

112TH CONGRESS  
1ST SESSION

# S. 679

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO**  
5 **SENATE APPROVAL.**

6 (a) AGRICULTURE.—

7 (1) ASSISTANT SECRETARY OF AGRICULTURE  
8 FOR ADMINISTRATION.—Section 218(b) of the De-  
9 partment of Agriculture Reorganization Act of 1994  
10 (7 U.S.C. 6918(b)) is amended—

11 (A) by striking “subsection (a)” and in-  
12 serting “paragraph (1) or (3) of subsection  
13 (a)”;

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

15 (C) by redesignating subsection (d) as sub-  
16 section (c).

17 (2) RURAL UTILITIES SERVICE ADMINIS-  
18 TRATOR.—Section 232(b)(1) of the Department of  
19 Agriculture Reorganization Act of 1994 (7 U.S.C.  
20 6942(b)(1)) is amended—

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

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

24 (C) by redesignating paragraph (3) as  
25 paragraph (2).

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

6           (b) COMMERCE.—

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

12          (c) DEPARTMENT OF DEFENSE.—

13          (1) ASSISTANT SECRETARIES OF DEFENSE.—

14                  (A) IN GENERAL.—Section 138(a)(1) of  
15                  title 10, United States Code, is amended by  
16                  striking “16” and inserting “14”.

17                  (B) ADMINISTRATION OF REDUCTION.—

18                  The Assistant Secretary of Defense positions  
19                  eliminated in accordance with the reduction in  
20                  numbers required by the amendment made by  
21                  subparagraph (A) shall be—

22                          (i) the Assistant Secretary of Defense  
23                          for Networks and Information Integration;  
24                          and

1 (ii) the Assistant Secretary of Defense  
2 for Public Affairs.

3 (C) CONTINUED SERVICE OF INCUM-  
4 BENTS.—Notwithstanding the requirements of  
5 this paragraph, any individual serving in a posi-  
6 tion described under subparagraph (B) on the  
7 date of the enactment of this Act may continue  
8 to serve in such position without regard to the  
9 limitation imposed by the amendment in sub-  
10 paragraph (A).

11 (D) PLAN FOR SUCCESSOR POSITIONS.—  
12 Not later than 180 days after the date of the  
13 enactment of this Act, the Secretary of Defense  
14 shall report to the congressional defense com-  
15 mittees on his plan for successor positions, not  
16 subject to Senate confirmation, for the positions  
17 eliminated in accordance with the requirements  
18 of this paragraph.

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

24 (3) DIRECTOR OF SELECTIVE SERVICE.—Sec-  
25 tion 10(a)(3) of the Selective Service Act of 1948

1 (50 U.S.C. App. 460(a)(3)) is amended by striking  
2 “, by and with the advice and consent of the Sen-  
3 ate”.

4 (d) DEPARTMENT OF EDUCATION.—

5 (1) ASSISTANT SECRETARY FOR MANAGE-  
6 MENT.—Section 202(e) of the Department of Edu-  
7 cation Organization Act (20 U.S.C. 3412(e)) is  
8 amended by inserting after the first sentence the fol-  
9 lowing: “Notwithstanding the previous sentence, the  
10 appointments of individuals to serve as the Assistant  
11 Secretary for Management shall not be subject to  
12 the advice and consent of the Senate.”.

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

18 (e) DEPARTMENT OF HEALTH AND HUMAN SERV-  
19 ICES.—

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

1 (f) DEPARTMENT OF HOMELAND SECURITY.—

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

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

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

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

23 (5) ASSISTANT SECRETARIES.—Section 103(a)  
24 of the Homeland Security Act of 2002 (6 U.S.C.  
25 113(a)) is amended—

1 (A) by striking “There” and inserting “(1)  
2 IN GENERAL.—Except as provided under para-  
3 graph (2), there”;

4 (B) by redesignating paragraphs (1)  
5 through (10) as subparagraphs (A) through  
6 (J), respectively; and

7 (C) by adding at the end the following:

8 “(2) ASSISTANT SECRETARIES.—If any of the  
9 Assistant Secretaries referred to under paragraph  
10 (1)(I) is designated to be the Assistant Secretary for  
11 Health Affairs, the Assistant Secretary for Legisla-  
12 tive Affairs, or the Assistant Secretary for Public  
13 Affairs, that Assistant Secretary shall be appointed  
14 by the President without the advice and consent of  
15 the Senate.”.

