

CRS Report for Congress

Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations

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

Maureen Bearden
Information Research Specialist
Knowledge Services Group

Terrence L. Lisbeth
Reference Assistant
Knowledge Services Group



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Committees of Congress

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Summary

As part of the process of making an appointment to an advice and consent position, the President usually submits a nomination to the Senate. The Senate's executive clerk refers the nomination to the appropriate committee or committees on the day it is received. When making a referral, the executive clerk is guided by Senate Rule XXV, which establishes the subject matter under the purview of each committee and directs that "all proposed legislation, messages, petitions, memorials, and other matters relating primarily to [those] subjects" be referred to that committee. The executive clerk is also guided by precedents set by prior referrals and by standing orders and unanimous consent (UC) agreements pertaining to referral of nominations.

Most nominations are referred to one committee. For some positions, a nomination or series of nominations to a position are referred to more than one committee, pursuant to a standing order, a UC agreement, or a statutory provision. A nomination may be jointly or sequentially referred to multiple committees. Joint referral has generally occurred when more than one committee has had a claim to jurisdiction over the subject matter related to the position. Under joint referral, the committees receive the nomination simultaneously and may consider it concurrently. All committees to which a nomination is referred must report it to the full Senate or be discharged from its further consideration before it may be considered on the floor. Sequential referral has generally occurred when one committee has had predominant jurisdiction over the subject matter related to the position, but other committees have had a claim as well. Under this process, a nomination is referred to the committee with predominant jurisdiction first and is then sequentially referred to additional committees. Consideration of subsequent referrals can be subject to a time limit after which the committee or committees without primary jurisdiction are automatically discharged from further consideration of the nomination.

This report identifies, by Senate committee, presidentially appointed positions requiring Senate confirmation based on referrals as of October 31, 2007. For each committee list, positions are categorized as full- or part-time and then grouped by department or agency. Where nominations have been referred to more than one committee, the organizations and titles are noted under each of the committees to which the nominations were referred. The lists also include the lengths of fixed terms, where applicable. Some commissions, councils, and other multi-member entities are required, by their enabling statutes, to maintain political balance in some way. This is noted in parentheses where applicable.

The information provided in this report was compiled from the Senate nominations database of the Legislative Information System, data provided on departmental and agency websites, telephone conversations with agency officials, and the *United States Code*. Related information may be found in CRS Report 98-242, *Committee Jurisdiction and Referral in the Senate*, by Judy Schneider; and CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

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Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling the Nominations

Introduction¹

Under the Constitution, the President and the Senate share the power to appoint the principal officers of the United States. Almost all of the highest-level political appointee positions in the federal government are filled by these officers.² Three distinct stages mark the appointment process — selection and nomination by the President, consideration of the nomination by the Senate, and, if the nominee is confirmed, official appointment by the President.³ During the confirmation process in the Senate, a nomination is first referred to one or more committees. Then, if the committee or committees report the nomination to the full Senate, or are discharged from further consideration of the nomination, it is placed on the Senate’s Executive Calendar and may be called up for floor consideration.⁴ The following pages briefly describe the referral process and identify, for each committee to which referrals have been made, the positions that have fallen within the committee’s jurisdiction.

Referral of Nominations to Senate Committees⁵

As part of the process of making an appointment to an advice and consent position, the President usually submits a nomination to the Senate. The Senate’s executive clerk refers the nomination to the appropriate committee or committees on the day it is received. When making a referral, the executive clerk is guided by Senate Rule XXV, which establishes the subject matters under the purview of each committee and directs that “all proposed legislation, messages, petitions, memorials, and other matters relating primarily to [those] subjects” be referred to that committee. The executive clerk is also guided by precedents set by prior referrals and by standing orders and unanimous consent (UC) agreements pertaining to referral of nominations.

¹ Michael Kerwin, a former CRS research assistant, also contributed to this report.

² Positions in the White House Office to which the President makes appointments without the need for Senate confirmation are important exceptions.

³ In the final, official appointment stage, a confirmed nominee is given a commission signed by the President, with the seal of the United States affixed thereto, and is sworn into office.

⁴ For more information on the Senate confirmation process, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

⁵ For more information on Senate committee referrals generally, see CRS Report 98-242, *Committee Jurisdiction and Referral in the Senate*, by Judy Schneider.

Most nominations are sent to a single committee. Occasionally, the Senate has agreed, by unanimous consent, by standing order, or by statute, to refer one or more nominations to more than one committee. Some UC agreements provided for such a multiple referral only in the case of a specific nomination, while other UC agreements applied to all future nominations to a particular position.

Nominations that are referred to more than one committee may be referred jointly or sequentially. If a nomination is referred jointly, the committees receive it simultaneously and may consider it concurrently. All committees to which a nomination is referred must report it to the full Senate or be discharged from its further consideration before it may be considered on the floor. In the case of a sequential referral, the nomination is referred first to the committee of predominant jurisdiction and referred sequentially to other committees as specified by the UC agreement or standing order. UC agreements for sequential referral can stipulate that the nomination must be reported out of the second committee within a specified period of time (usually 20 days), or else that committee will be automatically discharged from further consideration of the nomination.

Joint referral of a nomination has usually occurred when more than one committee appear to have had relatively equal jurisdictional claims. Since at least the beginning of the 109th Congress, nominations to eight positions — two each in the Department of Commerce and the Office of Management and Budget, and one each in the Department of Energy, Department of the Interior, Department of Labor, and Pension Benefit Guaranty Corporation — have been referred jointly to two committees.⁶

Sequential referral has been more likely when jurisdictional predominance appeared to favor one committee, but other committees also have had some jurisdictional claim on the nomination. In those instances, the nomination has usually been referred to the committee with predominant jurisdiction, and, after being reported to the full Senate by that committee, it has been referred sequentially to other committees. Since at least the beginning of the 109th Congress, the Senate has agreed, by unanimous consent, to refer sequentially nominations to most inspector general (IG) positions,⁷ as well as four other positions — one in the Department of

⁶ The positions are Under Secretary of Commerce for International Trade; Assistant Secretary of Commerce for Trade Promotion/Director General of the U.S. and Foreign Commercial Service; Director of the Office of Management and Budget; Deputy Director of the Office of Management and Budget; Assistant Secretary of Energy for Environmental Management; Assistant Secretary of the Interior for Fish, Wildlife, and Parks; Assistant Secretary of Labor for Veterans' Employment and Training Service; and Director of the Pension Benefit Guaranty Corporation.

⁷ On January 9, 2007, the Senate agreed, by unanimous consent, "that nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the committee shall have an additional 5 calendar days after the Senate reconvenes to report the

(continued...)

Defense, one in the Department of Justice, and two in the Department of Homeland Security.⁸

In a small number of cases, nominations have been referred to more than one committee on an ad hoc basis by unanimous consent. A 2004 nomination for Under Secretary of the Treasury for Enforcement, for example, was first referred to the Committee on Finance. After the committee had reported the nomination, it was referred to the Committee on Banking, Housing, and Urban Affairs, and simultaneously re-referred to the Committee on Finance, pursuant to a UC agreement.⁹ A 2006 nomination to be Assistant Secretary of State for Intelligence and Research was initially referred to the Committee on Foreign Relations. Two days after this referral, the committee was discharged from further consideration of the nomination, and the nomination was referred to the Select Committee on Intelligence by unanimous consent.¹⁰ Also in 2006, a nomination to the position of Federal Coordinator for Alaska Natural Gas Transportation Projects was initially referred to the Committee on Commerce, Science, and Transportation. Two weeks later, the Senate agreed, by unanimous consent, to discharge this committee from further consideration of the nomination, and to then refer the nomination to the Committee on Energy and Natural Resources.¹¹

In some instances, different committees have exercised jurisdiction over different positions within the same department or agency. (For details, see the committee presentations that follow.) For example, six committees have jurisdiction over positions in the Department of Commerce, and four committees have jurisdiction over positions in the Department of the Interior. Usually, however, one committee has jurisdiction over most positions in a department or agency.

⁷ (...continued)

nomination and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar.” Sen. Harry Reid, “Executive Nominations,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, January 9, 2007, p. S310.

⁸ These sequentially referred nominations include those to be the Assistant Secretary of the Army for Civil Works, which was referred to the Committee on Armed Services and the Committee on Environment and Public Works; the Assistant Attorney General for the National Security Division, which was referred to Committee on the Judiciary and the Select Committee on Intelligence; the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, which was referred, in two cases, to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary; and the Assistant Secretary of Homeland Security for the Transportation Security Administration, which was referred to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs.

⁹ Sen. Bill Frist, “Referral of Nominations,” remarks in the Senate, *Congressional Record*, daily edition, vol. 150, July 8, 2004, p. S7864.

¹⁰ Sen. Mitch McConnell, “Referral of Discharged Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 14, 2006, p. S5898.

¹¹ Sen. Mitch McConnell, “Discharge and Referral,” remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 29, 2006, p. S7176.

The appointment provisions for certain executive branch chief financial officers (CFOs) are unusual. The Chief Financial Officers Act of 1990, as amended, covers CFOs in 24 specified departments and agencies. Of these, 16 positions may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions.¹² These CFO positions are identified under the appropriate committees in this report.

