

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