16 (g) HOUSING AND URBAN DEVELOPMENT; ASSIST-  
17 ANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of  
18 the Department of Housing and Urban Development Act  
19 (42 U.S.C. 3533(a)) is amended—

20 (1) by inserting “(1)” after “(a)”;

21 (2) by striking “eight” and inserting “7”; and

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

23 “(2) There shall be in the Department an Assistant  
24 Secretary for Public Affairs, who shall be appointed by  
25 the President and shall perform such functions, powers,

1 and duties as the Secretary shall prescribe from time to  
2 time.”.

3 (h) DEPARTMENT OF JUSTICE.—

4 (1) DIRECTOR, BUREAU OF JUSTICE STATIS-  
5 TICS.—Section 302(b) of title I of the Omnibus  
6 Crime Control and Safe Streets Act of 1968 (42  
7 U.S.C. 3732(b)) is amended by striking “, by and  
8 with the advice and consent of the Senate”.

9 (2) DIRECTOR, BUREAU OF JUSTICE ASSIST-  
10 ANCE.—Section 401(b) of title I of the Omnibus  
11 Crime Control and Safe Streets Act of 1968 (42  
12 U.S.C. 3741(b)) is amended by striking “, by and  
13 with the advice and consent of the Senate”.

14 (3) DIRECTOR, NATIONAL INSTITUTE OF JUS-  
15 TICE.—Section 202(b) of title I of the Omnibus  
16 Crime Control and Safe Streets Act of 1968 (42  
17 U.S.C. 3722(b)) is amended by striking “, by and  
18 with the advice and consent of the Senate”.

19 (4) ADMINISTRATOR, OFFICE OF JUVENILE  
20 JUSTICE AND DELINQUENCY PREVENTION.—Section  
21 201(b) of the Juvenile Justice and Delinquency Pre-  
22 vention Act of 1974 (42 U.S.C. 5611(b)) is amended  
23 by striking “, by and with the advice and consent of  
24 the Senate,”.



1           (5) DIRECTOR, OFFICE FOR VICTIMS OF  
2 CRIME.—Section 1411(b) of the Victims of Crime  
3 Act of 1984 (42 U.S.C. 10605(b)) is amended by  
4 striking “, by and with the advice and consent of the  
5 Senate”.

6 (i) DEPARTMENT OF LABOR.—

7           (1) ASSISTANT SECRETARIES FOR ADMINISTRA-  
8 TION AND MANAGEMENT AND PUBLIC AFFAIRS.—  
9 Notwithstanding section 2 of the Act of April 17,  
10 1946 (29 U.S.C. 553), the appointment of individ-  
11 uals to serve as the Assistant Secretary for Adminis-  
12 tration and Management and the Assistant Sec-  
13 retary for Public Affairs within the Department of  
14 Labor, shall not be subject to the advice and consent  
15 of the Senate.

16           (2) DIRECTOR OF THE WOMEN’S BUREAU.—  
17 Section 2 of the Act of June 5, 1920 (29 U.S.C. 12)  
18 is amended by striking “, by and with the advice  
19 and consent of the Senate”.

