

CRS Report for Congress

Recess Appointments Made by President George W. Bush, January 20, 2001- October 31, 2008

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**Prepared for Members and
Committees of Congress**

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Summary

Under the Constitution, the President and the Senate share the power to make appointments to the highest-level politically appointed positions in the federal government. The Constitution also empowers the President unilaterally to make a temporary appointment to such a position if it is vacant and the Senate is in recess. Such an appointment, termed a *recess appointment*, expires at the end of the following session of the Senate. This report identifies recess appointments made by President George W. Bush from the time he took office on January 20, 2001, through October 31, 2008. Basic descriptive statistics regarding these appointments are also provided.

As of October 31, 2008, President Bush had made 171 recess appointments. President William J. Clinton, in comparison, made a total of 139 recess appointments during the course of his presidency. Of President Bush's 171 recess appointments, 99 were to full-time positions, and the remaining 72 were to part-time positions. Thirty were made during recesses between Congresses or between sessions of Congress (*intersession* recess appointments). The remaining 141 were made during recesses within sessions of Congress (*intrasession* recess appointments). The duration of the 24 recesses during which President Bush made recess appointments ranged from 10 to 47 days. The average (mean) duration of these recesses was 25 days, and the median duration was 26 days.

In 165 of the 171 cases in which President Bush made a recess appointment, the individual was also nominated, by October 31, 2008, to the position to which he or she had been appointed. In 162 of these 165 cases, the individuals being appointed had previously been nominated to the position. In the three remaining cases, the individuals were first nominated to the position after the recess appointment. Of the 165 cases in which the President submitted a nomination for the recess appointee, as of October 31, 2008, 95 had resulted in confirmation, 6 were pending in the Senate, and the remaining 64 had failed to be confirmed. In 31 of these 64 recess appointment cases, the President withdrew the nominations of the appointees, and in the remaining 33 cases, the nominations were returned to the President.

Additional information may be found in other CRS reports. For general information on recess appointments practice, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue. For information on related legal issues, see CRS Report RL32971, *Judicial Recess Appointments: A Legal Overview*, and CRS Report RL33009, *Recess Appointments: A Legal Overview*, both by T.J. Halstead.

This report will be updated periodically, as additional recess appointments are made.

Contents

Table 1. Recess Appointments by President George W. Bush to Full- and Part-Time Positions, January 20, 2001- October 31, 2008	2
Table 2. Summary Information Concerning Recess Appointments by President George W. Bush, January 20, 2001- October 31, 2008	4
Table 3. Senate Inter-session Recesses, Intra-session Recesses of Four or More Days, and Numbers of Recess Appointments, January 20, 2001-October 31, 2008	8
Table 4. Recess Appointments to Full-Time Positions by President George W. Bush, January 20, 2001- October 31, 2008 ^a	11
Table 5. Recess Appointments to Part-Time Positions by President George W. Bush, January 20, 2001- October 31, 2008 ^a	16

Recess Appointments Made by President George W. Bush, January 20, 2001-October 31, 2008

Under the Constitution, the President and the Senate share the power to make appointments to the highest-level politically appointed positions in the federal government.¹ The Constitution also empowers the President unilaterally to make a temporary appointment to such a position if it is vacant and the Senate is in recess.² Such an appointment, termed a *recess appointment*, expires at the end of the following session of the Senate.³ The records of debate at the Constitutional Convention and the Federalist Papers provide little evidence of the framers' intentions in the recess appointment clause. Opinions by later Attorneys General, however, suggested that the purpose of the clause was to allow the President to maintain the continuity of administrative government through the temporary filling of offices during periods when the Senate was not in session, at which time his nominees could not be considered or confirmed.⁴ This interpretation is bolstered by the fact that both Houses of Congress had relatively short sessions and long recesses during the early years of the Republic. In fact, until the beginning of the 20th century, the Senate was, on average, in session less than half the year.⁵

This report identifies recess appointments made by President George W. Bush from the time he took office on January 20, 2001, through October 31, 2008.⁶ Basic

¹ U.S. Constitution, Article 2, § 2, cl. 2.

² Article 2, Section 2, clause 3 reads, "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

³ As discussed in detail later in this report, each Congress covers a two-year period, generally composed of two sessions.

⁴ An opinion by Attorney General William Wirt in 1823 concerning the meaning of the word "happen" in the clause provides one example. (The clause states, "[t]he President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session" [Article 2, Section 2, cl. 3].) In part, he stated, "The substantial purpose of the constitution was to keep these offices filled; and the powers adequate to this purpose were intended to be conveyed." 1 Op. A.G. at 632.

⁵ U.S. Congress, Joint Committee on Printing, *2007-2008 Official Congressional Directory 110th Congress*, S. Pub. 110-13, 110th Cong. (Washington: GPO, 2007), pp. 516-520.

