

their government is working to find a common ground that will protect all strongly held personal and religious beliefs, including the belief in the sanctity of life.

Thoughtful healthcare policy matters to Kansans and Americans now more than ever. We need a leader at HHS who is eager to serve all of the country, even in the face of disagreements—one who has the necessary healthcare expertise to be successful in this position and will be an asset to our country in this time of rebuilding.

I oppose this confirmation and urge my colleagues to join me.

EQUALITY ACT

Mr. MORAN. Mr. President, today the Senate Judiciary Committee is considering a grave threat to the right of conscience. The House recently passed the Equality Act, which would demolish religious liberty protections, ironically making Americans of certain beliefs decidedly unequal under the law. In other words, for something called religious protections, the Equality Act would diminish the capability to be considered equal under the law.

It is not an accident of careless drafting that permits this outcome. The language is both so expansive and so explicit that it must be intentional and it must be intentionally hostile to people who hold such beliefs.

The language expands the definition of public accommodations to include prohibiting discrimination by “any establishment that provides a good, service, or program, including a . . . food bank, service or care center, [or] shelter,” and any organization receiving Federal funding. Religiously affiliated entities seeking to put their beliefs into action outside their church, mosque, or synagogue must comply.

The authors know such an expansive definition infringes on the constitutional rights of religious liberty. That is because this legislation would explicitly—explicitly—deny recourse to the Religious Freedom Restoration Act, or RFRA, a bill that was passed with overwhelmingly bipartisan majorities in both Chambers of Congress before being signed by President Bill Clinton in 1993.

This denial cuts off two legal paths for people of conscience. One, an individual or institution cannot sue the Federal Government to prevent enforcement of this act without statutory—explicit statutory—authority of RFRA. And, two, the individual institution that is sued for discrimination under this bill cannot rely on RFRA as a defense.

It is not an exaggeration to say that the five lines related to RFRA in this bill represent one of the most dramatic assaults against religious faith and conscience that I have seen in my time in Congress. The effects will be damaging to communities in Kansas and across the country.

If passed, people of faith must decide whether to adhere to their deeply held beliefs or to the law. This law effec-

tively says it is better to have fewer doctors in rural Kansas, which desperately needs them, than it is to have doctors of moral conviction; that it is better to shutter social services administered by faith-based groups that fill gaps in our safety net than to allow them to remain true to their mission; or that it is better to force the closure of religious schools in urban areas, which so often provide a path out of poverty, than to allow them to remain open and teach principles of faith.

In response to the Obama contraception mandate a decade ago, I warned: “If the government can compel an individual or group to violate one’s conscience, then there is no limit to government power.” That remains true now, nearly 10 years later, and remains true into the future.

I will oppose the use of such government power to infringe on matters of religious belief and conscience, and I stand in opposition to the Equality Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FILIBUSTER

Mr. CORNYN. Mr. President, it appears that our friends across the aisle are experiencing an existential crisis when it comes to deciding how to manage their newfound powers in the majority. We are just 2½ months into this new Congress, and already we are hearing the majority leader and many on the other side of the aisle threatening to blow up the rules of the Senate. After decades as a Senator, President Biden even yesterday relented and threw his support behind the plan.

The filibuster has been called into question a number of times over the past few years. That is to be expected, but it is just that our Democratic friends used to be on the other side of the argument. They took one position when they were in the minority, where the filibuster protected their rights. And now when they are in the majority, many of them are looking to eliminate any minority rights and to fundamentally change the Senate.

In 2018, our Democratic colleagues were afraid the Republican Senate majority would blow up the filibuster. I am not really sure why they were concerned. After all, Senator MCCONNELL and Republican Senators have consistently defended the rights of the minority by use of the legislative filibuster, even when President Trump called for it to be eliminated.

But our Democratic friends keep piling on. Senator DURBIN, the Senator from Illinois, the chairman of the Judiciary Committee, was asked about President Trump’s call to end the fili-

buster—that was when President Trump called to end the filibuster—and he said: “That would be the end of the Senate as it was originally devised and created going back to the Founding Fathers.” That would be on the right-hand side of this chart. Just to repeat, he said: “That would be the end of the Senate as it was originally devised and created going back to the Founding Fathers.”

