

112TH CONGRESS
1ST SESSION

S. 679

To reduce the number of executive positions subject to Senate confirmation.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2011

Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. McCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNES, Mr. LUGAR, Mr. REED, Mr. WHITEHOUSE, Mr. CARPER, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To reduce the number of executive positions subject to
Senate confirmation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Appoint-
5 ment Efficiency and Streamlining Act of 2011”.

6 **SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO**

7 **SENATE APPROVAL.**

8 (a) AGRICULTURE.—

1 (1) ASSISTANT SECRETARY OF AGRICULTURE
2 FOR CONGRESSIONAL RELATIONS AND ASSISTANT
3 SECRETARY OF AGRICULTURE FOR ADMINISTRA-
4 TION.—Section 218(b) of the Department of Agri-
5 culture Reorganization Act of 1994 (7 U.S.C.
6 6918(b)) is amended—

7 (A) by striking “subsection (a)” and in-
8 serting “subsection (a)(3)”;

9 (B) by striking subsection (c); and

10 (C) by redesignating subsection (d) as sub-
11 section (c).

12 (2) RURAL UTILITIES SERVICE ADMINIS-
13 TRATOR.—Section 232(b)(1) of the Department of
14 Agriculture Reorganization Act of 1994 (7 U.S.C.
15 6942(b)(1)) is amended—

16 (A) by striking “, by and with the advice
17 and consent of the Senate”;

18 (B) by striking paragraph (2); and

19 (C) by redesignating paragraph (3) as
20 paragraph (2).

21 (3) COMMODITY CREDIT CORPORATION.—Sec-
22 tion 9(a) of the Commodity Credit Corporation
23 Charter Act (15 U.S.C. 714g(a)) is amended in the
24 third sentence by striking “by and with the advice
25 and consent of the Senate”.

1 (b) COMMERCE.—

2 (1) ASSISTANT SECRETARY FOR LEGISLATIVE
3 AFFAIRS.—The provisions of the Act entitled “An
4 Act to provide for the appointment of one additional
5 Assistant Secretary of Commerce, and for other pur-
6 poses”, approved July 15, 1947 (15 U.S.C. 1505),
7 section 304 of title III of the Departments of State,
8 Justice, and Commerce and the United States Infor-
9 mation Agency Appropriation Act, 1955 (15 U.S.C.
10 1506), and the Act entitled “An Act to authorize an
11 additional Assistant Secretary of Commerce”, ap-
12 proved February 16, 1962 (15 U.S.C. 1507), that
13 require the advice and consent of the Senate shall
14 not apply with respect to the appointment of the As-
15 sistant Secretary for Congressional Relations.

16 (2) CHIEF SCIENTIST; NATIONAL OCEANIC AND
17 ATMOSPHERIC ADMINISTRATION.—Section 2(d) of
18 Reorganization Plan No. 4 of 1970 (5 U.S.C. App.
19 1) is amended by striking “, by and with the advice
20 and consent of the Senate,”.

21 (3) ASSISTANT SECRETARY FOR COMMUNICA-
22 TIONS AND INFORMATION.—Section 103(a)(2) of the
23 National Telecommunications and Information Ad-
24 ministration Organization Act (47 U.S.C. 902(a)(2))

1 is amended by striking “, by and with the advice
2 and consent of the Senate”.

3 (c) DEPARTMENT OF DEFENSE.—

4 (1) ASSISTANT SECRETARIES OF DEFENSE FOR
5 LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND NET-
6 WORKS AND INFORMATION INTEGRATION.—Section
7 138(a)(2) of title 10, United States Code, as amend-
8 ed by section 901(b)(4)(A) of the Ike Skelton Na-
9 tional Defense Authorization Act for Fiscal Year
10 2011, is further amended to read as follows:

11 “(2)(A) Except as provided in subparagraph (B), the
12 Assistant Secretaries of Defense shall be appointed from
13 civilian life by the President, by and with the advice and
14 consent of the Senate.

15 “(B) The Assistant Secretary of Defense referred to
16 in subsection (b)(5), the Assistant Secretary of Defense
17 for Public Affairs, and the Assistant Secretary of Defense
18 for Networks and Information Integration shall each be
19 appointed from civilian life by the President.”.

20 (2) ASSISTANT SECRETARY OF THE ARMY FOR
21 FINANCIAL MANAGEMENT.—Section 3016(a) of such
22 title is amended—

23 (A) by inserting “(1)” after “(a)”;

24 (B) by striking the second sentence; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(2)(A) Except as provided in subparagraph (B), the
4 Assistant Secretaries of the Army shall be appointed from
5 civilian life by the President, by and with the advice and
6 consent of the Senate.

7 “(B) The Assistant Secretary of the Army specified
8 in subsection (b)(4) shall be appointed from civilian life
9 by the President.”.

10 (3) ASSISTANT SECRETARY OF THE NAVY FOR
11 FINANCIAL MANAGEMENT.—Section 5016(a) of such
12 title is amended—

13 (A) by inserting “(1)” after “(a)”;

14 (B) by striking the second sentence; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(2)(A) Except as provided in subparagraph (B), the
18 Assistant Secretaries of the Navy shall be appointed from
19 civilian life by the President, by and with the advice and
20 consent of the Senate.

