

# CRS Report for Congress

## Recess Appointments Made by President George W. Bush, January 20, 2001- June 4, 2007

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Prepared for Members and  
Committees of Congress

# Recess Appointments Made by President George W. Bush, January 20, 2001-June 4, 2007

## 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 June 4, 2007, the end of the 2007 Memorial Day recess. Basic descriptive statistics regarding these appointments are also provided.

As of June 4, 2007, 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, 105 were to full-time positions, and the remaining 66 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 June 4, 2007, 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 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 June 4, 2007, 91 had resulted in confirmation, 27 were pending in the Senate, and the remaining 47 had failed to be confirmed. In 14 of these 47 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 judicial recess appointments, see CRS Report RS22039, *Federal Recess Judges*, by Louis Fisher. 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.

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# Recess Appointments Made by President George W. Bush, January 20, 2001- June 4, 2007

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.<sup>1</sup> 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.<sup>2</sup> Such an appointment, termed a *recess appointment*, expires at the end of the following session of the Senate.<sup>3</sup> 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.<sup>4</sup> 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 20<sup>th</sup> century, the Senate was, on average, in session less than half the year.<sup>5</sup>

This report identifies recess appointments made by President George W. Bush from the time he took office on January 20, 2001, through June 4, 2007, the end of the 2007 Memorial Day recess.<sup>6</sup> Basic descriptive statistics regarding these

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<sup>1</sup> U.S. Constitution, Article 2, Section 2, cl. 2.

<sup>2</sup> 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."

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

<sup>4</sup> 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.

<sup>5</sup> U.S. Congress, Joint Committee on Printing, *2005 — 2006 Official Congressional Directory 109<sup>th</sup> Congress*, S. Pub. 109-12, 109<sup>th</sup> Cong. (Washington: GPO), pp. 512-516.

<sup>6</sup> Information was obtained from news releases from the White House website, available at (continued...)

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.<sup>7</sup>

As of June 4, 2007, 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, 105 were to full-time positions, and the remaining 66 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- June 4, 2007**

Positions	2001	2002	2003	2004	2005	2006 <sup>a</sup>	Total
Full-time	1	19	19	30	8	28	105
Part-time	0	3	19	15	13	16	66
<b>Total</b>	<b>1</b>	<b>22</b>	<b>38</b>	<b>45</b>	<b>21</b>	<b>44</b>	<b>171</b>

**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 June 13, 2007.

a. Through June 4, 2007.

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<sup>6</sup> (...continued)

[<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/>].

<sup>7</sup> For information on recess appointments generally, see CRS Report RS21308, *Recess Appointments: Frequently Asked Questions*, by Henry B. Hogue. For information on judicial recess appointments, see CRS Report RS22039, *Federal Recess Judges*, by Louis Fisher. 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.

The text of the Constitution states that the President has the authority to exercise this power during “the Recess of the Senate.”<sup>8</sup> 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 on January 3, “unless they shall by law appoint a different day.”<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> 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 June 4, 2007, 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 June 4, 2007, the individuals were also nominated to the position to which they had been appointed.<sup>12</sup> **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 June 4, 2007, 91 had resulted in confirmation, 27 were pending in the Senate, and the remaining 47 had failed to be confirmed. In 14 of these 47 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 June 4, 2007, 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

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<sup>8</sup> Article 2, Section 2, cl. 3.

<sup>9</sup> U.S. Constitution, Amend. XX, § 2.

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

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

<sup>12</sup> The remaining 6 of the 171 recess appointees had not been nominated, by June 4, 2007, to the positions to which they had been appointed.

remaining four were to full- and part-time membership positions on the United States Sentencing Commission.<sup>13</sup>

**Table 2. Summary Information Concerning Recess Appointments by President George W. Bush, January 20, 2001- June 4, 2007**

<b>Total Number of Recess Appointments</b>	<b>171</b>
Appointments during recess — between sessions of Congress	30
Appointments during recess — within sessions of Congress	141
Appointments to executive branch positions	165
Appointments to judicial branch positions	6
<b>Recess appointments for which nomination was made by June 4, 2007</b>	<b>165</b>
Nomination timing	
Recess appointments preceded by nomination	162
Recess appointments followed by nomination	3
Nomination disposition as of June 4, 2007 <sup>a</sup>	
Resulted in confirmation	91
Pending in the Senate	27
Withdrawn by the President	14
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).<sup>14</sup> The mean elapsed

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

<sup>14</sup> 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.

(continued...)

