

Well, that is Mel Martinez. He had all of those jewels. I think he is going to be missed by a lot of us for all of the reasons we have articulated on the floor.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Madam President, how much time is remaining in morning business?

The ACTING PRESIDENT pro tempore. There is 12 minutes remaining.

CZARS

Mr. ALEXANDER. Thank you very much. Would the Chair please let me know when I have 1 minute remaining.

Monday on the Senate floor, I expressed my concern about the number of so-called czars in the White House and in the administration. I said then that the number of czars—I believe the number is now 32—is an affront to the Constitution. It is anti-democratic. It is a poor example of what was promised to be a new era of transparency. It is a poor way to manage the government. And it is the most visible symptom of this administration's 8-month record of too many Washington takeovers.

Yesterday, the White House blog and a White House press secretary objected to what I said on Monday, pointing out that I had supported manufacturing czars and AIDS czars 6 years ago. Of course I did; I acknowledged that in my remarks on Monday. As I said Monday, there have always been some czars in the White House and in the government since Franklin D. Roosevelt was President. Some of them were appointed by Presidents, some of them were created by statute, and a few of them were confirmed by the Senate. There's never been anything like we've seen with this administration.

Also on Monday, I joined in a letter from Senator COLLINS, Senator BOND, Senator CRAPO, Senator BENNETT, and Senator ROBERTS, making clear that not every czar is a problem. In that letter, we identified at least 18 czar positions created by the Obama administration whose reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or express statutory assignments of responsibility to other executive branch officials.

In this letter from Senator COLLINS, in which the rest of us joined, we said: With regard to each of these positions, we ask that you explain: the specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legiti-

mate statutory responsibilities of other executive branch officials.

Second, the process by which the administration examines the character and qualifications of the individuals appointed by the President to fill the position.

And, third, whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

The letter goes on to say:

We also urge you to refrain from creating similar additional positions or making appointments to any vacant czar positions until you have fully consulted with the appropriate Congressional committees.

Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the Federal Government.

We went into some detail about that, and asked respectfully that the President consult carefully with Congress prior to establishing any additional czars.

I ask unanimous consent that this letter from six senators be included in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. Senator COLLINS and the five of us who joined in her letter were not the only Senators to be concerned about this issue. On Wednesday, Senator FEINGOLD, the Democrat from Wisconsin, questioned President Obama's policy of policy czars and sent a letter to the President, just as we did. In that letter, Senator FEINGOLD urged the President to release information about the role and responsibility of these czars, which is what we asked him to do in our letter as well.

Senator HUTCHISON of Texas, in the Washington Post on September 13, wrote an excellent op-ed describing how the system of checks and balances is upset by an excessive number of Washington czars who are unconfirmed and unaccountable to the Congress, and who do not answer questions from those of us who are elected to ask such questions.

I ask unanimous consent that Senator FEINGOLD's letter to the President be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. ALEXANDER. On Monday, I pointed out that not only Senator HUTCHISON and Senator COLLINS and the other Republican Senators have these concerns. Now Senator FEINGOLD from the other side of the aisle has raised questions about these czars.

I mentioned this Monday, but I want to repeat it in case the White House press office missed it: Senator BYRD, our President Pro Tempore, widely considered by all of us in the Senate to be the constitutional conscience of this

Senate, was the first to write the president expressing concerns over the increasing appointment of White House czars.

In his letter he said:

Too often I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

Senator BYRD went on to say that:

The rapid and easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

Senator BYRD continues:

As Presidential assistants and advisers, these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege.

In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

Finally, I ask unanimous consent to print in the RECORD following my remarks a list of 18 new czars created by the Obama administration.

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

(See exhibit 3.)

Mr. ALEXANDER. I want to make it clear to the White House Press Office that we are focused on those 18 new czars. We recognize there have been czars before, that for the reasons Senator BYRD, Senator HUTCHISON, Senator COLLINS, and others have described. We believe this is too many, and we take seriously our responsibilities under Article II of the Constitution to confirm officials who manage the government, to ask them questions, to approve their appropriations, and to withhold their appropriations when it's appropriate.