20 (j) DEPARTMENT OF STATE; ASSISTANT SECRETARY  
21 FOR PUBLIC AFFAIRS AND ASSISTANT SECRETARY FOR  
22 ADMINISTRATION.—Section 1(c)(1) of the State Depart-  
23 ment Basic Authorities Act of 1956 (22 U.S.C.  
24 2651a(c)(1)) is amended—

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

4           (2) by adding at the end the following: “Each  
5           Assistant Secretary of State shall be appointed by  
6           the President, by and with the advice and consent  
7           of the Senate, except that the appointments of the  
8           Assistant Secretary for Public Affairs and the As-  
9           sistant Secretary for Administration shall not be  
10          subject to the advice and consent of the Senate.”.

11          (k) DEPARTMENT OF TRANSPORTATION.—

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

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

17          “(e) ASSISTANT SECRETARIES; GENERAL COUN-  
18          SEL.—

19           “(1) APPOINTMENT.—The Department has 5  
20          Assistant Secretaries and a General Counsel, includ-  
21          ing—

22           “(A) an Assistant Secretary for Aviation  
23           and International Affairs, an Assistant Sec-  
24           retary for Governmental Affairs, and an Assist-  
25           ant Secretary for Transportation Policy, who

1 shall each be appointed by the President, with  
2 the advice and consent of the Senate;

3 “(B) an Assistant Secretary for Budget  
4 and Programs who shall be appointed by the  
5 President;

6 “(C) an Assistant Secretary for Adminis-  
7 tration, who shall be appointed by the Sec-  
8 retary, with the approval of the President; and

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

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

16 (2) DEPUTY ADMINISTRATOR, FEDERAL AVIA-  
17 TION ADMINISTRATION.—Section 106 of title 49,  
18 United States Code, is amended—

19 (A) in subsection (b), by striking “. The  
20 Administration has a Deputy Administrator.  
21 They are appointed” and inserting “, who shall  
22 be appointed”; and

23 (B) in subsection (d)(1), by striking “The  
24 Deputy Administrator must” and inserting  
25 “The Administration has a Deputy Adminis-

1           trator, who shall be appointed by the President.  
2           In making an appointment, the President shall  
3           consider the fitness of the appointee to effi-  
4           ciently carry out the duties and powers of the  
5           office. The Deputy Administrator shall”.

6           (1) DEPARTMENT OF THE TREASURY.—

7                   (1) ASSISTANT SECRETARIES FOR PUBLIC AF-  
8           FAIRS AND MANAGEMENT.—Section 301(e) of title  
9           31, United States Code, is amended—

10                           (A) by striking “10 Assistant Secretaries”  
11                           and inserting “8 Assistant Secretaries”; and

12                           (B) by inserting “The Department shall  
13           have 2 Assistant Secretaries not subject to the  
14           advice and consent of the Senate who shall be  
15           the Assistant Secretary for Public Affairs, and  
16           the Assistant Secretary for Management.” after  
17           the first sentence.

18           (2) TREASURER OF THE UNITED STATES.—Sec-  
19           tion 301(d) of title 31, United States Code, is  
20           amended—

21                           (A) by striking “2 Deputy Under Secre-  
22                           taries, and a Treasurer of the United States”  
23                           and inserting “and 2 Deputy Under Secre-  
24                           taries”, and

1 (B) by inserting “and a Treasurer of the  
2 United States appointed by the President” after  
3 “Fiscal Assistant Secretary appointed by the  
4 Secretary”.

5 (m) DEPARTMENT OF VETERANS AFFAIRS.—Section  
6 308(a) of title 38, United States Code, is amended—

7 (1) by striking “There shall” and inserting “(1)  
8 There shall”;

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

13 (3) by adding at the end the following new  
14 paragraphs:

15 “(2) Except as provided in paragraph (3), each As-  
16 sistant Secretary appointed under paragraph (1) shall be  
17 appointed by the President, by and with the advice and  
18 consent of the Senate.

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

21 “(A) The Assistant Secretary for Management.

22 “(B) The Assistant Secretary for Human Re-  
23 sources and Administration.

