

# CRS Report for Congress

## Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations

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Prepared for Members and  
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# Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations

## 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

## Introduction<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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 Committees<sup>5</sup>

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.

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<sup>1</sup> Michael Kerwin, a former CRS research assistant, also contributed to this report.

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

<sup>3</sup> 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.

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

<sup>5</sup> 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 109<sup>th</sup> Congress, nominations to six positions — two in the Department of Commerce, 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.<sup>6</sup>

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 109<sup>th</sup> Congress, the Senate has agreed, by unanimous consent, to refer sequentially nominations to most inspector general (IG) positions,<sup>7</sup> as well as four other positions — one in the Department of

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<sup>6</sup> 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; 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.

<sup>7</sup> 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 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 (continued...)

Defense, one in the Department of Justice, and two in the Department of Homeland Security.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

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.

The appointment provisions for certain executive branch chief financial officers (CFOs) are unusual. The Chief Financial Officers Act of 1990, as amended, covers

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<sup>7</sup> (...continued)

Reid, "Executive Nominations," remarks in the Senate, *Congressional Record*, daily edition, vol. 153, January 9, 2007, p. S310.

<sup>8</sup> 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.

<sup>9</sup> Sen. Bill Frist, "Referral of Nominations," remarks in the Senate, *Congressional Record*, daily edition, vol. 150, July 8, 2004, p. S7864.

<sup>10</sup> Sen. Mitch McConnell, "Referral of Discharged Nomination," remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 14, 2006, p. S5898.

<sup>11</sup> Sen. Mitch McConnell, "Discharge and Referral," remarks in the Senate, *Congressional Record*, daily edition, vol. 152, June 29, 2006, p. S7176.

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.<sup>12</sup> 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,<sup>13</sup> which spans the 97<sup>th</sup> Congress to the present; data provided on departmental and agency websites; telephone conversations with agency officials; and the *United States Code*.

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<sup>12</sup> 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.

<sup>13</sup> 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 Agriculture<sup>14</sup>

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 Officer<sup>15</sup>

General Counsel

Inspector General<sup>16</sup>

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)

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

<sup>15</sup> 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)).

<sup>16</sup> 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 Defense<sup>17</sup>

##### *Office of the Secretary*

Secretary

Deputy Secretary

Under Secretary — Acquisition, Technology, and Logistics

Under Secretary — Comptroller and Chief Financial Officer<sup>18</sup>

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 General<sup>19</sup>

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

<sup>18</sup> 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)).

<sup>19</sup> 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 Works<sup>20</sup>

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

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<sup>20</sup> 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 Energy<sup>21</sup>

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 Management<sup>22</sup>

### 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)

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<sup>21</sup> 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).

<sup>22</sup> 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 Commerce<sup>23</sup>

Under Secretary — Export Administration<sup>24</sup>

Under Secretary — International Trade<sup>25</sup>

Assistant Secretary — Export Administration

Assistant Secretary — Export Enforcement

Assistant Secretary — Trade Promotion/ Director General — U.S. and Foreign  
Commercial Service<sup>26</sup>

#### Department of Housing and Urban Development<sup>27</sup>

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 Officer<sup>28</sup>

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<sup>23</sup> 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.

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

<sup>25</sup> 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.

<sup>26</sup> 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.

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

<sup>28</sup> 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

(continued...)

## **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 General<sup>29</sup>  
President — Government National Mortgage Association (Ginnie Mae)

### **Department of Transportation<sup>30</sup>**

Administrator — Federal Transit Administration

### **Department of the Treasury<sup>31</sup>**

Under Secretary — Terrorism and Financial Intelligence<sup>32</sup>  
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)

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<sup>28</sup> (...continued)

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

<sup>29</sup> 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.

<sup>30</sup> 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).