We have these positions in the Executive Office of the President; there are 10 of them: central region czar, Dennis Ross; cyber-security czar, domestic violence czar, economic czar, energy and environment czar, and health czar. Those are some of the biggest issues facing Congress, and here are these czars with authority for policy close to the President but unaccountable to us. We have a senior director for information sharing policy, urban affairs czar, WMD policy czar, a green job czar, who resigned recently. Those are the positions in the Executive Office of the President, 10 new ones. Then there are eight more that are in departments or agencies, including: Afghanistan czar, auto recovery czar, car czar, Great Lakes czar, pay czar, Guantanamo closure czar, international climate czar, and the border czar.

I described on Monday, as Senator BYRD has said more eloquently, the problems with too many czars. The first problem is the constitutional

checks and balances described by Senator BYRD. The second problem is that this is a poor way to manage the government. When I was a young White House aide, I was taught that the job of the White House staff is to push the merely important issues out of the White House so you can reserve to the President the handful of truly Presidential issues for his attention. His job is to set the country's agenda, to see an urgent need and devise a strategy, meet the need and persuade at least half the people he is right. He can do that more effectively if the government is managed by Secretaries and Cabinet officers.

Finally, czars are anti-democratic. Czars are usually Russian, not American. Czars are usually imperialists, not Democrats. The dictionary says czars are autocratic rulers or leaders. That is not consistent with the kind of government we want. It is alien to our way of thinking.

Czars are becoming the most visible symbol of this administration's determination to have an increasing number of Washington takeovers: banks, insurance companies, student loans, car companies, even farm ponds. Some want to take over health care. Many Americans believe we have a runaway government with too many Washington takeovers, and the last thing we need are 18 new czars unaccountable to elected officials whose job it is to check and balance that government.

I am glad in a way that the White House has noticed my comments and those of Senators COLLINS, BENNETT, HUTCHISON, and others. I hope they will respond to Senator COLLINS' letter, to Senator FEINGOLD's request, and to other admonitions. We call on the administration to answer questions posed by these Senators: Who are these czars? What is their role? What is their responsibility? How were they vetted? What limitations are on their positions to make sure they don't encroach on legitimate statutory responsibilities of other executive branch officials, and will they agree to a reasonable request to appear before Congress?

I yield the floor.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,

Washington, DC, September 14, 2009.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to express our growing concern with the proliferation of "czars" in your Administration. These positions raise serious issues of accountability, transparency, and oversight. The creation of "czars," particularly within the Executive Office of the President, circumvents the constitutionally established process of "advise and consent," greatly diminishes the ability of Congress to conduct oversight and hold officials accountable, and creates confusion about which officials are responsible for policy decisions.

To be clear, we do not consider every position identified in various reports as a "czar" to be problematic. Positions established by

law or subject to Senate confirmation, such as the Director of National Intelligence, the Homeland Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board, do not raise the same kinds of concerns as positions that you have established within the Executive Office of the President that are largely insulated from effective Congressional oversight. We also recognize that Presidents are entitled to surround themselves with experts who can serve as senior advisors.

Many "czars" you have appointed, however, either duplicate or dilute the statutory authority and responsibilities that Congress has conferred upon Cabinet-level officers and other senior Executive branch officials. When established within the White House, these "czars" can hinder the ability of Congress to oversee the complex substantive issues that you have unilaterally entrusted to their leadership. Whether in the White House or elsewhere, the authorities of these advisors are essentially undefined. They are not subject to the Senate's constitutional "advise and consent" role, including the Senate's careful review of the character and qualifications of the individuals nominated by the President to fill the most senior positions within our government. Indeed, many of these new "czars" appear to occupy positions of greater responsibility and authority than many of the officials who have been confirmed by the Senate to fill positions within your Administration.

