

Opening Statement [as prepared]

Ranking Member Rob Portman

Homeland Security and Governmental Affairs Committee Hearing:
“Examining the Senate Confirmation Process and Federal Vacancies”

Thursday, March 3, 2022

Thank you, Chairman Peters.

I’m glad we’re having this hearing. The Senate spends a lot of its time voting on executive nominees. We vet a lot of nominees in this committee, in fact. And although it’s hard work, it’s time well-spent. Now I understand the process can be long and difficult—I went through two confirmations myself—but there’s a reason. We want to make sure that the nominees are well qualified to serve the American people. Just this past year I’ve seen a number of troubling issues with nominees. Just a couple of examples:

The Controller of OMB’s Office of Federal Financial Management is required by statute to have a “demonstrated ability and practical experience in accounting, financial management, and financial systems; and extensive practical experience in financial management in large governmental or business entities.” But the President’s nominee for the

position was unable to explain how she met those qualifications or express a basic understanding of public accounting and financing. Her nomination passed out of this Committee on a party-line vote and was returned to the President at the beginning of this Congressional session.

We have also received distressing allegations regarding conduct by nominees to serve on the Federal Labor Relations Authority. We've asked the Inspector General to look into it, so I don't want to prejudge the issue, but it's still a significant concern to me.

Finally, multiple nominees for positions, such as a recent nominee to the Merit Systems Protection Board, which should serve federal workers of all political persuasions, have tweeted extremely partisan statements. These statements have included insults against members of this Committee and fellow members of the Senate, at a time when members of both parties have called for a return to saner times, where both parties can work together in a bipartisan fashion to serve all Americans.

It's hard to imagine these nominees being put forward if we still had a 60-vote threshold to end debate on a nomination. When the President's party has control of the Senate, and a nominee only needs a simple majority to be confirmed, the majority party may overlook serious concerns with nominees' qualifications and ideologies that otherwise might be addressed if bipartisan support were necessary. Maybe that's what's been happening recently. This concern applies to both parties, by the way. One can also argue that this weakens Congressional oversight because nominees who don't have to get support from Senators of the other party might think, even if wrongly, that they don't need to be responsive to those Senators' concerns once confirmed.

I don't know if we can turn the clock back, but I do think we need to continue to take our Advice and Consent role seriously. I understand some of our witnesses are going to propose reducing the number of Senate-confirmed positions and explore some ways to make the process more efficient so we can attract the best people to government service. I believe those reforms are worth studying and might work if carefully crafted. I'm also glad that the witnesses will discuss the importance of

having confirmed inspectors general. Chairman Peters and I have led members of this committee, from both parties, in sending letters to President Trump and President Biden that urged them to nominate IGs expeditiously and offered this committee's assistance in identifying qualified candidates.

But I just want to say at the outset that no matter what reforms we discuss, the confirmation process needs to be thorough and bipartisan. So I thank the witnesses for testifying, and I look forward to hearing what they have to say about these issues and engaging in discussion with them. Thank you.