24 “(C) The Assistant Secretary for Public and  
25 Intergovernmental Affairs.

1           “(D) The Assistant Secretary for Operations,  
2           Security, and Preparedness.”.

3           (n) APPALACHIAN REGIONAL COMMISSION; ALTER-  
4           NATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(2) of  
5           title 40, United States Code, is amended by striking “by  
6           and with the advice and consent of the Senate”.

7           (o) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—  
8           Section 10 of the Employment Act of 1946 (15 U.S.C.  
9           1023) is amended by striking subsection (a) and inserting  
10          the following:

11          “(a) CREATION; COMPOSITION; QUALIFICATIONS;  
12          CHAIRMAN AND VICE CHAIRMAN.—

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

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

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

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

22                 “(3) QUALIFICATIONS.—Each member shall be  
23                 a person who, as a result of training, experience,  
24                 and attainments, is exceptionally qualified to analyze  
25                 and interpret economic developments, to appraise

1 programs and activities of the Government in the  
2 light of the policy declared in section 2, and to for-  
3 mulate and recommend national economic policy to  
4 promote full employment, production, and pur-  
5 chasing power under free competitive enterprise.

6 “(4) VICE CHAIRMAN.—The President shall  
7 designate 1 of the members of the Council as vice  
8 chairman, who shall act as chairman in the absence  
9 of the chairman.”.

10 (p) CORPORATION FOR NATIONAL AND COMMUNITY  
11 SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of  
12 the National and Community Service Act of 1990 (42  
13 U.S.C. 12651e(a)(1)) is amended by striking “, by and  
14 with the advice and consent of the Senate”.

15 (q) NATIONAL COUNCIL ON DISABILITY MEM-  
16 BERS.—Section 400(a)(1)(A) of the Rehabilitation Act of  
17 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking “,  
18 by and with the advice and consent of the Senate”.

19 (r) NATIONAL FOUNDATION ON THE ARTS AND THE  
20 HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERV-  
21 ICES BOARD; MEMBERS.—Section 207(b)(1) of the Mu-  
22 seum and Library Services Act (20 U.S.C. 9105a(b)(1))  
23 is amended—

24 (1) in subparagraph (D), by striking “, by and  
25 with the advice and consent of the Senate”; and

1           (2) in subparagraph (E), by striking “, by and  
2           with the advice and consent of the Senate”.

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

7           (t) OFFICE OF NATIONAL DRUG CONTROL POLICY;  
8           DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of  
9           National Drug Control Policy Reauthorization Act of 1998  
10          (21 U.S.C. 1703(a)(1)) is amended to read as follows:

11           “(1) IN GENERAL.—

12           “(A) DIRECTOR.—The Director shall be  
13           appointed by the President, by and with the ad-  
14           vice and consent of the Senate, and shall serve  
15           at the pleasure of the President.

16           “(B) DEPUTY DIRECTORS.—The Deputy  
17           Director of National Drug Control Policy, Dep-  
18           uty Director for Demand Reduction, the Dep-  
19           uty Director for Supply Reduction, and the  
20           Deputy Director for State, Local, and Tribal  
21           Affairs shall each be appointed by the President  
22           and serve at the pleasure of the President.

23           “(C) DEPUTY DIRECTOR FOR DEMAND RE-  
24           DUCTION.—In appointing the Deputy Director  
25           for Demand Reduction under this paragraph,



1           the President shall take into consideration the  
2           scientific, educational, or professional back-  
3           ground of the individual, and whether the indi-  
4           vidual has experience in the fields of substance  
5           abuse prevention, education, or treatment.”.

6           (u) OFFICE OF NAVAJO AND HOPI RELOCATION;  
7   COMMISSIONER.—Section 12(b)(1) of Public Law 93–531  
8   (25 U.S.C. 640d–11(b)(1)) is amended by striking “by  
9   and with the advice and consent of the Senate”.