⁶ Information was obtained from news releases from the White House website, available at [<http://www.whitehouse.gov/news/>], the White House Executive Clerk, and the Legislative Information System (LIS) nominations database, available at [<http://www.congress.gov/>]

descriptive statistics regarding these appointments are also provided. Additional information concerning recess appointment practice, judicial recess appointments, and legal issues related to recess appointments may be found in other CRS reports.⁷

As of October 31, 2008, President Bush had made 171 recess appointments. President William J. Clinton, in comparison, made a total of 139 recess appointments during the course of his presidency. Of President Bush's 171 recess appointments, 99 were to full-time positions, and the remaining 72 were to part-time positions. **Table 1** provides the number of recess appointments in each of these categories for each year of the Bush presidency. In general, the top leadership positions in the federal government are full-time positions to which appointments are made through the advice and consent process. For example, among the full-time offices to which President Bush made recess appointments, five were deputy secretary positions and two were federal appeals court judgeships. Part-time positions can also be vested with statutory policy-making authority that can have broad impact. The members of the Defense Base Closure and Realignment Commission, who received recess appointments from President Bush, could be considered among the positions in this category.

Table 1. Recess Appointments by President George W. Bush to Full- and Part-Time Positions, January 20, 2001-October 31, 2008

Positions	2001	2002	2003	2004	2005	2006	2007	2008 ^a	Total
Full-time	1	19	14	30	8	23	4	0	99
Part-time	0	3	24	15	13	17	0	0	72
Total	1	22	38	45	21	40	4	0	171

Sources: Table developed by the Congressional Research Service using data obtained from news releases from the White House website, available at [<http://www.whitehouse.gov/news/>]; the White House Executive Clerk; and the Legislative Information System (LIS) nominations database, available at [<http://www.congress.gov/nomis/>], accessed on October 31, 2008.

a. Through October 31.

The text of the Constitution states that the President has the authority to exercise this power during "the Recess of the Senate."⁸ The precise meaning of that phrase has been a matter of some debate related to two types of congressional recess. The Twentieth Amendment to the Constitution provides that Congress will meet annually

⁶ (...continued)
nomis/].

⁷ For information on recess appointments generally, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue. For information on related legal issues, see CRS Report RL32971, *Judicial Recess Appointments: A Legal Overview*, and CRS Report RL33009, *Recess Appointments: A Legal Overview*, both by T.J. Halstead.

⁸ Article 2, § 2, cl. 3.

on January 3, “unless they shall by law appoint a different day.”⁹ In recent decades, each Congress has consisted of two 9-12 month sessions separated by an *intersession* recess. The period between the second session of one Congress and the first session of the following Congress is also referred to as an *intersession* recess. Within each of the sessions, Congress has typically adjourned for 5-11 *intrasession* recesses of four days or longer, usually in conjunction with national holidays.

Some scholars have asserted that recess appointments may be made only during intersession recesses.¹⁰ Others take a broader view of the meaning of “Recess” as used in the recess appointments clause and assert that the President may also make recess appointments during intrasession recesses.¹¹ Notwithstanding the ongoing discourse in this area, recent Presidents have made recess appointments during both kinds of recesses. Of the 171 recess appointments by President Bush, as of October 31, 2008, 30 were intersession recess appointments and 141 were intrasession recess appointments. (See **Table 2**.)

In 165 of the 171 cases in which President Bush made a recess appointment, by October 31, 2008, the individuals were also nominated to the position to which they had been appointed.¹² **Table 2** shows the disposition of these cases. In 162 of these 165 cases, the individuals being appointed had previously been nominated to the position. In three additional cases, the individuals were first nominated to the position after the recess appointment.

Of the 165 cases in which the President submitted a nomination for the recess appointee, as of October 31, 2008, 95 had resulted in confirmation, 6 were pending in the Senate, and the remaining 64 had failed to be confirmed. In 31 of these 64 cases, the President withdrew the nominations of the appointees. In the remaining 33 cases, the nominations were returned to the President. **Table 2** shows the disposition of these cases.

As **Table 2** shows, nearly all of President Bush’s recess appointments, as of October 31, 2008, had been to positions in the executive branch. Six of the 171 appointments had been to positions in the judicial branch. Two of these — those of Charles W. Pickering and William H. Pryor — were to federal judgeships. The remaining four were to full- and part-time membership positions on the United States Sentencing Commission.¹³

⁹ U.S. Constitution, 20th Amend., § 2.

¹⁰ See, for example, Michael B. Rappaport, “The Original Meaning of the Recess Appointments Clause,” *UCLA Law Review*, vol. 52, June 2005, p. 1487.

¹¹ See, for example, Edward A. Hartnett, “Recess Appointments of Article III Judges: Three Constitutional Questions,” *Cardozo Law Review*, vol. 26, January 2005, p. 377.

¹² The remaining 6 of the 171 recess appointees had not been nominated, by October 31, 2008, to the positions to which they had been appointed.

¹³ The chair and three vice chairs are full-time positions; the remaining member slots are part-time positions.

