

to combine majority rule with representation and protection for the minority. Why? Because the Founders knew very well that it wasn't just Kings who could be tyrants. They knew that majorities could be tyrants, too, and that a majority of citizens could easily trample the rights of the minority. So they put safeguards in place throughout our government, checks and balances to keep the government in check and ensure that minority as well as majority rights were protected.

One of those safeguards was the U.S. Senate. Wary of, to quote Federalist 62, "the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions," the Founders created the Senate as a check on the House of Representatives. They made the Senate smaller and Senators' terms of office longer, with the intention of creating a more stable, more thoughtful, and more deliberative legislative body to check ill-considered or intemperate legislation and attempts to curtail minority rights.

As time has gone on, the legislative filibuster has become a key tool in preserving the Founders' vision of the Senate. The filibuster does indeed make it harder to get legislation through the Senate, and that is a good thing. That is what the Founders intended. The Senate was not designed to be a rubberstamp for a partisan agenda; it was intended to check partisanship or, as the Founders might put it, faction.

Now, does the filibuster sometimes stop good legislation from getting passed? Of course it does. Last Congress, it stopped us from passing legislation to protect unborn babies who can feel pain from being killed by abortion. The failure of the Senate to pass that bill, I think, is a tragedy, but just as you don't abolish the burden of proof in criminal cases just because some criminal sometimes escapes justice for lack of evidence, you don't permanently remove protections for minority rights because you might be able to force through a good piece of legislation.

In 2005, when some Republicans were suggesting eliminating the filibuster for judicial nominees, then-Senator Joe Biden said:

I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing.

Fortunately, in 2005, Republicans didn't take that step. And in 2017 and 2018, when President Trump was pushing for Republicans, who were in the majority at the time, to abolish the legislative filibuster so he could push through our agenda and we could push through our agenda, we said no.

For the future of the Senate and our system of government, I pray that Democrats will make the same decision.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF XAVIER BECERRA

Mr. WYDEN. Mr. President and colleagues, very shortly, the Senate will have the opportunity to confirm Attorney General Becerra to be the next Health and Human Services Secretary, and what this means is, after 4 years of going in reverse on health policy, it will be possible to drive and actually make progress for the American people in addressing their healthcare needs—progress in terms of lowering the cost of healthcare. We spent \$3.8 trillion last year. So we have to lower costs, and we have to do it in a way that enhances quality, and Attorney General Becerra is going to be laser-focused on the key priorities for the days ahead. We all know that at the heart of that agenda is making it possible to end this pandemic.

Now, central to his agenda is going to be the distribution of vaccines because there are a lot of pieces to the challenge of beating the pandemic, but right at the heart of it is distribution of those vaccines and PPE and bringing together all the people at Health and Human Services and in our country to have a coordinated strategy for dealing with the pandemic.

We didn't have that in the past. I remember—and I am sure the Presiding Officer remembers—at one point, we didn't have any idea who was in charge. One day it was going to be the States. The next day it was going to be Jared Kushner. There was just bedlam for weeks and weeks with respect to who would even coordinate this country's strategy against the pandemic. With Xavier Becerra there, that will not be the case.

I just want—because I see colleagues also wanting to speak—to talk about another crucial aspect about having Xavier Becerra at the Department of Health and Human Services. What he is going to have to do is move quickly to reverse some of those flawed policies of the Trump administration, like junk insurance, barely worth the paper it was written on, the mindless restrictions that were placed on coverage. For example, that made it harder for people to get access to Medicaid. And some of what they did just defied common sense, making it tougher for people to enroll in the Affordable Care Act, and having modest efforts in New Jersey and Michigan and elsewhere to do outreach and to tell people about the availability of coverage.

What in the world is healthcare about? It is about getting coverage out to people, not inventing barriers to their getting care.

Finally, I just want to mention some of the exciting things from the recovery

legislation that he will be able to focus on. I am sure my colleague from Michigan is going to be talking about these issues, as well, in the days ahead. But what is going to be done in terms of delivering postpartum care, an area where there has been enormous racial injustice, is going to make a huge difference—a major part of the recovery plan—the home and community-based services, which build on some of the work being done in the community. I remember from my days when I was director of the Gray Panthers, helping seniors and the disabled. And we are so excited about mental health officials and law enforcement officials coming together for what is known as the CA-HOOTS Program from my home State, dealing with the racial tensions on the streets.

So Xavier Becerra has been running this mammoth agency in his State. You know, people say: What is his experience? He was on the Ways and Means Committee for years and years, the committee of jurisdiction as it relates to these issues, and then has been in California taking on monopolies, fighting those who would rip off the healthcare system, sticking up for the Affordable Care Act. So he has had frontline experience on these issues.

He should have been confirmed a long time ago, but now we are on the precipice of finally getting somebody who is going to take us forward in that key Agency in terms of meeting the healthcare needs for our colleagues.

When we have this vote shortly, I urge in the strongest possible way for the Senate to vote to confirm Attorney General Xavier Becerra for this crucial position.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I have to say to my friend and our lead on the Finance Committee how grateful I am for his leadership. We have started out very strongly on the Finance Committee with really important topics. I so appreciated yesterday focusing on nursing homes and what has happened the day before, focusing on advanced manufacturing and jobs, and your efforts today. It is just issue after issue. It is wonderful to have you in this position.

Mr. WYDEN. I thank my colleague.

Ms. STABENOW. And to be your partner in this.

And I so appreciate the leadership of the Senator who is currently in the Chair, from New Jersey, as well.

I rise today, as well, to speak on behalf of an outstanding nominee to lead the U.S. Department of Health and Human Services. If there ever was a time we needed an outstanding leader, it is right now.

One of the things I find so interesting is that colleagues on the other side of the aisle say they wish he was a doctor. Well, the previous Health and Human Services Secretary was the former CEO of a drug company. And so, from my

perspective, I am much more comfortable having somebody who fought drug companies to lower prescription drug prices than to have had the person in that job before be the person who actually raised prices on people in his former position and tried to block competition. So he is the right person. Xavier Becerra is the right person for this moment, I believe.

Our Nation is still fighting to emerge from the worst pandemic in our lifetime. It is hard to believe now that it has been over a year that we have been struggling and families have been struggling with this pandemic. Nearly 540,000 American lives are lost. It is hard for me to even say it and have a concept of what that is right now, the number of people who have lost loved ones and friends and neighbors. Countless more have gotten sick. Many more remain sick months later.

The cost to our economy and way of life has been massive. Millions of workers have lost their jobs. Thousands of businesses have closed, too many of them, permanently.

Families are struggling to pay their rent or mortgage, keep the heat on—which is really important in a place like Michigan in the winter—keep the lights on, put food on the table.

Schools are working hard to reopen safely. And, in the meantime, families are doing the best they can to make sure their children can keep up.

It is true that we are making progress. We are making progress. Things are getting better step by step by step.

Thanks to science, we have three very effective vaccines going into the arms of people across our country, and with the American Rescue Plan being signed into law, in fact, help is here. It is here.

So now is the time that, as we focus on getting help to where it is needed, Attorney General Becerra is just the leader to do this as the head of Health and Human Services.

His experience will be a tremendous asset as he works to address the pandemic and make healthcare more affordable. He led the defense in court of the Affordable Care Act, which he helped to write. It was my pleasure to work with him during that process, to work with him as House Members and then to work with him when we were writing the ACA, both in the Ways and Means Committee, in which he sat in the House, and my sitting on the Finance Committee. He protected the healthcare of millions in his position as attorney general. He has taken on drug companies, as I said before, for their high prices and their role in the opioid epidemic. And he has worked to enforce mental health parity in California, which I think is so, so, so important.

So many people are living with mental illness and addiction right now and have been. In January, 41 percent of American adults said they were struggling with anxiety or depression. So

things have gotten worse—the pressure on people as a result of what everybody has gone through in the last year. That is up from 11 percent before the pandemic, and more than one in four young people have reported having suicidal thoughts. Meanwhile, communities are seeing more people overdose. Long after the pandemic ends, these behavioral health issues will linger.

Attorney General Becerra began his career as a legal aid attorney supporting clients with mental health issues and substance abuse issues. He knows in his heart and soul how important this is. He will bring that same compassion and dedication to HHS as we work to expand access to care, including through certified community behavioral health clinics, on which I am so proud to have partnered with Senator ROY BLUNT and so many of our colleagues across the aisle to move forward as the new structure for comprehensive, coordinated care in the community. And it is beginning to make a difference, but we have a lot more to do, and we need somebody at the head of HHS who gets it. That is why I so strongly support Xavier Becerra, among so many other reasons.

American families deserve to know that they have someone at the Department of Health and Human Services who has their backs. With Attorney General Becerra, they will know they have someone who has their back.

He is the leader we need to help us end this pandemic, to get people the care they need, to strengthen our healthcare system, and to get our country back on track.

So I look forward to voting for this excellent nominee and putting him to work on behalf of the American people. I urge my colleagues to join us in supporting this excellent nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to oppose the nomination for Secretary of Health and Human Services of Xavier Becerra.

