel	Ivan K. Fong	IV
Commandant of the Coast Guard	Robert J. Papp Jr.	Admiral ^g
Director - Office of Counternarcotics Enforcement	Grayling G. Williams	IV
Federal Emergency Management Agency (FEMA)		
Administrator	W. Craig Fugate	II
Deputy Administrator – Protection and National Preparedness	Timothy W. Manning	III
Deputy Administrator/Chief Operating Officer	Richard Serino	III
Assistant Administrator – Grants Program Directorate	Elizabeth M. Harman	IV
Administrator – U.S. Fire Administration	Glenn A. Gaines (A)	IV

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- b. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The position of Under Secretary – Intelligence and Analysis in the Department of Homeland Security was established by P.L. 110-53, Title V, Subtitle D §531 (a) (121 Stat. 332), enacted August 3, 2007. The position was first filled in the 111th Congress as shown.

- d. Within the Department of Homeland Security, this position is also sometimes known as the Administrator, Transportation Security Administration.
- e. Within the Department of Homeland Security, this position is also sometimes known as the Director of Immigration and Customs Enforcement.
- f. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). Prior to the vacancy in this position, the CFO was appointed by the President, with the advice and consent of the Senate.
- g. The Commandant of the Coast Guard is compensated under the military pay system, rather than the executive schedule, with the grade of Admiral.

Table 15. DHS Appointment Action During 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Janet A. Napolitano	Secretary	01/20/09	01/20/09	0
Jane H. Lute	Deputy Secy.	02/25/09	04/03/09	37
John T. Morton	Asst. Secy. – U.S. Immigration and Customs Enforcement	03/10/09	05/12/09	63
Ivan K. Fong	General Counsel	03/11/09	05/06/09	56
W. Craig Fugate	Admin. – FEMA	03/17/09	05/12/09	56
Timothy W. Manning	Deputy Admin. – Protection and National Preparedness – FEMA	04/02/09	05/06/09	34
Rand Beers	Under Secy. – National Protection and Programs Directorate	04/20/09	06/19/09	60
David F. Heyman	Asst. Secy. – Policy	04/27/09	06/04/09	38
Philip Mudd	Under Secy. – Intelligence and Analysis	05/04/09	Withdrawn 07/06/09	
Tara J. O’Toole	Under Secy. – Science and Technology	05/06/09	11/04/09	182
Alejandro N. Mayorkas	Dir. – U.S. Citizenship and Immigration Services	05/20/09	08/07/09	79
Rafael Borrás	Under Secy. – Management	07/06/09	Returned 12/22/10 ^a	
Alexander G. Garza	Asst. Secy. – Health Affairs and Chief Medical Officer	07/07/09	Withdrawn 07/27/09	
Alexander G. Garza	Asst. Secy. – Health Affairs and Chief Medical Officer	07/27/09	08/07/09	11
Richard Serino	Deputy Admin./Chief Operating Officer – FEMA	07/27/09	10/05/09	70
Kelvin J. Cochran	Admin. – U.S. Fire Administration – FEMA	07/28/09	08/07/09	10
Erroll G. Southers	Asst. Secy. – Transportation Security Administration	09/17/09	Withdrawn 01/21/10	
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection	09/29/09	Returned 08/05/10 ^b	

Nominee	Position	Nominated	Confirmed	Days to confirm
Elizabeth M. Harman	Asst. Admin. – Grants Program Directorate – FEMA	10/13/09	03/03/10	141
Caryn A. Wagner	Under Secy. – Intelligence and Analysis	10/26/09	02/11/10	108
Grayling G. Williams	Dir. – Office of Counternarcotics Enforcement	11/04/09	12/24/09	50
Robert J. Papp Jr.	Commandant of the Coast Guard	12/22/09	04/22/10	121
Robert A. Harding	Asst. Secy. – Transportation Security Administration	03/08/10	Withdrawn 04/12/10	
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection		Recess appointment 03/27/10 ^c	
Rafael Borrás	Under Secy. – Management		Recess appointment 03/27/10 ^c	
Alan D. Bersin ^d	Commissioner – U.S. Customs and Border Protection	04/21/10	Returned 08/05/10 ^b	
Rafael Borrás ^e	Under Secy. – Management	04/21/10	Returned 12/22/10 ^a	
John S. Pistole	Asst. Secy. – Transportation Security Administration	05/17/10	06/25/10	39
Alan D. Bersin ^d	Commissioner – U.S. Customs and Border Protection	09/13/10	Returned 12/22/10 ^a	
Mean number of days to confirm a nomination			64.2	
Median number of days to confirm a nomination			56.0	

- a. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. Returned to the President at the beginning of a Senate recess of more than 30 days under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. The recess appointments of Bersin and Borrás expired at the end of the first session of the 112th Congress.
- d. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Bersin on September 29, 2009, recess-appointed him on March 27, 2010, then submitted another nomination following the recess on April 21, 2010. However both nominations were returned to the President at the beginning of August 2010, under provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. Therefore, the President submitted another nomination for Bersin on September 13, 2010, following the conclusion of that recess.
- e. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Borrás on July 6, 2009, recess-appointed him on March 27, 2010, then sent another nomination following the recess on April 21, 2010.

Department of Housing and Urban Development (HUD)

Table 16. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Shaun L. S. Donovan	I
Deputy Secretary	Ronald C. Sims	II
Inspector General ^a	Vacant	III + 3% ^b
Assistant Secretary – Administration	Vacant	IV
Assistant Secretary – Community Planning and Development	Mercedes M. Márquez	IV
Assistant Secretary – Congressional and Intergovernmental Relations	Peter A. Kovar	IV
Assistant Secretary – Fair Housing and Equal Opportunity	John D. Trasviña	IV
Assistant Secretary – Housing/Federal Housing Administration Commissioner	David H. Stevens	IV
Assistant Secretary – Policy Development and Research	Raphael W. Bostic	IV
Assistant Secretary – Public Affairs	Vacant	IV
Assistant Secretary – Public and Indian Housing	Sandra B. Henriquez	IV
Chief Financial Officer ^c	Douglas A. Criscitello	IV
General Counsel	Helen R. Kanovsky	IV
President – Government National Mortgage Association	Theodore W. Tozer	IV

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

Table 17. HUD Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Shaun L. S. Donovan	Secretary	01/20/09	01/22/09	2
Ronald C. Sims	Deputy Secy.	03/04/09	05/06/09	63
Peter A. Kovar	Asst. Secy. – Congressional and Intergovernmental Relations	03/25/09	05/01/09	37
John D. Trasviña	Asst. Secy. – Fair Housing and Equal Opportunity	04/20/09	05/01/09	11

Nominee	Position	Nominated	Confirmed	Days to confirm
Helen R. Kanovsky	General Counsel	04/20/09	05/01/09	11
Sandra B. Henriquez	Asst. Secy. – Public and Indian Housing	04/20/09	05/21/09	31
Raphael W. Bostic	Asst. Secy. – Policy Development and Research	04/20/09	07/10/09	81
David H. Stevens	Asst. Secy. – Housing/Federal Housing Administration Commissioner	04/20/09	07/10/09	81
Mercedes M. Márquez	Asst. Secy. – Community Planning and Development	05/04/09	06/25/09	52
Steven L. Jacques	Asst. Secy. – Public Affairs	09/29/09	Withdrawn 05/07/10	
Douglas A. Criscitello	Chief Financial Officer	11/10/09	02/11/10	93
Theodore W. Tozer	Pres. – Government National Mortgage Association	12/21/09	02/11/10	52
Mean number of days to confirm a nomination				46.7
Median number of days to confirm a nomination				52.0

Department of the Interior (DOI)

Table 18. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Kenneth L. Salazar	I
Deputy Secretary	David J. Hayes	II
Special Trustee for American Indians	Donna M. Erwin (A)	a
Inspector General ^b	Mary L. Kendall (A)	III + 3% ^c
Assistant Secretary – Fish and Wildlife and Parks	Thomas L. Strickland	IV
Assistant Secretary – Indian Affairs	Larry J. Echo Hawk	IV
Assistant Secretary – Insular Affairs	Anthony M. Babauta	IV
Assistant Secretary – Land and Minerals Management	Wilma A. Lewis	IV
Assistant Secretary – Policy, Management and Budget/Chief Financial Officer	Rhea S. Suh	IV
Assistant Secretary – Water and Science	Anne J. Castle	IV
Chair – National Indian Gaming Commission	Tracie Stevens	IV
Solicitor	Hilary C. Tompkins	IV
Director – National Park Service	Jonathan B. Jarvis	V
Director – Office of Surface Mining Reclamation and Enforcement	Joseph G. Pizarchik	V
Commissioner – Bureau of Reclamation	Michael L. Connor	V
Director – Bureau of Land Management	Robert V. Abbey	V
Director – U.S. Fish and Wildlife Service	Rowan W. Gould (A)	V
Director – U.S. Geological Survey	Marcia K. McNutt	V
Commissioner – Indian Affairs	Vacant (since 1981)	V

- a. The Special Trustee is to be paid “at a rate determined by the Secretary to be appropriate for the position, but not less than the rate of basic pay payable at Level II of the Executive Schedule ...” (25 U.S.C. §4042(b)(2)).
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- c. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”

Table 19. DOI Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Kenneth L. Salazar	Secretary	01/20/09	01/20/09	0
David J. Hayes	Deputy Secy.	02/27/09	05/20/09	82
Thomas L. Strickland	Asst. Secy. – Fish and Wildlife and Parks	03/12/09	04/30/09	49
Hilary C. Tompkins	Solicitor	03/31/09	06/17/09	78
Rhea S. Suh	Asst. Secy. – Policy, Management and Budget/Chief Financial Officer	04/20/09	05/18/09	28
Michael L. Connor	Comm. – Bureau of Reclamation	04/20/09	05/21/09	31
Larry J. Echo Hawk	Asst. Secy. – Indian Affairs	04/20/09	05/19/09	29
Anne J. Castle	Asst. Secy. – Water and Science	04/27/09	06/19/09	53
Wilma A. Lewis	Asst. Secy. – Land and Minerals Management	05/06/09	08/07/09	93
Robert V. Abbey	Dir. – Bureau of Land Management	06/10/09	08/07/09	58
Anthony M. Babauta	Asst. Secy. – Insular Affairs	07/06/09	09/10/09	66
Samuel D. Hamilton	Dir. – U.S. Fish and Wildlife Service	07/06/09	07/31/09	25
Jonathan B. Jarvis	Dir. – National Park Service	07/13/09	09/24/09	73
Joseph G. Pizarchik	Dir. – Office of Surface Mining Reclamation and Enforcement	07/16/09	11/06/09	113
Marcia K. McNutt	Dir. – U.S. Geological Survey	08/04/09	10/21/09	78
Daniel M. Ashe	Dir. – U.S. Fish and Wildlife Service	12/06/10	Returned 12/22/10 ^a	
Tracie Stevens	Chair – National Indian Gaming Commission	04/29/10	06/22/10	54
Mean number of days to confirm a nomination			56.9	
Median number of days to confirm a nomination			56.0	

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

Department of Justice (DOJ)