**Table 2. Summary Information Concerning Recess
Appointments by President George W. Bush, January 20, 2001-
October 31, 2008**

Total Number of Recess Appointments	171
Appointments during intersession recesses — between sessions of Congress	30
Appointments during intrasession recesses — within sessions of Congress	141
Appointments to executive branch positions	165
Appointments to judicial branch positions	6
Recess appointments for which a nomination was made by October 31, 2008	165
Nomination timing	
Recess appointments preceded by nomination	162
Recess appointments followed by nomination	3
Nomination disposition as of October 31, 2008 ^a	
Resulted in confirmation	95
Pending in the Senate	6
Withdrawn by the President	31
Returned to the President	33

Sources: Table developed by the Congressional Research Service using data obtained from news releases from the White House website, available at [<http://www.whitehouse.gov/news/>]; the White House Executive Clerk; and the Legislative Information System (LIS) nominations database, available at [<http://www.congress.gov/nomis/>].

- a. The number shown is the number of cases, rather than the number of nominations. Some recess appointments were associated with more than one nomination. For example, the President usually submits a new nomination of an individual after the Senate reconvenes following his or her recess appointment in order to comply with 5 U.S.C. § 5503. For more information, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue.

In 17 of the 162 cases in which the President had previously submitted a nomination to the Senate, the nominations had been under Senate consideration for more than a year at the time of the recess appointment. In 25 cases, the nominations had been under Senate consideration for less than a month at the time of the recess appointment. The elapsed times between initial nomination and recess appointment ranged from five days to 965 days (approximately 32 months).¹⁴ The mean elapsed

¹⁴ Beryl A. Howell and John R. Steer were recess-appointed to be members of the United States Sentencing Commission five days after their initial nominations to those positions. (Steer was also designated as the organization's vice chair.) Charles W. Pickering was recess-appointed to be a judge on the U.S. Court of Appeals for the Fifth Circuit 965 days after his first nomination to that position.

time for the 162 cases in which a nomination preceded the recess appointment was 184 days. The median elapsed time was 161 days (between five and six months).¹⁵

As previously noted, until the beginning of the 20th century, the Senate was, on average, in session for less than half the year. In recent decades, by contrast, the Senate has been in session through most of the year, but has taken a series of recesses within each session. As a result, recent recesses of the Senate, which have occurred both within and between sessions, have been generally shorter than were the recesses of earlier times, which occurred chiefly between sessions.¹⁶

The Recess Appointments Clause does not specify the length of time that the Senate must be in recess before the President may make a recess appointment. Over the last century, as shorter recesses have become more commonplace, Attorneys General and the Office of Legal Counsel have offered differing views on this issue. In 1993, a Department of Justice brief implied that the President may make a recess appointment during a recess of more than three days.¹⁷ It stated, “The Constitution restricts the Senate’s ability to adjourn its session for more than three days without obtaining the consent of the House of Representatives.... It might be argued that this means that the Framers did not consider one, two and three day recesses to be constitutionally significant.”

It has become commonplace for Presidents to make recess appointments during recesses of less than 30 days. Between January 20, 1981, the beginning of the Reagan presidency, and October 31, 2008,¹⁸ it appears that the shortest intersession recess during which a President made a recess appointment was 10 days,¹⁹ and the

¹⁵ Two measures of central tendency are presented here: the mean, or average, and the median. The mean is the more familiar measure, and it was calculated by adding together the elapsed times for all of the cases and dividing the resulting sum by the total number of cases (162 — each appointment that had been preceded by a nomination is a case in this instance). The median is the middle number in a set of observations (or, in this case, because of an even number of observations, the average of the two middle numbers). In data sets, such as this one, where the data are skewed because of a limited number of extreme values, the median is often considered to be the more accurate of the two measures of central tendency.

¹⁶ U.S. Congress, Joint Committee on Printing, *2007-2008 Official Congressional Directory 110th Congress*, S. Pub. 110-13, 110th Cong. (Washington: GPO), pp. 516-532.

¹⁷ *Mackie v. Clinton*, Civil Action 93-0032-LFO, July 2, 1993, p. 25. The constitutional provision to which the brief refers states, “Neither House, during the Session of the Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.”

¹⁸ This is the period for which comprehensive data on recesses during which recess appointments have been made are readily available.

¹⁹ President Ronald W. Reagan recess appointed John C. Miller to be a member of the National Labor Relations Board on December 23, 1982, during a recess that began that day and lasted until the Senate reconvened on January 3, 1983. (U.S. President (Reagan), “Digest of Other White House Announcements,” *Weekly Compilation of Presidential Documents*, vol. 18, December 23, 1982, p. 1662.) Ten days elapsed between these two
(continued...)

shortest intrasession recess during which a President made a recess appointment was nine days.²⁰

On November 16, 2007, the Senate Majority Leader announced that the Senate would “be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.”²¹ The Senate recessed later that day and pro forma meetings²² were convened on November 20, 23, 27, and 29, with no business conducted. The Senate next conducted business after reconvening on December 3, 2007. The President made no recess appointments during that period. On December 19, 2007, the Senate Majority Leader announced that similar pro forma meetings would be held in the following days, again for the purpose of preventing the President from making recess appointments.²³ Later that day, the Senate agreed, by unanimous consent, to hold a series of pro forma meetings until sine die adjournment of the first session, and to hold another series beginning with the convening of the second session.²⁴ The Senate recessed on December 19, 2007, and pro forma meetings were held on December 21, 23, 26, 28, and 31. The Senate adjourned sine die on December 31, 2007. On January 3, 2008, the Senate convened its second session, but no other business was conducted. Pro forma meetings of the Senate were held on January 7, 9, 11, 15, and 18. On January 22, the Senate reconvened and conducted business. The President made no recess appointments between December 19, 2007, and January 22, 2008.