With these concerns in mind, we have identified at least 18 "czar" positions created by your Administration whose reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or express statutory assignments of responsibility to other Executive branch officials. With regard to each of these positions, we ask that you explain:

The specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legitimate statutory responsibilities of other Executive branch officials;

The process by which the Administration examines the character and qualifications of the individuals appointed by the President to fill the position; and,

Whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

We also urge you to refrain from creating similar additional positions or making appointments to any vacant "czar" positions until you have fully consulted with the appropriate Congressional committees.

Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the federal government. We have worked to improve the Department of Homeland Security and bring together the disparate law enforcement, intelligence, emergency response, and security components that form its core. We established the Director of National Intelligence to coordinate the activities of the 16 elements of the Intelligence Community, breaking down barriers to cooperation that led to intelligence failures before the terrorist attacks of September 11, 2001. The bipartisan review by the Homeland Security and Governmental Affairs Committee of the failures associated with the response to Hurricane Katrina led to fundamental reforms of the Federal Emergency Management Agency, improving our nation's preparedness and ability to respond to disasters. In each of these cases, the Congress's proposed solution did not consolidate power in a single czar locked away in a White House office. Instead,

working in a bipartisan fashion, we created a transparent framework of accountable leaders with the authorities necessary to accomplish their vital missions.

If you believe action is needed to address other failures or impediments to successful coordination within the Executive branch, we ask that you consult carefully with Congress prior to establishing any additional "czar" positions or filling any existing vacancies in these positions. We stand ready to work with you to address these challenges and to provide our nation's most senior leaders with the legitimacy necessary to do their jobs—without furthering the accountability, oversight, vetting, and transparency shortcomings associated with "czars."

Sincerely,

SUSAN M. COLLINS,
LAMAR ALEXANDER,
CHRISTOPHER S. BOND,
MIKE CRAPO,
PAT ROBERTS,
ROBERT F. BENNETT,
U.S. Senators.
EXHIBIT 2

[From the Hill's Blog Briefing Room, Sept. 16, 2009]

FEINGOLD QUESTIONS OBAMA 'CZARS'

(By Jordan Fabian)

A liberal senator on Wednesday questioned President Barack Obama's policy "czars" after the senior advisers have taken heat mostly from Republican lawmakers.

Sen. Russ Feingold (D-Wis.) sent a letter to the president requesting the White House release information regarding the "roles and responsibilities" of the "czars." The Senate Judiciary Committee member also requested that the president's legal advisers prepare a "judgment" on the "czars" constitutionality.

Feingold's letter represents one of the first examples of Democratic scrutiny of the president's "czars," who are not required to be confirmed by the Senate.

Sen. Robert Byrd (D-W.Va.), who has been absent from the Senate since experiencing health issues, also expressed skepticism of Obama's use of policy "czars" in February.

Republicans in Congress ramped up criticism of the the appointed advisers following the resignation of former green jobs czar Van Jones after his signature was found on a petition implying the Bush administration played a role in the 9/11 terrorist attacks and making other controversial statements.

Earlier today, Reps. Darrell Issa (Calif.) and Lamar Smith (R-Tex.), the top Republicans on the House Oversight and Government Reform Committee and the House Judiciary Committee respectively, sent a similar letter to White House counsel Greg Craig.

Energy and Environment "czar" Carol Browner, and FCC Diversity "czar" Mark Lloyd have also faced flak after they made other questionable remarks.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: From the beginning of your administration, you have made an admirable commitment to transparency and open government. You showed the strength of your commitment by sending a memorandum to the heads of executive departments and agencies within a week of your inauguration, stating: "My administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use."

As you know, there has been much discussion about your decisions to create and assign apparently significant policy-making

responsibilities to White House and other executive positions; many of the persons filling these positions have come to be referred to in the media and even within your administration as policy “czars.” I heard firsthand about this issue on several occasions from my constituents in recent town hall meetings in Wisconsin.

The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause states that the President “shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise proved for, and which shall be established by law.” This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive Branch.