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).<sup>15</sup>

As previously noted, until the beginning of the 20<sup>th</sup> century, the Senate was, on average, in session less than half the year. In recent decades, however, the Senate has been in session through most of the year, and Senate recesses have been generally shorter than was the case in earlier periods.<sup>16</sup> It has become commonplace for Presidents to make recess appointments during recesses of less than 30 days. The recess appointments clause does not specify a minimum length for a recess during which a President may make a recess appointment.

**Table 3** identifies, for each of the Senate recesses that occurred between January 20, 2001, and June 4, 2007, the dates the Senate adjourned and reconvened, the number of days between those two dates, and the number of recess appointments made by the President during that time. 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 June 4, 2007, 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).

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<sup>14</sup> (...continued)

(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.

<sup>15</sup> 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 there are 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.

<sup>16</sup> U.S. Congress, Joint Committee on Printing, *2005 — 2006 Official Congressional Directory 109<sup>th</sup> Congress*, S. Pub. 109-12, 109<sup>th</sup> Cong. (Washington: GPO), pp. 512-527.



**Table 3. Senate Recesses and Numbers of Recess Appointments, January 20, 2001-June 4, 2007**

Date adjourned	Date reconvened	Number of days adjourned <sup>a</sup>	Number of recess appointments
(The first session of the 107 <sup>th</sup> 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 <sup>th</sup> Congress convened 01/23/02. The intersession (period between these two dates) was 33 days long. <sup>a</sup>			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 <sup>th</sup> Congress convened on 01/07/03. The intersession (period between these two dates) was 47 days long. <sup>a</sup>			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

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Date adjourned	Date reconvened	Number of days adjourned <sup>a</sup>	Number of recess appointments
The Senate adjourned sine die on 12/09/03. The second session of the 108 <sup>th</sup> Congress convened 01/20/04. The intersession (period between these two dates) was 41 days long. <sup>a</sup>			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 <sup>th</sup> Congress convened on 01/04/05. The intersession (period between these two dates) was 26 days long. <sup>a</sup>			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 <sup>th</sup> Congress convened on 01/03/06. The intersession (period between these two dates) was 11 days long. <sup>a</sup>			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 <sup>a</sup>	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 <sup>th</sup> Congress convened on January 4, 2007. The intersession (period between these two dates) was 25 days long. <sup>a</sup>			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

**Source:** Table developed by the Congressional Research Service.

- 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-  
June 4, 2007<sup>a</sup>**

(Intrasession appointments bolded)

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
<b>Peter J. Hurtgen</b>	<b>Member (designated Chairman), National Labor Relations Board</b>	<b>8/31/2001</b>
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
<b>Emil H. Frankel</b>	<b>Assistant Secretary — Transportation Policy, Department of Transportation</b>	<b>3/29/2002</b>
<b>Gerald Reynolds</b>	<b>Assistant Secretary — Civil Rights, Department of Education</b>	<b>3/29/2002</b>
<b>Dennis L. Schornack</b>	<b>Commissioner on the Part of the United States, International Joint Commission, United States and Canada</b>	<b>3/29/2002</b>
<b>Jeffrey Shane</b>	<b>Associate Deputy Secretary, Department of Transportation</b>	<b>3/29/2002</b>
<b>Michael E. Toner</b>	<b>Member, Federal Election Commission</b>	<b>3/29/2002</b>
<b>Thomas C. Dorr</b>	<b>Under Secretary — Rural Development, Department of Agriculture</b>	<b>8/6/2002</b>
<b>Tony Hammond</b>	<b>Commissioner, Postal Rate Commission</b>	<b>8/6/2002</b>
<b>Susanne T. Marshall</b>	<b>Chairman, Merit Systems Protection Board</b>	<b>8/6/2002</b>
<b>W. Scott Railton</b>	<b>Member (designated Chairman), Occupational Safety and Health Review Commission</b>	<b>8/6/2002</b>
Ellen L. Weintraub	Member, Federal Election Commission	12/6/2002
<b>Naomi C. Earp</b>	<b>Member (designated Vice Chairman), Equal Employment Opportunity Commission</b>	<b>4/22/2003</b>
<b>Peter Eide</b>	<b>General Counsel, Federal Labor Relations Authority</b>	<b>4/22/2003</b>
<b>April H. Foley</b>	<b>Board Member, Export-Import Bank</b>	<b>4/22/2003</b>

