

risk their counterfeits impose on our soldiers, our military readiness, our cybersecurity, and our national security.

The legislation I am introducing today with Senators MCCAIN, GRAHAM, and COONS addresses this inadequacy in our laws. I urge my colleagues to join me in seeing it passed into law soon. Traffickers should pay a heavy price if they knowingly sell the military a piece of counterfeit body armor that could fail in combat, a counterfeit missile control system that could short-circuit at launch, or a counterfeit GPS that could fail on the battlefield. Our troops deserve Kevlar that is Kevlar, and military grade chips that are military grade.

By creating an enhanced offense for an individual who traffics in counterfeits and knows that the counterfeit product either is intended for military use or is identified as meeting military standards, this bill will help. It doubles the statutory maximum penalty for such offenses, and it directs the sentencing commission to update the sentencing guidelines as appropriate to reflect Congress's intent that trafficking in counterfeit military items be punished sufficiently to deter this wrongful endangerment of our servicemembers.

The bill targets only particularly malicious offenders—those who already are guilty of trafficking in counterfeit goods and know they are selling military counterfeits.

This approach means the bill will not affect legitimate military contractors who might be unaware that a counterfeit chip has been entered into one of their products. It will not apply to makers of products that unintentionally fall short of military specifications. This bill is intended to help military suppliers by deterring the criminals who sell counterfeits to them or to their subcontractors. Manufacturers, such as the many high-tech innovators in Rhode Island, will actually benefit from the protection of their intellectual property.

I am grateful to have the support of the Chamber of Commerce, the Semiconductor Industry Association, the International Anti-Counterfeiting Coalition, and others. I look forward to working with them and other interested stakeholders to make this legislation as effective as possible at deterring this particularly reprehensible form of criminal activity.

Let me close by thanking Senator GRAHAM, Senator MCCAIN, and Senator COONS for joining me in introducing this bill today. As my colleagues know, Senator MCCAIN and Senator GRAHAM both have long stood out as champions for our troops. Senator COONS has already become a staunch defender of our national security and our Nation's intellectual property.

I very much look forward to working with them and other colleagues on this important bill.

All of us in the Senate have the privilege of visiting with and supporting our

troops. We all know the sacrifices they make for our country. We all want to do everything we can to ensure that their equipment functions properly and that counterfeits do not compromise our Nation's military readiness or security. Passing the Combating Military Counterfeits Act of 2011 will be a valuable step toward these important goals.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts.

Portman modified amendment No. 509, to strike the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget.

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies.

Toomey/Vitter amendment No. 514, to strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that notwithstanding the previous order for the votes to begin at 11 a.m., there now be 10 minutes equally divided between the two leaders or their designees prior to the votes; further, that there be 2 minutes equally divided between the votes; finally, that all rollcall votes after the first vote be 10-minute votes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I will take the 5 minutes on our side.

Madam President, I rise and join my colleagues in strong support of the nominations reform package before us today. This bipartisan bill and resolution which we will vote on a bit later will effectively change the way the Senate does business, and it is long past time to do just that. It is not often that this body voluntarily takes steps to curb its own power. But for the good of our democracy, the Senate must become more efficient.

I thank my good friend and colleague, Senator LAMAR ALEXANDER, who has been a driving force behind this effort and has been steadfast in his resolve to make a change to this body. We have worked in a bipartisan way to resolve all the differences in a way that I would hope the Senate could work more often on more pieces of legislation.

I also thank the chair and ranking members of the Homeland Security Committee, Senators LIEBERMAN and COLLINS, for their input and expertise in drafting this piece of legislation and moving it quickly and productively through committee. Their impact on this process cannot be understated.

I thank Senator REID, the majority leader, and the Republican leader, Senator MCCONNELL. Back in January, when we were negotiating the reforms to the body, they set up our working group to look into the problem of executive nominations, and they supported and were an active part of our effort.

The Senate has always been known as a cooling saucer, but as of late it has become a subzero freezer. Nominees of impeccable qualifications and indisputable support have been frozen out of the confirmation process, and the backup in nominations also gridlocks other important legislative business. That is why the Senate, often known as the cooling saucer, is too often now a subzero freezer.