10          (v) UNITED STATES AGENCY FOR INTERNATIONAL  
11   DEVELOPMENT.—

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

19          (w) COMMUNITY DEVELOPMENT FINANCIAL INSTI-  
20   TUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of  
21   the Community Development Banking and Financial In-  
22   stitutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended  
23   by striking “, by and with the advice and consent of the  
24   Senate”.

1       (x) 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, for a term of seven  
 7 years”.

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

12       (z) GOVERNOR AND ALTERNATE GOVERNOR OF THE  
 13 AFRICAN DEVELOPMENT BANK.—

14           (1) IN GENERAL.—Section 1333 of the African  
 15 Development Bank Act (22 U.S.C. 290i–1) is  
 16 amended—

17           (A) by redesignating subsections (b) and  
 18 (c) as subsections (c) and (d), respectively; and

19           (B) by striking “(a) The President” and  
 20 all that follows through “The term of office”  
 21 and inserting the following:

22           “(a) The President shall appoint a Governor and an  
 23 Alternate Governor of the Bank—

24           “(1) by and with the advice and consent of the  
 25 Senate; or

1           “(2) from among individuals serving as officials  
2           required by law to be appointed by and with the ad-  
3           vice and consent of the Senate.

4           “(b) The term of office”.

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

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

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

10                   (B) by inserting before subsection (b), as  
11           redesignated, the following:

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

14           (aa) GOVERNOR AND ALTERNATE GOVERNOR OF  
15           THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the  
16           Asian Development Bank Act (22 U.S.C. 285a(a)) is  
17           amended to read as follows:

18           “(a) The President shall appoint—

19                   “(1) a Governor of the Bank and an alternate  
20           for the Governor—

21                           “(A) by and with the advice and consent of  
22           the Senate; or

23                           “(B) from among individuals serving as of-  
24           ficials required by law to be appointed by and  
25           with the advice and consent of the Senate; and

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

3           (bb) GOVERNOR AND ALTERNATE GOVERNOR OF  
4 THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of  
5 the African Development Fund Act (22 U.S.C. 290g–1(a))  
6 is amended to read as follows:

7           “(a) The President shall appoint a Governor, and an  
8 Alternate Governor, of the Fund—

9           “(1) by and with the advice and consent of the  
10          Senate; or

11          “(2) from among individuals serving as officials  
12          required by law to be appointed by and with the ad-  
13          vice and consent of the Senate.”.

14          (cc) NATIONAL BOARD FOR EDUCATION SCIENCES;  
15 MEMBERS.—Section 116(c)(1) of the Education Sciences  
16 Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended  
17 by striking “, by and with the advice and consent of the  
18 Senate”.

19          (dd) NATIONAL INSTITUTE FOR LITERACY ADVISORY  
20 BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult  
21 Education and Family Literacy Act (20 U.S.C.  
22 9252(e)(1)(A)) is amended by striking “with the advice  
23 and consent of the Senate”.

24          (ee) INSTITUTE OF AMERICAN INDIAN AND ALASKA  
25 NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER,

1 BOARD OF TRUSTEES.—Section 1505 of the American In-  
2 dian, Alaska Native, and Native Hawaiian Culture and  
3 Art Development Act (20 U.S.C. 4412(a)(1)(A)) is  
4 amended by striking “by and with the advice and consent  
5 of the Senate”.

6 (ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFI-  
7 CER 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 (gg) 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 RESPONSI-  
25 BILITY.—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 (hh) RULE OF CONSTRUCTION.—Notwithstanding  
13 section 3132(a)(2) of title 5, United States Code, removal  
14 of Senate confirmation for any position in this section  
15 shall not—

16 (1) result in any such position being placed in  
17 the Senior Executive Service; or

18 (2) alter compensation for any such position  
19 under the Executive Schedule or other applicable  
20 compensation provisions of law.