As I stand here today, America is still fighting the worst pandemic in a century. More than half a million Americans, as we have just heard, have died of this coronavirus. Life expectancy in our country has actually dropped by a full year. Now, as a doctor, I will tell you that is a significant drop of life expectancy.

In this time of crisis, our Secretary of Health and Human Services may be the single most important member in the President's Cabinet. There are many well-qualified Democrats, in my opinion, who could serve in this position. For example, I voted to confirm President Obama's last Secretary of Health and Human Services, Sylvia Burwell. She was confirmed by a large bipartisan majority.

That is not the kind of nominee that we have this time. In the middle of a crisis, President Biden has chosen someone who is, in my opinion, both

unqualified and unfit for this specific job.

First, Attorney General Becerra is unqualified. Let me talk about that. As a doctor, I am deeply concerned that President Biden has nominated someone with no medical or public health experience. He is not a doctor, not a scientist, not a public health official. He is a trial lawyer and a career politician. A global pandemic is no time for on-the-job healthcare training. The Secretary must be ready on day one.

Attorney General Becerra is not only unqualified, I say he is radically liberal in his positions. Attorney General Becerra is the most leftwing nominee for this job, in my opinion, in history. He is an aggressive culture warrior from the radical left. He supports Medicare for All, which would ban private health insurance, and 180 million people who get their health insurance through their jobs would lose it. If his positions go forward and he has his way, American workers would lose that opportunity and that benefit of their jobs.

He has made a name for himself in the Democratic Party for his extreme positions on abortion. During his 24 years in Congress, Attorney General Becerra voted against every restriction on abortion. During his confirmation hearing, Senator DAINES even asked him to name a single restriction he would support. He couldn't name a single one. This record has earned him a "100 percent" rating from Planned Parenthood.

As a Congressman, Mr. Becerra even voted against the ban on partial-birth abortion. The Supreme Court, rightly, upheld banning partial-birth abortions in the United States.

This wasn't the only time the attorney general's positions were at odds with that of the current Supreme Court as he was attorney general in California.

During his confirmation hearing, Mr. Becerra claimed he never sued any nuns. That is his quote: "never sued any nuns." He also said he only sued because of California law. Well, both of these statements stretch the truth, to put it mildly.

In 2017, the Trump administration gave a group of nuns an exception from being required to pay for birth control. The nuns say that violates their religious beliefs, having to pay for birth control. Attorney General Becerra then sued the Trump administration to stop them from giving this exemption. Attorney General of California Becerra, the nominee to be Secretary of Health and Human Services, lost at the Supreme Court by a vote of 7 to 2.

One of the jobs of the Secretary of Health and Human Services is to protect the conscience rights of doctors and nurses. Mr. Becerra's record shows he can't be trusted to do that.

There is a well-known case involving Crisis Pregnancy Centers. Now, these are groups that help women facing an unplanned pregnancy. California said

they had to advertise where these women could go to get abortions. Attorney General Becerra brought the full power of the State of California against the pro-life groups. Once again, the Supreme Court of the United States stepped in to stop him.

Mr. Becerra also used the power of his office to criminally prosecute pro-life journalists. A pro-life activist went undercover to investigate Planned Parenthood for trafficking in aborted body parts. His revelations caused outrage across the country. Attorney General Becerra charged him, the undercover reporter, with 15 felony counts.

This was too much even for Attorney General Becerra's liberal hometown newspaper. The Los Angeles Times said:

It's disturbingly aggressive for Becerra to apply this criminal statute to people who were trying to influence a contested issue of public policy, regardless of how sound or popular that policy may be.

So Attorney General Becerra is a radical liberal on a whole host of issues. As attorney general of California, he sued the Trump administration over 120 different times. That is quite a few. This includes filing nine lawsuits on the very last day of President Trump's administration—the very last day, nine more lawsuits added to the pile.

He sued to try to stop President Trump from building the wall on the southern border. He sued the Trump administration to try to stop fracking on Federal lands in California. This is just the tip of the iceberg. The list goes on and on. When you look at the record, it is clear: Xavier Becerra is out of touch with the views of the American people.

President Biden has chosen an extremely liberal Cabinet. He was forced to withdraw his nominee for Budget Director. His Vice President has been the least bipartisan, in terms of a Senator of record, of any Senator in 2019. And now Attorney General Becerra seems to be the most liberal of them all.