Today, we will be taking a meaningful and important step toward changing this. The rapid growth of the executive branch has put unanticipated burdens on the Senate, whose job it is to confirm the President's appointees. There is nothing wrong with the Senate doing a little prioritizing of its pending business.

Today, about one-third of the current Senate confirmable positions will now either not require confirmation at all or will enjoy a streamlined confirmation. By now we all know what S. 679 and S. Res. 116 do, but what will their impact be?

In short, this package of reform will help our government function better. One example of this is the working group that the bill creates to examine a "smart form" to streamline the paperwork submitted by a nominee. A nominee may now, today, have to complete three separate financial disclosure forms for the executive and legislative branches. Hopefully, the idea of not having to fill out mountains of paperwork will be appealing to prospective government servants.

Additionally, this bill and resolution we are voting on will help the Senate focus more like a laser beam on issues affecting the average American, such as jobs. The less time committees have to spend on nominees, the more time they can spend on improving the everyday life of Americans.

Over the last several decades we have seen an amazing increase in the nominees we have had to confirm. It has gotten out of hand, and that is something on which both sides can agree.

We are not abdicating our advice and consent duty, we are strengthening it. We are focusing on the positions that truly need it according to the Constitution.

This package represents the final piece to the reform deal that was set forth in January.

Last spring, motivated by the good work of Senator TOM UDALL of New Mexico, the Rules Committee undertook a detailed examination of the history and the application of the Senate rules, especially the filibuster.

After six hearings, and many conversations, we reached a historic point in January when something needed to be done.

Change happens slowly, we all know that, particularly in the Senate, and sometimes it is a product of compromise and deliberation. We all know this institution, as grand and wonderful as it is, could always benefit by change. Today, we have some of that change. Is it everything we want? No, far from it. But it will make a difference in the institution's effectiveness.

I wish, for a minute, to thank the chairs of our Senate committees and the ranking members as well. When we first spoke of this back in January to the introduction of the bill in March, through markup and now today, the chairmen have had a great impact on our efforts. We have listened to them and made changes they have suggested which, on reflection, we thought were worthwhile. We have listened to both the chairmen and ranking members, understood their positions, and wanted their ideas. All the while, however, they understood what we were attempting to do, and we appreciate their support.

In conclusion, before final passage of this bill, we will be voting on four amendments. It is our hope we can adopt Senators PORTMAN, UDALL, and CORNYN's amendment and Senator TOOMEY's amendment by voice vote. At the same time, I encourage my colleagues to vote against the two amendments offered by Senator DEMINT. One of the amendments he has offered would have harmful consequences if passed and could disrupt how the IMF does business. The other, while couched in transparency, essentially removes legislative affairs and public affairs positions from the bill. We have already agreed to remove the legislative affairs positions. The Senate should have some say in determining who is going to give information the Senate and others need, but we don't think the public affairs positions should have to go through Senate confirmation. All of these spokespeople report to Senate-confirmed individuals, where we have oversight. So we don't agree with that half of Senator DEMINT's proposal.

I wish once again to thank my colleague and friend Senator ALEXANDER. I wish also to thank Senators LIEBERMAN and COLLINS. In a few minutes, we will vote on final passage of S. 679 and

S. Res. 116, and I urge my colleagues on both sides of the aisle to make a strong statement for more effective government by voting aye.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank Senator SCHUMER for his leadership, as well as Senator COLLINS and Senator LIEBERMAN. I will make my full remarks following the vote, but I do want to say this bill helps the Senate do its job under the Constitution. Article 2, section 2 tells us to designate those persons where we do not give advice and consent. We are reducing that total by 169, we are expediting about 272 more, and we are removing about 2,600 from the officer corps.

This is a good example of bipartisan work here, and I want to thank my colleagues for improving the bill, amending it, and pointing out things to us that needed to be changed. One of those individuals has been Senator DEMINT, and I yield the remainder of our time before the vote to Senator DEMINT to speak on his amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 501

Mr. DEMINT. I thank the Senator from Tennessee, Senator ALEXANDER, and Senator COLLINS, for their leadership on this issue. It is good to see Democrats and Republicans working together on something.