Table 20. Full-time PAS Positions, as of the End of the 111th Congress

Position ^a	Incumbent	Pay level
Attorney General	Eric H. Holder Jr.	I
Deputy Attorney General	James M. Cole	II
Inspector General ^b	Glenn A. Fine	III + 3% ^c
Director – Bureau of Alcohol, Tobacco, Firearms and Explosives ^d	Kenneth E. Melson (A)	III
Director – Federal Bureau of Investigation ^e	Robert S. Mueller III	II
Administrator – Drug Enforcement	Michele M. Leonhart (A) ^f	III
Associate Attorney General	Thomas J. Perrelli	III
Solicitor General	Neal Katyal (A)	III
Assistant Attorney General – Antitrust Division	Christine A. Varney	IV
Assistant Attorney General – Civil Division	Tony West	IV
Assistant Attorney General – Civil Rights Division	Thomas E. Perez	IV
Assistant Attorney General – Criminal Division	Lanny A. Breuer	IV
Assistant Attorney General – Environment and Natural Resources Division	Ignacia S. Moreno	IV
Assistant Attorney General – Legislative Affairs	Ronald H. Weich	IV
Assistant Attorney General – National Security Division	David S. Kris	IV
Assistant Attorney General – Office of Justice Programs	Laurie O. Robinson	IV
Assistant Attorney General – Office of Legal Counsel	Jonathan G. Cedarbaum (A)	IV
Assistant Attorney General – Office of Legal Policy	Christopher H. Schroeder	IV
Assistant Attorney General – Tax Division	John A. DiCicco (A)	IV
Administrator – Office of Juvenile Justice and Delinquency Prevention	Jeffrey W. Slowikowski (A)	IV
Deputy Administrator – Drug Enforcement Administration	Michele M. Leonhart	IV
Director – Bureau of Justice Assistance	James H. Burch II (A)	IV
Director – Bureau of Justice Statistics	James P. Lynch	IV
Director – Community Relations Services ^g	Becky Monroe (A)	IV
Director – National Institute of Justice	John H. Laub	IV
Director – Office for Victims of Crime	Joye E. Frost (A)	IV
Director – U.S. Marshals Service	Stacia A. Hylton	IV
Special Counsel – Immigration-Related Unfair Employment Practices ^h	Vacant	i
Director – Violence Against Women Office	Susan B. Carbon	V

- a. Positions in this column do not include the U.S. attorney and U.S. marshal positions. The position of chief financial officer (CFO) is also not listed here. Although the Department of Justice is included in the statute that provides presidentially appointed and Senate-confirmed CFOs for all of the major executive branch agencies (31 U.S.C. §901(a)(1)), this provision is superseded by 28 U.S.C. §507, which provides that the Assistant Attorney General for Administration, appointed by the Attorney General with the approval of the President, shall be the CFO for the Department of Justice.
- b. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- c. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- d. Beginning in 2006, the position of Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives was to be filled through appointments by the President with the advice and consent of the Senate (P.L. 109-177, Title V §504 (120 Stat. 247), enacted March 9, 2006). As of the end of the 111th Congress, the position had not been filled through this manner but did have an Acting Director, as noted in the table.
- e. This position has a 10-year term. See 28 U.S.C. §532 note.
- f. Leonhardt was confirmed on December 22, 2010 and was sworn in on December 30, 2010, after the end of the 111th Congress.
- g. This position has a four-year term. See 42 U.S.C. §2000g.
- h. This position has a four-year term. See 8 U.S.C. §1324b(c)(1).
- i. “The Special Counsel for Immigration-Related Unfair Employment Practices is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule,” under 8 U.S.C. §1324b(c)(3).

Table 21. DOJ Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Eric H. Holder Jr.	Attorney General	01/20/09	02/02/09	13
Elena Kagan	Solicitor General	01/26/09	03/19/09	52
David W. Ogden	Deputy Atty. General	01/26/09	03/12/09	45
Thomas J. Perrelli	Associate Atty. General	01/30/09	03/12/09	41
David S. Kris	Asst. Atty. General – National Security Division	02/11/09	03/25/09	42
Dawn E. Johnsen	Asst. Atty. General – Office of Legal Counsel	02/11/09	Returned 12/24/09 ^a	
Lanny A. Breuer	Asst. Atty. General – Criminal Division	02/23/09	04/20/09	56
Christine A. Varney	Asst. Atty. General – Antitrust Division	02/23/09	04/20/09	56
Tony West	Asst. Atty. General – Civil Division	02/25/09	04/20/09	54
Ronald H. Weich	Asst. Atty. General – Legislative Affairs	03/18/09	04/29/09	42
Thomas E. Perez	Asst. Atty. General – Civil Rights Division	03/31/09	10/06/09	189

Nominee	Position	Nominated	Confirmed	Days to confirm
Mary L. Smith	Asst. Atty. General – Tax Division	04/20/09	Returned 12/24/09 ^a	
Christopher H. Schroeder	Asst. Atty. General – Office of Legal Policy	06/04/09	Returned 12/24/09 ^a	
Ignacia S. Moreno	Asst. Atty. General – Environment and Natural Resources Division	06/08/09	11/05/09	150
Laurie O. Robinson	Asst. Atty. General – Office of Justice Programs	09/14/09	11/05/09	52
Stacia A. Hylton	Dir. – U.S. Marshals Service	09/20/10	12/22/10	93
Susan B. Carbon	Dir. – Violence Against Women Office	10/05/09	02/11/10	129
John H. Laub	Dir. – National Institute of Justice	10/05/09	06/22/10	260
James P. Lynch	Dir. – Bureau of Justice Statistics	10/29/09	06/22/10	236
Beatrice A. Hanson	Dir. – Office for Victims of Crime	12/23/09	Withdrawn 12/20/10	
Mary L. Smith	Asst. Atty. General – Tax Division	01/20/10	Returned 08/05/10 ^b	
Christopher H. Schroeder	Asst. Atty. General – Office of Legal Policy	01/20/10	04/21/10	91
Dawn E. Johnsen	Asst. Atty. General – Office of Legal Counsel	01/20/10	Withdrawn 04/12/10	
Michele M. Leonhart	Deputy Admin. – Drug Enforcement Administration	02/02/10	12/22/10	323
James M. Cole	Deputy Atty. General	05/24/10	Returned 12/22/10 ^c	
Andrew L. Traver	Dir. – Bureau of Alcohol, Tobacco, Firearms and Explosives	11/17/10	Returned 12/22/10 ^c	
Denise E. O'Donnell	Dir. – Bureau of Justice Assistance	12/13/10	Returned 12/22/10 ^c	
James M. Cole	Deputy Atty. General		Recess appointment 12/29/10 ^d	
Mean number of days to confirm a nomination			106.9	
Median number of days to confirm a nomination			56.0	

- a. Returned to the President at the end of the first session of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. Returned to the President at the beginning of a Senate recess of more than 30 days under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- d. Cole's recess appointment expired at the end of the first session of the 112th Congress.

Department of Labor (DOL)

Table 22. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Hilda L. Solis	I
Deputy Secretary	Seth D. Harris	II
Inspector General ^a	Daniel Petrole (A)	III + 3% ^b
Assistant Secretary – Administration and Management	T. Michael Kerr	IV
Assistant Secretary – Congressional and Intergovernmental Affairs	Brian V. Kennedy	IV
Assistant Secretary – Disability Employment Policy	Kathleen Martinez	IV
Assistant Secretary – Employee Benefits Security Administration	Phyllis C. Borzi	IV
Assistant Secretary – Employment and Training Administration	Jane Oates	IV
Assistant Secretary – Mine Safety and Health Administration	Joseph A. Main	IV
Assistant Secretary – Occupational Safety and Health Administration	David M. Michaels	IV
Assistant Secretary – Policy	William E. Spriggs	IV
Assistant Secretary – Public Affairs	Vacant	IV
Assistant Secretary – Veterans' Employment and Training Service	Raymond M. Jefferson	IV
Chief Financial Officer ^c	James L. Taylor	IV
Commissioner – Bureau of Labor Statistics ^d	Keith D. Hall	IV
Solicitor	M. Patricia Smith	IV
Administrator – Wage and Hour Division	Vacant	V
Director – Women's Bureau ^e	Sara Manzano-Díaz	f

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- b. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). Taylor was confirmed as DOL's CFO.
- d. This position has a four-year term (29 U.S.C. §3).
- e. By statute, the incumbent must be a woman (29 U.S.C. §12).
- f. According to the 2012 edition of the *Plum Book*, the Director of the Women's Bureau was a Senior Level position (p. 99). With regard to pay for such positions, the *Plum Book* states, “The minimum pay for SL [Senior Level] positions is 120 percent of the rate of basic pay for GS-15, step 1. For agencies without a certified performance appraisal system, SL members' pay may not exceed the rate payable for level III of the Executive Schedule. For agencies with a certified performance appraisal system, SL members' pay may not exceed the rate payable for level II of the Executive Schedule. SL members are not entitled to locality-based comparability payments” (p. 204). The Department of Labor received certification from the Office of Personnel Management for its performance appraisal system during the period covered by this report. See also 5 U.S.C. §5376 and 5 U.S.C. §5304(g)(2).

Table 23. DOL Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Hilda L. Solis	Secretary	01/20/09	02/24/09	35
Seth D. Harris	Deputy Secy.	03/03/09	05/21/09	79
Brian V. Kennedy	Asst. Secy. – Congressional and Intergovernmental Affairs	03/19/09	05/01/09	43
T. Michael Kerr	Asst. Secy. – Administration and Management	03/26/09	05/01/09	36
M. Patricia Smith	Solicitor	04/20/09	02/04/10	290
Kathleen Martinez	Asst. Secy. – Disability Employment Policy	04/20/09	06/25/09	66
Phyllis C. Borzi	Asst. Secy. – Employee Benefits Security Administration	04/27/09	07/10/09	74
Jane Oates	Asst. Secy. – Employment and Training Administration	05/06/09	06/19/09	44
Lorelei Boylan	Admin. – Wage and Hour Division	05/11/09	Withdrawn 10/13/09	
Raymond M. Jefferson	Asst. Secy. – Veterans’ Employment and Training Service	06/03/09	08/07/09	35
William E. Spriggs	Asst. Secy. – Policy	06/09/09	10/21/09	79
Joseph A. Main	Asst. Secy. – Mine Safety and Health Administration	07/06/09	10/21/09	43
David M. Michaels	Asst. Secy. – Occupational Safety and Health Administration	08/05/09	12/03/09	36
Sara Manzano-Díaz	Dir. – Women’s Bureau	10/01/09	02/11/10	290
James L. Taylor	Chief Financial Officer	03/03/10	06/22/10	66
Paul M. Tiao	Inspector General	05/27/10	Returned 12/22/10 ^a	
Leon Rodriguez	Admin. – Wage and Hour Division	12/03/10	Returned 12/22/10 ^a	
Mean number of days to confirm a nomination			95.5	
Median number of days to confirm a nomination			76.5	

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

Department of State (DOS)

