

this important legislation through the end of the fiscal year, which is about 7 months. There are new chairmen in this Congress of both the Senate and House Judiciary Committees, and a modest extension of this authority would allow them to work on a longer term reauthorization of this important law. In addition, a modest extension of this law is consistent with how this matter has been handled in the past. Every time a continuing resolution was necessary in the past Congress, Republicans made sure it included an extension of VAWA.

I don't know what cynical ploy my Democratic colleagues may be trying to pull here, but surely no political maneuvering should be worth letting the Violence Against Women Act lapse this Friday, 2 days from now. It is time to get this done.

H.R. 1

Mr. McCONNELL. Mr. President, as I alluded to earlier this week, I have a feeling this conference is just getting started discussing Speaker PELOSI's signature bill, H.R. 1. I, for one, am eager to continue shining the spotlight on the Democrat Politician Protection Act and asking why, exactly, Washington Democrats are so intent on assigning themselves a whole lot more power over what American citizens can say about politics, how we can say it, and how we cast our ballots.

Remember, among the many fairly blatant power plays built into this legislation is a naked attempt to turn our neutral Federal Election Commission into a partisan weapon. The FEC is a body that, since Watergate and for obvious reasons, has had an even-numbered membership and equal division between the two parties. Enforcement and penalty require both parties to agree, or at least one Commissioner from one party has to agree with three Commissioners of the other party. This is meant to ensure that complaints are evaluated on their substance, not for purely political considerations.

I guess Speaker PELOSI and her colleagues are tired of playing fair and trying to persuade the old-fashioned way because the Democrat Politician Protection Act would take the FEC down to a five-member body and give sitting Presidents—listen to this one—it would give sitting Presidents the power to appoint the Chairperson. They would turn the FEC into a nakedly partisan body and give the sitting President the power to appoint the Chairperson—where his or her party would have a 3-to-2 advantage—who holds the keys to determine whom to investigate and what enforcement to pursue.

The evenness of the FEC is a vital way to ensuring that Americans' political speech and campaigns for public office are regulated fairly and evenhandedly. Of course, that needs to be done on a bipartisan basis, but the Democrats want to throw that right

out the window and carve out a partisan majority on this crucial Commission.

This proposal is outrageous enough on its face, but just wait until you hear about all the new things the Democrat Politician Protection Act would let this newly partisan FEC actually do.

First, they turn it over to the party of the President, so they have a clear majority to go after the minority. But let's see what they can do. There are incredibly vague new standards that seem tailor-made to give this partisan FEC the maximum latitude to penalize or silence certain speech. You begin to get the picture. Of course, this partisan FEC is going to want to silence the voices of its opponents.

Let me give a few examples.

The newly partisan FEC would be handed the ability to determine what kind of speech is "campaign-related"—growing its jurisdiction and widening its bureaucratic wingspan over more of the public discourse, including issues of the day and not just elections.

Private citizens, for example, would be required to make the government aware of times they spend even small amounts of money in engaging in First Amendment activities. Private citizens have to notify the government if they are going to engage in spending small amounts of money on First Amendment activities—on expressing themselves—or they will face penalties. More speech would fall into this category whereby Americans would have to dutifully notify Federal bureaucrats that they are speaking their minds or else pay a fine. To put it another way, it is free speech as long as you fill out government forms and mail a couple of carbon copies to Washington.

In other cases, the Democrats want to impose stunningly vague, broad, and potentially unconstitutional restrictions on the abilities of all kinds of advocacy groups—on all sides of the political spectrum—to exercise their constitutional right to speak out about elected politicians and their positions on substantive issues.

Let's go over that again because I know this is a technical subject.

Under the guise of cracking down on "super PAC coordination," the Democrats want to give a partisan FEC new powers to prohibit advocacy groups from weighing in on politicians' job performances and the issues of the day under a broad set of new conditions. Washington Democrats want individual American citizens, civic groups, trade associations, labor unions, and non-profits to face more restrictions, more hurdles, and more potential penalties for daring to have opinions about the political races that decide who goes to Washington in the first place.

Call me old-fashioned, but I remember when both political parties were more interested in trying to win debates than in trying to shut down debates. This will be an FEC designed to stifle free speech and tilt the playing field in the direction of the President's

party. I remember when constitutionally minded leaders on both sides of the aisle would have recoiled at efforts to chill or even to prohibit a private citizen's ability to speak.

Let's not forget, in every one of these cases, when these fuzzy, new lines and vague rules need enforcing, who has the final say? Why, it is the newly partisan Federal Election Commission that determines who gets to speak and who doesn't. My Democratic colleagues are trying to muddy the rule book and mount a hostile takeover of the referees all at the same time.

Let me just close with this. Back in 1974, as the creation of the FEC was debated here in this Chamber, California Democratic Senator Alan Cranston gave this warning: "The FEC has such a potential for abuse in our democratic society that the President should not be given power over the Commission." Wise words.

Back then, a California Democrat was warning against a partisan takeover of the American electoral system. It is the distinguished Member of the House from San Francisco, Speaker PELOSI, who is now, today, cheerleading for that very change.

The Democratic Party has changed its views on this subject a lot in the last 45 years, but the purpose of the FEC has not changed one bit, and neither has the importance of the First Amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of William Pelham Barr, of Virginia, to be Attorney General.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, we have a clear and obvious way to avoid another government shutdown in 48 hours. The conference committee has