

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 nonprofits 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

done its job. It has forged a bipartisan agreement that would keep the government open through September as well as provide additional border security.

As with all bipartisan agreements, it is the product of compromise. Each side gave a little; each side got a little. The conferees deserve our praise for their hard work, their commitment, and their success.

This agreement is the last train leaving the station away from another dreaded government shutdown. The last time we were all in this situation, the President signaled his support for a government funding bill, only for him to retreat at the last possible moment—precipitating the longest shutdown in our history. It was the Trump shutdown, and he now seems to admit that again.

No one wants to see a rerun of that movie. The President must not repeat his mistakes of the recent past.

President Trump, sign this bill.

Neither side got everything it wanted in this bill, but both sides wanted to avoid another shutdown—Democrats and Republicans, House and Senate.

President Trump, sign this bill.

The parameters of the deal are good. It provides additional funding for smart, effective border security. Let me repeat that. It does not fund the President's wall, but it does fund smart border security that both parties support. It also provides humanitarian assistance and beefs up security at our ports of entry. Though it hasn't been discussed much during the negotiations, the passage of this agreement clears the way for the six bipartisan appropriations bills that have languished. These bills contain important priorities, including more support for infrastructure, housing, Tribal healthcare, the census, and money to combat the opioid crisis. I look forward to passing all of these appropriations bills, alongside the DHS agreement, this week.

One of the last things that has to be dealt with is the negotiating of a good compromise to fix some of the problems that have been created by the Trump shutdown. We are trying to get the conferees to approve a proposal to deal with Federal contractors. Thousands of Federal contractors have not been reimbursed from the 35-day shutdown. This issue is still hanging in the balance. The Republicans should join the junior Senator from Minnesota and the Democrats in approving this legislation as soon as possible.

The contractors, many of them just working people, are in the same boat as government employees, except they haven't gotten their backpay. They should. No one should stand in the way of that. It is just not fair to them. They were hostages, just like the government workers were hostages. So I hope we can include that in these final hours of negotiations. It is very important.

Now, the only remaining obstacle to avoiding a government shutdown is the

uncertainty of the President's signature. So I repeat my request: President Trump, say you will sign this bill. Remove the ax hanging over everyone's head. To make progress in our democracy, you have to accept the give-and-take. You have to accept some concessions. You have to be willing to compromise.

Any American President who says my way or no way does a real disservice to the American people. President Trump, in politics, to quote the Rolling Stones, "You can't always get what you want." It is time to put the months of shutdown politics behind us.

NOMINATION OF MICHAEL PARK

Mr. President, on another matter, today the Judiciary Committee is holding a confirmation hearing on the nomination of Mr. Michael Park for the Second Circuit Court of Appeals, which covers my home State of New York.

I have always assessed judges on three criteria: excellence, moderation, diversity. While Michael Park satisfies the first and third prongs of my test, he fails miserably on the second—modification.

Mr. Park has spent much of his career working in opposition to civil rights and seeking to advance the rightwing agenda that lies at the very core of the Federalist Society's mission. Mr. Park is currently working to defend the Trump administration's effort to insert a citizenship question into the 2020 census—a cynical effort to discourage people from responding to the census.

He has been on the frontlines of the effort to dismantle affirmative action policies in education. In 2012, he submitted an amicus brief to the Supreme Court, writing on behalf of the petitioner who sought to have the university's use of race, as one consideration among many, in the admissions process struck down as unconstitutional.

He is currently representing the plaintiffs in a suit challenging Harvard's affirmative action policy. He has worked to deny women's reproductive freedoms when he represented the State of Kansas against a challenge to its attempt to defund Planned Parenthood and ban it from participating in the State Medicaid Program.

In 2012, he submitted a brief to the Supreme Court in *NFIB v. Sebelius* urging the Court to strike down the entire Affordable Care Act. This nominee rather wants to get rid of the whole ACA.

If the American people knew the kind of nominees President Trump is nominating and the kind of nominees the Republican majority is supporting, so against everything they believe in—America believes in *Roe v. Wade*, America believes in keeping the ACA, America believes in voting rights—if they knew all these details, they would be appalled, and our Republican colleagues rarely bring these things to the floor legislatively. They know they would be roundly defeated, but it is sort of an end run—pick judges who in

the courts will uphold these unpopular positions.

Mr. Park has a long and detailed record of support for the most conservative legal causes. A judge is asked to interpret the law rather than make the law, to apply fairly the legal principles set forth by precedent, not reread the Constitution to fit the political cause of the moment.

Mr. Park's career does not give me the confidence that he can be an impartial arbiter on the Second Circuit. I will oppose his nomination, and I will urge my colleagues to do the same.

Now, in the not-so-distant past, my objection to this nomination would mean that the chairman of the Judiciary Committee would not move forward with the nomination out of respect for home State Senators in the blue-slip tradition—but not in this Congress, not with this Republican majority.

Since the election of President Trump, Senate Republicans, led by Leader McCONNELL, Chairman GRASSLEY, and now Chairman GRAHAM, have unceremoniously discarded the blue-slip tradition. My colleagues on the other side will say it is because we haven't worked with them in a timely manner to fill these vacancies, but let's not kid ourselves. This is about one thing and one thing alone—the desire of the Republican majority to ram through more of the Federalist Society's handpicked, hard-right judges.

Last Congress, the majority confirmed two judges over the blue-slip objections of Democratic Senators BALDWIN and CASEY. A third, Ryan Bounds, would have been confirmed over the objections of Senators WYDEN and MERKLEY if not for Senator SCOTT's principled objection to Bounds' past racist writings.

The practice continues, unfortunately, in this Congress. Last week, the Judiciary Committee voted along party lines to advance an additional four circuit court nominees over the blue-slip objections of five Democratic Senators—BROWN, MURRAY, CANTWELL, BOOKER, MENENDEZ—and in the coming weeks, the committee will move forward with two additional court nominees over the objections of Ranking Member FEINSTEIN and Senator HATCH.

Last Congress, we worked with the White House to move eight New York judges—one circuit, seven district—through the Judiciary Committee in a bipartisan way. That is how it should work. I would like to cooperate on New York judges this Congress, but the continued consideration of Michael Park, combined with the majority's clear intentions to ignore the blue-slip tradition, makes this very difficult, if not impossible. I know the leader is proud of what he is doing on judges. I don't think history will look very kindly on it; A, putting such hard-right judges, so against what the American people believe, in office. History will not look kindly on that as their decisions come down; but second, eliminating the last