Table 24. Full-time PAS Positions, as of the End of the 111th Congress

Position ^a	Incumbent	Pay level
Secretary	Hillary R. Clinton	I
Deputy Secretary	James B. Steinberg	II
Deputy Secretary – Management and Resources ^b	Thomas R. Nides	II
Inspector General ^c	Harold W. Geisel (A)	III + 3% ^d
Under Secretary – Arms Control and International Security	Ellen O. Tauscher	III
Under Secretary – Economic Growth, Energy, and Agricultural Affairs	Robert D. Hormats	III
Under Secretary – Democracy and Global Affairs	María Otero	III
Under Secretary – Management	Patrick F. Kennedy	III
Under Secretary – Political Affairs	William J. Burns	III
Under Secretary – Public Diplomacy and Public Affairs	Judith A. McHale	III
Ambassador-at-Large – Global Women’s Issues ^e	Melanne Vermeer	IV
Ambassador-at-Large – International Religious Freedom	Vacant	IV
Ambassador-at-Large/Director – Office to Monitor and Combat Trafficking in Persons	Luis CdeBaca/Luis C. de Baca ^f	IV
Ambassador-at-Large – War Crimes Issues	Stephen J. Rapp	IV
Ambassador-at-Large/Coordinator – Counterterrorism	Daniel S. Benjamin	IV
Coordinator – U.S. Global AIDS	Eric Goosby	IV
Chief of Protocol	Capricia P. Marshall	IV
Assistant Secretary – Administration	Vacant	IV
Assistant Secretary – African Affairs	Johnnie Carson	IV
Assistant Secretary – Arms Control, Verification and Compliance	Rose E. Gottemoeller	IV
Assistant Secretary – Consular Affairs	Janice L. Jacobs	IV
Assistant Secretary – Democracy, Human Rights, and Labor	Michael H. Posner	IV
Assistant Secretary – Diplomatic Security/Director – Office of Foreign Missions ^g	Eric J. Boswell	IV
Assistant Secretary – East Asian and Pacific Affairs	Kurt M. Campbell	IV
Assistant Secretary – Economic, Energy, and Business Affairs	Jose W. Fernandez	IV
Assistant Secretary – Educational and Cultural Affairs	J. Ann S. Stock	IV
Assistant Secretary – European and Eurasian Affairs	Philip H. Gordon	IV
Assistant Secretary – Intelligence and Research	Philip S. Goldberg	IV
Assistant Secretary – International Narcotics and Law Enforcement Affairs	William R. Brownfield	IV
Assistant Secretary – International Organizations Affairs	Esther Brimmer	IV

Position ^a	Incumbent	Pay level
Assistant Secretary – International Security and Nonproliferation	Vann H. Van Diepen (A)	IV
Assistant Secretary – Legislative Affairs	Richard R. Verma	IV
Assistant Secretary – Near Eastern Affairs	Jeffrey D. Feltman	IV
Assistant Secretary – Oceans and International Environmental and Scientific Affairs	Kerri-Ann Jones	IV
Assistant Secretary – Political-Military Affairs	Andrew J. Shapiro	IV
Assistant Secretary – Population, Refugees, and Migration	Eric P. Schwartz	IV
Assistant Secretary – Public Affairs	Philip J. Crowley	IV
Assistant Secretary – Resource Management/Chief Financial Officer ^h	Vacant	IV
Assistant Secretary – South and Central Asian Affairs	Robert O. Blake Jr.	IV
Assistant Secretary – Western Hemisphere Affairs	Arturo A. Valenzuela	IV
Director General – Foreign Service ⁱ	Nancy J. Powell	IV
Legal Adviser	Harold H. Koh	IV
International Organizations		
U.S. Representative – United Nations (U.N.)	Susan E. Rice	II
U.S. Representative – Organization of American States	Carmen Lomellin	j
U.S. Deputy Representative – U.N.	Rosemary A. DiCarlo	k
U.S. Representative – Economic and Social Council – U.N.	Frederick D. Barton	k
U.S. Representative – Management and Reform – U.N.	Joseph H. Melrose (A)	k
U.S. Alternate Representative – Special Political Affairs – U.N.	Brooke D. Anderson	k

- a. The positions in this column do not include chiefs of mission in overseas posts or Foreign Service officers. In addition, certain officers of the State Department may be required to have certain qualifications. See 22 U.S.C. §2651a(g).
- b. The position of Deputy Secretary for Management and Resources in the Department of State was established by P.L. 106-553, §404(a) (114 Stat. 2762A-96), enacted December 21, 2000. It was filled for the first time in the 111th Congress.
- c. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- d. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- e. President Obama announced the creation of this position on March 6, 2009.
- f. Luis CdeBaca’s name is listed as Luis C. de Baca in the Senate nominations database of the Legislative Information System (LIS).
- g. From 1998 through the Boswell confirmation, each time an individual has been nominated to and confirmed for the position of Assistant Secretary for Diplomatic Security, the individual has simultaneously been nominated to and confirmed for the position of Director of Foreign Missions.

- h. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). With regard to State Department appointments, since 2001 through the 110th Congress, the same individual had been separately and simultaneously nominated for, and confirmed to, the positions of CFO and Assistant Secretary for Resource Management.
- i. By law, incumbent must be a current or former career member of the Foreign Service (22 U.S.C. §3928).
- j. The salary for the U.S. Representative to the Organization of the American States is linked to the pay for chiefs of mission.
- k. The salaries for these positions within the U.N. are administratively determined.

Table 25. DOS Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Hillary R. Clinton	Secretary	01/20/09	01/21/09	1
Susan E. Rice	U.S. Rep. – U.N.	01/20/09	01/22/09	2
Jacob J. Lew	Deputy Secy. – Management and Resources	01/20/09	01/28/09	8
James B. Steinberg	Deputy Secy.	01/20/09	01/28/09	8
Richard R. Verma	Asst. Secy. – Legislative Affairs	03/11/09	04/03/09	23
Esther Brimmer	Asst. Secy. – International Organizations Affairs	03/11/09	04/03/09	23
Philip H. Gordon	Asst. Secy. – European and Eurasian Affairs	03/11/09	05/14/09	64
Melanne Verveer	Amb.-at-Large – Global Women’s Issues	03/11/09	04/03/09	23
Rose E. Gottemoeller	Asst. Secy. – Arms Control, Verification and Compliance	03/17/09	04/03/09	17
Harold H. Koh	Legal Adviser	03/23/09	06/25/09	94
Johnnie Carson	Asst. Secy. – African Affairs	03/23/09	05/06/09	44
Luis CdeBaca/Luis C. de Baca ^a	Amb.-at-Large/Dir. – Office to Monitor and Combat Trafficking in Persons	03/26/09	05/06/09	41
Judith A. McHale	Under Secy. – Public Diplomacy and Public Affairs	04/20/09	05/21/09	31
Jeffrey D. Feltman	Asst. Secy. – Near Eastern Affairs	04/20/09	08/07/09	109
Philip J. Crowley	Asst. Secy. – Public Affairs	04/20/09	05/21/09	31
Kurt M. Campbell	Asst. Secy. – East Asian and Pacific Affairs	04/27/09	06/25/09	59
Daniel S. Benjamin	Amb.-at-Large/Coordinator – Counterterrorism	04/27/09	05/21/09	24
Robert O. Blake Jr.	Asst. Secy. – South and Central Asian Affairs	04/27/09	05/21/09	24
Eric Goosby	Coordinator – U.S. Global AIDS	04/29/09	06/19/09	51

Nominee	Position	Nominated	Confirmed	Days to confirm
Eric P. Schwartz	Asst. Secy. – Population, Refugees, and Migration	05/06/09	06/19/09	44
Andrew J. Shapiro	Asst. Secy. – Political-Military Affairs	05/06/09	06/19/09	44
Ellen O. Tauscher	Under Secy. – Arms Control and International Security	05/06/09	06/25/09	50
Capricia P. Marshall	Chief of Protocol	05/14/09	07/31/09	78
Nancy J. Powell	Dir. Gen. – Foreign Service	05/21/09	07/31/09	71
Arturo A. Valenzuela	Asst. Secy. – Western Hemisphere Affairs	06/08/09	11/05/09	150
María Otero	Under Secy. – Democracy and Global Affairs	06/09/09	08/07/09	59
Kerri-Ann Jones	Asst. Secy. – Oceans and International Environmental and Scientific Affairs	06/25/09	08/07/09	43
Michael H. Posner	Asst. Secy. – Democracy, Human Rights, and Labor	07/07/09	9/22/09	77
Stephen J. Rapp	Amb.-at-Large – War Crimes Issues	07/07/09	08/04/09	28
Robert D. Hormats	Under Secy. – Economic, Energy, and Agricultural Affairs ^b	07/20/09	09/22/09	64
Jose W. Fernandez	Asst. Secy. – Economic, Energy, and Business Affairs	08/06/09	11/20/09	106
Frederick D. Barton	U.S. Rep. – Economic and Social Council – U.N.	09/15/09	11/20/09	66
Carmen Lomellin	U.S. Rep. – Organization of American States	09/15/09	11/20/09	66
Jide J. Zeitlin	U.S. Rep. – Management and Reform – U.N.	09/24/09	Withdrawn 01/21/10	
Philip S. Goldberg	Asst. Secy. – Intelligence and Research	10/26/09	02/09/10	106
Brooke D. Anderson	U.S. Alt. Rep. – Special Political Affairs – U.N.	12/03/09	03/10/10	97
Rosemary A. DiCarlo	U.S. Deputy Rep. – U.N.	12/03/09	03/10/10	97
J. Ann S. Stock	Asst. Secy. – Educational and Cultural Affairs	12/04/09	06/22/10	200
Suzan D. J. Cook	Amb.-at-Large – International Religious Freedom	06/16/10	Returned 12/22/10 ^c	
William R. Brownfield	Asst. Secy. – International Narcotics and Law Enforcement Affairs	09/23/10	12/22/10	90
Thomas R. Nides	Deputy Secy. – Management and Resources	09/29/10	12/22/10	84

Nominee	Position	Nominated	Confirmed	Days to confirm
Joseph M. Torsella	U.S. Rep. – Management and Reform – U.N.	11/17/10	Returned	12/22/10 ^c
Mean number of days to confirm a nomination				58.9
Median number of days to confirm a nomination				51.0

- a. Luis CdeBaca's name is listed as Luis C. de Baca in the Senate nominations database of the Legislative Information System (LIS).
- b. On December 8, 2011, the State Department announced that the Office of the Under Secretary for Economic, Energy, and Agricultural Affairs would be renamed the Office of the Under Secretary for Economic Growth, Energy, and Agricultural Affairs.
- c. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Department of Transportation (DOT)