Similar procedures were followed during other periods, in 2008, that would otherwise have been Senate recesses of a week or longer in duration.²⁵ On September

¹⁹ (...continued)
dates.

²⁰ On May 31, 1996, President William J. Clinton recess appointed Johnny H. Hayes to be a member of the Tennessee Valley Authority. (U.S. President (Clinton), “Digest of Other White House Announcements,” *Weekly Compilation of Presidential Documents*, vol. 32, May 31, 1996, p. 980.) The Senate had adjourned on May 24, 1996, and reconvened on June 3. Nine days elapsed between these two days.

²¹ Sen. Harry Reid, “Recess Appointments,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, November 16, 2007, p. S14609.

²² A pro forma session is a short meeting of the House or Senate during which it is understood that no business will be conducted.

²³ Sen. Harry Reid, “Order of Business,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, December 19, 2007, p. S15980.

²⁴ Sen. Harry Reid, “Order of Procedure,” remarks in the Senate, *Congressional Record*, daily edition, vol. 153, December 19, 2007, p. S16069.

²⁵ See Sen. Harry Reid, “Order of Procedure,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, February 14, 2008, p. S1085; Sen. Harry Reid, “Order of Procedure,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, March 14, 2008, p. S219; Sen. Harry Reid, “Orders of Procedure,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, May 22, 2008, p. S4849; Sen. Carl Levin, “Orders for Monday, June 30, and Monday July 7, 2008,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, June 27, 2008, p. S6336; and Sen. Harry Reid, “Order for Pro Forma
(continued...) ”

17, 2008, the Senate Majority Leader announced, with regard to the Senate, “We are going to have to get some committee hearings underway, which is why we are not going to adjourn. We will be in pro forma session so committees can still meet, though we won’t have any activities here on the floor as relates to these markets.”²⁶ On October 2, 2008, the Senate agreed, by unanimous consent, to hold a series of pro forma meetings between that date and November 17, 2008, when they would reconvene and conduct business.²⁷

Table 3 identifies, for the period from January 20, 2001, to October 31, 2008, (1) each intersession recess; (2) each intrasession recess of four or more days; (3) the dates the Senate adjourned for, and reconvened from, each of these recesses; (4) the number of days between those two dates; and (5) the number of recess appointments made by the President during these days. The duration of the recesses in which President Bush made recess appointments ranged from 10 to 47 days. The average (mean) duration was 25 days, and the median duration was 26 days.

As of October 31, 2008, the elapsed time between the recess appointment and the reconvening of the Senate ranged from one day to 36 days. The average elapsed time was 14 days, and the median elapsed time was 11 days. President Bush made 29 recess appointments three days or less before the end of the recess. He made 50 recess appointments 21 or more days before the end of the recess.

The individual recess appointments are shown in **Tables 4** and **5**. **Table 4** provides, for each appointment to a full-time position, the name of the appointee, the position to which he or she was appointed, and the date on which the appointment was made. **Table 5** provides the same information for appointments to part-time positions. For both tables, entries in bold are recess appointments that were made during a recess within a session of Congress (*intrasession* recess appointments). All other entries are recess appointments that were made during a recess between Congresses or between sessions of Congress (*intersession* recess appointments).

²⁵ (...continued)

Sessions,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, August 1, 2008, p. S8077.

²⁶ Sen. Harry Reid, “The Economy,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, September 17, 2008, p. S8907.

²⁷ Sen. Carl Levin, “Orders for Monday, October 6, 2008, through Monday, November 17, 2008,” remarks in the Senate, *Congressional Record*, daily edition, vol. 154, October 2, 2008, p. S10504.

Table 3. Senate Inter-session Recesses, Intra-session Recesses of Four or More Days, and Numbers of Recess Appointments, January 20, 2001-October 31, 2008

