

112TH CONGRESS
1ST SESSION

S. 679

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.

112TH CONGRESS
1ST SESSION

S. 679

AN ACT

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