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
<b>R. Bruce Matthews</b>	<b>Member, Defense Nuclear Facilities Safety Board</b>	<b>4/22/2003</b>
<b>Neil McPhie</b>	<b>Member (designated Vice Chairman), Merit Systems Protection Board</b>	<b>4/22/2003</b>
<b>William A. Schambra</b>	<b>Board Member, Corporation for National and Community Service</b>	<b>4/22/2003</b>
<b>Stanley C. Suboleski</b>	<b>Member, Federal Mine Health and Safety Review Commission</b>	<b>4/22/2003</b>
<b>Donna N. Williams</b>	<b>Board Member, Corporation for National and Community Service</b>	<b>4/22/2003</b>
<b>A. Paul Anderson</b>	<b>Commissioner, Federal Maritime Commission</b>	<b>8/22/2003</b>
<b>Charlotte A. Lane</b>	<b>Member, United States International Trade Commission</b>	<b>8/22/2003</b>
<b>Daniel Pearson</b>	<b>Member, United States International Trade Commission</b>	<b>8/22/2003</b>
<b>John P. Woodley Jr.</b>	<b>Assistant Secretary — Civil Works, Department of the Army</b>	<b>8/22/2003</b>
Cynthia Boich	Board Member, Corporation for National and Community Service	12/23/2003
Clark K. Ervin	Inspector General, Department of Homeland Security	12/23/2003
Dorothy A. Johnson	Board Member, Corporation for National and Community Service	12/23/2003
Robert Lerner	Commissioner — Education Statistics, Department of Education	12/23/2003
Henry Lozano	Board Member, Corporation for National and Community Service	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
<b>William H. Pryor</b>	<b>Judge, U.S. Court of Appeals for the Eleventh Circuit</b>	<b>2/20/2004</b>
<b>Linda M. Combs</b>	<b>Assistant Secretary — Budget and Programs, Department of Transportation</b>	<b>4/16/2004</b>
<b>Linda M. Conlin</b>	<b>Board Member, Export-Import Bank</b>	<b>4/16/2004</b>
<b>Eugene Hickok</b>	<b>Deputy Secretary, Department of Education</b>	<b>4/16/2004</b>
<b>Edward R. McPherson</b>	<b>Under Secretary, Department of Education</b>	<b>4/18/2004</b>
<b>Romolo A. Bernardi</b>	<b>Deputy Secretary, Department of Housing and Urban Development</b>	<b>5/28/2004</b>

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
<b>Charles Johnson</b>	<b>Chief Financial Officer, Environmental Protection Agency</b>	<b>5/28/2004</b>
<b>Ann R. Klee</b>	<b>Assistant Administrator (General Counsel), Environmental Protection Agency</b>	<b>5/28/2004</b>
<b>Cathy M. MacFarlane</b>	<b>Assistant Secretary — Public Affairs, Department of Housing and Urban Development</b>	<b>5/28/2004</b>
<b>Dennis C. Shea</b>	<b>Assistant Secretary — Policy Development and Research, Department of Housing and Urban Development</b>	<b>5/28/2004</b>
<b>Deborah A. Spagnoli</b>	<b>Commissioner, U.S. Parole Commission</b>	<b>5/28/2004</b>
<b>Kirk Van Tine</b>	<b>Deputy Secretary, Department of Transportation</b>	<b>5/28/2004</b>
<b>Sue Ellen Wooldridge</b>	<b>Solicitor, Department of the Interior</b>	<b>5/28/2004</b>
<b>Michael D. Gallagher</b>	<b>Assistant Secretary — Communications and Information, Department of Commerce</b>	<b>7/2/2004</b>
<b>Theodore W. Kassinger</b>	<b>Deputy Secretary, Department of Commerce</b>	<b>7/2/2004</b>
<b>Carin M. Barth</b>	<b>Chief Financial Officer, Department of Housing and Urban Development</b>	<b>8/2/2004</b>
<b>Jonathan W. Dudas</b>	<b>Under Secretary — Intellectual Property/ Director — U.S. Patent and Trademark Office, Department of Commerce</b>	<b>8/2/2004</b>
<b>Albert A. Frink Jr.</b>	<b>Assistant Secretary — Manufacturing and Services, Department of Commerce</b>	<b>8/2/2004</b>
<b>Susan J. Grant</b>	<b>Chief Financial Officer, Department of Energy</b>	<b>8/2/2004</b>
<b>Ricardo H. Hinojosa</b>	<b>Chairman, United States Sentencing Commission</b>	<b>8/2/2004</b>
<b>Stephen L. Johnson</b>	<b>Deputy Administrator, Environmental Protection Agency</b>	<b>8/2/2004</b>
<b>James R. Kunder</b>	<b>Assistant Administrator — Bureau for Asia and the Near East, U.S. Agency for International Development</b>	<b>8/2/2004</b>
<b>John D. Rood</b>	<b>Ambassador, Commonwealth of the Bahamas</b>	<b>8/2/2004</b>
<b>Charles G. Untermeyer</b>	<b>Ambassador, State of Qatar</b>	<b>8/2/2004</b>
<b>Gary L. Visscher</b>	<b>Member, Chemical Safety and Hazard Investigation Board</b>	<b>8/2/2004</b>
<b>Aldona Wos</b>	<b>Ambassador, Republic of Estonia</b>	<b>8/2/2004</b>
<b>Deborah P. Majoras</b>	<b>Commissioner (designated Chairman), Federal Trade Commission</b>	<b>8/16/2004</b>
<b>Jon D. Leibowitz</b>	<b>Commissioner, Federal Trade Commission</b>	<b>9/1/2004</b>

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
Ronald Rosenfeld	Director (designated Chairman), Federal Housing Finance Board	12/14/2004
<b>Gregory B. Jaczko</b>	<b>Member, Nuclear Regulatory Commission</b>	<b>1/19/2005</b>
<b>Peter B. Lyons</b>	<b>Member, Nuclear Regulatory Commission</b>	<b>1/19/2005</b>
<b>Michael W. Wynne</b>	<b>Under Secretary — Acquisition, Technology and Logistics, Department of Defense</b>	<b>4/1/2005</b>
<b>John R. Bolton</b>	<b>Representative of the U.S. to the United Nations</b>	<b>8/1/2005</b>
<b>Peter C. W. Flory</b>	<b>Assistant Secretary — International Security Policy, Department of Defense</b>	<b>8/2/2005</b>
<b>Eric S. Edelman</b>	<b>Under Secretary — Policy, Department of Defense</b>	<b>8/9/2005</b>
<b>Alice S. Fisher</b>	<b>Assistant Attorney General — Criminal Division, Department of Justice</b>	<b>8/31/2005</b>
<b>Peter Schaumber</b>	<b>Member, National Labor Relations Board</b>	<b>8/31/2005</b>
<b>Gordon England</b>	<b>Deputy Secretary of Defense</b>	<b>1/4/2006</b>
<b>Stephen Goldsmith</b>	<b>Board Member, Corporation for National and Community Service</b>	<b>1/4/2006</b>
<b>Tracy A. Henke</b>	<b>Executive Director — Office of State and Local Government Coordination and Preparedness, Department of Homeland Security</b>	<b>1/4/2006</b>
<b>Peter N. Kirsanow</b>	<b>Member, National Labor Relations Board</b>	<b>1/4/2006</b>
<b>Robert D. Lenhard</b>	<b>Member, Federal Election Commission</b>	<b>1/4/2006</b>
<b>Ronald E. Meisburg</b>	<b>General Counsel, National Labor Relations Board</b>	<b>1/4/2006</b>
<b>Julie L. Myers</b>	<b>Assistant Secretary — Bureau of Immigration and Customs Enforcement, Department of Homeland Security</b>	<b>1/4/2006</b>
<b>Benjamin A. Powell</b>	<b>General Counsel, Office of the Director of National Intelligence</b>	<b>1/4/2006</b>
<b>Arthur F. Rosenfeld</b>	<b>Director, Federal Mediation and Conciliation Service</b>	<b>1/4/2006</b>
<b>Ellen R. Sauerbrey</b>	<b>Assistant Secretary — Population, Refugees, and Migration, Department of State</b>	<b>1/4/2006</b>
<b>Dorrance Smith</b>	<b>Assistant Secretary — Public Affairs, Department of Defense</b>	<b>1/4/2006</b>
<b>Hans von Spakovsky</b>	<b>Member, Federal Election Commission</b>	<b>1/4/2006</b>
<b>Steven T. Walther</b>	<b>Member, Federal Election Commission</b>	<b>1/4/2006</b>
<b>Steven K. Mullins</b>	<b>U.S. Attorney, District of South Dakota</b>	<b>1/9/2006</b>
<b>C. Boyden Gray</b>	<b>Ambassador, European Union</b>	<b>1/17/2006</b>
<b>Dennis P. Walsh</b>	<b>Member, National Labor Relations Board</b>	<b>1/17/2006</b>

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
<b>Bertha K. Madras</b>	<b>Deputy Director — Demand Reduction, Office of National Drug Control Policy</b>	<b>4/19/2006</b>
<b>James F. X. O’Gara</b>	<b>Deputy Director — Supply Reduction, Office of National Drug Control Policy</b>	<b>4/19/2006</b>
<b>Paul DeCamp</b>	<b>Administrator — Wage and Hour Division, Department of Labor</b>	<b>8/31/2006</b>
<b>Michael F. Duffy</b>	<b>Member (designated Chairman), Federal Mine Safety and Health Review Commission</b>	<b>8/31/2006</b>
<b>Daniel Meron</b>	<b>General Counsel, Department of Health and Human Services</b>	<b>8/31/2006</b>
<b>Richard E. Stickler</b>	<b>Assistant Secretary - Mine Safety and Health Administration, Department of Labor</b>	<b>10/19/2006</b>
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
<b>Susan E. Dudley</b>	<b>Administrator - Office of Information and Regulatory Affairs, Office of Management and Budget</b>	<b>04/04/2007</b>
<b>Andrew G. Biggs</b>	<b>Deputy Commissioner, Social Security Administration</b>	<b>04/04/2007</b>
<b>Sam Fox</b>	<b>Ambassador, Belgium</b>	<b>04/04/2007</b>
<b>Carol W. Pope</b>	<b>Member, Federal Labor Relations Authority</b>	<b>04/04/2007</b>

**Sources:** Table created by the Congressional Research Service using data from various volumes of the *Weekly Compilation of Presidential Documents*; the Senate nominations database of the Legislative Information System, found at [<http://www.congress.gov/nomis/>], accessed June 13, 2007; White House press releases, found at [<http://www.whitehouse.gov/news/>], accessed June 13, 2007; and telephone conversations with the White House Executive Clerk’s Office.

- a. This table covers the period from the day President Bush took office until June 4, 2007. 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-  
June 4, 2007<sup>a</sup>**

(Intrasession appointments bolded)

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

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

<b>Recess appointee</b>	<b>Position</b>	<b>Appointment date</b>
<b>Anthony J. Principi</b>	<b>Member (designated Chairman), Defense Base Closure and Realignment Commission</b>	<b>4/1/2005</b>
<b>Samuel K. Skinner</b>	<b>Member, Defense Base Closure and Realignment Commission</b>	<b>4/1/2005</b>
<b>Sue Ellen Turner</b>	<b>Member, Defense Base Closure and Realignment Commission</b>	<b>4/1/2005</b>
<b>John R. Bolton</b>	<b>Representative of the U.S. in the United Nations Security Council</b>	<b>8/1/2005</b>
<b>John R. Bolton</b>	<b>Representative of the U.S. to Sessions of the United Nations General Assembly</b>	<b>8/1/2005</b>
<b>Floyd Hall</b>	<b>Member, Reform Board (Amtrak)</b>	<b>1/4/2006</b>
<b>Nadine Hogan</b>	<b>Board Member (designated Vice Chairman [private representative]), Inter-American Foundation</b>	<b>1/4/2006</b>
<b>Enrique J. Sosa</b>	<b>Member, Reform Board (Amtrak)</b>	<b>1/4/2006</b>
<b>Roger W. Wallace</b>	<b>Board Member (designated Chairman [private representative]), Inter-American Foundation</b>	<b>1/4/2006</b>
<b>John Gardner</b>	<b>Governor, United States Postal Service</b>	<b>1/6/2006</b>
<b>John L. Palmer</b>	<b>Member, Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund</b>	<b>4/19/2006</b>
<b>John L. Palmer</b>	<b>Member, Board of Trustees of the Federal Hospital Insurance Trust Fund</b>	<b>4/19/2006</b>
<b>John L. Palmer</b>	<b>Member, Board of Trustees of the Supplementary Medical Insurance Trust Fund</b>	<b>4/19/2006</b>
<b>Thomas R. Saving</b>	<b>Member, Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund</b>	<b>4/19/2006</b>
<b>Thomas R. Saving</b>	<b>Member, Board of Trustees of the Federal Hospital Insurance Trust Fund</b>	<b>4/19/2006</b>
<b>Thomas R. Saving</b>	<b>Member, Board of Trustees of the Supplementary Medical Insurance Trust Fund</b>	<b>4/19/2006</b>
<b>Jeffrey R. Brown</b>	<b>Member, Social Security Advisory Board</b>	<b>10/19/2006</b>
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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