I agree with Senator DURBIN. I agreed then, and I agree now.

The Senate filibuster was designed to ensure that the two political parties would actually have to work together, which I think the American people believe is a good thing. And it should be hard to do the work of building consensus in a country as big and diverse as the United States.

But the filibuster was designed to make sure that the majority just couldn’t jam things through and deny the rights of the minority to be heard. But when you get 60 Senators to agree on something, it becomes all but impossible for ultrapartisan proposals to become law. That is the nature of the consensus-building process, and that is a good thing for the country.

Imagine the instability and unpredictability that would occur if laws changed as quickly as Presidents and Senate majorities do. Just 4 years ago, Republicans controlled both Chambers of Congress and held the White House. Twelve years ago, our Democratic colleagues controlled all three. The filibuster was designed to encourage, again, consensus building on a bipartisan basis and to provide some stability between those transitory majorities and changing Presidents. And that is a good thing, like I said, in a country where the political party in control is constantly changing, and it ensures that a minority viewpoint cannot be steamrolled.

Our Senate Democratic friends have certainly benefited from the protections of the filibuster over the last 6 years. They filibustered countless bills on everything from pandemic relief to police reform.

But now it appears that our Democratic colleagues—at least their leadership—have flip-flopped. The political tides have shifted, and since the radical left wants to get rid of the filibuster, so do they.

In a floor speech earlier this week, this same Senator, Senator DURBIN, our friend from Illinois, said the filibuster is “not the guarantor of democracy. It has become the death grip of democracy”—a pretty dramatic conversion from 2018 to 2021.

What has changed? Well, the majority has changed. Republicans controlled the majority when he thought the filibuster was a good thing. Now, when Democrats control the majority, he thinks it is a bad thing.

Apparently, the countless filibusters of our Democratic colleagues were not a mockery of democracy. They certainly wouldn’t be guilty of that. But

now that the shoe is on the other foot, Democrats are ready to hit the big red button and go nuclear. And, I must say, once you go nuclear around here, you certainly don't go back.

But Senator DURBIN's views aren't the only ones that have changed on this matter. As I mentioned, former Senator and now President Joe Biden finally changed his views as well. For decades, he was a staunch defender of the institution. When he was asked about removing the filibuster, going nuclear, he said:

This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power-grab by the majority party.

Well, that is certainly not mincing your words. And this isn't some long ago abandoned view of his. In January of this year, President Biden was asked if he could move his agenda with the filibuster rules intact, and he answered yes and explained the opportunities to work together on shared priorities, as he did throughout his career as a U.S. Senator.

He went on to add:

I think we can reach consensus on that and get it passed without changing the filibuster rule.

But now the pressure has been put on both President Biden and the Democratic leadership in the Senate to endorse a rules change, not by the ordinary course of rule changes but by the nuclear option. We know that there are unpredictable consequences of changing the rules in a place where your power, where your majority, is never guaranteed. Chipping away at the rights of the minority may help you today, but you will live to regret it when the shoe is on the other foot.

But it won't take a shift in the majority for our Democratic colleagues to see the disastrous consequences of going nuclear on the filibuster rule because, if anybody needed a reminder, we have a 50–50 Senate: 50 Democrats and 50 Republicans.

Yesterday, Senator MCCONNELL, the Republican leader, somebody who has been around this institution a long time and understands it better than almost anybody I know, reminded our colleagues that “[t]his is an institution that requires unanimous consent to turn the lights on before noon.”

Unanimous consent is literally the grease that helps the machine run. In order to accomplish even the most mundane tasks in the Senate, you need an agreement. Most of the time it is easy because it is not controversial; it is not partisan; it is the right, practical thing to do. But you need compromise, and you need a quorum.

This rules change being floated wouldn't clear a path for productivity in the Senate. It is an invitation to futility. If our Democratic colleagues take the unprecedented step of blowing up the filibuster, they can expect to be met with an unprecedented response.

Republicans will not sit idly by while Democrats take an axe to the rules in order to advance a partisan agenda. If

Democrats go down this road, they will have no one to blame but themselves for the consequences of a horrible miscalculation.