21 “(B) The Assistant Secretary of the Navy specified
22 in subsection (b)(3) shall be appointed from civilian life
23 by the President.”.

1 (4) ASSISTANT SECRETARY OF THE AIR FORCE
2 FOR FINANCIAL MANAGEMENT.—Section 8016(a) of
3 such title is amended—

4 (A) by inserting “(1)” after “(a)”;

5 (B) by striking the second sentence; and

6 (C) by adding at the end the following new
7 paragraph:

8 “(2)(A) Except as provided in subparagraph (B), the
9 Assistant Secretaries of the Air Force shall be appointed
10 from civilian life by the President, by and with the advice
11 and consent of the Senate.

12 “(B) The Assistant Secretary of the Air Force speci-
13 fied in subsection (b)(3) shall be appointed from civilian
14 life by the President.”.

15 (5) MEMBERS OF NATIONAL SECURITY EDU-
16 CATION BOARD.—Section 803(b)(7) of the David L.
17 Boren National Security Education Act of 1991 (50
18 U.S.C. 1903(b)(7)) is amended by striking “by and
19 with the advice and consent of the Senate,”.

20 (d) DEPARTMENT OF EDUCATION.—

21 (1) ASSISTANT SECRETARY FOR LEGISLATION
22 AND CONGRESSIONAL AFFAIRS AND ASSISTANT SEC-
23 RETARY FOR MANAGEMENT.—Section 202(e) of the
24 Department of Education Organization Act (20
25 U.S.C. 3412(e)) is amended by inserting after the

1 first sentence the following: “Notwithstanding the
2 previous sentence, the appointments of individuals to
3 serve as the Assistant Secretary for Legislation and
4 Congressional Affairs and the Assistant Secretary
5 for Management shall not be subject to the advice
6 and consent of the Senate.”.

7 (2) COMMISSIONER, REHABILITATION SERVICES
8 ADMINISTRATION.—Section 3(a) of the Rehabilita-
9 tion Act of 1973 (29 U.S.C. 702(a)) is amended by
10 striking “by and with the advice and consent of the
11 Senate”.

12 (3) COMMISSIONER, EDUCATION STATISTICS.—
13 Section 117(b) of the Education Sciences Reform
14 Act of 2002 (20 U.S.C. 9517(b)) is amended by
15 striking “, by and with the advice and consent of the
16 Senate,”.

17 (e) DEPARTMENT OF ENERGY.—Section 203(a) of
18 the Department of Energy Organization Act (42 U.S.C.
19 7133(a)) is amended in the first sentence by striking
20 “Senate;” and inserting “Senate (except that the Assist-
21 ant Secretary for Congressional and Intergovernmental
22 Affairs of the Department may be appointed by the Presi-
23 dent without the advice and consent of the Senate);”.

24 (f) DEPARTMENT OF HEALTH AND HUMAN SERV-
25 ICES.—

1 (1) ASSISTANT SECRETARY FOR PUBLIC AF-
2 FAIRS.—Notwithstanding any other provision of law,
3 the appointment of an individual to serve as the As-
4 sistant Secretary for Public Affairs within the De-
5 partment of Health and Human Services shall not
6 be subject to the advice and consent of the Senate.

7 (2) ASSISTANT SECRETARY FOR LEGISLA-
8 TION.—Notwithstanding any other provision of law,
9 the appointment of an individual to serve as the As-
10 sistant Secretary for Legislation within the Depart-
11 ment of Health and Human Services shall not be
12 subject to the advice and consent of the Senate.

13 (3) COMMISSIONER, ADMINISTRATION FOR
14 CHILDREN, YOUTH AND FAMILIES.—Section
15 915(b)(2) of the Claude Pepper Young Americans
16 Act of 1990 (42 U.S.C. 12311(b)(2)) is amended by
17 striking “, by and with the advice and consent of the
18 Senate,”.

19 (4) COMMISSIONER, ADMINISTRATION FOR NA-
20 TIVE AMERICANS.—Section 803B(c) of the Native
21 American Programs Act of 1974 (42 U.S.C. 2991b-
22 2(c)) is amended by striking “, by and with the ad-
23 vice and consent of the Senate”.

24 (g) DEPARTMENT OF HOMELAND SECURITY.—

1 (1) DIRECTOR OF THE OFFICE FOR DOMESTIC
2 PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE
3 FEDERAL EMERGENCY MANAGEMENT AGENCY,
4 GRANT PROGRAMS.—Section 430(b) of the Home-
5 land Security Act of 2002 (6 U.S.C. 238(b)) is
6 amended by striking “, by and with the advice and
7 consent of the Senate”.

8 (2) ADMINISTRATOR OF THE UNITED STATES
9 FIRE ADMINISTRATION.—Section 5(b) of the Federal
10 Fire Prevention and Control Act of 1974 (15 U.S.C.
11 2204(b)) is amended by striking “, by and with the
12 advice and consent of the Senate,”.

13 (3) DIRECTOR OF THE OFFICE OF COUNTER-
14 NARCOTICS ENFORCEMENT.—Section 878(a) of the
15 Homeland Security Act of 2002 (6 U.S.C. 458(a))
16 is amended by striking “, by and with the advice
17 and consent of the Senate”.