Date adjourned	Date reconvened	Number of days adjourned ^a	Number of recess appointments
(The first session of the 107 th Congress convened on 01/03/01. The Senate adjourned on 01/08/01 and reconvened on 01/20/01.)			
02/15/01	02/26/01	10	0
04/06/01	04/23/01	16	0
05/26/01	06/05/01	9	0
06/29/01	07/09/01	9	0
08/03/01	09/04/01	31	1
10/18/01	10/23/01	4	0
11/16/01	11/27/01	10	0
The Senate adjourned sine die on 12/20/01. The second session of the 107 th Congress convened 01/23/02. The intersession (period between these two dates) was 33 days long. ^a			9
01/29/02	02/04/02	5	0
02/15/02	02/25/02	9	0
03/22/02	04/08/02	16	5
05/23/02	06/03/02	10	0
06/28/02	07/08/02	9	0
08/01/02	09/03/02	32	7
The Senate adjourned sine die on 11/20/02. The first session of the 108 th Congress convened on 01/07/03. The intersession (period between these two dates) was 47 days long. ^a			1
02/14/03	02/24/03	9	0
04/11/03	04/28/03	16	11
05/23/03	06/02/03	9	0
06/27/03	07/07/03	9	0
08/01/03	09/02/03	31	15
10/03/03	10/14/03	10	0
11/25/03	12/09/03	13	0

Date adjourned	Date reconvened	Number of days adjourned ^a	Number of recess appointments
The Senate adjourned sine die on 12/09/03. The second session of the 108 th Congress convened 01/20/04. The intersession (period between these two dates) was 41 days long. ^a			13
02/12/04	02/23/04	10	1
03/12/04	03/22/04	9	0
04/08/04	04/19/04	10	4
05/21/04	06/01/04	10	12
06/09/04	06/14/04	4	0
06/25/04	07/06/04	10	4
07/22/04	09/07/04	46	20
10/11/04	11/16/04	35	2
11/24/04	12/07/04	12	0
The Senate adjourned sine die on 12/08/04. The first session of the 109 th Congress convened on 01/04/05. The intersession (period between these two dates) was 26 days long. ^a			1
01/06/05	01/20/05	13	4
01/26/05	01/31/05	4	0
02/18/05	02/28/05	9	0
03/20/05	04/04/05	14	10
04/29/05	05/09/05	9	0
05/26/05	06/06/05	10	0
07/01/05	07/11/05	9	0
07/29/05	09/01/05	33	7
09/01/05	09/06/05	4	0
10/07/05	10/17/05	9	0
11/18/05	12/12/05	23	0
The Senate adjourned sine die on 12/22/05. The second session of the 109 th Congress convened on 01/03/06. The intersession (period between these two dates) was 11 days long. ^a			0
01/03/06	01/18/06	14	21
02/17/06	02/27/06	9	0
03/16/06	03/27/06	10	0
04/07/06	04/24/06	16	8
05/26/06	06/05/06	9	0

Date adjourned	Date reconvened	Number of days adjourned ^a	Number of recess appointments
06/29/06	07/10/06	10	0
08/04/06	09/05/06	31	3
09/30/06	11/09/06	39	2
11/16/06	12/04/06	17	0
The Senate adjourned sine die on December 9, 2006. The first session of the 110 th Congress convened on January 4, 2007. The intersession (period between these two dates) was 25 days long. ^a			6
02/17/07	02/26/07	8	0
03/29/07	04/10/07	11	4
05/25/07	06/04/07	9	0
06/29/07	07/09/07	9	0
08/03/07	09/04/07	31	0
10/05/07	10/15/07	9	0
The Senate adjourned sine die on December 31, 2007. The second session of the 110 th Congress convened on January 3, 2008. The intersession (period between these two dates) was 2 days long. ^a			0

Source: Table created by the Congressional Research Service using data from the *Congressional Record*.

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

**Table 4. Recess Appointments to Full-Time Positions by
President George W. Bush, January 20, 2001-
October 31, 2008^a**

(Intrasession appointments bolded)

Recess appointee	Position	Appointment date
Peter J. Hurtgen	Member (designated Chairman), National Labor Relations Board	8/31/2001
John Magaw	Under Secretary — Security, Department of Transportation	1/7/2002
Otto J. Reich	Assistant Secretary — Western Hemisphere Affairs, Department of State	1/11/2002
Eugene Scalia	Solicitor, Department of Labor	1/11/2002
Michael J. Bartlett	Member, National Labor Relations Board	1/22/2002
William B. Cowen	Member, National Labor Relations Board	1/22/2002
Cynthia A. Glassman	Member, Securities and Exchange Commission	1/22/2002
Isaac C. Hunt Jr.	Member, Securities and Exchange Commission	1/22/2002
JoAnn Johnson	Board Member, National Credit Union Administration	1/22/2002
Deborah Matz	Board Member, National Credit Union Administration	1/22/2002
Emil H. Frankel	Assistant Secretary — Transportation Policy, Department of Transportation	3/29/2002
Gerald Reynolds	Assistant Secretary — Civil Rights, Department of Education	3/29/2002
Dennis L. Schornack	Commissioner on the Part of the United States, International Joint Commission, United States and Canada	3/29/2002
Jeffrey Shane	Associate Deputy Secretary, Department of Transportation	3/29/2002
Michael E. Toner	Member, Federal Election Commission	3/29/2002
Thomas C. Dorr	Under Secretary — Rural Development, Department of Agriculture	8/6/2002
Tony Hammond	Commissioner, Postal Rate Commission	8/6/2002
Susanne T. Marshall	Chairman, Merit Systems Protection Board	8/6/2002
W. Scott Railton	Member (designated Chairman), Occupational Safety and Health Review Commission	8/6/2002
Ellen L. Weintraub	Member, Federal Election Commission	12/6/2002
Naomi C. Earp	Member (designated Vice Chairman), Equal Employment Opportunity Commission	4/22/2003
Peter Eide	General Counsel, Federal Labor Relations Authority	4/22/2003
April H. Foley	Board Member, Export-Import Bank	4/22/2003