Table 26. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Ray LaHood	I
Deputy Secretary	John D. Porcari	II
Under Secretary – Policy	Roy W. Kienitz	II
Administrator – Federal Aviation Administration ^a	J. Randolph Babbitt	II
Administrator – Federal Highway Administration	Victor M. Mendez	II
Inspector General ^b	Calvin Scovel	III + 3% ^c
Administrator – Federal Motor Carrier Safety Administration	Anne S. Ferro	III
Administrator – Federal Railroad Administration	Joseph C. Szabo	III
Administrator – Federal Transit Administration	Peter M. Rogoff	III
Administrator – Maritime Administration	David T. Matsuda	III
Administrator – National Highway Traffic Safety Administration	David L. Strickland	III
Administrator – Pipeline and Hazardous Materials Safety Administration	Cynthia L. Quarterman	III
Administrator – Research and Innovative Technology Administration	Peter H. Appel	III
Administrator – Saint Lawrence Seaway Development Corporation ^d	Collister Johnson Jr.	IV
Assistant Secretary – Aviation and International Affairs	Susan L. Kurland	IV
Assistant Secretary – Budget and Programs/Chief Financial Officer ^e	Christopher P. Bertram	IV
Assistant Secretary – Governmental Affairs	Dana G. Gresham	IV
Assistant Secretary – Transportation Policy	Polly Trottenberg	IV
Deputy Administrator – Federal Aviation Administration ^f	Michael P. Huerta	IV
General Counsel	Robert S. Rivkin	IV

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

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

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

Table 27. DOT Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Ray LaHood	Secretary	01/20/09	01/22/09	2
Dana G. Gresham	Asst. Secy. – Governmental Affairs	03/10/09	04/29/09	50
Roy W. Kienitz	Under Secy. – Policy	03/16/09	04/29/09	44
Joseph C. Szabo	Admin. – Federal Railroad Administration	03/26/09	04/29/09	34
Peter H. Appel	Admin. – Research and Innovative Technology	04/20/09	04/29/09	9
Robert S. Rivkin	General Counsel	04/20/09	04/29/09	9
Victor M. Mendez	Admin. – Federal Highway Administration	04/23/09	07/10/09	78
John D. Porcari	Deputy Secy.	04/27/09	05/21/09	24
Peter M. Rogoff	Admin. – Federal Transit Administration	04/29/09	05/21/09	22
J. Randolph Babbitt	Admin. – Federal Aviation Administration	05/11/09	05/21/09	10
Polly Trottenberg	Asst. Secy. – Transportation Policy	06/08/09	07/24/09	46
Susan L. Kurland	Asst. Secy. – Aviation and International Affairs	07/07/09	08/07/09	31
Christopher P. Bertram	Asst. Secy. – Budget and Programs/Chief Financial Officer	07/09/09	08/07/09	29
Anne S. Ferro	Admin. – Federal Motor Carrier Safety Administration	07/16/09	11/05/09	112
Cynthia L. Quarterman	Admin. – Pipeline and Hazardous Materials Safety Administration	09/15/09	11/05/09	51
David L. Strickland	Admin. – National Highway Traffic Safety Administration	12/04/09	12/24/09	20
Michael P. Huerta	Deputy Admin. – Federal Aviation Administration	12/08/09	06/23/10	197
David T. Matsuda	Admin. – Maritime Administration	12/17/09	06/22/10	187
Mean number of days to confirm a nomination			53.1	
Median number of days to confirm a nomination			32.5	

Department of the Treasury (TREAS)

Table 28. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Timothy F. Geithner	I
Deputy Secretary	Neal S. Wolin	II
Inspector General ^a	Eric M. Thorson	III + 3% ^b
Inspector General – Tax Administration ^a	J. Russell George	III + 3% ^b
Special Inspector General – Troubled Asset Relief Program ^a	Neil M. Barofsky	III + 3% ^b
Commissioner of Internal Revenue ^c	Douglas H. Shulman	III
Comptroller of the Currency ^d	John G. Walsh (A)	III
Director – Office of Thrift Supervision ^e	John E. Bowman (A)	III
Under Secretary – Domestic Finance	Jeffrey A. Goldstein	III
Under Secretary – Terrorism and Financial Intelligence ^f	Stuart A. Levey	III
Under Secretary – International Affairs	Lael Brainard	III
Assistant Secretary – Economic Policy	Vacant	IV
Assistant Secretary – Financial Institutions	Vacant	IV
Assistant Secretary – Financial Markets	Mary J. Miller	IV
Assistant Secretary – Financial Stability	Timothy Massad (A)	IV
Assistant Secretary – Intelligence and Analysis	S. Leslie Ireland	IV
Assistant Secretary – International Finance ^g	Charles Collyns	IV
Assistant Secretary – International Markets and Development	Marisa Lago	IV
Assistant Secretary – Legislative Affairs ^g	Kim N. Wallace	IV
Assistant Secretary – Management/Chief Financial Officer ^h	Daniel M. Tangherlini	IV
Assistant Secretary – Public Affairs	Vacant	IV
Assistant Secretary – Tax Policy	Michael F. Mundaca	IV
Assistant Secretary – Terrorist Financing	David S. Cohen	IV
General Counsel	George W. Madison	IV
Chief Counsel – Internal Revenue Service/Assistant General Counsel for Tax	William J. Wilkins	V
Director of the Mint ⁱ	Edmund C. Moy	SLI
Treasurer of the United States	Rosa G. Rios	SLI

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3 (b)). The position of Special Inspector General has the same removal provisions as other inspectors general.

- b. Under the provisions of 5 U.S.C. Appx. §3 (e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. This position has a five-year term and specified qualifications (26 U.S.C. §7803(a)(1)).
- d. This position has a five-year term and a limitation on the President’s removal power (12 U.S.C. §2).
- e. This position had a five-year term and specified qualifications. See 12 U.S.C. §1462a(c). The Dodd-Frank Wall Street Reform and Consumer Protect Act (P.L. 111-203), which was enacted during the 111th Congress, provided for the abolishment of the Office of Thrift Supervision and this position. This provision did not take effect until after the end of the 111th Congress, however.
- f. The position of Under Secretary for Terrorism and Financial Crimes (called Under Secretary for Terrorism and Financial Intelligence) was established by P.L. 108-447, Division H, Title II, §222 (118 Stat. 3242). The Under Secretary was the successor office to the Office of Enforcement, and the incumbent in that office, Stuart A. Levey, continued to serve.
- g. The *U.S. Code* provides that the department has two deputy under secretaries appointed by the President with the advice and consent of the Senate. “When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary” (31 U.S.C. §301(d)). In each of these two cases, the President did so.
- h. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). Tangherlini was confirmed as Assistant Secretary for Management and also confirmed as CFO.
- i. The position has a five-year term and a limitation on the President’s removal power. See 31 U.S.C. §304(b).
- j. According to the 2012 edition of the *Plum Book*, the Director of the United States Mint and the Treasurer of the United States were both Senior Level positions (p. 126). With regard to pay for such positions, the *Plum Book* states, “The minimum pay for SL [Senior Level] positions is 120 percent of the rate of basic pay for GS-15, step 1. For agencies without a certified performance appraisal system, SL members’ pay may not exceed the rate payable for level III of the Executive Schedule. For agencies with a certified performance appraisal system, SL members’ pay may not exceed the rate payable for level II of the Executive Schedule. SL members are not entitled to locality-based comparability payments” (p. 204). The Department of the Treasury received certification from the Office of Personnel Management for its performance appraisal system during the period covered by this report. See also 5 U.S.C. §5376 and 5 U.S.C. §5304(g)(2).

Table 29. TREAS Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Timothy F. Geithner	Secretary	01/20/09	01/26/09	6
David S. Cohen	Asst. Secy. – Terrorist Financing	03/10/09	05/01/09	52
Alan B. Krueger	Asst. Secy. – Economic Policy	03/10/09	05/06/09	57
Kim N. Wallace	Asst. Secy. – Legislative Affairs	03/16/09	07/24/09	130
Lael Brainard	Under Secy. – International Affairs	03/23/09	04/20/10	393
George W. Madison	General Counsel	04/20/09	09/08/09	141
Neal S. Wolin	Deputy Secy.	04/20/09	05/18/09	28
Michael S. Barr	Asst. Secy. – Financial Institutions	05/01/09	05/21/09	20
Herbert M. Allison Jr.	Asst. Secy. – Financial Stability	05/01/09	06/19/09	49
William J. Wilkins	Chief Counsel – Internal Revenue Service/Asst. General Counsel for Tax	05/12/09	07/24/09	73

Nominee	Position	Nominated	Confirmed	Days to confirm
Rosa G. Rios	Treasurer of the United States	05/18/09	07/24/09	67
Daniel M. Tangherlini	Asst. Secy. – Management	06/03/09	07/24/09	51
Daniel M. Tangherlini	Chief Financial Officer	06/03/09	07/24/09	51
Jeffrey A. Goldstein	Under Secy. – Domestic Finance	07/22/09	Returned 08/05/10 ^a	
Marisa Lago	Asst. Secy. – International Markets and Development	09/25/09	02/11/10	139
Charles Collyns	Asst. Secy. – International Finance	10/05/09	02/11/10	129
Mary J. Miller	Asst. Secy. – Financial Markets	10/06/09	02/11/10	128
Michael F. Mundaca	Asst. Secy. – Tax Policy	10/06/09	Returned 12/22/10 ^b	
Jeffrey A. Goldstein	Under Secy. – Domestic Finance		Recess appointment 03/27/10 ^c	
Michael F. Mundaca	Asst. Secy. – Tax Policy		Recess appointment 03/27/10 ^c	
S. Leslie Ireland	Asst. Secy. – Intelligence and Analysis	04/12/10	06/30/10	79
Michael F. Mundaca ^d	Asst. Secy. – Tax Policy	04/21/10	Returned 12/22/10 ^b	
Jeffrey A. Goldstein ^e	Under Secy. – Domestic Finance	04/21/10	Returned 08/05/10 ^a	
Jeffrey A. Goldstein ^e	Under Secy. – Domestic Finance	09/13/10	Returned 12/22/10 ^b	
Mean number of days to confirm a nomination			96.4	
Median number of days to confirm a nomination			70.0	

- a. Returned to the President at the beginning of a Senate recess of more than 30 days under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- b. Returned to the President at the end of the 111th Congress under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.
- c. The recess appointments of Goldstein and Mundaca expired at the end of the first session of the 112th Congress.
- d. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Mundaca on October 6, 2009, recess-appointed him on March 27, 2010, then sent another nomination following the recess on April 21, 2010.
- e. When a recess appointment is made, the President generally submits a new nomination for the nominee, even when an earlier nomination is pending, in compliance with 5 U.S.C. §5503. In this case, the President nominated Goldstein on July 22, 2009, recess-appointed him on March 27, 2010, then submitted another nomination following the recess on April 21, 2010. However, both nominations were returned to the President at the beginning of August recess in 2010, under provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. Therefore, the President submitted another nomination for Goldstein on September 13, 2010, following the conclusion of that recess.

