

Statement of  
Senator Susan M. Collins

**“Presidential Advice and Senate Consent: The Past,  
Present, and Future of Policy Czars”**

Committee on Homeland Security and Governmental Affairs  
October 22, 2009

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**When the Founding Fathers put down their quills in Philadelphia on September 17, 1787, they had crafted a Constitution – the framework for our representative democracy. Their work established a system of government with three separate branches . . . a government whose leaders were to be accountable to the People through a carefully constructed system of checks and balances.**

**The responsibility of Congress to oversee the Executive branch is fundamental to our Constitutional system. That responsibility is on display whenever the**

Senate performs its explicit Constitutional “advice and consent” role or whenever Congress holds hearings on particular policy matters. This oversight ensures the accountability and transparency our Founding Fathers envisioned. And it is that oversight obligation which brings us here today.

The proliferation of “czars” diminishes the ability of Congress to conduct its oversight responsibilities and to hold officials accountable for their actions. These “czars” can create confusion about which officials are responsible for various policy decisions. They can duplicate or dilute the statutory authority and responsibilities that Congress has conferred on Cabinet officers and other senior Executive branch officials.

And, they can circumvent the Constitutionally mandated process of “advice and consent.” Czars can

exercise considerable power and influence over major policy issues, and yet, they are not required to clear the rigorous Senate confirmation process. Czars bypass this important Constitutional protection through a unilateral grant of authority from the President.

Some, including the White House, have sought to diminish the significance of this debate by declaring that the use of “czars” does not violate the Appointments clause. But even if the appointment of all of the “czars” were “consistent” with the Appointments clause – and frankly, I believe the jury is still out on that question – the proliferation of “czars” in the Executive branch encroaches on the more fundamental Constitutional principle of checks and balances.

We all recognize that Presidents are entitled to rely on senior advisers such as his chief of staff and legal

counsel, who are his personal staff. And, to be clear, not every position identified in various reports as a “czar” is problematic. Positions subject to Senate confirmation or otherwise recognized by our laws, such as the Director of National Intelligence, the National Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board, do not raise the same concerns about accountability, transparency, and oversight.

Czars are also not new to the American political landscape, but this is not merely a question of past usage. The recent proliferation of “czars” is a cause for real concern because they oversee a growing number of critical policy areas that are already under the purview of other top managers.

Indeed, this Administration has appointed at least 18 new “czars.” None of these officials was vetted through

the Senate confirmation process. Their authorities and duties remain unclear. Their future plans have received little public airing. Their relationship with Cabinet-level officials is undefined. They rarely, if ever, testify before Congressional committees.

In short, this bumper crop of czars has left the public and the Congress with many worrisome, bottom-line questions:

Who is in charge?

Who is responsible for what?

Who is directing policy – the czar or the Cabinet official?

And most important, who can Congress and the American people hold accountable for government decisions that affect their lives?

**This is not an academic exercise. Czars – not Cabinet secretaries – are negotiating with members of Congress on key policy issues. Where is the Cabinet official in these talks?**

**As I have stated before, this is not a partisan issue; this is not a political issue. It is an issue of institutional imperative and Constitutional prerogative.**

**It is also a question of effective management. The proliferation of czars has created two separate tracks of top management within our federal government.**

**On one track, we have Cabinet-level leaders with defined roles and assigned duties.**

**On the second track, we have “czars” with fuzzy roles and loosely defined functions.**

**These separate tracks of management authority can create duplication of effort, dilution of responsibilities and focus, and management dysfunction.**

**I look forward to hearing from our expert witnesses, especially former Secretary Ridge, whose broad experience in service to his country will greatly aid our examination. Secretary Ridge has served as the chief executive of a state, as a member of Congress, as a senior White House aide, and as a Cabinet-level officer. These experiences inform every aspect of the debate over the use of “czars.”**

**Until the Administration answers important questions about the role of its czars and makes all of them available to testify before Congress, it will not have fulfilled the promises President Obama made to the**

**American people: that the government should be more transparent and accountable, not less.**

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