18 (4) CHIEF MEDICAL OFFICER.—Section 516(a)
19 of the Homeland Security Act of 2002 (6 U.S.C.
20 321e(a)) is amended by striking “, by and with the
21 advice and consent of the Senate”.

22 (h) HOUSING AND URBAN DEVELOPMENT; CHIEF
23 HUMAN CAPITAL OFFICER, ASSISTANT SECRETARY FOR
24 CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS,
25 AND ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Sec-

1 tion 4(a) of the Department of Housing and Urban Devel-
 2 opment Act (42 U.S.C. 3533(a)) is amended—

3 (1) by inserting “(1)” after “(a)”;

4 (2) by striking “eight” and inserting “5”; and

5 (3) by adding at the end the following:

6 “(2) There shall be in the Department a Chief
 7 Human Capital Officer, an Assistant Secretary for Con-
 8 gressional and Intergovernmental Relations, and an As-
 9 sistant Secretary for Public Affairs, each of whom shall
 10 be appointed by the President and shall perform such
 11 functions, powers, and duties as the Secretary shall pre-
 12 scribe from time to time.”.

13 (i) DEPARTMENT OF JUSTICE.—

14 (1) ASSISTANT ATTORNEY GENERAL, LEGISLA-
 15 TIVE AFFAIRS.—

16 (A) IN GENERAL.—Chapter 31 of title 28,
 17 United States Code, is amended—

18 (i) in section 506, by striking “11 As-
 19 sistant Attorneys General” and inserting
 20 “10 Assistant Attorneys General”; and

21 (ii) by inserting after section 507A
 22 the following:

1 **“§ 507B. Assistant Attorney General for Legislative**
2 **Affairs**

3 “The President shall appoint an Assistant Attorney
4 General for Legislative Affairs to assist the Attorney Gen-
5 eral in the performance of the duties of the Attorney Gen-
6 eral.”.

7 (B) TECHNICAL AND CONFORMING AMEND-
8 MENT.—The table of sections for chapter 31 of
9 title 28, United States Code, is amended by in-
10 sserting after the item relating to section 507A
11 the following:

“507B. Assistant Attorney General for Legislative Affairs.”.

12 (2) DIRECTOR, BUREAU OF JUSTICE STATIS-
13 TICS.—Section 302(b) of title I of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42
15 U.S.C. 3732(b)) is amended by striking “, by and
16 with the advice and consent of the Senate”.

17 (3) DIRECTOR, BUREAU OF JUSTICE ASSIST-
18 ANCE.—Section 401(b) of title I of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (42
20 U.S.C. 3741(b)) is amended by striking “, by and
21 with the advice and consent of the Senate”.

22 (4) DIRECTOR, NATIONAL INSTITUTE OF JUS-
23 TICE.—Section 202(b) of title I of the Omnibus
24 Crime Control and Safe Streets Act of 1968 (42

1 U.S.C. 3722(b)) is amended by striking “, by and
2 with the advice and consent of the Senate”.

3 (5) ADMINISTRATOR, OFFICE OF JUVENILE
4 JUSTICE AND DELINQUENCY PREVENTION.—Section
5 201(b) of the Juvenile Justice and Delinquency Pre-
6 vention Act of 1974 (42 U.S.C. 5611(b)) is amended
7 by striking “, by and with the advice and consent of
8 the Senate,”.

9 (6) DIRECTOR, OFFICE FOR VICTIMS OF
10 CRIME.—Section 1411(b) of the Victims of Crime
11 Act of 1984 (42 U.S.C. 10605(b)) is amended by
12 striking “, by and with the advice and consent of the
13 Senate”.

14 (j) DEPARTMENT OF LABOR.—

15 (1) ASSISTANT SECRETARIES FOR ADMINISTRA-
16 TION AND MANAGEMENT, CONGRESSIONAL AFFAIRS,
17 AND PUBLIC AFFAIRS.—Notwithstanding section 2
18 of the Act of April 17, 1946 (29 U.S.C. 553), the
19 appointment of individuals to serve as the Assistant
20 Secretary for Administration and Management, the
21 Assistant Secretary for Congressional Affairs, and
22 the Assistant Secretary for Public Affairs within the
23 Department of Labor, shall not be subject to the ad-
24 vice and consent of the Senate.

1 (2) DIRECTOR OF THE WOMEN'S BUREAU.—
2 Section 2 of the Act of June 5, 1920 (29 U.S.C. 12)
3 is amended by striking “, by and with the advice
4 and consent of the Senate”.

5 (k) DEPARTMENT OF STATE; ASSISTANT SECRETARY
6 FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
7 ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND AS-
8 SISTANT SECRETARY FOR ADMINISTRATION.—Section
9 1(c)(1) of the State Department Basic Authorities Act of
10 1956 (22 U.S.C. 2651a(c)(1)) is amended—

11 (1) by striking “, each of whom shall be ap-
12 pointed by the President, by and with the advice and
13 consent of the Senate, and”; and

14 (2) by adding at the end the following: “Each
15 Assistant Secretary of State shall be appointed by
16 the President, by and with the advice and consent
17 of the Senate, except that the appointments of the
18 Assistant Secretary for Legislative and Intergovern-
19 mental Affairs, the Assistant Secretary for Public
20 Affairs, and the Assistant Secretary for Administra-
21 tion shall not be subject to the advice and consent
22 of the Senate.”.