Unfortunately, like many of the things we work on, we are dealing with symptoms of a much deeper problem that we fail to recognize. The reason we have gone from a few hundred confirmations during President Kennedy's time to thousands today is because of the incredible exponential growth of the Federal Government—new departments everywhere, where we have new positions that have to be filled with nominees who are confirmed by the Senate. Rather than look at the behemoth we have created, we are moving to make it somewhat less accountable.

I appreciate the rationale behind this, but I do think we have to recognize when we are treating symptoms and not solving the problem. The problem has led to much of the debt, the spending and an out-of-control Congress and congressional interventions, because all of these agencies invade on the private sector. But I do appreciate the opportunity to speak and to offer an amendment.

The amendment we will be voting on in a few minutes does relate to the International Monetary Fund. This is a fund set up years ago to help struggling poor nations that get themselves in trouble. The United States has been the largest contributor for years. But the IMF has gone from being an international agency that helped in a limited number of difficult situations to one that is now huge; that has access to Americans' general fund. That is what I want to talk about today.

My amendment would deauthorize what we did in 2009 to open our bank account to bailouts all over the world. Americans have gotten plenty tired of our spending and our borrowing, and particularly the bailouts they have seen from Washington and how these bailouts have not worked but often made things worse. The international bailout fund is the International Monetary Fund.

In 2009, this Congress passed an additional \$100 billion credit line to the International Monetary Fund. This can be drawn on without any congressional approval, without the President's approval. It is an open checkbook, in effect, that the International Monetary Fund can use, and they will use, during these difficult times, as we see irresponsible nations such as Greece that need international funds to continue their profligate spending.

We must deauthorize this. Our country is in dire straits—close to bankruptcy itself. The President is asking us, for the fourth time, to increase the debt limit of our Nation so we can borrow another \$2 trillion on top of the \$14 trillion we have already borrowed. We cannot afford to let the International Monetary Fund—which we discovered in the last month has some questionable management practices—access \$100 billion more than they already have of our money and help bail out countries all over the world that have failed to make the difficult decisions.

Don't think for a moment this is helping the poor in other countries. This is a bailout for the big banks around the world that have made loans to governments and now expect the International Monetary Fund to back them. Americans saw enough of that during our own Wall Street bailouts. Yet this Congress approved \$100 billion more, which has not been accessed yet but is available to the International Monetary Fund right now without our permission. We can stop that today with this amendment.

There is no excuse for giving away money around the world when we cannot even keep our promises here in America—promises we have made to our seniors and promises we have made to our veterans.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DEMINT. Madam President, I encourage my colleagues to maybe do one responsible fiscal thing in this session of Congress and at least put this on hold. Let's stop this authorized \$100 billion for international bailouts.

Madam President, I yield the floor, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 501, offered by the Senator from South Carolina, Mr. DEMINT. The clerk will call the roll.

The legislative clerk called the roll. Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hoeven	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Snowe
Collins	Johnson (WI)	Tester
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

NAYS—55

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson (SD)	Pryor
Blumenthal	Kerry	Reed
Boxer	Kirk	Reid
Brown (MA)	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Udall (CO)
Cochran	Lieberman	Warner
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	Menendez	
Franken	Merkley	

NOT VOTING—1

Udall (NM)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 44, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 509, AS MODIFIED

There is now 2 minutes of debate equally divided prior to the next vote on the Portman amendment.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I support this amendment. I am prepared to yield back any additional time.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 509), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 511

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate prior to a vote on the DeMint amendment No. 511.

The Senator from South Carolina.

Mr. DEMINT. Madam President, this next amendment is about accountability and transparency. I thank the

leadership teams on both sides for accepting most of the positions here for legislative affairs that interface on our behalf with the administration. There are eight more positions and that is all this amendment is about. They are public affairs positions that interface on behalf of the public with the administration. Certainly we can give the public the same accountability and transparency we ask for ourselves. These are the positions within the White House. If Americans have a problem in any area, whether it is defense contracting, Health and Human Services, HUD, Labor, they call a public affairs officer. These folks need to be accountable to us and we need to make sure they respond to the American people. There are only eight positions here that we are asking to go through the normal confirmation process.

I encourage my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, I rise in opposition to the amendment of Senator DEMINT. Yesterday the managers' amendment, which was agreed to, retained the Senate confirmation requirement for the legislative affairs positions so the only thing we are talking about here is the public affairs positions. Most of these positions in Cabinet level departments do not require Senate confirmation under our current process, and heaven help us if these public affairs people are making policy. They are not. They are just the messengers.

We need to reserve the Senate's advice and consent process for policy-making positions or those that have control over Federal funds. Neither of those criteria apply in this case.

I urge the rejection of the DeMint amendment.

Mr. DEMINT. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 74, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—25

Ayotte	DeMint	Inhofe
Barrasso	Enzi	Isakson
Chambliss	Graham	Lee
Coats	Grassley	Manchin
Corker	Hatch	Moran
Crapo	Heller	Nelson (NE)

Paul	Rubio	Vitter
Risch	Sessions	
Roberts	Snowe	

NAYS—74

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Hagan	Murkowski
Begich	Harkin	Murray
Bennet	Hoeven	Nelson (FL)
Bingaman	Hutchison	Portman
Blumenthal	Inouye	Pryor
Blunt	Johanns	Reed
Boozman	Johnson (SD)	Reid
Boxer	Johnson (WI)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Kirk	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Shelby
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Thune
Coburn	Leahy	Toomey
Cochran	Levin	Udall (CO)
Collins	Lieberman	Warner
Conrad	Lugar	Webb
Coons	McCain	Whitehouse
Cornyn	McCaskill	Wicker
Durbin	McConnell	Wyden
Feinstein	Menendez	

NOT VOTING—1

Udall (NM)

The amendment (No. 511) was rejected.

Mr. LIEBERMAN. Madam President, I move for reconsideration and to lay that matter on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 514

The ACTING PRESIDENT pro tempore. There is 2 minutes, equally divided, on debate for the Toomey amendment.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is agreement on this amendment on both sides. The amendment makes sense, and, therefore, I yield back all time on both sides.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 514) was agreed to.

Mr. GRASSLEY. Madam President, I would like to express my concerns with S. 679, the Schumer/Alexander Presidential Appointment Efficiency and Streamlining Act. This bill would eliminate the Senate confirmation process for approximately 200 positions. Many of the positions proposed to be eliminated from the Senate process are officers dealing with transparency matters, such as positions dealing with public and congressional affairs, as well as officers dealing with budgetary matters, such as positions dealing with finances and grant administration.

In general, I am concerned that the legislation will eliminate the Senate's ability to provide its constitutional duty of advice and consent for individuals tasked with performing important government functions, and would allow these positions to become more like czars that are unaccountable to the people.

In addition, I am concerned that the legislation will impede the Senate's ability to conduct oversight of certain department programs, as well as reduce

Senators' ability to compel executive department and agencies to testify before Congress or answer written questions. For example, DOJ has a policy of not allowing line attorneys to testify before Congress, and the Obama Administration will not allow its czars to testify—a policy that could potentially apply to these individuals.

Further, often the only tactic a Senator has for compelling an agency to produce documents or provide answers to questions is to block a nominee until documents or answers are produced. This is especially true when the member seeking to conduct oversight is in the minority party. I have frequently employed this tactic to get documents/information from agencies, and generally have been successful when I've used this method in helping me with my oversight efforts.

As the current ranking member of the Senate Judiciary Committee, I would like to address the positions under Judiciary Committee jurisdiction proposed to be eliminated. Specifically, S. 679 would eliminate the Senate confirmation process for these 10 positions under Judiciary Committee jurisdiction:

Assistant Attorney General, Legislative Affairs, DOJ

Director, Bureau of Justice Assistance, DOJ

Director, Bureau of Justice Statistics, DOJ

Director, National Institute of Justice, DOJ

Administrator, Office of Juvenile Justice and Delinquency Prevention, DOJ

Director, Office for Victims of Crime, DOJ

Deputy Director, National Drug Control Policy, ONDCP

Deputy Director, Demand Reduction, National Drug Control Policy, ONDCP

Deputy Director, State and Local Affairs, National Drug Control Policy, ONDCP

Deputy Director, Supply Reduction, National Drug Control Policy, ONDCP

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In addition, the Senate resolution would provide an expedited process for these positions under Judiciary Committee jurisdiction:

Members (2), Foreign Claims Settlement Commission

Members (11), Board of Directors, State Justice Institute

I believe that all these positions be removed from the legislation. Specifically with respect to the Judiciary Committee positions, I am concerned that several of these positions deal with policy implementation, grant administration and funding, statistics and data collection, as well as transparency and accountability. The DOJ inspector general noted that grant management was one of the top 10 challenges at DOJ. Several of these DOJ and ONDCP positions administer millions of dollars in grants. In addition, several groups have raised concerns because some of these positions compile data that can be skewed and distorted to support policy goals.

Prior nominees for some of these positions were opposed or withdrawn because they were not qualified. Further, I and others have blocked several of the nominees for these positions in the past to force agencies to comply with

document production requests or to compel answers to my questions.

In addition to my concerns with the positions under Judiciary Committee jurisdiction, there are other committee jurisdiction positions in this legislation that I have a problem relinquishing my ability to review.

The bottom line is that S. 679 would hamper the Senate's ability to conduct effective oversight of the executive branch's programs. S. 679 would allow the Senate to relinquish its constitutional responsibilities of advice and consent in filling Federal offices, diminish the Senate's oversight duties, and make the executive branch less transparent and accountable to the people. While a few positions have been struck from the bill as reported out of Committee, like the Assistant Attorney General for Legislative Affairs at the DOJ, the other DOJ and ONDCP positions remain in the legislation and will now not be required to undergo Senate review. For the reasons I have just discussed, I will oppose this bill.

Mr. RUBIO. Madam President, at a time of staggering deficits, dangerously high debt, and lagging economic growth, I oppose S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011.

Our Nation is borrowing \$4 billion a day with no end in sight and we have already hit our \$14.3 trillion statutory debt limit. Sadly, my State of Florida struggles with a 10.6 percent unemployment rate, far higher than the national average of 9.1 percent. At a time when families and businesses are hurting, the Senate has not passed a budget in over 790 days.

The Senate should be focused on legislation that cuts spending and reduces our debt, saves entitlement programs for future generations, reforms our complex Tax Code, and reduces the crushing weight of Federal regulations on job creators. S. 679 does not accomplish any of these goals, and I cannot support it as our Nation careens towards bankruptcy and a diminished future.

Mr. LIEBERMAN. Madam President, we are on the verge of passing legislation that will streamline the executive branch nominations process and I want to congratulate the bill's authors—Senators SCHUMER and ALEXANDER—for their bipartisan accomplishment and thank them for their hard work.

This bill—S. 679, The Presidential Appointment Efficiency and Streamlining Act of 2011—removes about 170 non-policymaking positions from the list of Presidential appointments requiring Senate confirmation—plus over 2800 members of the Public Health Service and National Oceanic and Atmospheric Administration, NOAA, Officer Corps, whose appointments and promotions are also subject to the Senate's advice and consent.

This is not as many positions as the bill first contemplated. But it is a significant achievement nonetheless when you consider that the work that goes

into vetting nominees must be multiplied by four because the White House, the Senate, the FBI and the Office of Government Ethics, OGE, all have to conduct their own thorough background investigations.

So by removing 170 positions we eliminate the need for 680 separate background investigations.

This frees up the Senate, the White House, the FBI and OGE to focus their efforts on vetting nominations for those critical positions where policy is made. And that should help speed up the vetting and confirmation process for these positions as well.

This act also establishes an executive branch working group to study and report to the President and Congress on the best ways to streamline all the paperwork nominees are required to fill out and consider consolidating it under a single "smart form."

Most nominees submit to at least four reviews, each represented by a separate packet of government forms, including a White House Personal Data Statement, questionnaires from the FBI and the Office of Government Ethics, and at least one questionnaire from the Senate committee of jurisdiction.

A "smart form" would be an electronic system for collecting and distributing background information for nominees requiring Senate confirmation that a nominee would have to fill out just once and the information would then be transferred to all the other relevant forms.

Before we vote, I wanted to stress the bipartisan nature of this effort.

In January, Majority Leader REID and Minority Leader MCCONNELL decided the nomination and confirmation process had become too slow and cumbersome and that this posed a serious national and economic security problem when crucial offices go unfilled for months and months.

They established a working group on executive nominations and appointed Senators SCHUMER and ALEXANDER—chairman and ranking member, respectively, of the Rules Committee—to lead it.

Senator COLLINS and I are also part of that group as chairman and ranking member of the Homeland Security and Governmental Affairs Committee.

Senators SCHUMER and ALEXANDER introduced their carefully crafted legislation on March 30, with a bipartisan group of 15 cosponsors. And on April 13 the Homeland Security and Governmental Affairs Committee, on a bipartisan vote, reported the bill favorably to the Senate.

The bill was brought to the floor, debated and further changes made in the spirit of compromise.

This is the Senate at its best. A problem was identified and both sides of the aisle worked together to craft a solution.

I urge my colleagues to support this legislation so future administrations will be able to get their teams in place more quickly and the Senate can focus

its energy on the qualifications of just the most important executive branch appointments as was intended by the Constitution.

Mr. ROCKEFELLER. Madam President, I want to express my strong support for the managers' amendment to S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011. I support this bill to make the conformation process more efficient and more responsive because it will enable many qualified individuals to take government positions without first going through a sometimes long and arduous confirmation process here in the Senate. I believe the confirmation process is an important constitutional duty of the Senate. But it is simply not needed for every position in the U.S. Government. Not every nominee requires the same level of scrutiny and process.

The Founders understood this issue well, as the Constitution is unusually precise in this regard. It specifically enables the Congress to do what we are doing today—to vest the appointment power for inferior officers with the President. And we are doing it because the confirmation process has become so cumbersome that the Federal Government is losing very able and attractive candidates. The confirmation process can take months, from the time the President submits a candidate's name to full consideration by the Senate. This long, drawn-out process prevents the public sector from attracting some of the best and brightest.

Although I have supported the goals of S. 679 since its introduction, a few critical changes were necessary to strengthen the bill. I, as well as several of my fellow committee chairs, shared these concerns with the bill's sponsors.

I appreciate the sponsors working to address our concerns in the managers' amendment. The amendment will still make the appointment process more efficient by taking hundreds of positions out of the confirmation process. But it will also maintain Senate confirmation for some key positions. The amendment will ensure Senate confirmation is required for the chief financial officer position in several agencies. The CFO is a critical position, as I am constantly reminded in my own interactions with one of the agencies in the Commerce Committee's jurisdiction in recent months. The managers' amendment will also retain confirmation for the Assistant Secretaries for Legislative Affairs, who are critical in working with Congress.

I congratulate Senators SCHUMER, ALEXANDER, LIEBERMAN, and COLLINS, and their staffs for their hard work on this important bill. We would not be here today without their efforts.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LIEBERMAN. Madam President, this will be on final passage. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote "nay."

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—79

Akaka	Graham	Murray
Alexander	Hagan	Nelson (NE)
Barrasso	Harkin	Nelson (FL)
Baucus	Hoeven	Portman
Begich	Hutchison	Pryor
Bennet	Inouye	Reed
Bingaman	Johanns	Reid
Blumenthal	Johnson (SD)	Roberts
Blunt	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Sessions
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Shelby
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (CO)
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—20

Ayotte	DeMint	Lee
Boozman	Grassley	Moran
Burr	Hatch	Paul
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Vitter
Crapo	Johnson (WI)	

NOT VOTING—1

Udall (NM)

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 20.

Under the previous order requiring 60 votes for passage, the bill, as amended, is passed.