Department of Veterans Affairs (DVA)

Table 30. Full-time PAS Positions, as of the End of the 111th Congress

Position	Incumbent	Pay level
Secretary	Eric K. Shinseki	I
Deputy Secretary	W. Scott Gould	II
Inspector General ^a	George J. Opfer	III + 3% ^b
Under Secretary – Benefits	Michael Walcoff (A)	III
Under Secretary – Health	Robert A. Petzel	III
Under Secretary – Memorial Affairs	Steve L. Muro (A)	III
Assistant Secretary – Congressional and Legislative Affairs	Joan M. Evans/Joan M. Mooney ^c	IV
Assistant Secretary – Human Resources and Administration	John U. Sepúlveda	IV
Assistant Secretary – Information and Technology	Roger W. Baker	IV
Assistant Secretary – Management/Chief Financial Officer ^d	W. Todd Grams (A)	IV
Assistant Secretary – Operations, Security and Preparedness	Jose D. Riojas	IV
Assistant Secretary – Policy and Planning	Raul Perea-Henze	IV
Assistant Secretary – Public and Intergovernmental Affairs	L. Tammy Duckworth	IV
Chairman – Board of Veterans’ Appeals ^e	James P. Terry	IV
General Counsel	William A. Gunn	IV

- a. The President may remove an inspector general (IG) from office, as he may remove most other appointed officials in the departments. In the case of an IG, however, the law provides that “[i]f an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer” (5 U.S.C. Appx. §3(b)).
- b. Under the provisions of 5 U.S.C. Appx. §3(e), “The annual rate of basic pay for an inspector general (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”
- c. Evans later became known as Joan M. Mooney.
- d. The chief financial officer (CFO) may be appointed by the President, with the advice and consent of the Senate, or may be designated by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. §901(a)(1)). Department representatives have indicated that the positions were combined as noted in the table.
- e. This position has a six-year term and limitations on the President’s removal power. See 38 U.S.C. §7101(b).

Table 31. DVA Appointment Action During the 111th Congress

Nominee	Position	Nominated	Confirmed	Days to confirm
Eric K. Shinseki	Secretary	01/20/09	01/20/09	0
W. Scott Gould	Deputy Secy.	03/11/09	04/03/09	23
L. Tammy Duckworth	Asst. Secy. – Public and Intergovernmental Affairs	03/16/09	04/22/09	37
John U. Sepúlveda	Asst. Secy. – Human Resources and Administration	04/02/09	05/18/09	46
Jose D. Riojas	Asst. Secy. – Operations, Security, and Preparedness	04/20/09	05/18/09	28
William A. Gunn	General Counsel	04/20/09	05/18/09	28
Roger W. Baker	Asst. Secy. – Information and Technology	04/20/09	05/18/09	28
Joan M. Evans/Joan M. Mooney ^a	Asst. Secy. – Congressional and Legislative Affairs	06/23/09	08/07/09	45
Raul Perea-Henze	Asst. Secy. – Policy and Planning	11/09/09	03/19/10	130
Robert A. Petzel	Under Secy. – Health	11/18/09	02/11/10	85
Mean number of days to confirm a nomination			45.0	
Median number of days to confirm a nomination			32.5	

a. Evans later became known as Joan M. Mooney.

Appendix A. Presidential Nominations, 111th Congress

Table A-I. Presidential Appointments to Full-Time Positions in Executive Departments, 111th Congress

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Robert V. Abbey	Dir. – Bureau of Land Management	DOI	06/10/09	08/07/09	58
Jonathan S. Adelstein	Admin. – Rural Utilities Services	USDA	04/21/09	07/24/09	94
Russlynn Ali	Asst. Secy. – Civil Rights	ED	03/18/09	05/01/09	44
Herbert M. Allison Jr.	Asst. Secy. – Financial Stability	TREAS	05/01/09	06/19/09	49
Brooke D. Anderson	U.S. Alt. Rep. – Special Political Affairs – U.N.	DOS	12/03/09	03/10/10	97
James F. Amos	Commandant – Marine Corps – Joint Chiefs of Staff	DOD	07/21/10	09/29/10	70
Peter H. Appel	Admin. – Research and Innovative Technology	DOT	04/20/09	04/29/09	9
Daniel M. Ashe	Dir. – U.S. Fish and Wildlife Service	DOI	12/06/10	Returned 12/22/10	
Edward M. Avalos	Under Secy. – Marketing and Regulatory Programs	USDA	06/18/09	10/08/09	112
Anthony M. Babauta	Asst. Secy. – Insular Affairs	DOI	07/06/09	09/10/09	66
J. Randolph Babbitt	Admin. – Federal Aviation Administration	DOT	05/11/09	05/21/09	10
Roger W. Baker	Asst. Secy. – Information and Technology	DVA	04/20/09	05/18/09	28
Michael S. Barr	Asst. Secy. – Financial Institutions	TREAS	05/01/09	05/21/09	20
Frederick D. Barton	U.S. Rep. – Economic and Social Council – U.N.	DOS	09/15/09	11/20/09	66
Rand Beers	Under Secy. – National Protection and Programs Directorate	DHS	04/20/09	06/19/09	60
Regina M. Benjamin	Surgeon General	HHS	07/22/09	10/29/09	99
Daniel S. Benjamin	Amb.-at-Large/Coordinator – Counterterrorism	DOS	04/27/09	05/21/09	24
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection	DHS	09/29/09	Returned 08/05/10	
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection	DHS		Recess appointment 03/27/10	

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection	DHS	04/21/10	Returned 08/05/10	
Alan D. Bersin	Commissioner – U.S. Customs and Border Protection	DHS	09/13/10	Returned 12/22/10	
Christopher P. Bertram	Asst. Secy. – Budget and Programs/Chief Financial Officer	DOT	07/09/09	08/07/09	29
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services	HHS	04/19/10	Returned 08/05/10	
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services	HHS		Recess appointment 07/07/10	
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services	HHS	07/19/10	Returned 08/05/10	
Donald M. Berwick	Admin. – Centers for Medicare and Medicaid Services	HHS	09/13/10	Returned 12/22/10	
Robert O. Blake Jr.	Asst. Secy. – South and Central Asian Affairs	DOS	04/27/09	05/21/09	24
Charles A. Blanchard	General Counsel – Air Force	DOD	04/30/09	05/18/09	18
Rebecca M. Blank	Under Secy. – Economic Affairs	DOC	04/28/09	05/21/09	23
Rafael Borrás	Under Secy. – Management	DHS	07/06/09	Returned 12/22/10	
Rafael Borrás	Under Secy. – Management	DHS		Recess appointment 03/27/10	
Rafael Borrás	Under Secy. – Management	DHS	04/21/10	Returned 12/22/10 ^a	
Phyllis C. Borzi	Asst. Secy. – Employee Benefits Security Administration	DOL	04/27/09	07/10/09	74
Raphael W. Bostic	Asst. Secy. – Policy Development and Research	HUD	04/20/09	07/10/09	81
April S. Boyd	Asst. Secy. – Legislative and Intergovernmental Affairs	DOC	03/19/09	04/29/09	41
Lorelei Boylan	Admin. – Wage and Hour Division	DOL	05/11/09	Withdrawn 10/13/09	
Lael Brainard	Under Secy. – International Affairs	TREAS	03/23/09	04/20/10	393
Lanny A. Breuer	Asst. Atty. General – Criminal Division	DOJ	02/23/09	04/20/09	56
Esther Brimmer	Asst. Secy. – International Organizations Affairs	DOS	03/11/09	04/03/09	23
William F. Brinkman	Dir. – Office of Science	DOE	04/27/09	06/19/09	53
William R. Brownfield	Asst. Secy. – International Narcotics and Law Enforcement Affairs	DOS	09/23/10	12/22/10	90
Sean P. Buckley	Commissioner – Education Statistics	ED	07/12/10	12/22/10	163

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Sharon E. Burke	Dir. – Operational Energy Plans and Programs	DOD	12/11/09	06/22/10	193
Kurt M. Campbell	Asst. Secy. – East Asian and Pacific Affairs	DOS	04/27/09	06/25/09	59
Michael C. Camuñez	Asst. Secy. – Market Access and Compliance	DOC	03/02/10	09/16/10	198
Susan B. Carbon	Dir. – Violence Against Women Office	DOJ	10/05/09	02/11/10	129
Johnnie Carson	Asst. Secy. – African Affairs	DOS	03/23/09	05/06/09	44
Ashton B. Carter	Under Secy. – Acquisition, Technology, and Logistics	DOD	03/18/09	04/23/09	36
James E. Cartwright	Vice Chairman – Joint Chiefs of Staff	DOD	04/20/09	07/31/09	102
Anne J. Castle	Asst. Secy. – Water and Science	DOI	04/27/09	06/19/09	53
Luis CdeBaca (C. de Baca)	Amb.-at-Large/Dir. – Office to Monitor and Combat Trafficking in Persons	DOS	03/26/09	05/06/09	41
Steven Chu	Secretary	DOE	01/20/09	01/20/09	0
Hillary R. Clinton	Secretary	DOS	01/20/09	01/21/09	1
Kelvin J. Cochran	Admin. – U.S. Fire Administration – FEMA	DHS	07/28/09	08/07/09	10
David S. Cohen	Asst. Secy. – Terrorist Financing	TREAS	03/10/09	05/01/09	52
James M. Cole	Deputy Atty. General	DOJ	05/24/10	Returned 12/22/10	
James M. Cole	Deputy Atty. General	DOJ		Recess appointment 12/29/10	
Francis S. Collins	Dir. – National Institutes of Health	HHS	07/09/09	08/07/09	29
Charles Collyns	Asst. Secy. – International Finance	TREAS	10/05/09	02/11/10	129
Gladys J. Commons	Asst. Secy. – Navy – Financial Management/Comptroller	DOD	09/29/09	10/28/09	29
Erin C. Conaton	Under Secy. – Air Force	DOD	11/10/09	03/04/10	114
Kevin W. Concannon	Under Secy. – Food, Nutrition, and Consumer Services	USDA	04/29/09	07/31/09	93
Michael L. Connor	Comm. – Bureau of Reclamation	DOI	04/20/09	05/21/09	31
Donald L. Cook	Deputy Admin. – Defense Programs, NNSA	DOE	12/03/09	06/22/10	201
Suzan D. J. Cook	Amb.-at-Large – International Religious Freedom	DOS	06/16/10	Returned 12/22/10	

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
William V. Corr	Deputy Secy.	HHS	03/17/09	05/06/09	50
Douglas A. Criscitello	Chief Financial Officer	HUD	11/10/09	02/11/10	93
Philip J. Crowley	Asst. Secy. – Public Affairs	DOS	04/20/09	05/21/09	31
Peter Cunningham	Asst. Secy. – Communications and Outreach	ED	03/19/09	05/01/09	43
Brenda Dann-Messier	Asst. Secy. – Vocational and Adult Education	ED	07/14/09	10/05/09	83
Jo-Ellen Darcy	Asst. Secy. – Army – Civil Works	DOD	04/02/09	08/07/09	127
Thomas A. Daschle	Secretary	HHS	01/20/09	Withdrawn 02/09/09	
Rosemary A. Dicarlo	U.S. Deputy Rep. – U.N.	DOS	12/03/09	03/10/10	97
Scott C. Doney	Chief Scientist – NOAA	DOC	08/05/10	Returned 12/22/10	
Shaun L. S. Donovan	Secretary	HUD	01/20/09	01/22/09	2
L. Tammy Duckworth	Asst. Secy. – Public and Intergovernmental Affairs	DVA	03/16/09	04/22/09	37
Arne Duncan	Secretary	ED	01/20/09	01/20/09	0
John Q. Easton	Dir. – Institute of Education Sciences	ED	04/20/09	05/21/09	31
Larry J. Echo Hawk	Asst. Secy. – Indian Affairs	DOI	04/20/09	05/19/09	29
Jim R. Esquea	Asst. Secy. – Legislation	HHS	08/06/09	06/22/10	320
Joan M. Evans	Asst. Secy. – Congressional and Legislative Affairs	DVA	06/23/09	08/07/09	45
Jeffrey D. Feltman	Asst. Secy. – Near Eastern Affairs	DOS	04/20/09	08/07/09	109
John R. Fernandez	Asst. Secy. – Economic Development	DOC	07/20/09	09/10/09	52
Jose W. Fernandez	Asst. Secy. – Economic, Energy, and Business Affairs	DOS	08/06/09	11/20/09	106
Anne S. Ferro	Admin. – Federal Motor Carrier Safety Administration	DOT	07/16/09	11/05/09	112
Michèle A. Flournoy	Under Secy. – Policy	DOD	01/20/09	02/09/09	20
Ivan K. Fong	General Counsel	DHS	03/11/09	05/06/09	56
Christine H. Fox	Dir. – Cost Assessment and Program Evaluation	DOD	10/01/09	10/28/09	27

