

Statement of Senator Susan M. Collins

HSGAC Business Meeting

April 13, 2011

**We have a very full agenda today, so I will speak briefly on a bill that is new to our committee, the “Presidential Appointment Efficiency and Streamlining Act of 2011”. A bill that the Chairman and I agree addresses important flaws in the process of confirming Presidential appointees. I believe there is some misunderstanding about what the bill does.**

**It is in fact a very modest bill that takes limited steps to reform the confirmation process.**

**Let me give my colleagues some background.**

**When President Kennedy came to office, he had 286 positions to fill requiring Senate confirmation. By the end of the Clinton Administration, there were 914 such positions. Today, the Rules Committee puts that number at 1,409 positions appointed by the President and requiring the advice and consent of the Senate.**

**For those of us concerned about the size of government, let that sink it - - an increase of more than 1,000 positions, nearly 400 percent!**

**Not only is the sheer number astonishing, but practically, the process consumes far too much time. Too often, the large number of positions requiring confirmation leads to long delays in selecting, vetting, and nominating these appointees. Consequently, administrations can go for months without key officials**

in many agencies, as former Chairman Fred Thomson noted.

The 9/11 Commission found that “[a]t the sub-cabinet level, there were significant delays in the confirmation of key officials, particularly at the Department of Defense,” in 2001. It was not until six months after President Bush took office that he had his national security team in place. Our enemies take note of that and it creates a national security threat. It is not by coincidence that al Qaeda strikes often at the beginning of an administration.

This bill has the support of Senators Schumer and Alexander. It is significant that Senator Alexander feels so strongly about this bill because he has been a cabinet official. He told me it took him six months to be confirmed. It was nine months before he had a Chief Financial Officer. He could not get his team in place because the process was so bogged down.

The nominations reform bill we take up today eliminates 205 positions from the Senate confirmation requirement -- most of whom are part-time advisory board members. Should the Senate really spend its time confirming 10 part-time members of the National Institute for Literacy Advisory Board? What about the National Security Education Board, the National Board of Education Sciences, or the National Museum and Library Services Board which has 20 part-time members, all of whom have to be confirmed by the Senate.

This legislation will enable the Senate to focus on the critical work of creating jobs, reducing the debt, strengthening our homeland security, and conducting more effective oversight of the Executive Branch.

**The bill would eliminate the Senate confirmation of only 84 full-time positions, a truly modest reform. These positions were selected because they do not have policy responsibility, do not control funding, and they report directly to Senate-confirmed officials.**

**To be clear, not included in these numbers are 2,857 Officer Corps positions that would no longer require Senate confirmation under the bill. These are *not* military or DOD positions, but rather members of the Public Health Service and the NOAA Corps.**

**Apart from these officer corps positions, more than 85 percent of all currently confirmed positions and more than 90 percent of full-time positions will continue to require Senate approval. Furthermore, nothing in the bill limits the ability of Congress to create new Senate confirmed positions in the future.**

**The companion standing order being considered by the Rules Committee does propose that some 240 positions go through a new “expedited” confirmation process. This process would still require the nominee to respond to all committee questionnaires, however, and still provide for the opportunity for closer scrutiny of the nominee, if requested by any member. However, that’s not before us today.**

**The confirmation process must be thorough enough for the Senate to fulfill its Constitutional duty, but it should not be so onerous as to deter qualified people from public service.**

**This is an issue that the Committee on Homeland Security and Governmental Affairs has been working to address for a long time. In 2001, when Senator Fred**

**Thompson chaired the Committee, we held two hearings focusing on the state of the Presidential appointment process. As a result of these hearings, the Committee reported out legislation to address concerns that were raised. A few of the provisions of this bill would later be included in the Intelligence Reform and Terrorism Prevention Act of 2004.**

**I have received this letter from Senator Thompson who offers, in his opinion, that this legislation is sorely needed.**

**Over the years, our Committee has continued to hear from experts on the executive nominations process. Yesterday, we received a letter from the bipartisan Commission to Reform the Federal Appointment Process, which is chaired by former Senators Frist and Robb, as well as former Director of Presidential Personnel for the Bush Administration Clay Johnson and former Chief of Staff for the Clinton Administration Mack McLarty. They write that “[m]ost everyone agrees the federal appointments process is broken,” and they highlight that the bill will help the next Administration “to put in place very early in its first year the 70 or so communications and operations people that the new Department heads need to get off to a fast start...working effectively with Congress.”**

**We recognize that additional changes may be made before the bill is considered by the full Senate. We are committed to working with our colleagues to refine this bill and get the process started on implementing these needed reforms to the nominations process.**

**I hope we can make a modest reform today and not let it get caught up in turf battles and power struggles. It is a step in the right direction.**

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