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

<sup>32</sup> 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 Fund<sup>33</sup>**

Administrator

### **Council of Economic Advisers (Executive Office of the President)**

Member — three positions

### **Export-Import Bank<sup>34</sup>** (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 General<sup>35</sup>

### **Federal Deposit Insurance Corporation<sup>36</sup>** (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 General<sup>37</sup>

### **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.)

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<sup>33</sup> 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.

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

<sup>35</sup> 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.

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

<sup>37</sup> 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 Commerce, Science, and Transportation

### Full-Time Positions

#### Department of Commerce<sup>38</sup>

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 Officer<sup>39</sup>  
 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 Service<sup>40</sup>  
 Chief Scientist — National Oceanic and Atmospheric Administration  
 Director — National Institute of Standards and Technology  
 General Counsel  
 Inspector General<sup>41</sup>  
 Officer Corps — National Oceanic and Atmospheric Administration

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<sup>38</sup> 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.

<sup>39</sup> 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)).

<sup>40</sup> 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.

<sup>41</sup> 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 Security<sup>42</sup>

Under Secretary — Science and Technology

Assistant Secretary/Administrator — Transportation Security Administration<sup>43</sup>

Commandant — United States Coast Guard

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

### Department of Transportation<sup>44</sup>

Secretary

Deputy Secretary

Under Secretary — Policy

Assistant Secretary — Aviation and International Affairs

Assistant Secretary — Budget and Programs and Chief Financial Officer<sup>45</sup>

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

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<sup>42</sup> 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.

<sup>43</sup> 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.

<sup>44</sup> 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).

<sup>45</sup> 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 General<sup>46</sup>

### **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 Administration**<sup>47</sup>

Administrator  
Deputy Administrator  
Chief Financial Officer  
Inspector General<sup>48</sup>

### **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.)

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<sup>46</sup> 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.

<sup>47</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>48</sup> 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<sup>49</sup>

**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)

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<sup>49</sup> 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 Energy<sup>50</sup>

- 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 Management<sup>51</sup>
- Assistant Secretary — Fossil Energy
- Assistant Secretary — International Affairs and Domestic Policy
- Assistant Secretary — Nuclear Energy
- Chief Financial Officer<sup>52</sup>
- Director — Office of Civilian Radioactive Waste Management
- Director — Office of Economic Impact and Diversity
- Director — Office of Science
- General Counsel
- Inspector General<sup>53</sup>

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<sup>50</sup> For other positions within the department, see also Committee on Armed Services and Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>51</sup> 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.

<sup>52</sup> 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)).

<sup>53</sup> 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 Interior<sup>54</sup>

Secretary

Deputy Secretary

Assistant Secretary — Fish, Wildlife and Parks<sup>55</sup>

Assistant Secretary — Land and Minerals Management

Assistant Secretary — Policy, Management, and Budget and Chief Financial  
Officer<sup>56</sup>

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 General<sup>57</sup>

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 Coordinator<sup>58</sup>

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<sup>54</sup> 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.

<sup>55</sup> 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.

<sup>56</sup> 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)).

<sup>57</sup> 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.

<sup>58</sup> 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 Commerce<sup>59</sup>

Assistant Secretary — Economic Development

#### Department of Defense<sup>60</sup>

Assistant Secretary — Army — Civil Works<sup>61</sup>

#### Department of the Interior<sup>62</sup>

Assistant Secretary — Fish, Wildlife and Parks<sup>63</sup>

Director — U.S. Fish and Wildlife Service

<sup>58</sup> (...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)).

<sup>59</sup> 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.

<sup>60</sup> For other positions within the department, see also Committee on Armed Services and Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>61</sup> 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.

<sup>62</sup> 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.

<sup>63</sup> 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 Transportation<sup>64</sup>**

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 Agency<sup>65</sup>**

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 Officer<sup>66</sup>

General Counsel

Inspector General<sup>67</sup>

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<sup>64</sup> 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.

<sup>65</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>66</sup> 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)).

