

BUSINESS MEETING

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BEFORE THE
**COMMITTEE ON RULES AND
ADMINISTRATION**
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS
SECOND SESSION

THURSDAY, DECEMBER 3, 2020

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COMMITTEE ON RULES AND ADMINISTRATION

SECOND SESSION

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BUSINESS MEETING

THURSDAY, DECEMBER 3, 2020

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m., in Room 301, Russell Senate Office Building, Hon. Roy Blunt, Chairman of the committee, presiding.

Present: Senators Blunt, Klobuchar, McConnell, Alexander, Shelby, Cruz, Capito, Wicker, Fischer, Hyde-Smith, Udall, and Cortez Masto.

OPENING STATEMENT OF HONORABLE ROY BLUNT, CHAIRMAN, A U.S. SENATOR FROM THE STATE OF MISSOURI

Chairman BLUNT. The Committee on Rules and Administration will come to order. I want to welcome my colleagues to today's meeting of the Rules Committee where we will consider three nominations to the Federal Elections Commission, Senate Bill 959, the Smithsonian American Women's History Museum Act and H.R. 2420, The National Museum of the American Latino Act.

First, we will consider the nominations of Allen Dickerson, Shawn Cooksey, and Shana Broussard to be members of the Federal Elections Commission. The confirmation of these three individuals would not only restore a quorum to the Federal Elections Commission, it would restore a full slate of Commissioners to the quorum—to the Commission for the first time since February 2017. A full slate of Commissioners means that the FEC is able to continue its work when a single Commissioner departs the agency. This stability at the agency is very important to the community that they regulate.

On November the 18th, we held a hearing to consider these nominees. These three nominees shared their credentials for the job and their understanding of the agency's mission and the role of a Commissioner. While Commissioners to the Federal Election Commission are by design partisan, and it is unlikely that every Senator on this panel will agree with the views of all of our nominees, these nominees have expressed a willingness to work together and find consensus to move the agency's backlog work forward. I hope you will join me in supporting these three nominees today.

On November the 17th, the Rules Committee held a hearing to consider the Smithsonian American Women's History Museum Act, sponsored by Senator Collins and Feinstein, and The National Museum of the American Latino Act, sponsored by Senators Cornyn and Menendez. The committee heard from each of the sponsoring

Senators, as well as the Secretary of the Smithsonian Institution, Lonnie Bunch.

Today, we are considering the addition of these two new museums to the Smithsonian's vast portfolio of 19 museums and galleries, numerous research and education facilities, the National Zoo, and a growing collection of 155 million objects and specimens. There is no doubt that the stories of American women and the American Latino are important and must be told more fully than they have been in the past. I want to commend the bill's sponsors on their diligent efforts to get here.

We have worked with Senator Collins and Feinstein on a draft substitute amendment to Senate Bill 959 that was circulated to your offices this week. These proposals enjoy broad bipartisan support from many of our friends in the House, as well as our colleagues in the Senate. I hope you will join me in supporting them today.

I would like to recognize Senator Klobuchar for her opening statement.

**OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, A
U.S. SENATOR FROM THE STATE OF MINNESOTA**

Senator KLOBUCHAR. Thank you, Mr. Chairman. Thanks for holding today's markup. For more than 15 months, with the exception of a brief period of time this summer, the FEC has not had enough Commissioners to do its job.

Today we do take an important step toward restoring a quorum and getting the FEC back on track in terms of filling out the Commissioner jobs. Well, that starts with, of course, confirming Shana Broussard. She is eminently qualified and would be the first person of color on the FEC in the history of the FEC. I am so pleased that she, I believe, is going to get through this committee.

I have expressed strongly my concerns about the Republican nominees. We know that Mr. Dickerson has made a career of advocating for less, not more transparency in political spending. In the future, I hope this committee will work together to advance nominees as we have in the past, one on one. The second item, I agree with the Chairman here very strongly. This is a big day that our agenda includes two very important pieces of legislation which would establish the American Women's History Museum and the National Museum of the American Latino within the Smithsonian.