23 (l) DEPARTMENT OF TRANSPORTATION.—

24 (1) ASSISTANT SECRETARIES.—Section 102(e)
25 of title 49, United States Code, is amended—

1 (A) by striking “(e) THE DEPARTMENT”
2 and all that follows through “An Assistant Sec-
3 retary” and inserting the following:

4 “(e) ASSISTANT SECRETARIES; GENERAL COUN-
5 SEL.—

6 “(1) APPOINTMENT.—The Department has 5
7 Assistant Secretaries and a General Counsel, includ-
8 ing—

9 “(A) an Assistant Secretary for Aviation
10 and International Affairs and an Assistant Sec-
11 retary for Transportation Policy, who shall each
12 be appointed by the President, with the advice
13 and consent of the Senate;

14 “(B) an Assistant Secretary for Budget
15 and Programs and Chief Financial Officer and
16 an Assistant Secretary for Governmental Af-
17 fairs, who shall each be appointed by the Presi-
18 dent;

19 “(C) an Assistant Secretary for Adminis-
20 tration, who shall be appointed in the competi-
21 tive service by the Secretary, with the approval
22 of the President; and

23 “(D) a General Counsel, who shall be ap-
24 pointed by the President, with the advice and
25 consent of the Senate.

1 “(2) DUTIES AND POWERS.—The officers set
2 forth in paragraph (1) shall carry out duties and
3 powers prescribed by the Secretary. An Assistant
4 Secretary”.

5 (2) DEPUTY ADMINISTRATOR, FEDERAL AVIA-
6 TION ADMINISTRATION.—Section 106 of title 49,
7 United States Code, is amended—

8 (A) in subsection (b), by striking “. The
9 Administration has a Deputy Administrator.
10 They are appointed” and inserting “, who shall
11 be appointed”; and

12 (B) in subsection (d)(1), by striking “The
13 Deputy Administrator must” and inserting
14 “The Administration has a Deputy Adminis-
15 trator, who shall be appointed by the President.
16 In making an appointment, the President shall
17 consider the fitness of the appointee to effi-
18 ciently carry out the duties and powers of the
19 office. The Deputy Administrator shall”.

20 (m) DEPARTMENT OF TREASURY.—

21 (1) ASSISTANT SECRETARY FOR LEGISLATIVE
22 AFFAIRS.—Section 301(e) of title 31, United States
23 Code, is amended—

24 (A) striking “10 Assistant Secretaries”
25 and inserting “9 Assistant Secretaries”; and

1 (B) by inserting after the first sentence
2 the following new sentence: “The Department
3 shall have 1 Assistant Secretary not subject to
4 the advice and consent of the Senate who shall
5 be the Assistant Secretary for Legislative Af-
6 fairs.”.

7 (2) ASSISTANT SECRETARY FOR PUBLIC AF-
8 FAIRS AND DIRECTOR OF POLICY PLANNING.—Sec-
9 tion 301(e) of title 31, United States Code, as
10 amended by paragraph (1), is amended by—

11 (A) striking “9 Assistant Secretaries” in
12 the first sentence and inserting “8 Assistant
13 Secretaries”; and

14 (B) in the second sentence—

15 (i) by striking “1 Assistant Sec-
16 retary” and inserting “2 Assistant Secre-
17 taries”, and

18 (ii) by inserting “and the Assistant
19 Secretary for Public Affairs” before the
20 period at the end.

21 (3) ASSISTANT SECRETARY FOR MANAGEMENT
22 AND CHIEF FINANCIAL OFFICER.—Section 301(e) of
23 title 31, United States Code, as amended by para-
24 graphs (1) and (2), is amended by—

1 (A) striking “8 Assistant Secretaries” in
2 the first sentence and inserting “7 Assistant
3 Secretaries”; and

4 (B) in the second sentence—

5 (i) by striking “2 Assistant Sec-
6 retary” and inserting “3 Assistant Secre-
7 taries”, and

8 (ii) by striking “and the Assistant
9 Secretary for Public Affairs” and inserting
10 “, the Assistant Secretary for Public Af-
11 fairs, and the Assistant Secretary for Man-
12 agement, Chief Financial Officer, and
13 Chief Performance Officer”.

14 (4) TREASURER OF THE UNITED STATES.—Sec-
15 tion 301(d) of title 31, United States Code, is
16 amended—

17 (A) by striking “2 Deputy Under Secre-
18 taries, and a Treasurer of the United States”
19 and inserting “and 2 Deputy Under Secre-
20 taries”, and

21 (B) by inserting “and a Treasurer of the
22 United States appointed by the President” after
23 “Fiscal Assistant Secretary appointed by the
24 Secretary”.