21 **SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.**

22 (a) IN GENERAL.—Section 21 of the title 13, United  
23 States Code, is amended to read as follows:

24 **“§ 21. Director of the Census; duties**

25 **“(a) APPOINTMENT.—**

1           “(1) IN GENERAL.—The Bureau shall be head-  
2           ed by a Director of the Census, appointed by the  
3           President, by and with the advice and consent of the  
4           Senate, without regard to political affiliation.

5           “(2) QUALIFICATIONS.—Such appointment  
6           shall be made from individuals who have a dem-  
7           onstrated ability in managing large organizations  
8           and experience in the collection, analysis, and use of  
9           statistical data.

10          “(b) TERM OF OFFICE.—

11           “(1) IN GENERAL.—The term of office of the  
12           Director shall be 5 years, and shall begin on Janu-  
13           ary 1, 2012, and every fifth year thereafter. An indi-  
14           vidual may not serve more than 2 full terms as Di-  
15           rector.

16           “(2) VACANCIES.—Any individual appointed to  
17           fill a vacancy in such position, occurring before the  
18           expiration of the term for which such individual’s  
19           predecessor was appointed, shall be appointed for  
20           the remainder of that term. The Director may serve  
21           after the end of the Director’s term until re-  
22           appointed or until a successor has been appointed,  
23           but in no event longer than 1 year after the end of  
24           such term.

1           “(3) REMOVAL.—An individual serving as Di-  
2           rector may be removed from office by the President.  
3           The President shall communicate in writing the rea-  
4           sons for any such removal to both Houses of Con-  
5           gress not later than 60 days before the removal.

6           “(4) PERSONNEL ACTIONS.—Except as pro-  
7           vided under paragraph (3), nothing in this sub-  
8           section shall prohibit a personnel action otherwise  
9           authorized by law with respect to the Director of the  
10          Census, other than removal.

11          “(c) DUTIES.—The Director shall perform such du-  
12         ties as may be imposed upon the Director by law, regula-  
13         tions, or orders of the Secretary.”.

14          (b) TRANSITION RULES.—

15                 (1) APPOINTMENT OF INITIAL DIRECTOR.—The  
16                 initial Director of the Bureau of the Census shall be  
17                 appointed in accordance with the provisions of sec-  
18                 tion 21(a) of title 13, United States Code, as  
19                 amended by subsection (a).

20                 (2) INTERIM ROLE OF CURRENT DIRECTOR OF  
21                 THE CENSUS AFTER DATE OF ENACTMENT.—If, as  
22                 of January 1, 2012, the initial Director of the Bu-  
23                 reau of the Census has not taken office, the officer  
24                 serving on December 31, 2011, as Director of the



1 Census (or Acting Director of the Census, if applica-  
2 ble) in the Department of Commerce—

3 (A) shall serve as the Director of the Bu-  
4 reau of the Census; and

5 (B) shall assume the powers and duties of  
6 such Director for one term beginning January  
7 1, 2012, as described in section 21(b) of such  
8 title, as so amended.

9 (c) **TECHNICAL AND CONFORMING AMENDMENTS.**—  
10 Not later than January 1, 2012, the Secretary of Com-  
11 merce, in consultation with the Director of the Census,  
12 shall submit to each House of the Congress draft legisla-  
13 tion containing any technical and conforming amendments  
14 to title 13, United States Code, and any other provisions  
15 which may be necessary to carry out the purposes of this  
16 section.

17 **SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK**  
18 **FOR EXECUTIVE NOMINATIONS.**

19 (a) **ESTABLISHMENT.**—There is established the  
20 Working Group on Streamlining Paperwork for Executive  
21 Nominations (in this section referred to as the “Working  
22 Group”).

23 (b) **MEMBERSHIP.**—

24 (1) **COMPOSITION.**—The Working Group shall  
25 be composed of—

- 1 (A) the chairperson who shall be—
- 2 (i) except as provided under clause
- 3 (ii), the Director of the Office of Presi-
- 4 dential Personnel; or
- 5 (ii) a Federal officer designated by
- 6 the President;
- 7 (B) representatives designated by the
- 8 President from—
- 9 (i) the Office of Personnel Manage-
- 10 ment;
- 11 (ii) the Office of Government Ethics;
- 12 and
- 13 (iii) the Federal Bureau of Investiga-
- 14 tion; and
- 15 (C) individuals appointed by the chair-
- 16 person of the Working Group who have experi-
- 17 ence and expertise relating to the Working
- 18 Group, including—
- 19 (i) individuals from other relevant
- 20 Federal agencies; and
- 21 (ii) individuals with relevant experi-
- 22 ence from previous presidential administra-
- 23 tions.

24 (c) STREAMLINING OF PAPERWORK REQUIRED FOR

25 EXECUTIVE NOMINATIONS.—

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

6                   (A) the President;

7                   (B) the Committee on Homeland Security  
8 and Governmental Affairs of the Senate; and

9                   (C) the Committee on Rules and Adminis-  
10 tration of the Senate.

11           (2) CONSULTATION WITH COMMITTEES OF THE  
12 SENATE.—In conducting the study under this sec-  
13 tion, the Working Group shall consult with the  
14 chairperson and ranking member of the committees  
15 referred to under paragraph (1) (B) and (C).

16           (3) CONTENTS.—

17                   (A) IN GENERAL.—The report submitted  
18 under this section shall include—

19                           (i) recommendations for the stream-  
20 lining of paperwork required for executive  
21 nominations; and

22                           (ii) a detailed plan for the creation  
23 and implementation of an electronic system  
24 for collecting and distributing background  
25 information from potential and actual

1           Presidential nominees for positions which  
2           require appointment by and with the ad-  
3           vice and consent of the Senate.

4           (B) ELECTRONIC SYSTEM.—The electronic  
5           system described under subparagraph (A)(ii)  
6           shall—

7                   (i) provide for—

8                           (I) less burden on potential nomi-  
9                           nees for positions which require ap-  
10                          pointment by and with the advice and  
11                          consent of the Senate;

12                          (II) faster delivery of background  
13                          information to Congress, the White  
14                          House, the Federal Bureau of Inves-  
15                          tigation, Diplomatic Security, and the  
16                          Office of Government Ethics; and

17                          (III) fewer errors of omission;  
18                          and

19                          (ii) ensure the existence and operation  
20                          of a single, searchable form which shall be  
21                          known as a “Smart Form” and shall—

22                           (I) be free to a nominee and easy  
23                           to use;

1 (II) make it possible for the  
2 nominee to answer all vetting ques-  
3 tions one way, at a single time;

4 (III) secure the information pro-  
5 vided by a nominee;

6 (IV) allow for multiple submis-  
7 sions over time, but always in the for-  
8 mat requested by the vetting agency  
9 or entity;

10 (V) be compatible across dif-  
11 ferent computer platforms;

12 (VI) make it possible to easily  
13 add, modify, or subtract vetting ques-  
14 tions;

15 (VII) allow error checking; and

16 (VIII) allow the user to track the  
17 progress of a nominee in providing the  
18 required information.

19 (d) REVIEW OF BACKGROUND INVESTIGATION RE-  
20 QUIREMENTS.—

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

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

1           (A) assess the feasibility of using personnel  
2           other than Federal Bureau of Investigation per-  
3           sonnel, in appropriate circumstances, to conduct  
4           background investigations of individuals under  
5           consideration for positions appointed by the  
6           President, by and with the advice and consent  
7           of the Senate; and

8           (B) consider the extent to which the scope  
9           of the background investigation conducted for  
10          an individual under consideration for a position  
11          appointed by the President, by and with the ad-  
12          vice and consent of the Senate, should be varied  
13          depending on the nature of the position for  
14          which the individual is being considered.