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
W. Craig Fugate	Admin. – FEMA	DHS	03/17/09	05/12/09	56
Patrick D. Gallagher	Dir. – National Institute of Standards and Technology	DOC	10/07/09	11/05/09	29
Jose A. Garcia	Dir. – Office of Economic Impact and Diversity	DOE	07/20/09	10/21/09	93
Juan M. Garcia III	Asst. Secy. – Navy – Manpower and Reserve Affairs	DOD	06/18/09	09/16/09	90
Alexander G. Garza	Asst. Secy. – Health Affairs and Chief Medical Officer	DHS	07/07/09	Withdrawn 07/27/09	
Alexander G. Garza	Asst. Secy. – Health Affairs and Chief Medical Officer	DHS	07/27/09	08/07/09	11
Timothy F. Geithner	Secretary	TREAS	01/20/09	01/26/09	6
J. Michael Gilmore	Dir. – Operational Test and Evaluation	DOD	06/01/09	09/21/09	112
Daniel B. Ginsberg	Asst. Secy. – Air Force – Manpower and Reserve Affairs	DOD	06/02/09	07/06/09	34
Sherry Glied	Asst. Secy. – Planning and Evaluation	HHS	07/09/09	06/22/10	348
Philip S. Goldberg	Asst. Secy. – Intelligence and Research	DOS	10/26/09	02/09/10	106
Jeffrey A. Goldstein	Under Secy. – Domestic Finance	TREAS	07/22/09	Returned 08/05/10	
Jeffrey A. Goldstein	Under Secy. – Domestic Finance	TREAS		Recess appointment 03/27/10	
Jeffrey A. Goldstein	Under Secy. – Domestic Finance	TREAS	04/21/10	Returned 08/05/10	
Jeffrey A. Goldstein	Under Secy. – Domestic Finance	TREAS	09/13/10	Returned 12/22/10	
Gabriella C. Gomez	Asst. Secy. – Legislation and Congressional Affairs	ED	04/20/09	05/01/09	11
Eric Goosby	Coordinator – U.S. Global AIDS	DOS	04/29/09	06/19/09	51
Philip H. Gordon	Asst. Secy. – European and Eurasian Affairs	DOS	03/11/09	05/14/09	64
Rose E. Gottemoeller	Asst. Secy. – Arms Control, Verification and Compliance	DOS	03/17/09	04/03/09	17
W. Scott Gould	Deputy Secy.	DVA	03/11/09	04/03/09	23
Kathy J. Greenlee	Asst. Secy. – Aging	HHS	05/04/09	06/25/09	52
Wallace C. Gregson	Asst. Secy. – Asian and Pacific Security Affairs	DOD	04/20/09	05/07/09	17
Dana G. Gresham	Asst. Secy. – Governmental Affairs	DOT	03/10/09	04/29/09	50

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Robert M. Groves	Dir. – Bureau of the Census	DOC	04/29/09	07/13/09	75
William A. Gunn	General Counsel	DVA	04/20/09	05/18/09	28
Elisabeth A. Hagen	Under Secy. – Food Safety	USDA	01/26/10	09/16/10	233
Elisabeth A. Hagen	Under Secy. – Food Safety	USDA	Recess Appointment 08/19/10		
Elisabeth A. Hagen	Under Secy. – Food Safety	USDA	09/13/10	Returned 12/22/10	
Robert F. Hale	Under Secy. – Comptroller/Chief Financial Officer	DOD	01/20/09	02/09/09	20
Margaret A. Hamburg	Commissioner – Food and Drugs	HHS	03/25/09	05/18/09	54
Samuel D. Hamilton	Dir. – U.S. Fish and Wildlife Service	DOI	07/06/09	07/31/09	25
Katherine Hammack	Asst. Secy. – Army – Installations, Energy and Environment	DOD	01/20/10	06/22/10	153
Beatrice A. Hanson	Dir. – Office for Victims of Crime	DOJ	12/23/09	Withdrawn 12/20/10	
Krysta Harden	Asst. Secy. – Congressional Relations	USDA	04/02/09	05/12/09	40
Robert A. Harding	Asst. Secy. – Transportation Security Administration	DHS	03/08/10	Withdrawn 04/12/10	
Elizabeth M. Harman	Asst. Admin. – Grants Program Directorate – FEMA	DHS	10/13/09	03/03/10	141
Anne M. Harrington	Deputy Admin. – Defense Nuclear Nonproliferation, NNSA	DOE	06/14/10	09/29/10	107
Scott B. Harris	General Counsel	DOE	04/02/09	05/19/09	47
Seth D. Harris	Deputy Secy.	DOL	03/03/09	05/21/09	79
David J. Hayes	Deputy Secy.	DOI	02/27/09	05/20/09	82
Gordon S. Heddell	Inspector General	DOD	06/01/09	07/10/09	39
Sandra B. Henriquez	Asst. Secy. – Public and Indian Housing	HUD	04/20/09	05/21/09	31
David F. Heyman	Asst. Secy. – Policy	DHS	04/27/09	06/04/09	38
Dennis F. Hightower	Deputy Secy.	DOC	07/24/09	08/07/09	14
Eric L. Hirschhorn	Under Secy. – Export Administration	DOC	09/14/09	Returned 12/22/10	
Eric L. Hirschhorn	Under Secy. – Export Administration	DOC	04/21/10	Returned 12/22/10	

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Eric L. Hirschhorn	Under Secy. – Export Administration	DOC		Recess Appointment 03/27/10	
Patricia A. Hoffman	Asst. Secy. – Electricity Delivery and Energy Reliability	DOE	12/09/09	06/22/10	195
Eric H. Holder Jr.	Attorney General	DOJ	01/20/09	02/02/09	13
Robert D. Hormats	Under Secy. – Economic, Energy, and Agricultural Affairs	DOS	07/20/09	09/22/09	64
Michael P. Huerta	Deputy Admin. – Federal Aviation Administration	DOT	12/08/09	06/23/10	197
Pamela S. Hyde	Admin. – Substance Abuse and Mental Health Services Administration	HHS	10/05/09	11/20/09	46
Stacia A. Hylton	Dir. – U.S. Marshals Service	DOJ	09/20/10	12/22/10	93
S. Leslie Ireland	Asst. Secy. – Intelligence and Analysis	TREAS	04/12/10	06/30/10	79
Steven L. Jacques	Asst. Secy. – Public Affairs	HUD	09/29/09	Withdrawn 05/07/10	
Jonathan B. Jarvis	Dir. – National Park Service	DOI	07/13/09	09/24/09	73
Raymond M. Jefferson	Asst. Secy. – Veterans' Employment and Training Service	DOL	06/03/09	08/07/09	65
Dawn E. Johnsen	Asst. Atty. General – Office of Legal Counsel	DOJ	02/11/09	Returned 12/24/09	
Dawn E. Johnsen	Asst. Atty. General – Office of Legal Counsel	DOJ	01/20/10	Withdrawn 04/12/10	
Jeh C. Johnson	General Counsel	DOD	01/20/09	02/09/09	20
Kristina M. Johnson	Under Secy.	DOE	03/23/09	05/19/09	57
Kerri-Ann Jones	Asst. Secy. – Oceans and International Environmental and Scientific Affairs	DOS	06/25/09	08/07/09	43
Elena Kagan	Solicitor General	DOJ	01/26/09	03/19/09	52
Helen R. Kanovsky	General Counsel	HUD	04/20/09	05/01/09	11
Martha J. Kanter	Under Secy.	ED	04/29/09	06/19/09	51
David J. Kappos	Under Secy. – Intellectual Property/Dir. – U.S. Patent and Trademark Office	DOC	06/18/09	08/07/09	50
Frank Kendall III	Deputy Under Secy. – Acquisition, Technology and Logistics	DOD	08/05/09	Withdrawn 10/29/09	
Frank Kendall III	Prin. Deputy Under Secy. – Acquisition, Technology and Logistics	DOD	10/29/09	03/04/10	126
Brian V. Kennedy	Asst. Secy. – Congressional and Intergovernmental Affairs	DOL	03/19/09	05/01/09	43

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
T. Michael Kerr	Asst. Secy. – Administration and Management	DOL	03/26/09	05/01/09	36
Cameron F. Kerry	General Counsel	DOC	04/20/09	05/21/09	31
Roy W. Kienitz	Under Secy. – Policy	DOT	03/16/09	04/29/09	44
Elizabeth L. King	Asst. Secy. – Legislative Affairs	DOD	04/20/09	05/07/09	17
Howard K. Koh	Asst. Secy. – Health	HHS	04/20/09	06/19/09	60
Harold H. Koh	Legal Adviser	DOS	03/23/09	06/25/09	94
Steven E. Koonin	Under Secy. – Science	DOE	03/26/09	05/19/09	54
Peter A. Kovar	Asst. Secy. – Congressional and Intergovernmental Relations	HUD	03/25/09	05/01/09	37
David S. Kris	Asst. Atty. General – National Security Division	DOJ	02/11/09	03/25/09	42
Alan B. Krueger	Asst. Secy. – Economic Policy	TREAS	03/10/09	05/06/09	57
Suresh Kumar	Asst. Secy. – Trade Promotion/Dir. General – U.S. and Foreign Commercial Service	DOC	10/29/09	02/11/10	105
Susan L. Kurland	Asst. Secy. – Aviation and International Affairs	DOT	07/07/09	08/07/09	31
Marisa Lago	Asst. Secy. – International Markets and Development	TREAS	09/25/09	02/11/10	139
Ray Lahood	Secretary	DOT	01/20/09	01/22/09	2
Nicole Y. Lamb-Hale	Asst. Secy. – Manufacturing and Services	DOC	11/18/09	02/11/10	85
Thomas R. Lamont	Asst. Secy. – Army – Manpower and Reserve Affairs	DOD	04/27/09	05/18/09	21
Jeffrey A. Lane	Asst. Secy. – Congressional and Intergovernmental Affairs	DOE	02/01/10	06/22/10	141
John H. Laub	Dir. – National Institute of Justice	DOJ	10/05/09	06/22/10	260
Zachary J. Lemnios	Dir. – Defense Research and Engineering	DOD	05/18/09	06/19/09	32
Joe Leonard Jr.	Asst. Secy. – Civil Rights	USDA	03/23/09	04/03/09	11
Michele M. Leonhart	Deputy Admin. – Drug Enforcement Administration	DOJ	02/02/10	12/22/10	323
Jacob J. Lew	Deputy Secy. – Management and Resources	DOS	01/20/09	01/28/09	8

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Wilma A. Lewis	Asst. Secy. – Land and Minerals Management	DOI	05/06/09	08/07/09	93
Gary Locke	Secretary	DOC	03/16/09	03/24/09	8
Carmen Lomellin	U.S. Rep. – Organization of American States	DOS	09/15/09	11/20/09	66
Jane Lubchenco	Under Secy. – Oceans and Atmosphere/Admin. – National Oceanic and Atmospheric Administration (NOAA)	DOC	01/20/09	03/19/09	58
Nicole Lurie	Asst. Secy. – Preparedness and Response	HHS	06/01/09	07/10/09	39
Jane H. Lute	Deputy Secy.	DHS	02/25/09	04/03/09	37
James P. Lynch	Dir. – Bureau of Justice Statistics	DOJ	10/29/09	06/22/10	236
William J. Lynn III	Deputy Secy.	DOD	01/20/09	02/11/09	22
Peter B. Lyons	Asst. Secy. – Nuclear Energy	DOE	12/13/10	Returned 12/22/10	
Raymond E. Mabus Jr.	Secretary – Navy	DOD	04/20/09	05/18/09	28
George W. Madison	General Counsel	TREAS	04/20/09	09/08/09	141
Joseph A. Main	Asst. Secy. – Mine Safety and Health Administration	DOL	07/06/09	10/21/09	107
Arun Majumdar	Dir. – Advanced Research Projects Agency-Energy	DOE	09/21/09	10/21/09	30
Timothy W. Manning	Deputy Admin. – Protection and National Preparedness – FEMA	DHS	04/02/09	05/06/09	34
Sara Manzano-Díaz	Dir. – Women’s Bureau	DOL	10/01/09	02/11/10	133
James J. Markowsky	Asst. Secy. – Fossil Energy	DOE	06/18/09	08/07/09	50
Mercedes M. Márquez	Asst. Secy. – Community Planning and Development	HUD	05/04/09	06/25/09	52
Capricia P. Marshall	Chief of Protocol	DOS	05/14/09	07/31/09	78
Carmel Martin	Asst. Secy. – Planning, Evaluation and Policy Development	ED	03/18/09	05/01/09	44
Kathleen Martinez	Asst. Secy. – Disability Employment Policy	DOL	04/20/09	06/25/09	66
Mary Sally Matiella	Asst. Secy. – Army – Financial Management/Comptroller	DOD	11/20/09	02/11/10	83
David T. Matsuda	Admin. – Maritime Administration	DOT	12/17/09	06/22/10	187

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Alejandro N. Mayorkas	Dir. – U.S. Citizenship and Immigration Services	DHS	05/20/09	08/07/09	79
Dennis M. McCarthy	Asst. Secy. – Reserve Affairs	DOD	06/01/09	06/25/09	24
Michael J. McCord	Prin. Deputy Under Secy./Comptroller	DOD	03/01/10	06/22/10	113
Timothy McGee	Asst. Secy. – Environmental Observation and Prediction/Deputy Admin. – NOAA	DOC	12/21/09	Withdrawn 04/22/10	
Elizabeth A. McGrath	Deputy Chief Management Officer	DOD	03/10/10	06/22/10	104
Judith A. McHale	Under Secy. – Public Diplomacy and Public Affairs	DOS	04/20/09	05/21/09	31
John M. McHugh	Secretary – Army	DOD	07/06/09	09/16/09	72
Marcia K. McNutt	Dir. – U.S. Geological Survey	DOI	08/04/09	10/21/09	78
Thelma Meléndez De Santa Ana	Asst. Secy. – Elementary and Secondary Education	ED	06/08/09	07/24/09	46
Victor M. Mendez	Admin. – Federal Highway Administration	DOT	04/23/09	07/10/09	78
Kathleen A. Merrigan	Deputy Secy.	USDA	03/19/09	04/03/09	15
David M. Michaels	Asst. Secy. – Occupational Safety and Health Administration	DOL	08/05/09	12/03/09	120
James W. Miller	Under Secy. – Farm and Foreign Agricultural Services	USDA	03/18/09	04/03/09	16
Mary J. Miller	Asst. Secy. – Financial Markets	TREAS	10/06/09	02/11/10	128
Anthony W. Miller	Deputy Secy.	ED	05/18/09	07/24/09	67
Neile L. Miller	Prin. Deputy Admin. – NNSA	DOE	05/27/10	08/05/10	70
James N. Miller Jr.	Prin. Deputy Under Secy. – Policy	DOD	03/10/09	04/03/09	24
Warren F. Miller Jr.	Asst. Secy. – Nuclear Energy	DOE	06/18/09	08/07/09	50
Warren F. Miller Jr.	Dir. – Office of Civilian Radioactive Waste Management	DOE	06/22/09	Returned 08/05/10	
David W. Mills	Asst. Secy. – Export Enforcement	DOC	12/02/09	02/11/10	71
Ignacia S. Moreno	Asst. Atty. General – Environment and Natural Resources Division	DOJ	06/08/09	11/05/09	150
Jamie M. Morin	Asst. Secy. – Air Force – Financial Management/Comptroller	DOD	05/11/09	06/19/09	39

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
John T. Morton	Asst. Secy. – U.S. Immigration and Customs Enforcement	DHS	03/10/09	05/12/09	63
Philip Mudd	Under Secy. – Intelligence and Analysis	DHS	05/04/09	Withdrawn 07/06/09	
Michael G. Mullen	Chairman – Joint Chiefs of Staff	DOD	05/20/09	09/25/09	128
Michael F. Mundaca	Asst. Secy. – Tax Policy	TREAS	10/06/09	Returned 12/22/10	
Michael F. Mundaca	Asst. Secy. – Tax Policy	TREAS		Recess appointment 03/27/10	
Michael F. Mundaca	Asst. Secy. – Tax Policy	TREAS	04/21/10	Returned 12/22/10	
Ellen G. Murray	Asst. Secy. – Financial Resources /Chief Financial Officer	HHS	06/01/09	02/11/10	255
Michael Nacht	Asst. Secy. – Global Strategic Affairs	DOD	04/20/09	05/07/09	17
Janet A. Napolitano	Secretary	DHS	01/20/09	01/20/09	0
Carmen R. Nazario	Asst. Secy. – Children and Families	HHS	05/06/09	09/22/09	139
Richard G. Newell	Admin. – Energy Information Administration	DOE	05/18/09	07/31/09	74
Thomas R. Nides	Deputy Secy. – Management and Resources	DOS	09/29/10	12/22/10	84
Denise E. O'Donnell	Dir. – Bureau of Justice Assistance	DOJ	12/13/10	Returned 12/22/10	
Tara J. O'Toole	Under Secy. – Science and Technology	DHS	05/06/09	11/04/09	182
Jane Oates	Asst. Secy. – Employment and Training Administration	DOL	05/06/09	06/19/09	44
Eduardo M. Ochoa	Asst. Secy. – Postsecondary Education	ED	02/24/10	06/22/10	118
David W. Ogden	Deputy Atty. General	DOJ	01/26/09	03/12/09	45
Malcolm R. O'Neill	Asst. Secy. – Army – Acquisition, Logistics and Technology	DOD	12/03/09	03/04/10	91
Paul L. Oostburg Sanz	General Counsel – Navy	DOD	11/20/09	03/04/10	104
María Otero	Under Secy. – Democracy and Global Affairs	DOS	06/09/09	08/07/09	59
Robert J. Papp Jr.	Commandant of the Coast Guard	DHS	12/22/09	04/22/10	121
Raul Perea-Henze	Asst. Secy. – Policy and Planning	DVA	11/09/09	03/19/10	130
Thomas E. Perez	Asst. Atty. General – Civil Rights Division	DOJ	03/31/09	10/06/09	189

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Thomas J. Perrelli	Associate Atty. General	DOJ	01/30/09	03/12/09	41
Robert A. Petzel	Under Secy. – Health	DVA	11/18/09	02/11/10	85
Jackalyne Pfannenstiel	Asst. Secy. – Navy – Energy, Installations and Environment	DOD	12/03/09	03/04/10	91
John S. Pistole	Asst. Secy. – Transportation Security Administration	DHS	05/17/10	06/25/10	39
Joseph G. Pizarchik	Dir. – Office of Surface Mining Reclamation and Enforcement	DOI	07/16/09	11/06/09	113
Daniel B. Poneman	Deputy Secy.	DOE	04/20/09	05/18/09	28
John D. Porcari	Deputy Secy.	DOT	04/27/09	05/21/09	24
Michael H. Posner	Asst. Secy. – Democracy, Human Rights, and Labor	DOS	07/07/09	09/22/09	77
Alexa E. Posny	Asst. Secy. – Special Education and Rehabilitative Services	ED	07/07/09	10/05/09	90
Nancy J. Powell	Dir. Gen. – Foreign Service	DOS	05/21/09	07/31/09	71
Cynthia L. Quarterman	Admin. – Pipeline and Hazardous Materials Safety Administration	DOT	09/15/09	11/05/09	51
Scott B. Quehl	Asst. Secy. – Administration	DOC	10/15/09	12/24/09	70
Scott B. Quehl	Chief Financial Officer	DOC	10/15/09	12/24/09	70
Stephen J. Rapp	Amb.-at-Large – War Crimes Issues	DOS	07/07/09	08/04/09	28
Pearlie S. Reed	Asst. Secy. – Administration	USDA	04/27/09	05/12/09	15
Donald M. Remy	General Counsel – Army	DOD	04/20/09	Withdrawn 06/17/09	
Susan E. Rice	U.S. Rep. – U.N.	DOS	01/20/09	01/22/09	2
Jose D. Riojas	Asst. Secy. – Operations, Security, and Preparedness	DVA	04/20/09	05/18/09	28
Rosa G. Rios	Treasurer of the United States	TREAS	05/18/09	07/24/09	67
Robert S. Rivkin	General Counsel	DOT	04/20/09	04/29/09	9
Larry Robinson	Asst. Secy. – Conservation and Management/Deputy Admin. – NOAA	DOC	02/04/10	Withdrawn 02/22/10	
Larry Robinson	Asst. Secy. – Conservation and Management/Deputy Admin. – NOAA	DOC	02/22/10	05/06/10	73
Laurie O. Robinson	Asst. Atty. General – Office of Justice Programs	DOJ	09/14/09	11/05/09	52

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm	
Leon Rodriguez	Admin. – Wage and Hour Division	DOL	12/03/10	Returned 12/22/10		
Peter M. Rogoff	Admin. – Federal Transit Administration	DOT	04/29/09	05/21/09	22	
Ramona E. Romero	General Counsel	USDA	06/28/10	12/22/10	177	
Jo Ann Rooney	Prin. Deputy Under Secy. – Personnel and Readiness	DOD	09/29/10	Returned 12/22/10		
Charles P. Rose	General Counsel	ED	03/18/09	05/01/09	44	
Yvette Roubideaux	Dir. – Indian Health Service	HHS	03/26/09	05/06/09	41	
Lynnae M. Ruttledge	Commissioner – Rehabilitation Services Administration	ED	10/15/09	12/24/09	70	
Kenneth L. Salazar	Secretary	DOI	01/20/09	01/20/09	0	
Bryan H. Samuels	Commissioner – Children, Youth, and Families	HHS	07/13/09	02/11/10	213	
Francisco J. Sánchez	Under Secy. – International Trade	DOC	04/20/09	09/16/10	514	
Francisco J. Sánchez	Under Secy. – International Trade	DOC	04/21/10	Returned 12/22/10		
Francisco J. Sánchez	Under Secy. – International Trade	DOC	Recess Appointment 03/27/10			
David B. Sandalow	Asst. Secy. – Policy and International Affairs	DOE	04/20/09	05/18/09	28	
Christopher H. Schroeder	Asst. Atty. General – Office of Legal Policy	DOJ	06/04/09	Returned 12/24/09		
Christopher H. Schroeder	Asst. Atty. General – Office of Legal Policy	DOJ	01/20/10	04/21/10	91	
Eric P. Schwartz	Asst. Secy. – Population, Refugees, and Migration	DOS	05/06/09	06/19/09	44	
Kathleen Sebelius	Secretary	HHS	03/17/09	04/28/09	42	
Evan J. Segal	Chief Financial Officer	USDA	06/01/09	07/20/09	49	
John U. Sepúlveda	Asst. Secy. – Human Resources and Administration	DVA	04/02/09	05/18/09	46	
Richard Serino	Deputy Admin./Chief Operating Officer – FEMA	DHS	07/27/09	10/05/09	70	
Rajiv J. Shah	Under Secy. – Research, Education, and Economics	USDA	04/23/09	05/12/09	19	
Andrew J. Shapiro	Asst. Secy. – Political-Military Affairs	DOS	05/06/09	06/19/09	44	
Harris D. Sherman	Under Secy. – Natural Resources and Environment	USDA	09/10/09	Withdrawn 09/29/09		

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Harris D. Sherman	Under Secy. – Natural Resources and Environment	USDA	09/29/09	10/08/09	9
Eric K. Shinseki	Secretary	DVA	01/20/09	01/20/09	0
Ronald C. Sims	Deputy Secy.	HUD	03/04/09	05/06/09	63
Mary L. Smith	Asst. Atty. General – Tax Division	DOJ	04/20/09	Returned 12/24/09	
Mary L. Smith	Asst. Atty. General – Tax Division	DOJ	01/20/10	Returned 08/05/10	
M. Patricia Smith	Solicitor	DOL	04/20/09	02/04/10	290
Hilda L. Solis	Secretary	DOL	01/20/09	02/24/09	35
Richard Sorian	Asst. Secy. – Public Affairs	HHS	10/05/09	Returned 12/22/10	
Richard Sorian	Asst. Secy. – Public Affairs	HHS		Recess appointment 08/19/10	
Richard Sorian	Asst. Secy. – Public Affairs	HHS	09/13/10	Returned 12/22/10	
Erroll G. Southers	Asst. Secy. – Transportation Security Administration	DHS	09/17/09	Withdrawn 01/21/10	
Lillian A. Sparks	Commissioner – Administration for Native Americans	HHS	10/22/09	03/03/10	132
William E. Spriggs	Asst. Secy. – Policy	DOL	06/09/09	10/21/09	134
Clifford L. Stanley	Under Secy. – Personnel and Readiness	DOD	10/15/09	02/09/10	117
James B. Steinberg	Deputy Secy.	DOS	01/20/09	01/28/09	8
David H. Stevens	Asst. Secy. – Housing/Federal Housing Administration Commissioner	HUD	04/20/09	07/10/09	81
Tracie Stevens	Chair – National Indian Gaming Commission	DOI	04/29/10	06/22/10	54
J. Ann S. Stock	Asst. Secy. – Educational and Cultural Affairs	DOS	12/04/09	06/22/10	200
Paul N. Stockton	Asst. Secy. – Homeland Defense and Americas' Security Affairs	DOD	04/28/09	05/18/09	20
Thomas L. Strickland	Asst. Secy. – Fish and Wildlife and Parks	DOI	03/12/09	04/30/09	49
David L. Strickland	Admin. – National Highway Traffic Safety Administration	DOT	12/04/09	12/24/09	20
Lawrence E. Strickling	Asst. Secy. – Communications and Information	DOC	03/31/09	06/25/09	86
Rhea S. Suh	Asst. Secy. – Policy, Management and Budget/Chief Financial Officer	DOI	04/20/09	05/18/09	28

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Kathryn D. Sullivan	Asst. Secy. – Environmental Observation and Prediction/ Deputy Admin. – NOAA	DOC	12/03/10	Returned 12/22/10	
Joseph C. Szabo	Admin. – Federal Railroad Administration	DOT	03/26/09	04/29/09	34
Teresa M. Takai	Asst. Secy. – Networks and Information Integration	DOD	04/12/10	Withdrawn 09/29/10	
Daniel M. Tangherlini	Asst. Secy. – Management	TREAS	06/03/09	07/24/09	51
Daniel M. Tangherlini	Chief Financial Officer	TREAS	06/03/09	07/24/09	51
Ellen O. Tauscher	Under Secy. – Arms Control and International Security	DOS	05/06/09	06/25/09	50
James L. Taylor	Chief Financial Officer	DOL	03/03/10	06/22/10	111
Paul M. Tiao	Inspector General	DOL	05/27/10	Returned 12/22/10	
Kathleen S. Tighe	Inspector General	ED	11/20/09	03/10/10	110
Hilary C. Tompkins	Solicitor	DOI	03/31/09	06/17/09	78
Dallas P. Tonsager	Under Secy. – Rural Development	USDA	03/25/09	05/12/09	48
Joseph M. Torsella	U.S. Rep. – Management and Reform – U.N.	DOS	11/17/10	Returned 12/22/10	
Theodore W. Tozer	Pres. – Government National Mortgage Association	HUD	12/21/09	02/11/10	52
John D. Trasviña	Asst. Secy. – Fair Housing and Equal Opportunity	HUD	04/20/09	05/01/09	11
Andrew L. Traver	Dir. – Bureau of Alcohol, Tobacco, Firearms and Explosives	DOJ	11/17/10	Returned 12/22/10	
Inés R. Triay	Asst. Secy. – Environmental Management	DOE	03/31/09	05/20/09	50
Polly Trottenberg	Asst. Secy. – Transportation Policy	DOT	06/08/09	07/24/09	46
Arturo A. Valenzuela	Asst. Secy. – Western Hemisphere Affairs	DOS	06/08/09	11/05/09	150
Christine A. Varney	Asst. Atty. General – Antitrust Division	DOJ	02/23/09	04/20/09	56
Richard R. Verma	Asst. Secy. – Legislative Affairs	DOS	03/11/09	04/03/09	23
Alexander Vershbow	Asst. Secy. – International Security Affairs	DOD	03/12/09	04/03/09	22
Melanne Verveer	Amb.-at- Large – Global Women’s Issues	DOS	03/11/09	04/03/09	23

Nominee	Position	Department	Nomination date	Confirmation date	Days to confirm
Michael Vickers	Under Secy. – Intelligence	DOD	09/29/10	Returned 12/22/10	
Thomas J. Vilsack	Secretary	USDA	01/20/09	01/20/09	0
Caryn A. Wagner	Under Secy. – Intelligence and Analysis	DHS	10/26/09	02/11/10	108
Kim N. Wallace	Asst. Secy. – Legislative Affairs	TREAS	03/16/09	07/24/09	130
Solomon B. Watson IV	General Counsel – Army	DOD	11/20/09	Returned 12/22/10	
Andrew C. Weber	Asst. to the Secretary – Nuclear, Chemical, and Biological Defense Programs	DOD	04/29/09	05/18/09	19
Ronald H. Weich	Asst. Atty. General – Legislative Affairs	DOJ	03/18/09	04/29/09	42
Tony West	Asst. Atty. General – Civil Division	DOJ	02/25/09	04/20/09	54
Joseph W. Westphal	Under Secy. – Army	DOD	06/11/09	09/16/09	97
William J. Wilkins	Chief Counsel – Internal Revenue Service/Asst. General Counsel for Tax	TREAS	05/12/09	07/24/09	73
Grayling G. Williams	Dir. – Office of Counternarcotics Enforcement	DHS	11/04/09	12/24/09	50
Douglas B. Wilson	Asst. Secy. – Public Affairs	DOD	12/03/09	02/11/10	70
Kevin Wolf	Asst. Secy. – Export Administration	DOC	12/21/09	02/11/10	52
Neal S. Wolin	Deputy Secy.	TREAS	04/20/09	05/18/09	28
Jonathan Woodson	Asst. Secy. – Health Affairs	DOD	03/22/10	12/22/10	275
Robert O. Work	Under Secy. – Navy	DOD	04/20/09	05/18/09	28
Catherine E. Woteki	Under Secy. – Research, Education, and Economics	USDA	04/26/10	09/16/10	143
Terry A. Yonkers	Asst. Secy. – Air Force – Installations, Environment and Logistics	DOD	08/03/09	03/04/10	213
Jide J. Zeitlin	U.S. Rep. – Management and Reform – U.N.	DOS	09/24/09	Withdrawn 01/21/10	
Catherine R. Zoi	Asst. Secy. – Energy Efficiency and Renewable Energy	DOE	04/27/09	06/19/09	53
Mean number of days to confirm					73.2
Median number of days to confirm					52.0

Appendix B. Appointment Action, 111th Congress

Table B-I. Summary of Appointment Action, 111th Congress

Department	Positions	Nominations	Individual nominees	Confirmations	Returned	Withdrawn	Recess appointments	Mean days to confirm	Median days to confirm
Agriculture	16	18	16	16	1	1	1	67.1	44.0
Commerce	24	27	23	20	5	2	2	85.3	64.0
Defense	60	51	50	45	3	3	0	71.5	39.0
Education	18	16	16	16	0	0	0	63.4	48.5
Energy	23	21	20	19	2	0	0	72.7	53.0
Health and Human Services	20	22	19	16	5	1	2	119.9	57.0
Homeland Security	22	27	23	18	5	4	2	64.2	56.0
Housing and Urban Development	14	12	12	11	0	1	0	46.7	52.0
Interior	19	17	17	16	1	0	0	56.9	56.0
Justice	29	27	24	18	7	2	1	106.9	56.0
Labor	18	17	17	14	2	1	0	95.5	76.5
State	48	42	42	39	2	1	0	58.9	51.0
Transportation	20	18	18	18	0	0	0	53.1	32.5
Treasury	27	22	18	17	5	0	2	96.4	70.0
Veterans Affairs	15	10	10	10	0	0	0	45.0	32.5
Total	373	347	325	293	38	16	10	73.2	52.0

Appendix C. Abbreviations of Departments

Table C-1. Abbreviations of Departments

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

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