I am proud to co-sponsor these bills, proud of the efforts of Senator Collins and Senator Feinstein, as well as Senator Menendez and Senator Cornyn in leading these bills. It is important to keep in mind, as we come to the end of the year, that Democrats and Republicans have come together to support both pieces of legislation. I believe these museums are critical to expanding our understanding of the remarkable contributions that women and Latinos have made throughout our Nation's history. One day when we walk in those museums, we will remember this moment when we got this through the committee in December.

Mr. Chairman, since this is our final Rules Committee gathering for the 116th Congress, I wanted to thank you for your really good work, including in your work in leading our Inaugural Committee. I also want to acknowledge the departing members of the Rules

Committee, Senator Roberts, Senator Alexander, and Senator Udall.

Your service over the years have meant so much to this committee and so have the contributions that each of you have made, and with the special recognition of the work that Senator Udall has done when it comes to elections and trying to keep our democracy safe and strong, going well into the future that will last his service on this committee. We look forward to what you are doing next. Thank you.

Chairman BLUNT. Thank you, Senator Klobuchar, and let me join you in thanking our members who are leaving for the work they have done on this committee and been a challenging year with lots of things going on involving access to the building, the Capitol Police, the restaurant workers, many other people that are really affected by what we collectively do together here.

We have also got the Chairman of the Appropriations Committee and the Majority Leader here and others who have another hearing going on. I am going to create an opportunity here for an opening statement if anybody wants to make one, and then we will have also time at the end if anybody wants to defer to that moment. But, Leader McConnell—

Senator MCCONNELL. Mr. Chairman, very, very briefly, because I know members have other things to do, the Federal Election Commission is, I think everyone already knows, was created in the wake of the Watergate scandal, and at a time when my party was at a low ebb and the majority could have done anything it chose to, they wisely made FEC a three-three Commission so that neither side could take advantage of the other.

H.R. 1, which passed the House on a party line vote earlier this year, changed the FEC into a partisan enforcement agency by making it three members of one party and two of another. A debate on H.R. 1 can await another day, but I just wanted to take the opportunity to express my view that there was extraordinary wisdom displayed at a time when one side could have taken total advantage of the other, because you could argue the Republicans have never been weaker than they were in the wake of the Nixon resignation.

They chose not to do that for good reason, and I assume that next year will be at some point having this sort of debate once again. But I just want to remind everybody, the temptation for one side to take advantage of the other through an enforcement agency like this would be overwhelming. I hope we never make that change.

Chairman BLUNT. Thank you, Leader. Any anybody else have a statement you want to make before we go to votes? If not, the committee will consider the nominations of Allen Dickerson, Sean J. Cooksey, and Shana Broussard to be members of the Federal Election Commission. The question is on the nomination of Allen Dickerson. Is there any discussion?

[No response.]

Chairman BLUNT. The questions on ordering the nomination favorably reported. All those in favor, say aye.

[Chorus of ayes.]

Chairman BLUNT. All those opposed, no.

Senator KLOBUCHAR. No.

Chairman BLUNT. In the opinion of the Chair, the ayes have it. The nomination of Allen Dickerson is favorably reported.

Senator KLOBUCHAR. Mr. Chairman, on that vote, I would like to be recorded as a no, to make it clear.

Chairman BLUNT. The clerk will record for the three Senators that have asked to be recorded as a no, Senator Klobuchar, Senator Udall, and—

Senator KLOBUCHAR. Senator Cortez Masto.

Chairman BLUNT. Senator Cortez Masto. The next question is on the nomination of Sean J. Cooksey. Is there any discussion?

[No response.]

Chairman BLUNT. The question is on ordering the nomination favorably reported. All those in favor say, aye.

[Chorus of ayes.]

Chairman BLUNT. All those opposed, no.

Senator KLOBUCHAR. No.

Chairman BLUNT. In the opinion of the Chair, the ayes have it. The nomination of Sean J. Cooksey is favorably reported.

Senator KLOBUCHAR. Mr. Chairman, I would like to be recorded as a no. I would also like to ask for unanimous consent to submit a statement on the record explaining why for both of the two nominees we just voted on.

Chairman BLUNT. Without objection.

[The prepared Statement of Senator Klobuchar was submitted for the record.]