As a member of the Senate with the duty to oversee executive appointments and as the Chairman of the Senate Constitution Subcommittee, I respectfully urge you to disclose as much information as you can about these policy advisors and “czars.” Specifically, I ask that you identify these individuals’ roles and responsibilities, and provide the judgment(s) of your legal advisors as to whether and how these positions are consistent with the Appointments Clause. I hope that this information will help address some of the concerns that have been raised about new positions in the White House and elsewhere in the Executive Branch, and will inform any hearing that the Subcommittee holds on this topic.

Thank you for considering my views on this important matter. I very much appreciate your commitment to transparency and open government and look forward to your prompt response.

Sincerely,

RUSSELL D. FEINGOLD,
United States Senator.

EXHIBIT 3
CZARS

POSITIONS IN THE EXECUTIVE OFFICE OF THE
PRESIDENT (10)

Central Region Czar: Dennis Ross
Official Title: Special Assistant to the President and Senior Director for the Central Region

Reports to: National Security Adviser Gen. James L. Jones

Cybersecurity Czar: TBD
Reported Duties: Will have broad authority to develop strategy to protect the nation’s government-run and private computer networks.

Reports to: National Security Adviser Gen. James L. Jones and Larry Summers, the President’s top economic advisor

Domestic Violence Czar: Lynn Rosenthal
Official Title: White House Advisor on Violence Against Women

Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues.

Reports to: President Obama and Vice President Biden

Economic Czar: Paul Volcker
Official Title: Chairman of the President’s Economic Recovery Advisory Board

Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery.

Reports to: President Obama

Energy and Environment Czar: Carol Browner

Official Title: Assistant to the President for Energy and Climate Change

Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation.

Reports to: President Obama

Health Czar: Nancy-Ann DeParle

Official Title: Counselor to the President and Director of the White House Office of Health Reform

Reported Duties: Coordinates the development of the Administration’s healthcare policy agenda.

Reports to: President Obama

Senior Director for Information Sharing
Official Title: Mike Resnick

Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment).

Reports to: Unknown

Urban Affairs Czar: Adolfo Carrion Jr.

Official Title: White House Director of Urban Affairs

Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities.

Reports to: President Obama

WMD Policy Czar: Gary Samore

Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control

Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction.

Reports to: National Security Adviser Gen. James L. Jones

Green Jobs Czar: TBD (Van Jones—Resigned)

Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality

Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide.

Reports to: Head of Council on Environmental Quality

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke
Official Title: Special Representative for Afghanistan and Pakistan

Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region.

Reports to: Secretary of State (position is within the Department of State)

Auto Recovery Czar: Ed Montgomery
Official Title: Director of Recovery for Auto Communities and Workers

Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry.

Reports to: Labor Secretary and Larry Summers, the President’s top economic advisor (position is within the Department of Labor)

Car Czar (Manufacturing Policy): Ron Bloom

Official Title: Counselor to the Secretary of the Treasury

Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC.

Reports to: Treasury Secretary and Larry Summers, the President’s top economic advisor (position is within the Department of Treasury)

Great Lakes Czar: Cameron Davis
Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan

Reported Duties: Oversees the Administration’s initiative to restore the Great Lakes’ environment.

Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency)

Pay Czar: Kenneth Feinberg
Official Title: Special Master on executive pay

Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government.

Reports to: Treasury Secretary (position is within the Department of the Treasury)

Guantanamo Closure Czar: Daniel Fried
Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay

Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay.

Reports to: Secretary of State (position is within the Department of State)

International Climate Czar: Todd Stern
Official Title: Special Envoy for Climate Change

Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases.

Reports to: Secretary of State (position is within the Department of State)

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed “Border Czar”): Alan Bersin
Official Title: Assistant Secretary for International Affairs

Reported Duties: Will coordinate all of the Department’s border security and law-enforcement efforts.

Reports to: Homeland Security Secretary (position is within the Department of Homeland Security)

CONCLUSION OF MORNING
BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am informed that there is 12 minutes remaining on the Democratic side for morning business. I yield back that time.

The ACTING PRESIDENT pro tempore. Time is yielded back, and morning business is closed.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2996, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes.