

to the immediate consideration of H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes.

Without objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (H.J. Res. 72) was ordered to a third reading, was read the third time, and passed.

FEDERAL ELECTION COMMISSION NOMINEES

Mr. REID. Mr. President, the Republicans have taken the very unusual step of objecting to a majority vote on their own nominee, Mr. Hans von Spakovsky. I offered them that option. The option was rejected. Mr. von Spakovsky is a very controversial nominee, but I said: Let's have a vote on him. Now, remember, we are not asking for 60 votes. We say: Have a simple majority vote. By that action, not accepting that offer, the Republicans are blocking the Senate from ensuring that the Federal Election Commission can function at perhaps the most important time—during a Presidential election year. What they have done will ensure that the FEC is unable to enforce the new ethics bill we enacted. The agency is in the midst of rulemaking on that law.

There are two conclusions I draw from the objections of the Republicans: First, even Republicans find Mr. von Spakovsky so objectionable that he would be defeated on a majority vote; and second, facing possible defeat for their own nominee, the Republicans would prefer to hold the remaining three unobjectionable nominees hostage and render the FEC unable to function in the next election.

We have offered them a majority vote. We said: We will take a position, a majority vote on all three. They said: No, now we want 60. So the FEC will be unable to function during the next election.

Both the New York Times and Washington Post recently editorialized about the absolutely critical importance of ensuring we have a functional FEC during a Presidential election that promises to bring record sums of money into our political system. Democrats agree. We are prepared to have a majority vote on each of the nominations. But this nominee has been controversial since the President recess-appointed him almost 2 years ago. That controversy stems from his

well-documented work as a Justice Department lawyer in the Voting Rights Section.

The Republicans say he is a person whose work on matters that suppress minority voting, such as voter ID and the Texas redistricting, has nothing to do with his responsibility at the FEC, which we feel bordered on illegality, if not being unethical. Work on matters to suppress minority voting has everything to do with the Federal Election Commission. So I take issue with their statements that it means nothing.

The problem my colleagues and I have with him is that his prior work demonstrates that he is at least a partisan manipulator of our Federal election laws. That, it seems to me, is highly relevant to the advice-and-consent duty the Constitution puts in our care as Senators, but that is a decision each Senator in this body should be permitted to make. We are not going to be able to do that. Republican action today prevents us from making it.

Remember, a simple majority vote on their nominee, but they want 60 votes on ours.

It is important to note how we got here and the concessions that have been made on our side.

His history, not surprisingly, led to a number of Senators on our side of the aisle, Democrats—we imposed a 60-vote threshold on the nomination. We originally wanted 60 votes on this nomination. On the other side of the aisle, Republicans demanded that the Senate only consider the nomination of the remaining three noncontroversial nominees if he was confirmed by the Senate. These two positions could not be further apart. In view of that impasse, I have long suggested that the White House withdraw his name and substitute a new name of the President's choosing. Despite this, the nomination has endured.

As the days ran short in this session, my Democratic colleagues indicated to me that they would reconsider and allow a majority vote on each of the nominees. That resulted in my ability to make this offer to Republicans of a majority vote, and I thank my colleagues for their work with me in this regard. I appreciate very much that we could have a 50-vote margin on this controversial nomination and on the rest. That work should have meant that the FEC would continue to function. The Federal Election Commission will not be able to function. It should have meant that campaign finance laws would be enforced in the next election. It should have meant that the FEC would be able to complete its new binding rules as it relates to bundling, but it will not because Republicans have obstructed a vote on these nominees, including a vote on their own.

The Republicans seek confirmation even though a majority of Senators may not support that nomination. That, it seems to me, is truly extraordinary.

A lot has been said about the precedents of FEC appointments. A Repub-

lican Senator came out here yesterday and said there is precedent for this. Arguments made yesterday are that essentially FEC nominations always move as a package, always move together. But that is, of course, simply not true. It is true that FEC nominees have usually moved as pairs by unanimous consent, and that pairing of nominees is generally a rule on all boards and commissions: Here is a Republican, here is a Democrat; let's get it done. We do not need a lot of time on the floor. That is a fact, not by reason of precedent as much as by reason of necessity. Nomination pairing occurs because it gives both sides a reason to come to the table and confirm nominees.

There are also cases of FEC nominees not moving together by unanimous consent. One recent case is that of former FEC Commissioner Brad Smith. Mr. Smith was very controversial on our side of the aisle and required a roll-call vote, which he got. He succeeded in winning confirmation.

There are also cases I have known where a Republican President did not respect the Democratic selection of an FEC nominee. For example, President Reagan refused to send the Democratic selection of Tom Harris because the Republicans objected to his nomination.

These different examples do show there is no single precedent about how nominations are handled. As is so often the case of nominations, a lot depends, as it should, on the actual identity of the nominee in question. I do think, however, that as a rule the offer of a majority vote on a nominee is presumptively fair. If the nominee is so controversial that he cannot win the support of a majority of Senators, the Constitution and the rules of this body dictate the appropriate outcome for that nominee.

It is my hope that my colleagues on the other side will reconsider this position. I would hope this White House would reconsider their support for this controversial nomination. If they do not, the responsibility for a defunct FEC rests squarely on their shoulders.

DEMOCRATIC ACCOMPLISHMENTS

Mr. REID. Mr. President, we have reached the end of a long, hectic, at times contentious and frustrating but unquestionably productive first year of the 110th Congress.

We welcomed back our friend and colleague, Senator TIM JOHNSON, who has made an extraordinary recovery, and we were so happy this week to see him walk in the Senate Chamber.

We lost a friend in Craig Thomas, said hello to his successor, Dr. JOHN BARRASSO, and said goodbye to Senator TRENT LOTT last night.

We held an unusual three Congressional Gold Medal ceremonies, three of them this year. That is very unusual.

We honored the Tuskegee Airmen for showing America that valor is color-blind.