Chairman BLUNT. Senator Udall, Senator Cortez Masto also would like to be recorded as a no. The question—next question is on ordering the nomination, well, let's see. The nomination of Shana M. Broussard is the next question. The question is to order the nomination favorably reported. All those in favor say, aye.

[Chorus of ayes.]

Chairman BLUNT. All those opposed say, no.

[No response.]

Chairman BLUNT. In the opinion of the Chair, the ayes have it. The nomination of Shana M. Broussard is favorably reported. Consideration next of Senate Bill 959 for amendment.

I offer an amendment co-sponsored by Senator Klobuchar in the nature of a substitute to the bill and ask unanimous consent that it be considered as read. Hearing no objection, the substitute amendment is considered read. Is there discussion of Senate Bill 959 before we vote?

[No response.]

Chairman BLUNT. If there is no further discussion, the question is on agreeing to the amendment in the nature of a substitute. All in favor say, aye.

[Chorus of ayes.]

Chairman BLUNT. All opposed, no.

[No response.]

Chairman BLUNT. In the opinion Chair, the ayes have it. The amendment in the nature of a substitute is agreed on. If there is no further debate, the question is on ordering the bill, Senate Bill 959, favorably reported with an amendment in the nature of a substitute. All in favor say, aye.

[Chorus of ayes.]

Chairman BLUNT. All opposed say, no.

[No response.]

Chairman BLUNT. In the opinion of the Chair, the ayes have it. Senate Bill 959, by unanimous vote of those in attendance, The Smithsonian American Women's History Museum, is favorably reported with an amendment in the nature of a substitute. The committee will now proceed to the consideration of H.R. 2420 for amendment. Are there amendments? Is there discussion?

[No response.]

Chairman BLUNT. There are no amendments. If there is no further debate, the question is on ordering the bill, H.R. 2420, favorably reported. All those in favor say, aye.

[Chorus of ayes.]

Chairman BLUNT. All those opposed say, no.

[No response.]

Chairman BLUNT. In the opinion of the Chair, the ayes have it. Of course, another unanimous vote, in this case on H.R. 2420, the bill that the Senate sponsors asked us to go ahead and be the bill we report to the floor. This is the National Museum of the American Latino Act and it is favorably reported.

I ask unanimous consent that in preparing the measures for reporting, the staff be authorized to make any required technical or conforming changes. Without objection. Our official work is done. Before I adjourn the committee, anyone want to have any comment to make today on the work we have done?

Senator KLOBUCHAR. It is a very well behaved committee, Mr. Chairman.

Chairman BLUNT. Very well done. Thank you for helping us get this work done.

Senator KLOBUCHAR. Thank you.

Chairman BLUNT. The committee is adjourned.

[Whereupon, at 10:16 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

Ranking Member Amy Klobuchar Statement for the Record

Rules Committee Business Meeting

December 3, 2020

Now more than ever we need a fully functioning and effective Federal Election Commission (FEC). Political spending is increasing every election cycle, including billions of dollars in outside spending by PACs, political parties, and “dark money” groups. An open, transparent, and accountable democracy requires strong rules for campaign spending and a strong agency to enforce those rules.

The FEC is overdue for meaningful reform, but at the very least this Committee should work together to advance strong, experienced FEC nominees from both parties who understand that their job is to enforce the law and protect our election system. Unfortunately, I am concerned that Mr. Dickerson and Mr. Cooksey do not meet that standard.

Mr. Dickerson has made a career of advocating for less – not more – transparency for political spending. He has opposed restrictions on individual donations and attempts to bring transparency to corporate and dark money spending after the *Citizens United* decision. He has even opposed efforts to stop foreign money from influencing our elections, including efforts to increase transparency for online political advertising.

No matter what party they are from, we need FEC commissioners who will work to create a more transparent campaign finance system and who will prioritize strong efforts to get foreign spending out of our elections. I am concerned that if he is confirmed, Mr. Dickerson will not advance these goals as a commissioner.

Compared to the other two nominees being considered today, Mr. Cooksey does not have an extensive career in campaign finance or election law. While that is not dispositive, since the FEC is the independent agency responsible for enforcing federal campaign finance laws, I am concerned about his experience. I am also concerned that he will be another conservative voice on the FEC, just when we need commissioners who will ensure that FEC regulations are updated to match the challenges of our time.