Frankly, his selection, I think, shocked a lot of people across the country. During this pandemic, we need a leader for the Department of Health and Human Services who brings us together as a nation. Instead, the President has chosen a nominee with no public health experience and an extremely partisan record, so I urge my colleagues to reject this unqualified, incredibly liberal nominee.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, President Biden has a lot of duties and obligations and a lot on his plate right now. The important thing that we are involved in, that we are all concerned about, are the nominees, who they are, what the process is, and what leverage do we in the minority have to impact that.

I think that Xavier Becerra is not fit to be our Secretary of Health and

Human Services, and I say this because of his appalling track record disrespecting the sanctity of life, blatantly attacking First Amendment rights, and his extreme policy views.

Now, throughout his career, Mr. Becerra has proven he has no shame when it comes to his pro-abortion beliefs. As attorney general of California, Becerra led a yearslong lawsuit targeting the Little Sisters of the Poor. This order of Catholic nuns is devoted to caring for the elderly poor. All they want is to be free to operate in accordance with their religious beliefs, and I think we can all understand that. But Becerra sued the Federal Government to force the nuns—and we are talking about the Little Sisters of the Poor—to provide access to birth control and abortion-inducing drugs, completely disrespecting their religious beliefs.

During his confirmation hearings, multiple Senators asked Mr. Becerra about his lawsuit, and he said:

I've never sued any affiliation of nuns. [M]y actions have always been directed at the Federal agencies.

But I think it is pretty misleading because he may have sued the Federal Government, but his actions certainly were directed at the nuns.

And that is not his only assault on life. Mr. Becerra also fought against the Trump administration's title X rule in court. We all remember this. This is where he ensured that Federal tax dollars would only go toward family planning clinics that don't offer abortions.

And, during the pandemic, Becerra has been an aggressive advocate of expanding access to chemical abortions, thereby providing abortions by mail that are done at home and without the supervision of a medical provider. And all abortions, in my view—and I know a lot of people don't agree with this, but I think all abortions are bad. But increasing unsupervised access to chemical abortions, which are four times more likely to cause problems and complications for the mother than surgical abortions, shows that Mr. Becerra's concern isn't about health; it is about his pro-abortion agenda.

We shouldn't be surprised. During his time in Congress, Mr. Becerra voted against multiple pro-life bills, including the partial-birth abortion ban, and that was one that was sponsored on both sides. It was a bipartisan bill. It banned the horrific procedure in which a baby is partially delivered and then painfully destroyed.

But Becerra isn't just radical in his support for abortion. He also goes after the First Amendment rights of individuals who disagree with him. I am sure everyone here remembers the shocking, heart-wrenching evidence collected by two undercover journalists in 2015 that showed Planned Parenthood's involvement in selling the body parts of aborted babies. Becerra has chosen to prosecute the journalists rather than take the action to protect babies and investigate the evidence of this behavior.

Becerra also targeted the California pro-life pregnancy centers by forcing them to advertise abortions, in violation of their First Amendment rights. Now, he fought them all the way to the U.S. Supreme Court, and he lost.

But he didn't give up. Last fall, he supported California's ban on indoor worship services, also in violation of the First Amendment, and he lost again in the Supreme Court. He doesn't give up. Justice Gorsuch said—and this is a quote from Justice Gorsuch. He said:

If Hollywood may host a studio audience or film a singing competition while not a single soul may enter California's churches, synagogues, and mosques, something has gone seriously awry.

I agree with Justice Gorsuch in that observation.

Becerra also wants to decriminalize illegal immigration, saying:

They are not criminals. They haven't committed a crime against someone.

Should he be confirmed to be the HHS Secretary, he would be positioned to give illegal immigrants access to his programs.

So, lastly, I just want to send a message to the pro-life movement, to people in Oklahoma and Americans all around the country who really believe in the sanctity of life. We are not going to give up in trying to block this nomination, and we will do everything we can to stop the confirmation of Xavier Becerra.

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. DURBIN. 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. DURBIN. Mr. President, earlier today, my friend from South Dakota, the Republican Senator JOHN THUNE, came to the floor and discussed the filibuster. It has been a topic of discussion not only this week but even before. I hope that Senator THUNE will concede that whether you are for the filibuster or against the filibuster, we should certainly be dedicated to the proposition that the U.S. Senate should be a deliberative body that actually considers amendments and legislation on the floor.

Now, what I just said sounds very routine and normal. It is radical when you look at the record of the U.S. Senate. Last year, under the Republican leadership of Senator MCCONNELL, we had 29 amendments on the floor the entire year—29. That was really an improvement over the previous year, 30 percent better than the previous year—22 amendments. What that says to those who may not be familiar with Senate procedure is that the floor is empty and no one is here because we aren't taking up legislation. Why?