

**BUSINESS MEETING:
NOMINATION OF JAMES E. TRAINOR**

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

THURSDAY, MAY 7, 2020

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COMMITTEE ON RULES AND ADMINISTRATION

SECOND SESSION

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THURSDAY, MAY 7, 2020

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

The Committee met, pursuant to notice, at 10:38 a.m., in Room 301, Russell Senate Office Building, Hon. Roy Blunt, Chairman of the Committee, presiding.

Present: Senators Blunt, Klobuchar, McConnell, Roberts, Shelby, Cruz, Capito, Wicker, Fischer, and Hyde-Smith

**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.

Good morning. I am glad to welcome my colleagues to today's meeting of the Rules Committee where we will consider the nomination of James E. "Trey" Trainor to be a member of the Federal Election Commission. We are going to take—we have taken, obviously, extra precautions today in terms of our spacing, but even with the extra precautions, we are going to keep this meeting as short as we can and still give everybody that wants to say something a chance to do that.

The Federal Election Commission has been without a quorum since August 2019. There had been one other shorter period of time when there was not a quorum, but this is the longest period of time since the FEC was created that they did not have a quorum. Without that fourth vote, the Commission cannot take any action, including issuing advisory opinions, promulgating rules, and opening investigations.

Further, the three current commissioners are serving on expired terms, so confirming Mr. Trainor will restore partisan parity at the Commission in order to give the Commission a critical fourth vote to conduct its business. As candidates navigate the novel campaign issues that have been created by this pandemic, a fully functioning FEC will allow them to receive the guidance that they need in this uncertain time.

I would like to ask our members to support this nomination. I look forward to our consideration of the nomination today and would turn to my good friend and Ranking Member, Senator Klobuchar, to see if she has an opening statement.

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

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. I do want to note that I am glad we were able to work together on the remote hearing issue so that we have had some hybrid hearings, which have gone off pretty well so far and I think that is a positive development for the Senate, and I hope we see more of it.

I would like to say that I believe that this committee should prioritize the serious issues related to this pandemic in our jurisdiction, and that is the upcoming elections and making sure everyone can be able to vote.

There is some pending legislation out there. We were able to work together, Senator Shelby and Senator McConnell, on getting money in the initial package to help the states to get mail-in ballots and keep the polls open, and I hope we can continue to do that. It is not a partisan issue. We have Republican states that are more Republican, like Utah, doing significant mail-in balloting, and we also have Republican Governors that want to see it as well.

Now to this nominee. As we have discussed, it is unacceptable that the agency charged with protecting the integrity of the Federal campaign finance process has been without a quorum for 249 days. As my friend from Missouri has noted, it is the longest period without a quorum in the agency's history.

I have urged my colleagues to work with us to get the agency up and running again, but I do not think this is the way to do it. As we noted, my Democratic colleagues and I, during the hearing in March, the FEC has been plagued by partisan gridlock for years. Therefore, now is not the time to abandon the tradition of moving FEC nominees together in Democratic and Republican pairs, a tradition that has been followed for almost every single nominee to the FEC in its history.

Senator Schumer and I referred a Democratic candidate to the White House for consideration, and she has been vetted and cleared. She is immensely qualified, and she would be the first person of color to ever sit on the FEC. There is no good reason to prevent her from moving forward with this Republican nominee, and I certainly hope we will be moving her forward soon.

Today, we are asked to move forward with a nominee who, based on his record, does not believe in basic campaign finance law. Yet, the entire point of the FEC is to enforce campaign finance law, so it is critical that the agency have commissioners who believe in its mission.

As many of us pointed out at the hearing, Mr. Trainor has consistently worked to dismantle rules that keep corruption out of our political system. Our hearing in March showed that he had spent his career arguing that people should not have to disclose political spending and working to stack the deck against voters by gerrymandering districts to dilute minority voting power in his state.

Moving forward with his nomination today may restore a quorum, but it should have instead proceeded in a bipartisan manner. The American people deserve an FEC that works, an agency that enforces the law, and protects our political system from corruption.

That aside, I hope that we will continue to work together, Chairman Blunt, on so many important issues, including moving an additional nominee and including election law. Thank you.

Chairman BLUNT. Thank you, Senator Klobuchar, and I also appreciate your comments on the remote hearings. I was in one this week. I watched another one this week. I know at least one of our members had a remote roundtable where nobody was in the same place. The witnesses were at a different place. Every member was at a unique place. I think this is a good way to begin to get the information that the Congress needs to collect.

Do other senators wish to make an opening statement?

If there are no other opening statements, the committee will proceed to the consideration of the nomination of Trey Trainor, James E. "Trey" Trainor, to be a member of the Federal Election Commission. Any debate on that nomination?

If there is no objection, the clerk will call the roll.

The Clerk. Senator McConnell?

Senator MCCONNELL. Aye.

The Clerk. Senator Alexander?

[No response.]

The Clerk. Senator Roberts?

Senator ROBERTS. Aye.

The Clerk. Senator Shelby?

Senator SHELBY. Aye.

The Clerk. Senator Cruz?

Senator CRUZ. Aye.

The Clerk. Senator Capito?

Senator CAPITO. Yes.

The Clerk. Senator Wicker?

Senator WICKER. Aye.

The Clerk. Senator Fischer?

Senator FISHER. Aye.

The Clerk. Senator Hyde-Smith?

Senator HYDE-SMITH. Aye.

The Clerk. Senator Klobuchar?

Senator KLOBUCHAR. No.

The Clerk. Senator Feinstein?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Schumer?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Durbin?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Udall?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Warner?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Leahy?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator King?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Senator Cortez Masto?

Senator KLOBUCHAR. No, by proxy.

The Clerk. Chairman Blunt?

Chairman BLUNT. Chairman votes aye.

The Clerk. Of those members present, the ayes are nine. The noes are one.

Chairman BLUNT. The nomination of James E. "Trey" Trainor to be a member of the Federal Election Commission is favorably reported.

If nobody else has a comment to make, the committee is adjourned.

[Whereupon, at 10:46 a.m., the hearing was adjourned.]