1 (5) DIRECTOR OF THE MINT.—Section
2 304(b)(1) of title 31, United States Code, is amend-
3 ed—

4 (A) by striking “, by and with the advice
5 and consent of the Senate”; and

6 (B) by striking “On removal, the President
7 shall send a message to the Senate giving the
8 reasons for removal.”.

9 (n) DEPARTMENT OF VETERANS AFFAIRS.—Section
10 308(a) of title 38, United States Code, is amended—

11 (1) by striking “There shall” and inserting “(1)
12 There shall”;

13 (2) in paragraph (1), as designated by para-
14 graph (1) of this subsection, by striking “Each As-
15 sistant” and all that follows through the period at
16 the end; and

17 (3) by adding at the end the following new
18 paragraphs:

19 “(2) Except as provided in paragraph (3), each As-
20 sistant Secretary appointed under paragraph (1) shall be
21 appointed by the President, by and with the advice and
22 consent of the Senate.

23 “(3) The following Assistant Secretaries may be ap-
24 pointed without the advice and consent of the Senate:

25 “(A) The Assistant Secretary for Management.

1 “(B) The Assistant Secretary for Human Re-
2 sources and Administration.

3 “(C) The Assistant Secretary for Public and
4 Intergovernmental Affairs.

5 “(D) The Assistant Secretary for Congressional
6 and Legislative Affairs.

7 “(E) The Assistant Secretary for Information
8 and Technology.”.

9 (o) APPALACHIAN REGIONAL COMMISSION; ALTER-
10 NATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(1) of
11 title 40, United States Code, is amended by striking “by
12 and with the advice and consent of the Senate”.

13 (p) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—
14 Section 10 of the Employment Act of 1946 (15 U.S.C.
15 1023) is amended by striking subsection (a) and inserting
16 the following:

17 “(a) CREATION; COMPOSITION; QUALIFICATIONS;
18 CHAIRMAN AND VICE CHAIRMAN.—

19 “(1) CREATION.—There is created in the Exec-
20 utive Office of the President a Council of Economic
21 Advisers (hereinafter called the ‘Council’).

22 “(2) COMPOSITION.—The Council shall be com-
23 posed of three members, of whom—

1 “(A) 1 shall be the chairman who shall be
2 appointed by the President by and with the ad-
3 vice and consent of the Senate; and

4 “(B) 2 shall be appointed by the President.

5 “(3) QUALIFICATIONS.—Each member shall be
6 a person who, as a result of his training, experience,
7 and attainments, is exceptionally qualified to analyze
8 and interpret economic developments, to appraise
9 programs and activities of the Government in the
10 light of the policy declared in section 2, and to for-
11 mulate and recommend national economic policy to
12 promote full employment, production, and pur-
13 chasing power under free competitive enterprise.

14 “(4) VICE CHAIRMAN.—The President shall
15 designate 1 of the members of the Council as vice
16 chairman, who shall act as chairman in the absence
17 of the chairman.”.

18 (q) CORPORATION FOR NATIONAL AND COMMUNITY
19 SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of
20 the National and Community Service Act of 1990 (42
21 U.S.C. 12651d(a)(1)) is amended by striking “, by and
22 with the advice and consent of the Senate”.

23 (r) NATIONAL COUNCIL ON DISABILITY MEMBERS,
24 INCLUDING CHAIRPERSON.—Section 400(a)(1)(A) of the
25 Rehabilitation Act of 1973 (29 U.S.C. 780(a)(1)(A)) is

1 amended by striking “, by and with the advice and consent
2 of the Senate”.

3 (s) NATIONAL FOUNDATION ON THE ARTS AND THE
4 HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERV-
5 ICES BOARD; MEMBERS.—Section 207(b)(1)(D) of the
6 Museum and Library Services Act (20 U.S.C.
7 9105a(b)(1)(D)) is amended by striking “, by and with
8 the advice and consent of the Senate”.

9 (t) NATIONAL SCIENCE FOUNDATION; BOARD MEM-
10 BERS.—Section 4(a) of the National Science Foundation
11 Act of 1950 (42 U.S.C. 1863(a)) is amended by striking
12 “, by and with the advice and consent of the Senate,”.

13 (u) OFFICE OF MANAGEMENT AND BUDGET; CON-
14 TROLLER, OFFICE OF FEDERAL FINANCIAL MANAGE-
15 MENT.—Section 504(b) of title 31, United States Code,
16 is amended by striking “, by and with the advice and con-
17 sent of the Senate,”.

18 (v) OFFICE OF NATIONAL DRUG CONTROL POLICY;
19 DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of
20 National Drug Control Policy Reauthorization Act of 1998
21 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

22 “(1) IN GENERAL.—

23 “(A) DIRECTOR.—The Director shall be
24 appointed by the President, by and with the ad-

1 vice and consent of the Senate, and shall serve
2 at the pleasure of the President.

3 “(B) DEPUTY DIRECTORS.—The Deputy
4 Director of National Drug Control Policy, Dep-
5 uty Director for Demand Reduction, the Dep-
6 uty Director for Supply Reduction, and the
7 Deputy Director for State and Local Affairs
8 shall each be appointed by the President and
9 serve at the pleasure of the President.