NOMINATION OF XAVIER BECERRA

Mr. President, on another matter, as we know, it has been more than a year since the term “COVID-19” became a part of our daily vocabulary. Over this last year, families have lost loved ones, millions of workers have lost their jobs, Main Street businesses have shuttered, and our healthcare workers have endured unimaginable stress and heartbreak.

One year ago, the majority of Americans were hunkered down at home in order to stop the spread of this deadly virus, and today, while we continue to follow the commonsense public health guidelines to stop the spread of the virus, we are finally experiencing some hope. With three successful vaccines now being administered throughout the country, the light at the end of the tunnel gets bigger and brighter every day. I know we are all grateful for that.

More than 27 percent of Americans 18 and up have received at least one dose of the vaccine. That includes nearly two-thirds of people over the age of 65, one of the most vulnerable cohorts. We have every reason to be optimistic that brighter days are ahead, but we are not out of the dark yet.

In the coming months, we need sound leadership from public health officials who have the experience and the expertise to guide us through these final, critical months. Unfortunately, President Biden has nominated someone who is unprepared to lead that charge.

The President has chosen Xavier Becerra to be his Secretary of Health and Human Services. As we know, the Secretary of Health and Human Services is one of the top generals in the war against COVID-19. The Department coordinates the healthcare providers, State and local officials, researchers, and the American public to respond to a crisis like this. For everything from COVID-19 testing to treatment and therapeutics, to vaccinations, HHS is actually in charge.

The Department disburses funding. It determines how many vaccines go to each State. It leads efforts to boost public confidence in the vaccine and so much more, but that is not even including the long list of nonpandemic responsibilities for the Department, including everything from overseeing Medicare and Medicaid to regulating prescription drugs.

So what life experience does Mr. Becerra have that makes him qualified to lead these efforts? Well, he is not a doctor. He is not a public health expert. He has never even worked in a role that is remotely related to healthcare. In fact, his only semirelevant experience is the range of lawsuits he has filed as attorney general of his home State of California.

Mr. Becerra led a group of attorneys general in opposing the Texas lawsuit

Texas v. Azar. The case attempted to reinstate the individual mandate penalty which was removed by the Tax Cuts and Jobs Act. He also led a case attempting to overturn protections for religious groups, such as the Little Sisters of the Poor, that don't offer coverage for contraceptives in their group health insurance plans. He sued them. Well—no surprise—the Supreme Court ultimately ruled 7 to 2 in favor of the Little Sisters of the Poor.

And, as we know, Mr. Becerra's radical policy objectives date long before his time as attorney general. As a Member of the House, he took extreme views on abortion. He opposed legislation that would ensure that babies who were born after a botched abortion would receive medical treatment, just like any other patient.

He opposed a bill to prevent taxpayer dollars from being used for abortions, the Hyde amendment, which has been bipartisan consensus for at least since the late seventies. He even opposed legislation to make it a crime to harm or kill an unborn child during the commission of a violent crime. In 38 States, including his State of California, they already have similar protections, but he opposed legislation to do it.

Unlike the majority of President Biden's nominees who received bipartisan support by both the committees of jurisdiction and the full Senate, there is no bipartisan chorus singing the praises of Mr. Becerra. Put simply, he is a partisan warrior who lacks the experience to lead HHS during normal times, let alone during a pandemic.

We are at the 10-yard line in the pandemic. Now is not the time to give the punter a chance to try out his quarterback just because he happens to be friends with the coach.

I would oppose the nomination of Mr. Becerra and encourage my colleagues on both sides of the aisle to do so as well. The American people deserve an experienced Health and Human Services Secretary, and this nominee does not fit the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

SUNSHINE WEEK

Ms. ERNST. Mr. President, it has been a year now since the outbreak of a novel coronavirus in Wuhan, China. It put the world into an unprecedented global lockdown, and we are still in the dark about how the pandemic even began.

Folks, this isn't entirely an accident. The virus emerged in one of the world's most closed societies, ruled by a ruthless authoritarian regime with no tolerance for truth or transparency. And, even today, after 2½ million people around the world have died, the Communist Party of China refuses to fully cooperate with efforts to learn how COVID-19 made the cross-species jump from bats to humans. Finding the source isn't about assigning blame; it is about understanding the cause and preventing a similar occurrence from happening again.