Recess appointee	Position	Appointment date
R. Bruce Matthews	Member, Defense Nuclear Facilities Safety Board	4/22/2003
Neil McPhie	Member (designated Vice Chairman), Merit Systems Protection Board	4/22/2003
Stanley C. Suboleski	Member, Federal Mine Health and Safety Review Commission	4/22/2003
A. Paul Anderson	Commissioner, Federal Maritime Commission	8/22/2003
Charlotte A. Lane	Member, United States International Trade Commission	8/22/2003
Daniel Pearson	Member, United States International Trade Commission	8/22/2003
John P. Woodley Jr.	Assistant Secretary — Civil Works, Department of the Army	8/22/2003
Clark K. Ervin	Inspector General, Department of Homeland Security	12/23/2003
Robert Lerner	Commissioner — Education Statistics, Department of Education	12/23/2003
Ronald E. Meisburg	Member, National Labor Relations Board	12/23/2003
Raymond Simon	Assistant Secretary — Elementary and Secondary Education, Department of Education	12/23/2003
Charles W. Pickering	Judge, U.S. Court of Appeals for the Fifth Circuit	1/16/2004
William H. Pryor	Judge, U.S. Court of Appeals for the Eleventh Circuit	2/20/2004
Linda M. Combs	Assistant Secretary — Budget and Programs, Department of Transportation	4/16/2004
Linda M. Conlin	Board Member, Export-Import Bank	4/16/2004
Eugene Hickok	Deputy Secretary, Department of Education	4/16/2004
Edward R. McPherson	Under Secretary, Department of Education	4/18/2004
Romolo A. Bernardi	Deputy Secretary, Department of Housing and Urban Development	5/28/2004
Charles Johnson	Chief Financial Officer, Environmental Protection Agency	5/28/2004
Ann R. Klee	Assistant Administrator (General Counsel), Environmental Protection Agency	5/28/2004
Cathy M. MacFarlane	Assistant Secretary — Public Affairs, Department of Housing and Urban Development	5/28/2004
Dennis C. Shea	Assistant Secretary — Policy Development and Research, Department of Housing and Urban Development	5/28/2004

Recess appointee	Position	Appointment date
Deborah A. Spagnoli	Commissioner, U.S. Parole Commission	5/28/2004
Kirk Van Tine	Deputy Secretary, Department of Transportation	5/28/2004
Sue Ellen Wooldridge	Solicitor, Department of the Interior	5/28/2004
Michael D. Gallagher	Assistant Secretary — Communications and Information, Department of Commerce	7/2/2004
Theodore W. Kassinger	Deputy Secretary, Department of Commerce	7/2/2004
Carin M. Barth	Chief Financial Officer, Department of Housing and Urban Development	8/2/2004
Jonathan W. Dudas	Under Secretary — Intellectual Property/ Director — U.S. Patent and Trademark Office, Department of Commerce	8/2/2004
Albert A. Frink Jr.	Assistant Secretary — Manufacturing and Services, Department of Commerce	8/2/2004
Susan J. Grant	Chief Financial Officer, Department of Energy	8/2/2004
Ricardo H. Hinojosa	Chairman, United States Sentencing Commission	8/2/2004
Stephen L. Johnson	Deputy Administrator, Environmental Protection Agency	8/2/2004
James R. Kunder	Assistant Administrator — Bureau for Asia and the Near East, U.S. Agency for International Development	8/2/2004
John D. Rood	Ambassador, Commonwealth of the Bahamas	8/2/2004
Charles G. Untermeyer	Ambassador, State of Qatar	8/2/2004
Gary L. Visscher	Member, Chemical Safety and Hazard Investigation Board	8/2/2004
Aldona Vos	Ambassador, Republic of Estonia	8/2/2004
Deborah P. Majoras	Commissioner (designated Chairman), Federal Trade Commission	8/16/2004
Jon D. Leibowitz	Commissioner, Federal Trade Commission	9/1/2004
Ronald Rosenfeld	Director (designated Chairman), Federal Housing Finance Board	12/14/2004
Gregory B. Jaczko	Member, Nuclear Regulatory Commission	1/19/2005
Peter B. Lyons	Member, Nuclear Regulatory Commission	1/19/2005
Michael W. Wynne	Under Secretary — Acquisition, Technology and Logistics, Department of Defense	4/1/2005
John R. Bolton	Representative of the U.S. to the United Nations	8/1/2005

Recess appointee	Position	Appointment date
Peter C. W. Flory	Assistant Secretary — International Security Policy, Department of Defense	8/2/2005
Eric S. Edelman	Under Secretary — Policy, Department of Defense	8/9/2005
Alice S. Fisher	Assistant Attorney General — Criminal Division, Department of Justice	8/31/2005
Peter Schaumber	Member, National Labor Relations Board	8/31/2005
Gordon England	Deputy Secretary of Defense	1/4/2006
Tracy A. Henke	Executive Director — Office of State and Local Government Coordination and Preparedness, Department of Homeland Security	1/4/2006
Peter N. Kirsanow	Member, National Labor Relations Board	1/4/2006
Robert D. Lenhard	Member, Federal Election Commission	1/4/2006
Ronald E. Meisburg	General Counsel, National Labor Relations Board	1/4/2006
Julie L. Myers	Assistant Secretary — Bureau of Immigration and Customs Enforcement, Department of Homeland Security	1/4/2006
Benjamin A. Powell	General Counsel, Office of the Director of National Intelligence	1/4/2006
Arthur F. Rosenfeld	Director, Federal Mediation and Conciliation Service	1/4/2006
Ellen R. Sauerbrey	Assistant Secretary — Population, Refugees, and Migration, Department of State	1/4/2006
Dorrance Smith	Assistant Secretary — Public Affairs, Department of Defense	1/4/2006
Hans von Spakovsky	Member, Federal Election Commission	1/4/2006
Steven T. Walther	Member, Federal Election Commission	1/4/2006
Steven K. Mullins	U.S. Attorney, District of South Dakota	1/9/2006
C. Boyden Gray	Ambassador, European Union	1/17/2006
Dennis P. Walsh	Member, National Labor Relations Board	1/17/2006
Bertha K. Madras	Deputy Director — Demand Reduction, Office of National Drug Control Policy	4/19/2006
James F. X. O’Gara	Deputy Director — Supply Reduction, Office of National Drug Control Policy	4/19/2006
Paul DeCamp	Administrator — Wage and Hour Division, Department of Labor	8/31/2006
Michael F. Duffy	Member (designated Chairman), Federal Mine Safety and Health Review Commission	8/31/2006
Daniel Meron	General Counsel, Department of Health and Human Services	8/31/2006

Recess appointee	Position	Appointment date
Richard E. Stickler	Assistant Secretary - Mine Safety and Health Administration, Department of Labor	10/19/2006
John R. Steer	Member (designated Vice Chair), United States Sentencing Commission	12/12/2006
Wayne C. Beyer	Member, Federal Labor Relations Authority	12/20/2006
Andrew G. Biggs	Deputy Commissioner, Social Security Administration	04/04/2007
Susan E. Dudley	Administrator - Office of Information and Regulatory Affairs, Office of Management and Budget	04/04/2007
Sam Fox	Ambassador, Belgium	04/04/2007
Carol W. Pope	Member, Federal Labor Relations Authority	04/04/2007

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- a. This table covers the period from the day President Bush took office until October 31, 2008. Entries in bold are recess appointments that were made during a recess within a session of Congress (*intrasession* recess appointments). All other entries are recess appointments that were made during a recess between Congresses or between sessions of Congress (*intersession* recess appointments).

**Table 5. Recess Appointments to Part-Time Positions by
President George W. Bush, January 20, 2001-
October 31, 2008^a**

(Intrasession appointments bolded)

Recess appointee	Position	Appointment date
Albert Casey	Governor, United States Postal Service	8/6/2002
Thomas C. Dorr	Board Member, Commodity Credit Corporation	8/6/2002
Cheryl F. Halpern	Board Member, Corporation for Public Broadcasting	8/6/2002
Lillian R. BeVier	Board Member, Legal Services Corporation	4/22/2003
Thomas A. Fuentes	Board Member, Legal Services Corporation	4/22/2003
James C. Miller III	Governor, United States Postal Service	4/22/2003
William A. Schambra	Board Member, Corporation for National and Community Service	4/22/2003
Donna N. Williams	Board Member, Corporation for National and Community Service	4/22/2003
Ephraim Batambuze	Board Member, African Development Foundation	8/22/2003
David W. Fleming	Member (public) — Board of Trustees, James Madison Memorial Fellowship Foundation	8/22/2003
Jose A. Fourquet	Board Member, Inter-American Foundation	8/22/2003
Adolfo A. Franco	Board Member (government representative), Inter-American Foundation	8/22/2003
Jay P. Greene	Member (academic) — Board of Trustees, James Madison Memorial Fellowship Foundation	8/22/2003
Walter H. Kansteiner	Board Member, African Development Foundation	8/22/2003
Patrick L. McCrory	Member — Board of Trustees, Harry S. Truman Scholarship Foundation	8/22/2003
Roger F. Noriega	Board Member (government representative), Inter-American Foundation	8/22/2003
John R. Petrocik	Member (academic) — Board of Trustees, James Madison Memorial Fellowship Foundation	8/22/2003
Daniel Pipes	Board Member, United States Institute of Peace	8/22/2003
Juanita A. Vasquez-Gardner	Member — Board of Trustees, Harry S. Truman Scholarship Foundation	8/22/2003
Bradley D. Belt	Member, Social Security Advisory Board	12/23/2003
Cynthia Boich	Board Member, Corporation for National and Community Service	12/23/2003
Albert Casey	Governor, United States Postal Service	12/23/2003