10 “(C) DEPUTY DIRECTOR FOR DEMAND RE-
11 DUCTION.—In appointing the Deputy Director
12 for Demand Reduction under this paragraph,
13 the President shall take into consideration the
14 scientific, educational, or professional back-
15 ground of the individual, and whether the indi-
16 vidual has experience in the fields of substance
17 abuse prevention, education, or treatment.”.

18 (w) OFFICE OF NAVAJO AND HOPI RELOCATION;
19 COMMISSIONER.—Section 12(b)(1) of Public Law 93–531
20 (25 U.S.C. 640d–11(b)(1)) is amended by striking “by
21 and with the advice and consent of the Senate”.

22 (x) OFFICE OF SCIENCE AND TECHNOLOGY POLICY;
23 ASSOCIATE DIRECTORS.—Section 203 of the National
24 Science and Technology Policy, Organization, and Prior-
25 ities Act of 1976 (42 U.S.C. 6612) is amended in the sec-

1 ond sentence by striking “, by and with the advice and
2 consent of the Senate,”.

3 (y) UNITED STATES AGENCY FOR INTERNATIONAL
4 DEVELOPMENT.—

5 (1) ASSISTANT ADMINISTRATOR FOR LEGISLA-
6 TIVE AND PUBLIC AFFAIRS.—Notwithstanding sec-
7 tion 624(a) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2384(a)), the appointment by the Presi-
9 dent of the Assistant Administrator for Legislative
10 and Public Affairs at the United States Agency for
11 International Development shall not be subject to
12 the advice and consent of the Senate.

13 (2) ASSISTANT ADMINISTRATOR FOR MANAGE-
14 MENT.—Notwithstanding section 624(a) of the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2384(a)),
16 the appointment by the President of the Assistant
17 Administrator for Management at the United States
18 Agency for International Development shall not be
19 subject to the advice and consent of the Senate.

20 (z) COMMUNITY DEVELOPMENT FINANCIAL INSTITU-
21 TION FUND; ADMINISTRATOR.—Section 104(b)(1) of the
22 Community Development Banking and Financial Institu-
23 tions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by
24 striking “, by and with the advice and consent of the Sen-
25 ate”.

1 (aa) DEPARTMENT OF TRANSPORTATION; ST. LAW-
 2 RENCE SEAWAY DEVELOPMENT CORPORATION; ADMINIS-
 3 TRATOR.—Subsection (a) of section 2 of the Act of May
 4 13, 1954, referred to as the Saint Lawrence Seaway Act
 5 (33 U.S.C. 982(a)) is amended by striking “, by and with
 6 the advice and consent of the Senate,”.

7 (bb) MISSISSIPPI RIVER COMMISSION; COMMIS-
 8 SIONER.—Section 2 of the Act of June 28, 1879 (33
 9 U.S.C. 642), is amended in the first sentence by striking
 10 “, by and with the advice and consent of the Senate,”.

11 (cc) GOVERNOR AND ALTERNATE GOVERNOR OF THE
 12 AFRICAN DEVELOPMENT BANK.—

13 (1) IN GENERAL.—Section 1333(a) of the Afri-
 14 can Development Bank Act (22 U.S.C. 290i–1(a)) is
 15 amended by striking “, by and with” and all that
 16 follows through “Bank” and inserting “shall appoint
 17 a Governor and an Alternate Governor”.

18 (2) CONFORMING AMENDMENTS.—Section 1334
 19 of such Act (22 U.S.C. 290i–2) is amended—

20 (A) by striking “The Director or Alternate
 21 Director” and inserting the following:

22 “(b) The Director or Alternate Director”; and

23 (B) by inserting before subsection (b), as
 24 redesignated, the following:

1 “(a) The President, by and with the advice and con-
2 sent of the Senate, shall appoint a Director of the Bank.”.

3 (dd) GOVERNOR AND ALTERNATE GOVERNOR OF
4 THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the
5 Asian Development Bank Act (22 U.S.C. 285a(a)) is
6 amended by striking “, by and with” and all that follows
7 through the end period and inserting “shall appoint—”

8 “(1) a Governor of the Bank and an alternate
9 for the Governor; and

10 “(2) by and with the advice and consent of the
11 Senate, a Director of the Bank.”.

12 (ee) GOVERNORS AND ALTERNATE GOVERNORS OF
13 THE INTERNATIONAL MONETARY FUND AND THE INTER-
14 NATIONAL BANK FOR RECONSTRUCTION AND DEVELOP-
15 MENT.—Section 3 of the Bretton Woods Agreements Act
16 (22 U.S.C. 286a) is amended—

17 (1) in subsection (a), by striking “, by and with
18 the advice and consent of the Senate, shall appoint
19 a governor of the Fund who shall also serve as gov-
20 ernor of the Bank, and an executive director” and
21 inserting “shall appoint a governor of the Fund who
22 shall also serve as governor of the Bank and, by and
23 with the advice and consent of the Senate, an execu-
24 tive director”; and

1 (2) in subsection (b), by striking “, by and with
2 the advice and consent of the Senate,” the first
3 place it appears.

4 (ff) GOVERNOR AND ALTERNATE GOVERNOR OF THE
5 AFRICAN DEVELOPMENT FUND.—Section 203(a) of the
6 African Development Fund Act (22 U.S.C. 290g–1(a)) is
7 amended by striking “, by and with the advice and consent
8 of the Senate,”.

