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Senate's "debate" delays serve no purpose

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Periodically, a watchdog group will release a report decrying the backlog of judicial or executive branch vacancies left unfilled, which reduce citizens' ability to access their government. The backlog results, in part, from self-inflicted damage created by dysfunctional U.S. Senate rules.

But for too long, members of both parties have refused to reform these rules because both parties have, at times, seen the ability to obstruct and delay as a partisan benefit. To his credit, Sen. James Lankford, R-Oklahoma City, is seeking to change that dynamic. At a recent hearing of the Senate Committee on Rules and Administration, Lankford summed up the issue bluntly.

“The rules of the Senate are not something that we can just complain about and do nothing about,” he said. “The senators control the rules of the Senate and at some point, we have to determine this is getting out of hand.”

Among other things, Lankford has called for changing Senate rules to reduce floor debate time for executive nominees (other than Cabinet positions) from 30 hours to eight or less, and to reduce debate time to two hours for district court nominees. He notes those reforms were briefly, and successfully, adopted in 2013 under Democratic control.

He also has endorsed lowering the vote threshold on the “motion to proceed,” which begins legislative debate and amendment consideration, from 60 votes to 51. Currently, it takes 60 senators to begin debate and 60 to end debate.

Lankford also endorses “dual tracking” so senators can debate and vote on nominations in the morning and legislation in the afternoon.

In his committee testimony, Lankford explained how pointless the system has become. Under existing rules, senators “consume a tremendous amount of time, not in 30 hours of debate, but 30 hours of silence on the Senate floor. With occasionally someone standing up to speak on something unrelated to the 30 hours of debate on the floor for that nominee.”

The long hours of non-debate “debate” often hold up even nominees who aren't the least bit controversial. In a recent column for *The Wall Street Journal*, the Cato Institute's Ilya Shapiro noted that after spending 30 hours of “debate” per nominee, the *closest* confirmation vote for any of President Trump's district court nominee has been 79-16.

Put simply, the Senate is dragging out confirmation even for nominees with broad bipartisan support. Instead of taking decisive action, senators spend days not debating and not voting on nominees they have no problem supporting. That's no recipe for good government or democratic self-rule.

Lankford noted that the “first 100 days” marker set by President Franklin Roosevelt upon assuming the presidency in 1933 “can never be a marker again, because from here on out every president in their first 100 days won't even get their Cabinet in place. They won't be able to move legislation because they won't be able to get personnel because it will be tit-for-tat from here on out. Losing that time period is a great loss to the American people and is unexplainable to those of us in the Senate.”

Genuine legislative debate is constructive. Delay for the sake of delay is not. Democrats and Republicans alike should consider Lankford's sensible ideas and put an end to this farce.