Recess appointee	Position	Appointment date
Gay Hart Gaines	Board Member, Corporation for Public Broadcasting	12/23/2003
Dorothy A. Johnson	Board Member, Corporation for National and Community Service	12/23/2003
Henry Lozano	Board Member, Corporation for National and Community Service	12/23/2003
Claudia Puig	Board Member, Corporation for Public Broadcasting	12/23/2003
Fayza V. B. Rodman	Member, Broadcasting Board of Governors	12/23/2003
Edward Brehm	Board Member (designated Chairperson), African Development Foundation	5/28/2004
Adam M. Lindemann	Member, Advisory Board for Cuba Broadcasting	5/28/2004
Kiron K. Skinner	Member, National Security Education Board	5/28/2004
Juanita A. Vasquez-Gardner	Member — Board of Trustees, Harry S. Truman Scholarship Foundation	5/28/2004
Floyd Hall	Member, Reform Board (Amtrak)	7/2/2004
Jack E. McGregor	Member — Advisory Board, Saint Lawrence Seaway Development Corporation	7/2/2004
Nadine Hogan	Board Member (designated Vice Chairman [private representative]), Inter-American Foundation	8/2/2004
Paul Jones	Member, Internal Revenue Service Oversight Board	8/2/2004
Enrique J. Sosa	Member, Reform Board (Amtrak)	8/2/2004
Jack Vaughn	Board Member (private representative), Inter-American Foundation	8/2/2004
Richard K. Wagner	Member — Advisory Board, National Institute for Literacy	8/2/2004
Scott K. Walker	Member — Advisory Board, Saint Lawrence Seaway Development Corporation	8/2/2004
Roger W. Wallace	Board Member, (designated Chairman [private representative]), Inter-American Foundation	8/2/2004
Carolyn L. Gallagher	Governor, United States Postal Service	11/3/2004
Louis J. Giuliano	Governor, United States Postal Service	11/3/2004
Adolfo A. Franco	Board Member (government representative), Inter-American Foundation	1/19/2005
Roger F. Noriega	Board Member (government representative), Inter-American Foundation	1/19/2005
James H. Bilbray	Member, Defense Base Closure and Realignment Commission	4/1/2005
Philip Coyle	Member, Defense Base Closure and Realignment Commission	4/1/2005

Recess appointee	Position	Appointment date
Harold W. Gehman Jr.	Member, Defense Base Closure and Realignment Commission	4/1/2005
James V. Hansen	Member, Defense Base Closure and Realignment Commission	4/1/2005
James T. Hill	Member, Defense Base Closure and Realignment Commission	4/1/2005
Lloyd W. Newton	Member, Defense Base Closure and Realignment Commission	4/1/2005
Anthony J. Principi	Member (designated Chairman), Defense Base Closure and Realignment Commission	4/1/2005
Samuel K. Skinner	Member, Defense Base Closure and Realignment Commission	4/1/2005
Sue Ellen Turner	Member, Defense Base Closure and Realignment Commission	4/1/2005
John R. Bolton	Representative of the U.S. in the United Nations Security Council	8/1/2005
John R. Bolton	Representative of the U.S. to Sessions of the United Nations General Assembly	8/1/2005
Stephen Goldsmith	Board Member, Corporation for National and Community Service	1/4/2006
Floyd Hall	Member, Reform Board (Amtrak)	1/4/2006
Nadine Hogan	Board Member (designated Vice Chairman [private representative]), Inter-American Foundation	1/4/2006
Enrique J. Sosa	Member, Reform Board (Amtrak)	1/4/2006
Roger W. Wallace	Board Member (designated Chairman [private representative]), Inter-American Foundation	1/4/2006
John Gardner	Governor, United States Postal Service	1/6/2006
John L. Palmer	Member, Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund	4/19/2006
John L. Palmer	Member, Board of Trustees of the Federal Hospital Insurance Trust Fund	4/19/2006
John L. Palmer	Member, Board of Trustees of the Supplementary Medical Insurance Trust Fund	4/19/2006
Thomas R. Saving	Member, Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund	4/19/2006
Thomas R. Saving	Member, Board of Trustees of the Federal Hospital Insurance Trust Fund	4/19/2006
Thomas R. Saving	Member, Board of Trustees of the Supplementary Medical Insurance Trust Fund	4/19/2006

Recess appointee	Position	Appointment date
Jeffrey R. Brown	Member, Social Security Advisory Board	10/19/2006
Dabney L. Friedrich	Member, United States Sentencing Commission	12/12/2006
Beryl A. Howell	Member, United States Sentencing Commission	12/12/2006
Warren Bell	Board Member, Corporation for Public Broadcasting	12/20/2006
Mark McKinnon	Member, Board of Broadcasting Governors	12/20/2006

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