Three years ago, the assistant Democratic leader was asked about the Senate majority going ''nuclear'' and killing the legislative filibuster. Here's what Senator DURBIN had to say:

I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers.

That was Senator DURBIN in 2018, just a few years ago. Now he argues the opposite.

Now I understand our colleague has rotated through several different explanations for his reversal in just the last few days.

First, our colleague from Illinois indicated he changed his mind—changed his mind—because Republicans, and I specifically, had used the filibuster so much in the intervening years. But, Mr. President, Republicans were in the majority the whole time. We were in the majority the whole time. It was the Democrats who used the filibuster in the minority in 2018, 2019, and 2020—not Republicans. That argument makes no sense whatsoever.

A few days later, there was a new made-up rationale: It is just that the Senate hasn't been getting anything done, so the institution needs an overhaul. Except we have just had a uniquely terrible year to make that argument.

Last year was not a good year to make that argument. We passed five—five—bipartisan COVID bills with big bipartisan majorities that spent the most money in American history and helped save the country. Don't see any obstruction in that. We passed a historic bipartisan bill for national parks and public lands. Didn't see any outrageous use of the filibuster on that.

So there is fake history swirling all around the discussion—fake history.

About a year ago, former President Obama launched a new, coordinated, and very obvious campaign to get liberals repeating the claim that the Senate rules are somehow a relic of racism and bigotry. That came just a month after Democrats had used the filibuster to kill Senator TIM SCOTT's police reform and anti-lynching bill.

So these talking points are an effort to use the terrible history of racism to justify a partisan power grab in the present. It is not unlike what we saw last summer, when some protest mobs ended up defacing statues of people who actually crusaded for justice—like Abraham Lincoln, Ulysses S. Grant, and the abolitionist Matthias Baldwin—mistakenly damaging good institutions because of our troubled past.

Multiple fact checkers have torn into this simplistic notion that the rules of the Senate are rooted in racism: ''Historians told PolitiFact that the filibuster did not emerge from debates over slavery or segregation.'' One scholar's account was that ''the very first Senate filibuster was over a bridge across the Potomac River.''

The very first filibuster was over a bridge over the Potomac River.

The junior Senator from Massachusetts just got three Pinocchios from the Washington Post for these arguments.

Their look—the Washington Post's look—at history found ''the first recorded filibusters in the Senate concerned issues such as where to locate Congress, what to do about Andrew Jackson's censure over withdrawn federal deposits, who would be appointed to a publication called the Congressional Globe and whether to create a national bank''—nothing to do with racism.

But I am curious. If my Democratic colleagues really believe what they are saying, did they themselves use a racist tool against Senator SCOTT's police reform bill just last year?

Did they use a racist relic when they delayed the CARES Act or blocked legislation to protect unborn babies who can feel pain?

Were Senators SCHUMER and DURBIN and their 33 colleagues who signed that letter all endorsing a racist relic?

Or is our colleagues' story that the filibuster was not an offensive relic as recently as last summer but magically—imagine this—just magically, within a year, magically became an offensive relic the instant the Democrats came to power? All of a sudden, it is an offensive, racist relic when the Democrats came to power. Jaw-dropping hypocrisy. These backflips insult the intelligence of the American people.

The far left is desperate to change the subject to the 1960s because they want people to forget how Senate Democrats behaved just last year. This is not about the 1960s. It is not a racist relic.

Look, if some of my Democratic colleagues want to keep lobbying two of their colleagues to go back on their word, they should at least have the courage to be honest.

The far left wants Democrats to break the Senate rules for no other reason—no other reason—than they want more power. They want more power. The same people who are trying to overturn a certified election result over at the House want to break Senate rules so they can override the election laws of all 50 States from right here in Washington. It is that simple. And it is not going to be hidden by a coordinated campaign to change the subject.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read nomination of Shalanda D. Young, of Louisiana, to be Deputy Director of the Office of Management and Budget.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### FILIBUSTER

Mr. THUNE. Mr. President, talk continues to swirl about eliminating the legislative filibuster here in the U.S. Senate. The Democratic leader has threatened that if Republicans don't vote the way he wants them to vote on legislation, eliminating the filibuster will be on the table.

In an interview where he issued his threat, the Democratic leader made it very clear that he is not inviting Republicans to work with Democrats on legislation. This isn't an invitation for both parties to sit down at the table and arrive at an agreement that both parties can support. No. This is an invitation for Republicans to support exactly what Democrats want or face the consequences.

It is ironic that the Democratic leader would be taking that position today because this is what he was saying back in 2017 about the legislative filibuster. This is the Democratic leader saying the ''legislative filibuster'' is ''the most important distinction between the Senate and the House. Let's find a way to further protect the 60-vote rule for legislation.''

So the Democratic leader was very supportive of this back in 2017, when they were using it extensively to try and stop or slow Republican legislation.

The assistant Democratic leader, the Democratic whip, Senator DURBIN from Illinois, said this in January 2018:

I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers.

''[G]oing back to our Founding Fathers,'' referencing the legislative filibuster and how important it was historically here in the U.S. Senate.

Well, about that same time, 2017, 61 Senators out of 100 here in the U.S. Senate—61 out of 100 Senators—signed a letter in which they supported retention of the legislative filibuster. In fact, it goes on to say:

We are writing to urge you—

And this is to the Senate leaders at the time, Senators MCCONNELL and SCHUMER—

to support our efforts to preserve existing rules, practices, and traditions as they pertain to the right of Members to engage in extended debate on legislation before the United States Senate. Senators have expressed a variety of opinions about the appropriateness of limiting debate when we are