Mr. BOOZMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 679), as amended, was passed, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Appointment Efficiency and Streamlining Act of 2011".

SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

(a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the

Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking "subsection (a)" and inserting "paragraph (1) or (3) of subsection (a)";

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking "by and with the advice and consent of the Senate";

(B) by striking paragraph (2); and

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

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking "by and with the advice and consent of the Senate".

(b) COMMERCE.—

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

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE.—

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

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

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

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

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking "by and with the advice and consent of the Senate,".

(3) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking "by and with the advice and consent of the Senate".

(d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: "Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.".

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

(e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(f) DEPARTMENT OF HOMELAND SECURITY.—

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

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

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

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

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

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

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

(C) by adding at the end the following:

“(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.”

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

(1) by inserting “(1)” after “(a)”;

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

(3) by adding at the end the following:

“(2) There shall be in the Department an Assistant Secretary for Public Affairs, who shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.”

(h) DEPARTMENT OF JUSTICE.—

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

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

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

(4) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Sec-

tion 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking “, by and with the advice and consent of the Senate.”

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

(i) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant Secretary for Administration and Management and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

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

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

(1) by striking “, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and”;

(2) by adding at the end the following: “Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.”

(k) DEPARTMENT OF TRANSPORTATION.—

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

(A) by striking “(e) THE DEPARTMENT” and all that follows through “An Assistant Secretary” and inserting the following:

“(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

“(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

“(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

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

“(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President; and

“(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

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

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

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

(B) in subsection (d)(1), by striking “The Deputy Administrator must” and inserting “The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties

and powers of the office. The Deputy Administrator shall”.

(1) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR PUBLIC AFFAIRS AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

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

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

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking “2 Deputy Under Secretaries, and a Treasurer of the United States” and inserting “and 2 Deputy Under Secretaries”; and

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

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

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

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “Each Assistant” and all that follows through the period at the end; and

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

“(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

“(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

“(A) The Assistant Secretary for Management.

“(B) The Assistant Secretary for Human Resources and Administration.

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

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

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

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

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

“(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the ‘Council’).

“(2) COMPOSITION.—The Council shall be composed of three members, of whom—

“(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

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

“(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

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

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

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

(r) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

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

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

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

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

“(1) IN GENERAL.—

“(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

“(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall each be appointed by the President and serve at the pleasure of the President.

“(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.”

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

(v) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(w) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(x) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking “, by and with the advice and consent of the Senate, for a term of seven years”.

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

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

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

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

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

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

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

“(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

“(b) The term of office”.

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

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

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

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

“(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.”

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

“(a) The President shall appoint—

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

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

“(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

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

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

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

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

“(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.”

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

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

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

(ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

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

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is

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

(gg) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking “, by and with the advice and consent of the Senate”.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking “, by and with the advice and consent of the Senate”.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking “alone” each place it appears; and

(B) in subsection (a), in the second sentence, by striking “unless the Senate sooner gives its advice and consent to the appointment”.

(hh) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

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

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

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

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

“§ 21. Director of the Census; duties

“(a) APPOINTMENT.—

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

“(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

“(b) TERM OF OFFICE.—

“(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

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

“(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

“(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

“(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.”

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the

provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

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

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

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

(b) MEMBERSHIP.—

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

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

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

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

(A) the President;

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

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

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

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

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

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

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

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

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

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

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

(1) IN GENERAL.—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

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

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

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

(A) the President;

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

(C) the Committee on Rules and Administration of the Senate.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) TRAVEL EXPENSES.—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) STAFF.—

(A) IN GENERAL.—The President may designate Federal officers and employees to provide support services for the Working Group.

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

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

(g) TERMINATION OF THE WORKING GROUP.—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

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

(2) the term “covered position” means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

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

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

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

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

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

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

(4) the identification of—

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

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SEC. 6. EFFECTIVE DATE.

(a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

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

PROVIDING FOR EXPEDITED CONSIDERATION OF CERTAIN NOMINATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 116, which the clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 116), to provide for expedited Senate consideration of certain nominations subject to advice and consent.

Mr. BOOZMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.