15          (3) REPORT.—Not later than 270 days after  
16          the date of enactment of this Act, the Working  
17          Group shall submit a report of the findings of the  
18          review under this subsection to—

19                 (A) the President;

20                 (B) the Committee on Homeland Security  
21                 and Governmental Affairs of the Senate; and

22                 (C) the Committee on Rules and Adminis-  
23                 tration of the Senate.

24          (e) PERSONNEL MATTERS.—

25                 (1) COMPENSATION OF MEMBERS.—

1 (A) FEDERAL OFFICERS AND EMPLOY-  
2 EES.—Each member of the Working Group who  
3 is a Federal officer or employee shall serve  
4 without compensation in addition to that re-  
5 ceived for their services as a Federal officer or  
6 employee.

7 (B) MEMBERS NOT FEDERAL OFFICERS  
8 AND EMPLOYEES.—Each member of the Work-  
9 ing Group who is not a Federal officer or em-  
10 ployee shall not be compensated for services  
11 performed for the Working Group.

12 (2) TRAVEL EXPENSES.—The members of the  
13 Working Group shall be allowed travel expenses, in-  
14 cluding per diem in lieu of subsistence, at rates au-  
15 thorized for employees of agencies under subchapter  
16 I of chapter 57 of title 5, United States Code, while  
17 away from their homes or regular places of business  
18 in the performance of services for the Working  
19 Group.

20 (3) STAFF.—

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

24 (B) DETAIL OF FEDERAL EMPLOYEES.—  
25 Any Federal employee may be detailed to the

1 Working Group without reimbursement, and  
2 such detail shall be without interruption or loss  
3 of civil service status or privilege.

4 (f) NON-APPLICABILITY OF FEDERAL ADVISORY  
5 COMMITTEE ACT.—The Federal Advisory Committee Act  
6 (5 U.S.C. App.) shall not apply to the Working Group es-  
7 tablished under this section.

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

12 **SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSI-**  
13 **TIONS.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “agency” means an Executive  
16 agency defined under section 105 of title 5, United  
17 States Code; and

18 (2) the term “covered position” means a posi-  
19 tion in an agency that requires appointment by the  
20 President without the advice and consent of the Sen-  
21 ate.

22 (b) IN GENERAL.—Not later than 180 days after the  
23 date of enactment of this Act, the Government Account-  
24 ability Office shall conduct a study and submit a report  
25 on covered positions to Congress and the President.



1 (c) CONTENTS.—The report submitted under this  
2 section shall include—

3 (1) a determination of the number of covered  
4 positions in each agency;

5 (2) an evaluation of whether maintaining the  
6 total number of covered positions is necessary;

7 (3) an evaluation of the benefits and disadvan-  
8 tages of—

9 (A) eliminating certain covered positions;

10 (B) converting certain covered positions to  
11 career positions or positions in the Senior Exec-  
12 utive Service that are not career reserved posi-  
13 tions; and

14 (C) converting any categories of covered  
15 positions to career positions;

16 (4) the identification of—

17 (A) covered positions described under  
18 paragraph (3)(A) and (B); and

19 (B) categories of covered positions de-  
20 scribed under paragraph (3)(C); and

21 (5) any other recommendations relating to cov-  
22 ered positions.

23 **SEC. 6. EFFECTIVE DATE.**

24 (a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO  
25 SENATE APPROVAL.—The amendments made by section

1 2 shall take effect 60 days after the date of enactment  
2 of this Act and apply to appointments made on and after  
3 that effective date, including any nomination pending in  
4 the Senate on that date.

5 (b) DIRECTOR OF THE CENSUS AND WORKING  
6 GROUP.—The provisions of sections 3 and 4 (including  
7 any amendments made by those sections) shall take effect  
8 on the date of enactment of this Act.

Passed the Senate June 29, 2011.

Attest:

*Secretary.*



112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 679**

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**AN ACT**

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