Organization of the Report

This report identifies, for each Senate committee to which nominations have been referred during recent Congresses, the positions over which the committee has exercised jurisdiction. The lists are based on referrals through October 31, 2007. For each committee list, positions are categorized as full- or part-time and then grouped by department or agency. Where nominations have been referred to more than one committee, the organizations and titles are noted under each of the committees to which the nominations were referred. A footnote indicates the authority under which the referral to multiple committees was made.

Policy areas are not specified in statute for some of the sub-secretary positions. The policy areas shown in the listings for such positions are drawn from the text of presidential nomination messages and information from agency officials. In these cases, titles, specific responsibilities, and referral patterns may change over time.

Most appointments to departments and single-headed agencies are characterized by an indefinite tenure; office holders serve at the pleasure of the President. In contrast, terms of office for appointments to multi-member entities, such as commissions and boards, are often for fixed periods of time. For those positions that have fixed terms of office, the lists include the lengths of the terms.

Some commissions, councils, and other multi-member entities are required, by their enabling statutes, to maintain political balance in some way. This is noted in parentheses where applicable.

The information provided in this report was compiled from the Senate nominations database of the Legislative Information System,¹³ which spans the 97th Congress to the present; data provided on departmental and agency websites; telephone conversations with agency officials; and the *United States Code*.

¹² 31 U.S.C. § 901(a)(1). For more information, see CRS Report RL31965, *Financial Management in the Federal Government: Efforts to Improve Performance*, by Virginia A. McMurtry; and CRS Report RL32550, *Homeland Security Financial Accountability Act: History and Recent Developments*, by Virginia A. McMurtry.

¹³ This database, which is accessible to Congress, is available at [<http://www.congress.gov/nomis/>]. A similar, publicly available database is available at [<http://thomas.loc.gov/home/nomis.html>].

Senate Committee on Agriculture, Nutrition, and Forestry

Full-Time Positions

Department of Agriculture¹⁴

Secretary

Deputy Secretary

Under Secretary — Farm and Foreign Agricultural Services

Under Secretary — Food, Nutrition, and Consumer Services

Under Secretary — Food Safety

Under Secretary — Marketing and Regulatory Programs

Under Secretary — Natural Resources and Environment

Under Secretary — Research, Education, and Economics

Under Secretary — Rural Development

Administrator — Rural Utilities Services

Assistant Secretary — Administration

Assistant Secretary — Civil Rights

Assistant Secretary — Congressional Relations

Chief Financial Officer¹⁵

General Counsel

Inspector General¹⁶

Director — Commodity Credit Corporation (seven positions — In addition, the Secretary of Agriculture is an ex-officio director and chair of the board.)

Commodity Futures Trading Commission (political balance required)

Commissioner — five positions (five-year terms of office — Chair, who must first be confirmed as a commissioner, also needs to be confirmed.)

Farm Credit Administration (political balance required)

Member — three positions (six-year terms of office)

¹⁴ For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹⁵ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

¹⁶ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

**Senate Committee on Agriculture, Nutrition,
and Forestry (cont.)**

Part-Time Positions

Federal Agricultural Mortgage Corporation (Farmer Mac), Board of Directors

Member — five (of 15 total) positions (indefinite terms of office; political balance required)

Senate Committee on Armed Services

Full-Time Positions

Department of Defense¹⁷

Office of the Secretary

Secretary

Deputy Secretary

Under Secretary — Acquisition, Technology, and Logistics

Under Secretary — Comptroller and Chief Financial Officer¹⁸

Under Secretary — Intelligence

Under Secretary — Personnel and Readiness

Under Secretary — Policy

Deputy Under Secretary — Logistics and Materiel Readiness

Deputy Under Secretary — Acquisition and Technology

Principal Deputy Under Secretary — Personnel and Readiness

Principal Deputy Under Secretary — Policy

Assistant Secretary — Asian and Pacific Security Affairs

Assistant Secretary — Global Security Affairs

Assistant Secretary — Health Affairs

Assistant Secretary — Homeland Defense

Assistant Secretary — International Security Affairs

Assistant Secretary — Legislative Affairs

Assistant Secretary — Networks and Information Integration/Chief Information Officer

Assistant Secretary — Public Affairs

Assistant Secretary — Reserve Affairs

Assistant Secretary — Special Operations and Low-Intensity Conflicts

Assistant to the Secretary — Nuclear and Chemical and Biological Defense Programs

Director — Defense Research and Engineering

Director — Operational Test and Evaluation

General Counsel

Inspector General¹⁹

¹⁷ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹⁸ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

¹⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Armed Services (cont.)

Department of Defense (cont.)

Military Officers (commissions and promotions)

Department of the Air Force

Secretary

Under Secretary

Assistant Secretary — Acquisition

Assistant Secretary — Financial Management and Comptroller

Assistant Secretary — Manpower and Reserve Affairs

Assistant Secretary — Installations, Environment, and Logistics

General Counsel

Department of the Army

Secretary

Under Secretary

Assistant Secretary — Acquisition, Logistics, and Technology

Assistant Secretary — Civil Works²⁰

Assistant Secretary — Financial Management and Comptroller

Assistant Secretary — Installations and Environment

Assistant Secretary — Manpower and Reserve Affairs

General Counsel

Department of the Navy

Secretary

Under Secretary

Assistant Secretary — Financial Management and Comptroller

Assistant Secretary — Installations and Environment

Assistant Secretary — Manpower and Reserve Affairs

Assistant Secretary — Research, Development, and Acquisition

General Counsel

²⁰ As of October 31, 2007, the most recent nomination to this position had been referred sequentially to the Committee on Armed Services and the Committee on Environment and Public Works. On March 10, 2005, the Senate agreed, by unanimous consent, that “when the nomination for the Assistant Secretary for Civil Works is received by the Senate, it be referred to the Committee on Armed Services; provided that when the Committee on Armed Services reports the nomination it be referred to the Committee on Environment and Public Works for a period of 20 days of session; provided further that if the Committee on Environment and Public Works does not report the nomination within those 20 days, the committee be discharged from further consideration of the nomination and the nomination be placed on the Calendar.” Sen. Mitch McConnell, “Unanimous Consent Agreement — Executive Calendar,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, March 10, 2005, p. S2499.

Senate Committee on Armed Services (cont.)

Department of Defense (cont.)

Joint Chiefs of Staff

Chair (two-year term of office)

Vice Chair (two-year term of office)

Chief of Staff (Air Force) (four-year term of office)

Chief of Staff (Army) (four-year term of office)

Chief of Naval Operations (four-year term of office)

Commandant of the Marine Corps (four-year term of office)

Department of Energy²¹

Under Secretary — Nuclear Security/Administrator — National Nuclear Security Administration (NNSA)

Principal Deputy Administrator — NNSA

Deputy Administrator — Defense Programs — NNSA

Deputy Administrator — Defense Nuclear Nonproliferation — NNSA

Assistant Secretary — Environmental Management²²

Defense Nuclear Facilities Safety Board (political balance required)

Member — five positions (five-year terms of office)

Selective Service System

Director

U.S. Court of Appeals for the Armed Services (political balance required)

Judge — five positions (15-year terms of office)

Part-Time Positions

National Security Education Board

Member — six (of 13 total) positions (terms of office not to exceed four years)

Uniformed Services University of the Health Sciences, Board of Regents

Member — nine positions (six-year terms of office)

²¹ For other positions within the department, see also Committee on Energy and Natural Resources and Committee on Homeland Security and Governmental Affairs (for inspector general position).

²² Nominations to this position are referred jointly to the Committee on Armed Services and the Committee on Energy and Natural Resources pursuant to a standing order entered into by the Senate by unanimous consent on June 28, 1990. Sen. George Mitchell, "Joint Referral of Department of Energy Nomination," remarks in the Senate, *Congressional Record*, vol. 136, June 28, 1990, pp. 16573-16574.

Senate Committee on Banking, Housing, and Urban Affairs

Full-Time Positions

Department of Commerce²³

Under Secretary — Export Administration²⁴

Under Secretary — International Trade²⁵

Assistant Secretary — Export Administration

Assistant Secretary — Export Enforcement

Assistant Secretary — Trade Promotion/ Director General — U.S. and Foreign
Commercial Service²⁶

Department of Housing and Urban Development²⁷

Secretary

Deputy Secretary

Assistant Secretary — Administration

Assistant Secretary — Community Planning and Development

Assistant Secretary — Congressional and Intergovernmental Relations

Assistant Secretary — Fair Housing and Equal Opportunity

Assistant Secretary — Housing/Federal Housing Commissioner

Assistant Secretary — Policy Development and Research

Assistant Secretary — Public Affairs

Assistant Secretary — Public and Indian Housing

Chief Financial Officer²⁸

²³ For other positions within the department, see also Committee on Commerce, Science, and Transportation; Committee on Environment and Public Works; Committee on Finance; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary.

²⁴ In the Department of Commerce, this position is known as Under Secretary for Industry and Security.

²⁵ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance pursuant to a unanimous consent agreement of September 20, 2007. Sen. John Kerry, “Joint Referral,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, September 20, 2007, p. S11914.

²⁶ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation pursuant to a unanimous consent agreement of May 26, 2005. Sen. Bill Frist, “Joint Referral,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 26, 2005, p. S6061.

²⁷ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

²⁸ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President

Senate Committee on Banking, Housing, and Urban Affairs (cont.)

Department of Housing and Urban Development (cont.)

Director — Office of Federal Housing Enterprise Oversight (five-year term)
General Counsel
Inspector General²⁹
President — Government National Mortgage Association (Ginnie Mae)

Department of Transportation³⁰

Administrator — Federal Transit Administration

Department of the Treasury³¹

Under Secretary — Terrorism and Financial Intelligence³²
Assistant Secretary — Financial Institutions
Assistant Secretary — Terrorist Financing
Comptroller of the Currency (five-year term of office)
Director of the Mint (five-year term of office)
Director — Office of Thrift Supervision (five-year term of office)

²⁸ (...continued)

from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

²⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

³⁰ For other positions within the department, see also Committee on Commerce, Science, and Transportation; Committee on Environment and Public Works; and Committee on Homeland Security and Governmental Affairs (for inspector general position).

³¹ For other positions within the department, see also Committee on Finance and Committee on Homeland Security and Governmental Affairs (for inspector general position).

³² On April 8, 2004, Stuart Levey was nominated to be Under Secretary for Enforcement. The nomination was referred to the Committee on Finance, which reported it on May 20. Pursuant to a unanimous consent agreement of July 8, the nomination was referred to the Committee on Banking, Housing, and Urban Affairs, and simultaneously re-referred to the Committee on Finance (Sen. Bill Frist, "Referral of Nominations," remarks in the Senate, *Congressional Record*, daily edition, vol. 150, July 8, 2004, p. S7864). The unanimous consent agreement stated that the agreement was to be specific to the nominations then at hand. The Committee on Banking, Housing, and Urban Affairs reported the nomination on July 20, and the Committee on Finance was discharged from further consideration pursuant to the July 8 agreement. The Senate confirmed the Levey nomination on July 21. The position of Under Secretary for Terrorism and Financial Crimes (or Under Secretary for Terrorism and Financial Intelligence, as it is known by the Department of the Treasury) was established by P.L. 108-447, Div. H, Title II, § 222 (118 Stat. 3242) as a successor office to the Under Secretary for Enforcement, and Levey continued to serve in the new position.

Senate Committee on Banking, Housing, and Urban Affairs (cont.)

Community Development Financial Institution Fund³³

Administrator

Council of Economic Advisers (Executive Office of the President)

Member — three positions

Export-Import Bank³⁴ (political balance required)

Member — five positions (four-year terms of office — Chair, who first must be confirmed as a member, also needs to be confirmed.)

Inspector General³⁵

Federal Deposit Insurance Corporation³⁶ (political balance required)

Member — three positions (six-year terms of office — Chair and vice chair, who first must be confirmed as members, also need to be confirmed.)

Inspector General³⁷

Federal Housing Finance Board (political balance required)

Member — four positions (seven-year terms of office)

Federal Reserve System, Board of Governors

Governor — seven positions (14-year terms of office — Chair and vice chair, who first must be confirmed as governors, also need to be confirmed for four-year terms in those offices.)

³³ The Community Development Financial Institution (CDFI) Fund, headed by an administrator appointed by the President with the advice and consent of the Senate, was created by P.L. 103-325, codified at 12 U.S.C. § 4703. Subsequently, P.L. 104-19, providing funding for the Department of the Treasury for FY1996, stated that “none of the funds shall be available for expenses of an Administrator ... [t]hat the number of staff funded under this heading shall not exceed 10 full-time equivalents ... [and] that notwithstanding any other provision of law ... the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDFI Act and the Fund shall be within the Department of the Treasury.” That provision was included in several subsequent appropriations acts. See 12 U.S.C. § 4703 note. At present, the CDFI is located in the Department of the Treasury and is led by a director appointed by the Secretary of the Treasury.

³⁴ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

³⁵ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

³⁶ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

³⁷ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

**Senate Committee on Banking, Housing, and Urban Affairs
(cont.)**

National Credit Union Administration (political balance required)

Member — three positions (six-year terms of office)

Securities and Exchange Commission (political balance required)

Commissioner — five positions (five-year terms of office)

Part-Time Positions

National Consumer Cooperative Bank, Board of Directors

Member — three (of 15 total) positions (three-year terms of office)

National Institute of Building Sciences, Board of Directors

Member — 15 to 21 positions (three-year terms of office)

Securities Investor Protection Corporation, Board of Directors

Director — five (of seven total) positions (three-year terms of office)

Senate Committee on the Budget

Full-Time Positions

Office of Management and Budget (Executive Office of the President)³⁸

Director³⁹

Deputy Director⁴⁰

³⁸ For other positions within the Office of Management and Budget, see also Committee on Homeland Security and Governmental Affairs.

³⁹ On October 9, 2004, the Senate agreed to S.Res. 445 (108th Congress), which provided, in part, as follows: “The Committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged” (§101(e)). Nominations to the positions of Director and Deputy Director of the Office of Management and Budget were jointly referred to the two committees during the 109th and 110th Congresses.

⁴⁰ Ibid.

Senate Committee on Commerce, Science, and Transportation

Full-Time Positions

Department of Commerce⁴¹

- Secretary
- Deputy Secretary
- Under Secretary — Economic Affairs
- Under Secretary — Oceans and Atmosphere/Administrator — National Oceanic and Atmospheric Administration
- Under Secretary — Technology
- Assistant Secretary — Administration/Chief Financial Officer⁴²
- Assistant Secretary — Communications and Information
- Assistant Secretary — Legislative and Intergovernmental Affairs
- Assistant Secretary — Manufacturing and Services
- Assistant Secretary — Oceans and Atmosphere/Deputy Administrator — National Oceanic and Atmospheric Administration
- Assistant Secretary — Technology Policy
- Assistant Secretary — Trade Promotion/Director General — U.S. and Foreign Commercial Service⁴³
- Chief Scientist — National Oceanic and Atmospheric Administration
- Director — National Institute of Standards and Technology
- General Counsel
- Inspector General⁴⁴
- Officer Corps — National Oceanic and Atmospheric Administration

⁴¹ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Environment and Public Works; Committee on Finance; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary.

⁴² This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁴³ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation pursuant to a unanimous consent agreement of May 26, 2005. Sen. Bill Frist, “Joint Referral,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 26, 2005, p. S6061.

⁴⁴ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Commerce, Science, and Transportation (cont.)

Department of Homeland Security⁴⁵

Under Secretary — Science and Technology

Assistant Secretary/Administrator — Transportation Security Administration⁴⁶

Commandant — United States Coast Guard

Officers (commissions and promotions) — United States Coast Guard Officers

Department of Transportation⁴⁷

Secretary

Deputy Secretary

Under Secretary — Policy

Assistant Secretary — Aviation and International Affairs

Assistant Secretary — Budget and Programs and Chief Financial Officer⁴⁸

Assistant Secretary — Governmental Affairs

Assistant Secretary — Transportation Policy

Administrator — Federal Aviation Administration (five-year term of office)

Administrator — Federal Motor Carrier Safety Administration

Administrator — Federal Railroad Administration

Administrator — Maritime Administration

⁴⁵ For other positions within the department, see also Committee on Finance, Committee on Homeland Security and Governmental Affairs, and Committee on the Judiciary. The Homeland Security Act authorizes not more than 12 assistant secretaries to be appointed by the President with the advice and consent of the Senate (6 U.S.C. § 113). As of October 31, 2007, some of these potential positions had never been filled. Of the advice and consent positions established by the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), three at the Federal Emergency Management Agency — the administrator and two of a maximum of four deputy administrators — had not, as of October 31, 2007, been the subject of nomination and referral.

⁴⁶ As of October 31, 2007, the most recent nomination to this position had been referred sequentially to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs. On May 19, 2005, the Senate agreed, by unanimous consent, “that the nomination of Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security be referred to the Committee on Commerce, Science and Transportation, and that, further, upon the reporting out or discharge of the nomination, the nomination be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 days, after which the nomination, if still in committee, will be discharged and placed on the Executive Calendar.” Sen. George Allen, “Referral and Discharge — Nomination of Edmund S. Hawley,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 19, 2005, p. S5547.

⁴⁷ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Environment and Public Works; and Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁴⁸ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

Senate Committee on Commerce, Science, and Transportation (cont.)

Department of Transportation (cont.)

Administrator — National Highway Traffic Safety Administration
Administrator — Pipeline and Hazardous Materials Safety Administration
Administrator — Research and Innovative Technology Administration
Administrator — St. Lawrence Seaway Development Corporation (seven-year term of office)
Deputy Administrator — Federal Aviation Administration
General Counsel
Inspector General⁴⁹

Consumer Product Safety Commission (political balance required)

Commissioner — five positions (seven-year terms of office — Only three of the positions have been funded and filled since the mid-1980s; chair, who first must be confirmed as a member, also needs to be confirmed.)

Federal Communications Commission (political balance required)

Commissioner — five positions (five-year terms of office)

Federal Maritime Commission (political balance required)

Commissioner — five positions (five-year terms of office)

Federal Trade Commission (political balance required)

Commissioner — five positions (seven-year terms of office)

National Aeronautics and Space Administration⁵⁰

Administrator
Deputy Administrator
Chief Financial Officer
Inspector General⁵¹

National Transportation Safety Board (political balance required)

Member — five positions (five-year terms of office — Chair, who first must be confirmed as a member, also needs to be confirmed.)

⁴⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁵⁰ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁵¹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

**Senate Committee on Commerce, Science,
and Transportation (cont.)**

Office of Science and Technology Policy (Executive Office of the President)

Director
Associate Director — Science
Associate Director — Technology
Associate Director
Associate Director

**Office of the Federal Coordinator for Alaska Natural Gas Transportation
Projects**

Federal Coordinator ⁵²

Surface Transportation Board (political balance required)

Member — three positions (five-year terms of office)

Part-Time Positions

Corporation for Public Broadcasting Board of Directors (political balance
required)

Member — nine positions (six-year terms of office)

Metropolitan Washington Airport Authority Board of Directors

Member — three positions (six-year terms of office; political balance required)

Reform Board (AMTRAK)

Member — seven positions (five-year terms of office)

Saint Lawrence Seaway Development Corporation Advisory Board (political
balance required)

Member — five positions (indefinite terms of office)

⁵² A June 12, 2006, nomination to this position was initially referred to the Committee on Commerce, Science, and Transportation. On June 29, 2006, the Senate agreed, by unanimous consent, that “the nomination of Drue Pearce to be the Federal Coordinator for Alaska Natural Gas Transportation Projects be discharged from the Committee on Commerce, Science, and Transportation and be referred to the Committee on Energy and Natural Resources.” Sen. Mitch McConnell, “Discharge and Referral,” remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 29, 2006, p. S7176.

The term of the Federal Coordinator is “to last until 1 year following the completion of the project referred to in section 103” of the Alaska Natural Gas Pipeline Act (15 U.S.C. Sec. 720d(b)(1)). Section 103 discusses “an Alaska natural gas transportation project other than the Alaska natural gas transportation system” (15 U.S.C. 720a(a)).

Senate Committee on Energy and Natural Resources

Full-Time Positions

Department of Energy⁵³

- Secretary
- Deputy Secretary
- Under Secretary
- Under Secretary — Science
- Administrator — Energy Information Administration
- Assistant Secretary — Congressional and Intergovernmental Affairs
- Assistant Secretary — Electricity Delivery and Energy Reliability
- Assistant Secretary — Energy Efficiency and Renewable Energy
- Assistant Secretary — Environmental Management⁵⁴
- Assistant Secretary — Fossil Energy
- Assistant Secretary — International Affairs and Domestic Policy
- Assistant Secretary — Nuclear Energy
- Chief Financial Officer⁵⁵
- Director — Office of Civilian Radioactive Waste Management
- Director — Office of Economic Impact and Diversity
- Director — Office of Science
- General Counsel
- Inspector General⁵⁶

⁵³ For other positions within the department, see also Committee on Armed Services and Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁵⁴ Nominations to this position are referred jointly to the Committee on Armed Services and the Committee on Energy and Natural Resources pursuant to a standing order entered into by the Senate by unanimous consent on June 28, 1990. Sen. George Mitchell, “Joint Referral of Department of Energy Nomination,” remarks in the Senate, *Congressional Record*, vol. 136, June 28, 1990, pp. 16573-16574.

⁵⁵ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁵⁶ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Energy and Natural Resources (cont.)

Department of the Interior⁵⁷

Secretary

Deputy Secretary

Assistant Secretary — Fish, Wildlife and Parks⁵⁸

Assistant Secretary — Land and Minerals Management

Assistant Secretary — Policy, Management, and Budget and Chief Financial Officer⁵⁹

Assistant Secretary — Water and Science

Commissioner — Bureau of Reclamation

Director — Bureau of Land Management

Director — National Park Service

Director — Office of Surface Mining Reclamation and Enforcement

Director — U.S. Geological Survey

Inspector General⁶⁰

Solicitor

Federal Energy Regulatory Commission (political balance required)

Commissioner — five positions (five-year terms of office)

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects

Federal Coordinator⁶¹

⁵⁷ For other positions within the department, see also Committee on Environment and Public Works, Committee on Homeland Security and Governmental Affairs (for inspector general position), and Committee on Indian Affairs.

⁵⁸ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works pursuant to a unanimous consent agreement of April 26, 2007. Sen. Harry Reid, “Joint Referral of Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, April 26, 2007, p. S5255.

⁵⁹ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁶⁰ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁶¹ A June 12, 2006, nomination to this position was initially referred to the Committee on Commerce, Science, and Transportation. On June 29, 2006, the Senate agreed, by unanimous consent, that “the nomination of Drue Pearce to be the Federal Coordinator for Alaska Natural Gas Transportation Projects be discharged from the Committee on Commerce, Science, and Transportation and be referred to the Committee on Energy and Natural Resources.” Sen. Mitch McConnell, “Discharge and Referral,” remarks in the

(continued...)

Senate Committee on Environment and Public Works

Full-Time Positions

Department of Commerce⁶²

Assistant Secretary — Economic Development

Department of Defense⁶³

Assistant Secretary — Army — Civil Works⁶⁴

Department of the Interior⁶⁵

Assistant Secretary — Fish, Wildlife and Parks⁶⁶

Director — U.S. Fish and Wildlife Service

⁶¹ (...continued)

Senate, *Congressional Record*, daily edition, vol. 152, June 29, 2006, p. S7176.

The term of the Federal Coordinator is “to last until 1 year following the completion of the project referred to in section 103” of the Alaska Natural Gas Pipeline Act (15 U.S.C. Sec. 720d(b)(1)). Section 103 discusses “an Alaska natural gas transportation project other than the Alaska natural gas transportation system” (15 U.S.C. 720a(a)).

⁶² For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Commerce, Science, and Transportation; Committee on Finance; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary.

⁶³ For other positions within the department, see also Committee on Armed Services and Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁶⁴ As of October 31, 2007, the most recent nomination to this position had been referred sequentially to the Committee on Armed Services and the Committee on Environment and Public Works. On March 10, 2005, the Senate agreed, by unanimous consent, that “when the nomination for the Assistant Secretary for Civil Works is received by the Senate, it be referred to the Committee on Armed Services; provided that when the Committee on Armed Services reports the nomination it be referred to the Committee on Environment and Public Works for a period of 20 days of session; provided further that if the Committee on Environment and Public Works does not report the nomination within those 20 days, the committee be discharged from further consideration of the nomination and the nomination be placed on the Calendar.” Sen. Mitch McConnell, “Unanimous Consent Agreement — Executive Calendar,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, March 10, 2005, p. S2499.

⁶⁵ For other positions within the department, see also Committee on Energy and Natural Resources, Committee on Homeland Security and Governmental Affairs (for inspector general position), and Committee on Indian Affairs.

⁶⁶ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works pursuant to a unanimous consent agreement of April 26, 2007. Sen. Harry Reid, “Joint Referral of Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, April 26, 2007, p. S5255.

Senate Committee on Environment and Public Works (cont.)

Department of Transportation⁶⁷

Administrator — Federal Highway Administration

Appalachian Regional Commission

Federal Cochair

Alternate Federal Cochair

Chemical Safety and Hazard Investigation Board

Member — five positions (five-year terms of office — Chair, who first must be confirmed as a member, also needs to be confirmed.)

Council on Environmental Quality (Executive Office of the President)

Chair

Delta Regional Authority

Federal Cochair

Environmental Protection Agency⁶⁸

Administrator

Deputy Administrator

Assistant Administrator — Administration and Resources Management

Assistant Administrator — Air and Radiation

Assistant Administrator — Enforcement and Compliance Assurance

Assistant Administrator — Environmental Information

Assistant Administrator — International Affairs

Assistant Administrator — Prevention, Pesticides, and Toxic Substances

Assistant Administrator — Research and Development

Assistant Administrator — Solid Waste and Emergency Response

Assistant Administrator — Water

Assistant Administrator

Chief Financial Officer⁶⁹

General Counsel

Inspector General⁷⁰

⁶⁷ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Homeland Security and Governmental Affairs (for inspector general position); and Committee on Commerce, Science, and Transportation.

⁶⁸ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁶⁹ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁷⁰ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the
(continued...)

Senate Committee on Environment and Public Works (cont.)

Nuclear Regulatory Commission⁷¹ (political balance required)
Commissioner — five positions (five-year terms of office)
Inspector General⁷²

Tennessee Valley Authority, Board of Directors⁷³
Member — nine positions (five-year terms of office)
Inspector General⁷⁴

Part-Time Positions

**Morris K. Udall Scholarship and Excellence in National Environmental Policy
Foundation, Board of Trustees** (political balance required)
Member — nine positions (six-year terms of office)

Mississippi River Commission
Commissioner — four positions (indefinite terms of office)
Commissioner — three positions (nine-year terms of office)

⁷⁰ (...continued)

Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁷¹ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁷² Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁷³ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁷⁴ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Finance

Full-Time Positions

Department of Commerce⁷⁵

Under Secretary — International Trade⁷⁶
 Assistant Secretary — Import Administration
 Assistant Secretary — Market Access and Compliance

Department of Health and Human Services⁷⁷

Secretary
 Deputy Secretary
 Administrator — Centers for Medicare and Medicaid Services
 Assistant Secretary — Resources and Technology/Chief Financial Officer⁷⁸
 Assistant Secretary — Children and Families
 Assistant Secretary — Legislation
 Assistant Secretary — Planning and Evaluation
 Assistant Secretary — Public Affairs
 Commissioner — Children, Youth, and Families
 General Counsel
 Inspector General⁷⁹

⁷⁵ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Commerce, Science, and Transportation; Committee on Environment and Public Works; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary.

⁷⁶ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance pursuant to a unanimous consent agreement of September 29, 2005. Sen. Bill Frist, “Joint Referral of Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, September 29, 2005, p. S10771.

⁷⁷ For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position); Committee on Health, Education, Labor, and Pensions; and Committee on Indian Affairs.

⁷⁸ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁷⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Finance (cont.)

Department of Homeland Security⁸⁰

Commissioner — U.S. Customs and Border Protection

Department of the Treasury⁸¹

Secretary

Deputy Secretary

Under Secretary — Domestic Finance

Under Secretary — International Affairs

Under Secretary — Terrorism and Financial Intelligence⁸²

Assistant Secretary — Economic Policy

Assistant Secretary — Financial Markets

Assistant Secretary (Deputy Under Secretary) — International Affairs⁸³

⁸⁰ For other positions within the department, see also Committee on Commerce, Science, and Transportation; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary. The Homeland Security Act authorizes not more than 12 assistant secretaries to be appointed by the President with the advice and consent of the Senate (6 U.S.C. § 113). As of October 31, 2007, some of these potential positions had never been filled. Of the advice and consent positions established by the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), three at the Federal Emergency Management Agency — the administrator and two of a maximum of four deputy administrators — had not, as of October 31, 2007, been the subject of nomination and referral.

⁸¹ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs and Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁸² On April 8, 2004, Stuart Levey was nominated to be Under Secretary for Enforcement. The nomination was referred to the Committee on Finance, which reported it on May 20. Pursuant to a unanimous consent agreement of July 8, the nomination was referred to the Committee on Banking, Housing, and Urban Affairs, and simultaneously re-referred to the Committee on Finance (Sen. Bill Frist, “Referral of Nominations,” remarks in the Senate, *Congressional Record*, daily edition, vol. 150, July 8, 2004, p. S7864). The unanimous consent agreement stated that the agreement was to be specific to the nominations then at hand. The Committee on Banking, Housing, and Urban Affairs reported the nomination on July 20, and the Committee on Finance was discharged from further consideration pursuant to the July 8 agreement. The Senate confirmed the Levey nomination on July 21. The position of Under Secretary for Terrorism and Financial Crimes (or Under Secretary for Terrorism and Financial Intelligence, as it is known by the Department of the Treasury) was established by P.L. 108-447, Div. H, Title II, § 222 (118 Stat. 3242) as a successor office to the Under Secretary for Enforcement, and Levey continued to serve in the new position.

⁸³ Under the provisions of 31 U.S.C. § 301(d), the Department of the Treasury has two deputy under secretaries who are to be appointed by the President, by and with the advice and consent of the Senate. Section 301(d) also provides the “[w]hen appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary.” As of October 31, 2007, the most recent appointees to Deputy Under Secretary for International Affairs and Deputy Under Secretary for Legislative Affairs were identified as assistant secretaries on the Department of Treasury website at [<http://www.ustreas.gov/>].

Senate Committee on Finance (cont.)

Department of the Treasury (cont.)

Assistant Secretary (Deputy Under Secretary) — Legislative Affairs⁸⁴
 Assistant Secretary — Management and Chief Financial Officer⁸⁵
 Assistant Secretary — Public Affairs/Director — Policy Planning
 Assistant Secretary — Tax Policy
 Chief Counsel — Internal Revenue Service/Assistant General Counsel for Tax
 Commissioner — Internal Revenue (five-year terms of office)
 General Counsel
 Inspector General⁸⁶
 Inspector General — Tax Administration⁸⁷
 Treasurer — United States

Office of United States Trade Representative (Executive Office of the President)

U.S. Trade Representative
 Deputy U.S. Trade Representative
 Deputy U.S. Trade Representative
 Deputy U.S. Trade Representative
 Chief Agricultural Negotiator

Pension Benefit Guaranty Corporation

Director⁸⁸

⁸⁴ Ibid.

⁸⁵ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions (31 U.S.C. § 901(a)(1)).

⁸⁶ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁸⁷ Ibid.

⁸⁸ The Director of the Pension Benefit Guaranty Corporation was established as a position to which appointments are made by the President, with the advice and consent of the Senate, by the Pension Protection Act of 2006 (P.L. 109-280, § 411; 120 Stat. 935). The act provides that “[t]he Committee on Finance of the Senate and the Committee on Health, Education, Labor, and Pensions of the Senate shall have joint jurisdiction over the nomination of a person nominated by the President to fill [this position], and if one committee votes to order reported such a nomination, the other shall report within 30 calendar days, or be automatically discharged” (P.L. 109-280, § 411(c)(1); 120 Stat. 935). The act also provides that the executive director at the time of enactment, “or any other individual, may serve as interim Director ... until an individual is appointed as Director” under the advice and consent process (P.L. 109-280, § 411(d); 120 Stat. 936). The first nomination to this position was received by the Senate on May 3, 2007, and was referred as specified in the law.

Senate Committee on Finance (cont.)

Social Security Administration⁸⁹

Commissioner (six-year term of office)
Deputy Commissioner (six-year term of office)
Inspector General⁹⁰

United States International Trade Commission (political balance required)
Commissioner — six positions (nine-year terms of office)

United States Tax Court

Judge — 19 positions (15-year terms of office)

Part-Time Positions

Federal Hospital Insurance Trust Fund, Board of Trustees (political balance required)
Member — two (of six total) positions (four-year terms of office)

Federal Old-Age and Survivors Trust Fund and the Disability Insurance Trust Fund, Board of Trustees (political balance required)
Member — two (of six total) positions (four-year terms of office)

Federal Supplementary Medical Insurance Trust Fund, Board of Trustees (political balance required)
Member — two (of six total) positions (four-year terms of office)

Internal Revenue Service Oversight Board

Member — six (of nine total) positions (five-year terms of office)

Social Security Advisory Board (political balance required)

Member — three (of seven total) positions (six-year terms of office)

⁸⁹ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁹⁰ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Foreign Relations

Full-Time Positions

Department of State⁹¹

Secretary
 Deputy Secretary
 Deputy Secretary — Management and Resources
 Under Secretary — Arms Control and International Security
 Under Secretary — Economic, Energy, and Agricultural Affairs
 Under Secretary — Democracy and Global Affairs
 Under Secretary — Management
 Under Secretary — Political Affairs
 Under Secretary — Public Diplomacy and Public Affairs
 Assistant Secretary — Administration
 Assistant Secretary — African Affairs
 Assistant Secretary — Consular Affairs
 Assistant Secretary — Democracy, Human Rights, and Labor
 Assistant Secretary — Diplomatic Security
 Assistant Secretary — East Asian and Pacific Affairs
 Assistant Secretary — Economic, Energy and Business Affairs
 Assistant Secretary — Educational and Cultural Affairs
 Assistant Secretary — European and Eurasian Affairs
 Assistant Secretary — Intelligence and Research⁹²
 Assistant Secretary — International Narcotics and Law Enforcement Affairs
 Assistant Secretary — International Organization Affairs
 Assistant Secretary — International Security and Nonproliferation
 Assistant Secretary — Legislative Affairs
 Assistant Secretary — Near Eastern Affairs
 Assistant Secretary — Oceans, Environment, and Science
 Assistant Secretary — Political and Military Affairs
 Assistant Secretary — Population, Refugee, and Migration Affairs
 Assistant Secretary — Public Affairs
 Assistant Secretary — Resource Management
 Assistant Secretary — South and Central Asian Affairs
 Assistant Secretary — Verification, Compliance, and Implementation
 Assistant Secretary — Western Hemisphere Affairs
 Ambassador-at-Large — Coordinator - Counterterrorism
 Ambassador-at-Large — Director — Office to Monitor and Combat Trafficking
 in Persons

⁹¹ For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position), and Select Committee on Intelligence.

⁹² A June 12, 2006, nomination to this position was initially referred to the Committee on Foreign Relations. Two days later, the Senate agreed, by unanimous consent, that “the nomination of Randall M. Fort to be Assistant Secretary of State be discharged from the Committee on Foreign Relations and that it be referred to the Committee on Intelligence.” Sen. Mitch McConnell, “Referral of Discharged Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 14, 2006, p. S5898.

Senate Committee on Foreign Relations (cont.)

Department of State (cont.)

Ambassador-at-Large — International Religious Freedom
 Ambassador-at-Large — War Crimes Issues
 U.S. Permanent Representative to the Organization of American States
 U.S. Permanent Representative to the North Atlantic Treaty Organization
 Chief Financial Officer⁹³
 Coordinator — U.S. Global AIDS
 Counselor
 Director General — Foreign Service
 Director — Office of Foreign Missions
 Inspector General⁹⁴
 Legal Adviser
 Chief of Protocol⁹⁵
 Ambassadors

Foreign Service Officers (commissions and promotions)

U.S. Mission to the United Nations

U.S. Permanent Representative and Chief of Mission — United Nations
 U.S. Deputy Permanent Representative — United Nations
 U.S. Representative — United Nations Economic and Social Council
 U.S. Alternate Representative — Special Political Affairs in the United Nations
 U.S. Representative — United Nations Management and Reform
 U.S. Representative — European Office of the United Nations (Geneva)
 U.S. Representative — Vienna Office of the United Nations (also serves as a representative to the International Atomic Energy Agency)
 U.S. Representative — International Atomic Energy Agency
 U.S. Deputy Representative — International Atomic Energy Agency
 U.S. Representative to sessions of the General Assembly and other United Nations Bodies — numerous positions (terms of office depends on length of session)

⁹³ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

⁹⁴ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

⁹⁵ According to the State Department, "Since 1961, the Chief of Protocol has been commissioned an Ambassador, requiring the President's nominee to be confirmed by the Senate." Quote from the State Department website, available at [<http://www.state.gov/s/cpr/c15634.htm>].

Senate Committee on Foreign Relations (cont.)

U.S. Agency for International Development⁹⁶

Administrator

Deputy Administrator

Assistant Administrator — Sub-Saharan Africa

Assistant Administrator — Asia and Near East

Assistant Administrator — Europe and Eurasia

Assistant Administrator — Global Health

Assistant Administrator — Democracy, Conflict, and Humanitarian Assistance

Assistant Administrator — Latin America and Caribbean

Assistant Administrator — Legislative and Public Affairs

Assistant Administrator — Management

Assistant Administrator — Policy and Program Coordination

Assistant Administrator — Economic Growth, Agriculture, and Trade

Inspector General⁹⁷

European Bank for Reconstruction and Development

U.S. Executive Director

International Broadcasting Bureau, Broadcasting Board of Governors

Director

International Joint Commission, United States and Canada

Commissioner — three positions

International Monetary Fund

U.S. Executive Director (two-year term of office)

U.S. Alternate Executive Director (two-year term of office)

Inter-American Development Bank

U.S. Executive Director (three-year term of office — The incumbent of this position also serves as U.S. Executive Director for the Inter-American Investment Corporation.)

U.S. Alternate Executive Director (three-year term of office — The incumbent of this position also serves as U.S. Alternate Executive Director for the Inter-American Investment Corporation.)

U.S. Trade and Development Agency

Director

⁹⁶ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

⁹⁷ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Foreign Relations (cont.)

Organizations with Full- and Part-Time Positions⁹⁸

African Development Bank

U.S. Executive Director (five-year term of office; full-time)

Governor and Alternate Governor (five-year terms of office; part-time)

Asian Development Bank

U.S. Executive Director (full-time)

Governor and Alternate Governor (part-time)

International Bank for Reconstruction and Development

U.S. Executive Director (two-year term of office; full-time — The incumbent also serves as U.S. Executive Director for the International Finance Corporation and the International Development Association.)

U.S. Alternate Executive Director (two-year term of office; full-time — The incumbent also serves as U.S. Alternate Executive Director for the International Finance Corporation and the International Development Association.)

Governor (same individual as the International Monetary Fund Governor; five-year term of office; part-time — The incumbent also serves as Governor for the International Finance Corporation and the International Development Association.)

Alternate Governor (five-year term of office; part-time — The incumbent also serves as Alternate Governor for the International Finance Corporation and the International Development Association.)

Millennium Challenge Corporation

Chief Executive Officer (full-time)

Member, Board of Directors — four (of nine total) positions (part-time; three-year terms of office)

Overseas Private Investment Corporation

President/Chief Executive Officer (full-time)

Executive Vice President (full-time)

Member, Board of Directors — eight (of 15 total) positions (part-time; three-year terms of office)

Peace Corps

Director (full-time)

Deputy Director (full-time)

Member, Peace Corps National Advisory Council — 15 positions (part-time; political balance required; two-year terms of office)

⁹⁸ Because several organizations under this committee have both full- and part-time advice and consent positions, they were listed under this heading for succinctness.

Senate Committee on Foreign Relations (cont.)

Part-Time Positions

Advisory Board for Cuba Broadcasting (political balance required)

Member — nine positions (three-year terms of office)

African Development Foundation, Board of Directors (political balance required)

Member — seven positions (six-year terms of office)

African Development Fund

Governor and Alternate Governor

Broadcasting Board of Governors (political balance required)

Member — eight (of nine total) positions (three-year terms of office)

Inter-American Foundation, Board of Directors (political balance required)

Member — nine positions (six-year terms of office)

U.S. Advisory Commission on Public Diplomacy⁹⁹ (political balance required)

Commissioner — seven positions (three-year terms of office)

⁹⁹ Nominations to these positions are processed by the State Department. (Communication with State Department official, July 2, 2007.)

Senate Committee on Health, Education, Labor, and Pensions

Full-Time Positions

Department of Education¹⁰⁰

Secretary
Deputy Secretary
Director — Institute of Education Sciences (six-year term of office)
Under Secretary
Assistant Secretary — Civil Rights
Assistant Secretary — Communications and Outreach
Assistant Secretary — Elementary and Secondary Education
Assistant Secretary — Legislation and Congressional Affairs
Assistant Secretary — Management
Assistant Secretary — Planning, Evaluation and Policy Development
Assistant Secretary — Postsecondary Education
Assistant Secretary — Special Education and Rehabilitative Services
Assistant Secretary — Vocational and Adult Education
Chief Financial Officer¹⁰¹
Commissioner — Education Statistics (six-year term of office)
Commissioner — Rehabilitation Services Administration
General Counsel
Inspector General¹⁰²

Department of Health and Human Services¹⁰³

Administrator — Substance Abuse and Mental Health Services Administration
Assistant Secretary — Aging
Assistant Secretary — Health
Assistant Secretary — Preparedness and Response
Commissioner — Food and Drug Administration
Director — National Institutes of Health
Surgeon General (four-year term of office)
Public Health Service — Officer Corps

¹⁰⁰ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹⁰¹ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

¹⁰² Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

¹⁰³ For other positions within the department, see also Committee on Finance, Committee on Homeland Security and Governmental Affairs (for inspector general position), and Committee on Indian Affairs.

Senate Committee on Health, Education, Labor, and Pensions (cont.)

Department of Labor¹⁰⁴

- Secretary
- Deputy Secretary
- Assistant Secretary — Administration and Management
- Assistant Secretary — Congressional and Intergovernmental Affairs
- Assistant Secretary — Disability Employment Policy
- Assistant Secretary — Employee Benefits Security Administration
- Assistant Secretary — Employment and Training Administration
- Assistant Secretary — Employment Standards Administration
- Assistant Secretary — Mine Safety and Health Administration
- Assistant Secretary — Occupational Safety and Health Administration
- Assistant Secretary — Policy
- Assistant Secretary — Public Affairs
- Assistant Secretary — Veterans' Employment and Training Service¹⁰⁵
- Administrator — Wage and Hour Division
- Chief Financial Officer¹⁰⁶
- Commissioner — Bureau of Labor Statistics
- Director — Women's Bureau
- Inspector General¹⁰⁷
- Solicitor

Corporation for National and Community Service¹⁰⁸

- Chief Executive Officer
- Managing Director
- Managing Director

¹⁰⁴ For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position) and Committee on Veterans' Affairs.

¹⁰⁵ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs pursuant to a unanimous consent agreement of May 24, 2005. Sen. Bill Frist, "Joint Referral," remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 24, 2005, p. S5857.

¹⁰⁶ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

¹⁰⁷ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

¹⁰⁸ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

**Senate Committee on Health, Education,
Labor, and Pensions (cont.)**

Corporation for National and Community Service (cont.)

Chief Financial Officer
Inspector General¹⁰⁹

Equal Employment Opportunity Commission (political balance required)

Commissioner — five positions (five-year terms of office)
General Counsel (four-year term of office)

Federal Mediation and Conciliation Service

Director

Federal Mine Safety and Health Review Commission

Commissioner — five positions (six-year terms of office)

National Foundation on the Arts and the Humanities

National Endowment for the Arts — Chair (four-year term of office)
National Endowment for the Humanities — Chair (four-year term of office)
Institute of Museum and Library Services — Director (four-year term of office)

National Labor Relations Board (Political balance is not required, but, by tradition,
no more than three members are from the same party.)

Member — five positions (five-year terms of office)
General Counsel (four-year term of office)

National Mediation Board (political balance required)

Member — three positions (three-year terms of office)

National Science Foundation

Director (six-year term of office)
Deputy Director

Occupational Safety and Health Review Commission

Member — three positions (six-year terms of office)

Office of National Drug Control Policy (Executive Office of the President)¹¹⁰

Deputy Director — Demand Reduction

¹⁰⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

¹¹⁰ For other positions within the agency, see Committee on the Judiciary.

Senate Committee on Health, Education, Labor, and Pensions (cont.)

Pension Benefit Guaranty Corporation

Director¹¹¹

Railroad Retirement Board¹¹²

Member — three positions (five-year terms of office — Chair, who first must be appointed as a member, also needs to be confirmed.)

Inspector General¹¹³

Part-Time Positions

Barry Goldwater Scholarship and Excellence in Education Foundation, Board of Trustees (political balance required)

Member — eight (of 13 total) positions (six-year terms of office)

Corporation for National and Community Service, Board of Directors (political balance required)

Member — 15 positions (five-year terms of office)

Harry S. Truman Scholarship Foundation, Board of Trustees (political balance required)

Member — eight (of 13 total) positions (six-year terms of office)

James Madison Memorial Fellowship Foundation, Board of Trustees (political balance required)

Member — six (of 13 total) positions (six-year terms of office)

¹¹¹ The Director of the Pension Benefit Guaranty Corporation was established as a position to which appointments are made by the President, with the advice and consent of the Senate, by the Pension Protection Act of 2006 (P.L. 109-280, § 411; 120 Stat. 935). The act provides that “[t]he Committee on Finance of the Senate and the Committee on Health, Education, Labor, and Pensions of the Senate shall have joint jurisdiction over the nomination of a person nominated by the President to fill [this position], and if one committee votes to order reported such a nomination, the other shall report within 30 calendar days, or be automatically discharged” (P.L. 109-280, § 411(c)(1); 120 Stat. 935). The act also provides that the executive director at the time of enactment, “or any other individual, may serve as interim Director ... until an individual is appointed as Director” under the advice and consent process (P.L. 109-280, § 411(d); 120 Stat. 936). The first nomination to this position was received by the Senate on May 3, 2007, and was referred as specified by law.

¹¹² See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹¹³ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Health, Education, Labor and Pensions (cont.)

Legal Services Corporation Board of Directors (political balance required)

Member — 11 positions (three-year terms of office)

National Board of Education Sciences

Member — 15 positions

National Commission on Libraries and Information Science

Member — 14 (of 15 total) positions (five-year terms of office)

National Council on Disability

Member — 15 positions (three-year terms of office)

National Foundation on the Arts and the Humanities

National Council on the Arts

Member — 14 positions (of 21 total) positions (six-year terms of office)

National Council on the Humanities

Member — 26 positions (of 27 total) positions (six-year terms of office)

National Museum Services Board

Member — 14 positions (of 15 total) positions (five-year terms of office)

National Institute for Literacy Advisory Board

Member — 10 positions (three-year terms of office)

National Science Board (National Science Foundation)

Member — 24 positions (six-year terms of office)

United States Institute of Peace, Board of Directors (political balance required)

Member — 12 (of 15 total) positions (four-year terms of office)

Senate Committee on Homeland Security and Governmental Affairs

Full-Time Positions

Department of Commerce¹¹⁴

Director — Bureau of the Census

Department of Homeland Security¹¹⁵

Secretary

Deputy Secretary

Under Secretary — Management

Under Secretary — National Protection and Programs¹¹⁶

Deputy Administrator/Chief Operating Officer — Federal Emergency
Management Agency

Deputy Administrator — National Preparedness, Federal Emergency
Management Agency

Assistant Secretary — Health Affairs/Chief Medical Officer

Assistant Secretary — Policy

Assistant Secretary — U.S. Immigration and Customs Enforcement¹¹⁷

¹¹⁴ For other positions within the department, see also Committee on Banking, Housing, and Urban Affairs; Committee on Commerce, Science, and Transportation; Committee on Environment and Public Works; Committee on Finance; and Committee on the Judiciary.

¹¹⁵ For other positions within the department, see also Committee on Commerce, Science, and Transportation; Committee on Homeland Security and Governmental Affairs; and Committee on the Judiciary. The Homeland Security Act authorizes not more than 12 assistant secretaries to be appointed by the President with the advice and consent of the Senate (6 U.S.C. § 113). As of October 31, 2007, some of these potential positions had never been filled. Of the advice and consent positions established by the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), three at the Federal Emergency Management Agency — the administrator and two of a maximum of four deputy administrators — had not, as of October 31, 2007, been the subject of nomination and referral.

¹¹⁶ It could be argued that the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295) abolished this position. For more information on this argument, see CRS Report RL33729, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, coordinated by Keith Bea. Notwithstanding this argument, the President submitted a nomination to this position on September 4, 2007, and the nomination was referred to this committee.

¹¹⁷ As of October 31, 2007, the most recent nominee to this position had been nominated to the post three times. Two of these nominations were sequentially referred to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary pursuant to unanimous consent agreements of October 7, 2005, and September 27, 2007. (Sen. Ted Stevens, “Sequential Referral of Nomination,” remarks in the Senate, *Congressional Record*, vol. 151, October 7, 2005, p. 11331; Sen. Sherrod Brown, “Sequential Referral — Nomination of Julie Myers,” remarks in the Senate, *Congressional Record*, vol. 153, September 27, 2007, p. S12316). The second nomination was referred
(continued...)

Senate Committee on Homeland Security and Governmental Affairs (cont.)

Department of Homeland Security (cont.)

Assistant Secretary/Administrator — Transportation Security Administration¹¹⁸
Administrator — U.S. Fire Administration
Assistant Administrator — Grant Programs, Federal Emergency Management
Agency¹¹⁹
Director — Office of Counternarcotics Enforcement
Chief Financial Officer¹²⁰
General Counsel
Inspector General

Court Services and Offender Supervision Agency to the District of Columbia

Director (six-year term of office)

District of Columbia Court of Appeals (15-year terms of office)

Chief Judge
Judges — eight positions

District of Columbia Superior Court (15-year terms of office)

Chief Judge
Judges — 61 positions

¹¹⁷ (...continued)

only to the Committee Homeland Security and Governmental Affairs.

¹¹⁸ As of October 31, 2007, the most recent nomination to this position had been referred sequentially to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs. On May 19, 2005, the Senate agreed, by unanimous consent, “that the nomination of Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security be referred to the Committee on Commerce, Science and Transportation, and that, further, upon the reporting out or discharge of the nomination, the nomination be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 days, after which the nomination, if still in committee, will be discharged and placed on the Executive Calendar.” Sen. George Allen, “Referral and Discharge — Nomination of Edmund S. Hawley,” remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 19, 2005, p. S5547.

¹¹⁹ This position was previously titled Assistant Secretary of Homeland Security for Grants and Training/Executive Director, Office for State and Local Government Coordination and Preparedness.

¹²⁰ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

Senate Committee on Homeland Security and Governmental Affairs (cont.)

Federal Labor Relations Authority (political balance required)

Members — three positions (five-year terms of office)
General Counsel (five-year term of office)

General Accounting Office

Comptroller General (15-year term of office)
Deputy Comptroller General¹²¹

General Services Administration

Administrator
Inspector General

Merit Systems Protection Board (political balance required)

Member — three positions (seven-year terms of office — Chair, who first must be confirmed as a member, also needs to be confirmed.)

National Archives and Records Administration

Archivist

Office of Government Ethics

Director (five-year term of office)

Office of Management and Budget (Executive Office of the President)

Director¹²²
Deputy Director¹²³
Deputy Director — Management
Administrator — Office of Federal Procurement Policy
Administrator — Office of Information and Regulatory Affairs
Controller — Office of Federal Financial Management

¹²¹ The term of the Deputy Comptroller General expires upon the appointment of a new Comptroller General, or when a successor is appointed (31 U.S.C. § 703(b)). No one has been nominated to this office for at least 25 years.

¹²² On October 9, 2004, the Senate agreed to S.Res. 445 (108th Congress), which provided, in part, as follows: “The Committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged” (§101(e)). Nominations to the positions of Director and Deputy Director of the Office of Management and Budget were jointly referred to the two committees during the 109th and 110th Congresses.

¹²³ Ibid.

Senate Committee on Homeland Security and Governmental Affairs (cont.)

Office of Personnel Management

Director (four-year term of office)
Deputy Director
Inspector General

Office of Special Counsel

Special Counsel (five-year term of office)

Postal Rate Commission (political balance required)

Commissioner — five positions (six-year terms of office)

Most Other Inspectors General¹²⁴

Part-Time Positions

Federal Retirement Thrift Investment Board

Member — five positions (four-year terms of office)

Special Panel on Appeals

Chair (six-year term of office)

United States Postal Service Board of Governors (political balance required)

Governor — nine positions (nine-year terms of office)

¹²⁴ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Indian Affairs

Full-Time Positions

Department of Health and Human Services¹²⁵

Director — Indian Health Service (four-year term of office)
Commissioner — Administration for Native Americans

Department of the Interior¹²⁶

Assistant Secretary — Indian Affairs
Chair — National Indian Gaming Commission (three-year term of office)
Special Trustee — American Indians

Office of Navajo and Hopi Indian Relocation

Commissioner (two-year term of office)¹²⁷

Part-Time Positions

Institute of American Indian and Alaska Native Culture and Arts Development, Board of Trustees

Member — 13 (voting) positions (six-year terms of office)

¹²⁵ For other positions within the department, see also Committee on Finance, Committee on Homeland Security and Governmental Affairs (for inspector general position), and Committee on Health, Education, Labor, and Pensions.

¹²⁶ For other positions within the department, see also Committee on Energy and Natural Resources, Committee on Environment and Public Works, and Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹²⁷ There has not been a confirmed Commissioner for the Office of Navajo and Hopi Indian Relocation since the resignation of Carl J. Kunasek on April 12, 1994. The last nomination to this position was not confirmed and was returned to the President on November 14, 1994.

Senate Select Committee on Intelligence

Full-Time Positions

Department of Justice

Assistant Attorney General — National Security Division¹²⁸

Department of State

Assistant Secretary — Intelligence and Research¹²⁹

Department of the Treasury

Assistant Secretary — Intelligence and Analysis

Central Intelligence Agency

Director

General Counsel

Inspector General

Director of National Intelligence

Director

Principal Deputy Director

Director, National Counterterrorism Center

General Counsel

Chief Information Officer

¹²⁸ Nominations to this position are referred sequentially to the Committee on the Judiciary and the Select Committee on Intelligence pursuant to Section 17(b)(1) of S. Res. 400 of the 94th Congress (as amended by § 506(d) of P. L. No. 109-177 (March 9, 2006)). The applicable portion of the provision reads, “With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.”

¹²⁹ A June 12, 2006, nomination to this position was initially referred to the Committee on Foreign Relations. Two days later, the Senate agreed, by unanimous consent, that “the nomination of Randall M. Fort to be Assistant Secretary of State be discharged from the Committee on Foreign Relations and that it be referred to the Committee on Intelligence.” Sen. Mitch McConnell, “Referral of Discharged Nomination,” remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 14, 2006, p. S5898.

Senate Committee on the Judiciary

Full-Time Positions

Department of Commerce¹³⁰

Under Secretary — Intellectual Property/Director - U.S. Patent and Trademark Office

Department of Homeland Security¹³¹

Assistant Secretary — U.S. Immigration and Customs Enforcement¹³²
Director — U.S. Citizenship and Immigration Services

Department of Justice¹³³

Attorney General
Deputy Attorney General
Associate Attorney General
Assistant Attorney General — Antitrust Division
Assistant Attorney General — Civil Division
Assistant Attorney General — Civil Rights Division
Assistant Attorney General — Criminal Division

¹³⁰ See also Committee on Banking, Housing, and Urban Affairs; Committee on Environment and Public Works; Committee on Finance; and Committee on Homeland Security and Governmental Affairs.

¹³¹ For other positions within the department, see also Committee on Commerce, Science, and Transportation; Committee on Finance; and Committee on Homeland Security and Governmental Affairs. The Homeland Security Act authorizes not more than 12 assistant secretaries to be appointed by the President with the advice and consent of the Senate (6 U.S.C. § 113). As of October 31, 2007, some of these potential positions had never been filled. Of the advice and consent positions established by the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295), three at the Federal Emergency Management Agency — the administrator and two of a maximum of four deputy administrators — had not, as of October 31, 2007, been the subject of nomination and referral.

¹³² As of October 31, 2007, the most recent nominee to this position had been nominated to the post three times. Two of these nominations were sequentially referred to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary pursuant to unanimous consent agreements of October 7, 2005. (Sen. Ted Stevens, “Sequential Referral of Nomination,” remarks in the Senate, *Congressional Record*, vol. 151, October 7, 2005, p. 11331; Sen. Sherrod Brown, “Sequential Referral — Nomination of Julie Myers,” remarks in the Senate, *Congressional Record*, vol. 153, September 27, 2007, p. S12316). The second nomination was referred only to the Committee on Homeland Security and Governmental Affairs.

¹³³ Although the Department of Justice is included in the statute that provides presidentially appointed and Senate-confirmed chief financial officers for all of the major executive branch agencies (31 U.S.C. § 901(a)(1)), this provision is superseded by 28 U.S.C. § 507. The latter section provides that the Assistant Attorney General for Administration, appointed by the Attorney General with the approval of the President, shall be the CFO for the Department of Justice. See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

Senate Committee on the Judiciary (cont.)

Department of Justice (cont.)

Assistant Attorney General — Environment and Natural Resources Division
 Assistant Attorney General — Legislative Affairs
 Assistant Attorney General — Office of Justice Programs
 Assistant Attorney General — National Security Division¹³⁴
 Assistant Attorney General — Office of Legal Counsel
 Assistant Attorney General — Office of Legal Policy
 Assistant Attorney General — Tax Division
 Administrator — Drug Enforcement Administration
 Administrator — Office of Juvenile Justice and Delinquency Prevention
 Deputy Administrator — Drug Enforcement Administration
 Director — Bureau of Alcohol, Tobacco, Firearms and Explosives
 Director — Bureau of Justice Assistance
 Director — Bureau of Justice Statistics
 Director — Community Relations Service (four-year term of office)
 Director — Federal Bureau of Investigation (10-year term of office)
 Director — National Institute of Justice
 Director — Office for Victims of Crime
 Director — Office on Violence Against Women
 Director — U.S. Marshals Service
 Inspector General¹³⁵
 Solicitor General
 Special Counsel — Immigration-Related Unfair Employment Practices (four-year term of office)
 U.S. Attorney — 93 positions (four-year terms of office)
 U.S. Marshal — 94 positions (four-year terms of office)

Foreign Claims Settlement Commission

Chair — (three-year term of office; nominated from among commissioner members — See additional listing under part-time positions below.)

¹³⁴ Nominations to this position are referred sequentially to the Committee on the Judiciary and the Select Committee on Intelligence pursuant to Section 17(b)(1) of S. Res. 400 of the 94th Congress (as amended by § 506(d) of P. L. No. 109-177 (March 9, 2006)). The applicable portion of the provision reads, “With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.”

¹³⁵ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG’s agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on the Judiciary (cont.)

Office of National Drug Control Policy (Executive Office of the President)¹³⁶

Director
Deputy Director
Deputy Director — Demand Reduction
Deputy Director — State and Local Affairs
Deputy Director — Supply Reduction

United States Circuit Court

Judges — 179 positions (life tenure)

United States Court of Federal Claims

Judges — 16 positions (15-year terms of office)

United States Court of International Trade (life tenure)

Judges — nine positions (political balance required)

United States District Courts¹³⁷

Judges — 678 positions (most are life tenure — These include four judges in three territorial courts, who are appointed to 10-year terms of office.)

United States Parole Commission

Member — five positions (six-year term of office)

United States Sentencing Commission

Chair — (six-year term of office; nominated from among commission members — See additional listing under part-time positions below.)

Vice Chair — three positions (six-year terms of office; designated from among commission members — See additional listing under part-time positions below.)

United States Supreme Court

Chief Justice — (life tenure)
Associate Justices — eight positions (life tenure)

¹³⁶ See also Committee on Health, Education, Labor, and Pensions.

¹³⁷ The 678 district court judgeships consist of 663 permanent judgeships, 11 temporary judgeships, and four territorial court judgeships. In the districts with the 11 temporary judgeships, the seat lapses with the departure of a judge from that district at some particular time specified in statute unless Congress enacts legislation to extend the temporary judgeship or convert it to a permanent judgeship.

Senate Committee on the Judiciary (cont.)

Part-Time Positions

Foreign Claims Settlements Commission

Member — three positions (three-year terms of office — One of the three members is also nominated to be the full-time chair of the commission, as shown above.)

State Justice Institute, Board of Directors

Director — 11 positions (three-year terms of office)

United States Sentencing Commission (political balance required)

Commissioner — seven positions (six-year terms of office — One of the seven members is also nominated to be the full-time chair of the commission, and two others are designated as full-time vice-chairs.)

Senate Committee on Rules and Administration

Full-Time Positions

Architect of the Capitol

Architect

Election Assistance Commission (political balance required)

Commissioner — four positions (four-year terms of office)

Federal Election Commission (political balance required)

Commissioners — six positions (six-year terms of office)

Government Printing Office

Public Printer

Library of Congress

Librarian

Senate Committee on Small Business and Entrepreneurship

Full-Time Positions

Small Business Administration¹³⁸

Administrator

Deputy Administrator

Chief Counsel for Advocacy

Inspector General¹³⁹

¹³⁸ See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹³⁹ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.

Senate Committee on Veterans' Affairs

Full-Time Positions

Department of Labor¹⁴⁰

Assistant Secretary — Veterans' Employment and Training Service¹⁴¹

Department of Veterans Affairs¹⁴²

Secretary

Deputy Secretary

Under Secretary — Benefits (four-year term of office)

Under Secretary — Health (four-year term of office)

Under Secretary — Memorial Affairs

Assistant Secretary — Congressional and Legislative Affairs

Assistant Secretary — Human Resources and Administration

Assistant Secretary — Information and Technology

Assistant Secretary — Management and Chief Financial Officer¹⁴³

Assistant Secretary — Operations, Security, and Preparedness

Assistant Secretary — Policy and Planning

Assistant Secretary — Public and Intergovernmental Affairs

Chair — Board of Veterans' Appeals (six-year term of office)

General Counsel

Inspector General¹⁴⁴

United States Court of Appeals for Veterans Claims

Judge — three-seven positions (15-year terms of office)

¹⁴⁰ For other positions in this department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position) and Committee on Health, Education, Labor, and Pensions.

¹⁴¹ As of October 31, 2007, the most recent nomination to this position had been referred jointly to the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs pursuant to a unanimous consent agreement of May 24, 2005. Sen. Bill Frist, "Joint Referral," remarks in the Senate, *Congressional Record*, daily edition, vol. 151, May 24, 2005, p. S5857.

¹⁴² See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

¹⁴³ This chief financial officer is one of 16 out of the 24 CFO positions covered by the Chief Financial Officers Act of 1990, as amended, that may be filled through appointment by the President, with the advice and consent of the Senate, or through designation by the President from among agency officials who have been confirmed by the Senate for other positions. (31 U.S.C. § 901(a)(1)).

¹⁴⁴ Pursuant to a UC agreement, most IG nominations are referred sequentially to the committee with predominant jurisdiction over the particular IG's agency and then the Committee on Homeland Security and Governmental Affairs. For more information, see footnote 7.