9 (gg) NATIONAL BOARD FOR EDUCATION SCIENCES;
10 MEMBERS.—Section 116(c)(1) of the Education Sciences
11 Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended
12 by striking “, by and with the advice and consent of the
13 Senate”.

14 (hh) NATIONAL INSTITUTE FOR LITERACY ADVISORY
15 BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult
16 Education and Family Literacy Act (20 U.S.C.
17 9252(e)(1)(A)) is amended by striking “with the advice
18 and consent of the Senate”.

19 (ii) INSTITUTE OF AMERICAN INDIAN AND ALASKA
20 NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER,
21 BOARD OF TRUSTEES.—Section 1505 of the American In-
22 dian, Alaska Native, and Native Hawaiian Culture and
23 Art Development Act (20 U.S.C. 4412(a)(1)(A)) is
24 amended by striking “by and with the advice and consent
25 of the Senate”.

1 (jj) FEDERAL COORDINATOR FOR ALASKA NATURAL
2 GAS TRANSPORTATION PROJECTS.—Section 106(b)(1) of
3 the Alaska Natural Gas Pipeline Act (division C of Public
4 Law 108–324; 15 U.S.C. 720d(b)(1)) is amended by strik-
5 ing “, by and with the advice and consent of the Senate,”.

6 (kk) PUBLIC HEALTH SERVICE COMMISSIONED OF-
7 FICER CORPS.—

8 (1) APPOINTMENT.—Section 203(a)(3) of the
9 Public Health Service Act (42 U.S.C. 204(a)(3)) is
10 amended by striking “with the advice and consent of
11 the Senate”.

12 (2) PROMOTIONS.—Section 210(a) of the Public
13 Health Service Act (42 U.S.C. 211(a)) is amended
14 by striking “, by and with the advice and consent of
15 the Senate”.

16 (ll) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
17 ISTRATION COMMISSIONED OFFICER CORPS.—

18 (1) APPOINTMENTS AND PROMOTIONS TO PER-
19 MANENT GRADES.—Section 226 of the National Oce-
20 anic and Atmospheric Administration Commissioned
21 Officer Corps Act of 2002 (33 U.S.C. 3026) is
22 amended by striking “, by and with the advice and
23 consent of the Senate”.

24 (2) POSITIONS OF IMPORTANCE AND RESPONSIBI-
25 LITY.—Section 228(d)(1) of such Act (33 U.S.C.

1 3028(d)(1)) is amended by striking “, by and with
2 the advice and consent of the Senate”.

3 (3) TEMPORARY APPOINTMENTS AND PRO-
4 MOTIONS GENERALLY.—Section 229 of such Act (33
5 U.S.C. 3029) is amended—

6 (A) by striking “alone” each place it ap-
7 pears; and

8 (B) in subsection (a), in the second sen-
9 tence, by striking “unless the Senate sooner
10 gives its advice and consent to the appoint-
11 ment”.

12 (mm) CHIEF FINANCIAL OFFICER POSITIONS.—Sec-
13 tion 901(a)(1) of title 31, United States Code, is amended
14 by striking subparagraphs (A) and (B) and inserting the
15 following:

16 “(A) be appointed by the President; or

17 “(B) be designated by the President, in
18 consultation with the head of the agency, from
19 among officials of the agency who are required
20 by law to be appointed by the President, wheth-
21 er or not by and with the advice and consent
22 of the Senate;”.

1 **SEC. 3. WORKING GROUP ON STREAMLINING PAPERWORK**
2 **FOR EXECUTIVE NOMINATIONS.**

3 (a) **ESTABLISHMENT.**—There is established the
4 Working Group on Streamlining Paperwork for Executive
5 Nominations (in this section referred to as the “Working
6 Group”).

7 (b) **MEMBERSHIP.**—

8 (1) **COMPOSITION.**—The Working Group shall
9 be composed of—

10 (A) the chairperson who shall be—

11 (i) except as provided under clause

12 (ii), the Director of the Office of Presi-
13 dential Personnel; or

14 (ii) a Federal officer designated by
15 the President;

16 (B) representatives designated by the
17 President from—

18 (i) the Office of Personnel Manage-
19 ment;

20 (ii) the Office of Government Ethics;

21 and

22 (iii) the Federal Bureau of Investiga-
23 tion; and

24 (C) individuals appointed by the chair-
25 person of the Working Group who have experi-

1 ence and expertise relating to the Working
2 Group, including—

3 (i) individuals from other relevant
4 Federal agencies; and

5 (ii) individuals with relevant experi-
6 ence from previous presidential administra-
7 tions.

8 (c) STREAMLINING OF PAPERWORK REQUIRED FOR
9 EXECUTIVE NOMINATIONS.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of enactment of this Act, the Working
12 Group shall conduct a study and submit a report on
13 the streamlining of paperwork required for executive
14 nominations to—

15 (A) the President;

16 (B) the Committee on Homeland Security
17 and Governmental Affairs of the Senate; and

18 (C) the Committee on Rules and Adminis-
19 tration of the Senate.

20 (2) CONSULTATION WITH COMMITTEES OF THE
21 SENATE.—In conducting the study under this sec-
22 tion, the Working Group shall consult with the
23 chairperson and ranking member of the committees
24 referred to under paragraph (1) (B) and (C).

25 (3) CONTENTS.—

1 (A) IN GENERAL.—The report submitted
2 under this section shall include—

3 (i) recommendations for the stream-
4 lining of paperwork required for executive
5 nominations; and

6 (ii) a detailed plan for the creation
7 and implementation of an electronic system
8 for collecting and distributing background
9 information from potential and actual
10 Presidential nominees for positions which
11 require appointment by and with the ad-
12 vice and consent of the Senate.

13 (B) ELECTRONIC SYSTEM.—The electronic
14 system described under subparagraph (A)(ii)
15 shall—

16 (i) provide for—

17 (I) less burden on potential nomi-
18 nees for positions which require ap-
19 pointment by and with the advice and
20 consent of the Senate;

21 (II) faster delivery of background
22 information to Congress, the White
23 House, the Federal Bureau of Inves-
24 tigation, Diplomatic Security, and the
25 Office of Government Ethics; and

1 (III) fewer errors of omission;

2 and

3 (ii) ensure the existence and operation

4 of a single, searchable form which shall be

5 known as a “Smart Form” and shall—

6 (I) be free to a nominee and easy

7 to use;

8 (II) make it possible for the

9 nominee to answer all vetting ques-

10 tions one way, at a single time;

11 (III) secure the information pro-

12 vided by a nominee;

13 (IV) allow for multiple submis-

14 sions over time, but always in the for-

15 mat requested by the vetting agency

16 or entity;

17 (V) be compatible across dif-

18 ferent computer platforms;

19 (VI) make it possible to easily

20 add, modify, or subtract vetting ques-

21 tions;

22 (VII) allow error checking; and

23 (VIII) allow the user to track the

24 progress of a nominee in providing the

25 required information.

1 (d) REVIEW OF BACKGROUND INVESTIGATION RE-
2 QUIREMENTS.—

3 (1) IN GENERAL.—The Working Group shall
4 conduct a review of the impact of background inves-
5 tigation requirements on the appointments process.

6 (2) CONDUCT OF REVIEW.—In conducting the
7 review, the Working Group shall—

8 (A) assess the feasibility of using personnel
9 other than Federal Bureau of Investigation per-
10 sonnel, in appropriate circumstances, to conduct
11 background investigations of individuals under
12 consideration for positions appointed by the
13 President, by and with the advice and consent
14 of the Senate; and

15 (B) consider the extent to which the scope
16 of the background investigation conducted for
17 an individual under consideration for a position
18 appointed by the President, by and with the ad-
19 vice and consent of the Senate, should be varied
20 depending on the nature of the position for
21 which the individual is being considered.

22 (3) REPORT.—Not later than 270 days after
23 the date of enactment of this Act, the Working
24 Group shall submit a report of the findings of the
25 review under this subsection to—

1 (A) the President;

2 (B) the Committee on Homeland Security
3 and Governmental Affairs of the Senate; and

4 (C) the Committee on Rules and Adminis-
5 tration of the Senate.

6 (e) PERSONNEL MATTERS.—

7 (1) COMPENSATION OF MEMBERS.—

8 (A) FEDERAL OFFICERS AND EMPLOY-
9 EES.—Each member of the Working Group who
10 is a Federal officer or employee shall serve
11 without compensation in addition to that re-
12 ceived for their services as a Federal officer or
13 employee.

14 (B) MEMBERS NOT FEDERAL OFFICERS
15 AND EMPLOYEES.—Each member of the Work-
16 ing Group who is not a Federal officer or em-
17 ployee shall not be compensated for services
18 performed for the Working Group.

19 (2) TRAVEL EXPENSES.—The members of the
20 Working Group shall be allowed travel expenses, in-
21 cluding per diem in lieu of subsistence, at rates au-
22 thorized for employees of agencies under subchapter
23 I of chapter 57 of title 5, United States Code, while
24 away from their homes or regular places of business

1 in the performance of services for the Working
2 Group.

3 (3) STAFF.—

4 (A) IN GENERAL.—The President may des-
5 ignate Federal officers and employees to pro-
6 vide support services for the Working Group.

7 (B) DETAIL OF FEDERAL EMPLOYEES.—
8 Any Federal employee may be detailed to the
9 Working Group without reimbursement, and
10 such detail shall be without interruption or loss
11 of civil service status or privilege.

12 (f) NON-APPLICABILITY OF FEDERAL ADVISORY
13 COMMITTEE ACT.—The Federal Advisory Committee Act
14 (5 U.S.C. App.) shall not apply to the Working Group es-
15 tablished under this section.

16 (g) TERMINATION OF THE WORKING GROUP.—The
17 Working Group shall terminate 60 days after the date on
18 which the Working Group submits the latter of the 2 re-
19 ports under this section.

20 **SEC. 4. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect
22 60 days after the date of enactment of this Act and apply
23 to appointments made on and after that effective date, in-

1 cluding any nomination pending in the Senate on that
2 date.

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