<sup>67</sup> 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 Commission**<sup>68</sup> (political balance required)  
Commissioner — five positions (five-year terms of office)  
Inspector General<sup>69</sup>

**Tennessee Valley Authority, Board of Directors**<sup>70</sup>  
Member — nine positions (five-year terms of office)  
Inspector General<sup>71</sup>

### **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)

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<sup>67</sup> (...continued)

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

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

<sup>69</sup> 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.

<sup>70</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>71</sup> 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 Commerce<sup>72</sup>

Under Secretary — International Trade<sup>73</sup>  
 Assistant Secretary — Import Administration  
 Assistant Secretary — Market Access and Compliance

#### Department of Health and Human Services<sup>74</sup>

Secretary  
 Deputy Secretary  
 Administrator — Centers for Medicare and Medicaid Services  
 Assistant Secretary — Resources and Technology/Chief Financial Officer<sup>75</sup>  
 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 General<sup>76</sup>

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<sup>72</sup> 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.

<sup>73</sup> 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.

<sup>74</sup> 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.

<sup>75</sup> 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)).

<sup>76</sup> 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 Security<sup>77</sup>

Commissioner — U.S. Customs and Border Protection

### Department of the Treasury<sup>78</sup>

Secretary

Deputy Secretary

Under Secretary — Domestic Finance

Under Secretary — International Affairs

Under Secretary — Terrorism and Financial Intelligence<sup>79</sup>

Assistant Secretary — Economic Policy

Assistant Secretary — Financial Markets

Assistant Secretary (Deputy Under Secretary) — International Affairs<sup>80</sup>

<sup>77</sup> 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.

<sup>78</sup> 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).

<sup>79</sup> 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.

<sup>80</sup> 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 Affairs<sup>81</sup>  
 Assistant Secretary — Management and Chief Financial Officer<sup>82</sup>  
 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 General<sup>83</sup>  
 Inspector General — Tax Administration<sup>84</sup>  
 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**

Director<sup>85</sup>

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<sup>81</sup> Ibid.

<sup>82</sup> 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)).

<sup>83</sup> 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.

<sup>84</sup> Ibid.

<sup>85</sup> 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 Administration**<sup>86</sup>

Commissioner (six-year term of office)  
Deputy Commissioner (six-year term of office)  
Inspector General<sup>87</sup>

**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)

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<sup>86</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>87</sup> 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 State<sup>88</sup>

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 Research<sup>89</sup>  
 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

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<sup>88</sup> For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position), and Select Committee on Intelligence.

<sup>89</sup> 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 Officer<sup>90</sup>  
 Coordinator — U.S. Global AIDS  
 Counselor  
 Director General — Foreign Service  
 Director — Office of Foreign Missions  
 Inspector General<sup>91</sup>  
 Legal Adviser  
 Chief of Protocol<sup>92</sup>  
 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)

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<sup>90</sup> 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)).

<sup>91</sup> 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.

<sup>92</sup> 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 Development<sup>93</sup>**

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 General<sup>94</sup>

### **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

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<sup>93</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>94</sup> 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 Positions<sup>95</sup>

#### **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)

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<sup>95</sup> 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 Diplomacy**<sup>96</sup> (political balance required)

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

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<sup>96</sup> 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 Education<sup>97</sup>**

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 Officer<sup>98</sup>  
 Commissioner — Education Statistics (six-year term of office)  
 Commissioner — Rehabilitation Services Administration  
 General Counsel  
 Inspector General<sup>99</sup>

#### **Department of Health and Human Services<sup>100</sup>**

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

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<sup>97</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>98</sup> 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)).

<sup>99</sup> 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.

<sup>100</sup> 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 Labor<sup>101</sup>

- 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 Service<sup>102</sup>
- Administrator — Wage and Hour Division
- Chief Financial Officer<sup>103</sup>
- Commissioner — Bureau of Labor Statistics
- Director — Women's Bureau
- Inspector General<sup>104</sup>
- Solicitor

### Corporation for National and Community Service<sup>105</sup>

- Chief Executive Officer
- Managing Director
- Managing Director

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<sup>101</sup> For other positions within the department, see also Committee on Homeland Security and Governmental Affairs (for inspector general position) and Committee on Veterans' Affairs.

<sup>102</sup> 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.

<sup>103</sup> 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)).

<sup>104</sup> 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.

<sup>105</sup> 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 General<sup>106</sup>

**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)<sup>107</sup>**

Deputy Director — Demand Reduction

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<sup>106</sup> 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.

<sup>107</sup> For other positions within the agency, see Committee on the Judiciary.

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

### **Pension Benefit Guaranty Corporation**

Director<sup>108</sup>

### **Railroad Retirement Board<sup>109</sup>**

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

Inspector General<sup>110</sup>

## **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)

<sup>108</sup> 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.

<sup>109</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>110</sup> 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 Commerce<sup>111</sup>

Director — Bureau of the Census

#### Department of Homeland Security<sup>112</sup>

Secretary

Deputy Secretary

Under Secretary — Management

Under Secretary — National Protection and Programs<sup>113</sup>

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 Enforcement<sup>114</sup>

<sup>111</sup> 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.

<sup>112</sup> 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.

<sup>113</sup> 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.

<sup>114</sup> 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 Administration<sup>115</sup>  
Administrator — U.S. Fire Administration  
Assistant Administrator — Grant Programs, Federal Emergency Management  
Agency<sup>116</sup>  
Director — Office of Counternarcotics Enforcement  
Chief Financial Officer<sup>117</sup>  
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

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<sup>114</sup> (...continued)

only to the Committee Homeland Security and Governmental Affairs.

<sup>115</sup> 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.

<sup>116</sup> 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.

<sup>117</sup> 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 General<sup>118</sup>

### **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)**

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

### **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)

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<sup>118</sup> 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.

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

**Most Other Inspectors General**<sup>119</sup>

**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)

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<sup>119</sup> 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 Services<sup>120</sup>

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

#### Department of the Interior<sup>121</sup>

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)<sup>122</sup>

### 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)

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<sup>120</sup> 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.

<sup>121</sup> 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).

<sup>122</sup> 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 Division<sup>123</sup>

#### Department of State

Assistant Secretary — Intelligence and Research<sup>124</sup>

#### 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

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<sup>123</sup> 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 94<sup>th</sup> 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.”

<sup>124</sup> 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 Commerce<sup>125</sup>

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

#### Department of Homeland Security<sup>126</sup>

Assistant Secretary — U.S. Immigration and Customs Enforcement<sup>127</sup>  
Director — U.S. Citizenship and Immigration Services

#### Department of Justice<sup>128</sup>

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

<sup>125</sup> 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.

<sup>126</sup> 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.

<sup>127</sup> 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.

<sup>128</sup> 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 Division<sup>129</sup>  
 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 General<sup>130</sup>  
 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.)

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<sup>129</sup> 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.”

<sup>130</sup> 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)<sup>131</sup>**

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 Courts<sup>132</sup>**

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)

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<sup>131</sup> See also Committee on Health, Education, Labor, and Pensions.

<sup>132</sup> 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 Administration<sup>133</sup>

Administrator

Deputy Administrator

Chief Counsel for Advocacy

Inspector General<sup>134</sup>

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<sup>133</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>134</sup> 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 Labor<sup>135</sup>

Assistant Secretary — Veterans' Employment and Training Service<sup>136</sup>

#### Department of Veterans Affairs<sup>137</sup>

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 Officer<sup>138</sup>

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 General<sup>139</sup>

#### United States Court of Appeals for Veterans Claims

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

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<sup>135</sup> 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.

<sup>136</sup> 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.

<sup>137</sup> See also Committee on Homeland Security and Governmental Affairs (for inspector general position).

<sup>138</sup> 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)).

<sup>139</sup> 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.