

vote of, again, double digits—55.03 percent of New Yorkers voted no on that.

I don't condemn them for doing that. I am sure they had a reason for doing that. But I think the leadership of the State of New York and the voters of the State of New York had a right to do that and I don't condemn them for doing it and I would not—I would certainly not break a two-century, consensus-building provision that has withstood the test of time to tell New York they can't do that, to tell all the 50 States that they must conform to an election law that we devise here in Washington, DC.

This is a pivotal week. This is a week that will decide the future not only of the Senate but of the future of our government—our representative government—and the future of our Republic.

I urge my colleagues to think twice about this. Sometimes, I have had to stand up to my party and say: I can't vote with you on that one. I know you want me to. I know I will suffer some reproach for not going with the team, but I am begging Members of both parties to search their hearts and decide in this case we are going to preserve the one consensus-building, compromise-encouraging provision that has withstood the test of time. I hope that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### VOTING RIGHTS ACT

Ms. ERNST. Mr. President, and, hey, folks, did you hear about the attempt to steal an election? Maybe you heard this about a year ago or so, big attempt to steal an election, just last year. We had Washington insiders colluding to overturn the will of the people in a fair and free election.

Yes, you heard it right, an attempt to steal an election, but it is probably not the election that you are thinking about. Speaker of the House of Representatives NANCY PELOSI attempted to steal a seat in the House. Iowa's Second District Congresswoman won her election in 2020 and was certified by Iowa's secretary of state, 24 county auditors of both parties, and the bipartisan State Board of canvassers.

And she is here with me today, Representative MARIANNETTE MILLER-MEEKS. I thank the Representative for being here today.

In a blatant political power grab, the Speaker of the House spent over \$600,000 of taxpayer money in an attempt to unseat the duly-elected Congresswoman MILLER-MEEKS. Even some reasonable Members of the Democratic Party sounded the alarm bell on this brazen attempt to reverse the election results. Representative DEAN PHILLIPS said at the time: "Losing a House election by six"—yes, by six—"votes is painful for Democrats, but overturning it in the House would be even more painful for America."

Voters in Iowa and across America should choose their representatives without interference from politicians

in Washington. Guaranteeing both the right to vote as well as the integrity of our election system ensures fair and free elections which are the foundation of our Republic.

The attempt to overturn the Iowa election results was the opening salvo in the left's ongoing rush to take over elections. Democrats' proposals are seeking to limit voter ID, legalize ballot harvesting, provide taxpayer money to campaigns, and weaponize the Federal Election Commission. Using fake hysteria, they are trying to blow up the Senate and fundamentally change our country. However, their very effort is unpopular, unnecessary, and unacceptable.

I served as a local county auditor and commissioner of elections. My home State has seen various commonsense election reforms throughout the years. In fact, in 2017, the Iowa Legislature modernized our laws, which also included requiring voter ID.

At the time of its passage, Democrats warned the law was dangerous and an unnecessary hurdle and a significant barrier for anyone who was not a White male. They could not have been further from the truth. Three times since the new Iowa voter law was implemented, the State has seen record high turnout for elections, record high turnout—huge voter participation.

This includes record high absentee voting during the 2020 Presidential election. The 2021 elections also boasted record off-year turnout. My friends on the other side of the aisle will have you believe that voters are being suppressed in red States all over this country.

The irony here is that New York, home of the Democratic leader, and Delaware, home of President Biden, have some of the most restrictive voting laws in the entire country. And Iowa, because it has modernized our elections in the course of the number of past years, has been demonized by Democrats when, oddly enough, Iowa's election laws are much more progressive than Delaware and New York.

Just this past November, New Yorkers overwhelmingly voted down a ballot initiative to allow no-excuse absentee voting. New York voters also rejected a proposition that would have allowed individuals to register to vote and cast a ballot on election day.

By the way, Iowa has same-day voter registration, thank you.

Now, the senior Senator from New York is threatening to destroy the Senate to override the wishes of the residents of his very own State who voted against the policies he is trying to impose on every other State. Does that sound like democracy to you? It is not.

While the media will have you believe that Senate Republicans are blocking the Democratic leader's agenda, it is really the voters of his own State. Liberal States have some of the most restrictive election laws in the country—and don't take my word for it.

An expose recently published in The Atlantic found some States that the Democrats control in the northeast make casting a ballot more difficult than anywhere else and that the voting bill being pushed in Congress would hit some blue States just as hard, if not harder—now, that is The Atlantic—than the red States they claim are limiting the right to vote. And I will remind you Iowa is much more progressive than these States.

Plain and simple, Washington Democrats are gaslighting the American people. There is not a voting crisis in this country. It is manufactured. Their push to blow up the Senate and take over elections isn't about voter access, it is about power, the same power that liberal elites in Washington abused in their rush to steal Iowa's Second Congressional District—now held by Congresswoman MILLER-MEEKS—and silence Iowans' voices.

What was attempted in Iowa should never be allowed to happen anywhere ever again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### FILIBUSTER

Mr. KENNEDY. Mr. President, my friend Senator SCHUMER, and some of my Democratic friends would like to change one of the enduring institutions of this institution. They want to get rid of the filibuster—and I call it the 60-vote threshold.

And a reasonable person might ask: Well, why not? Institutions change all the time. Change is the law of life. I will tell you why not. I want you to hear these words of wisdom:

We are on the precipice of a crisis, a constitutional crisis—

Getting rid of the filibuster.

the checks and balances which have been at the core of this Republic are about to be evaporated by the nuclear option—

Getting rid of the filibuster.

the checks and balances which say if you get 51 percent of the vote you do not get your way 100 percent of the time—

If you get 51 percent of the vote, you do not get your way 100 percent of the time in the U.S. Senate—

that is what we call abuse of power. There is, unfortunately, a whiff of extremism in the air.

Those are words of wisdom by Senator CHUCK SCHUMER, May 18, 2005.

If we change the 60-vote threshold, if we change this institution which is part of the institution of the U.S. Senate, it will gut this body like a fish—like a fish. And everybody in this body knows that if that is accomplished, our institution will look like a scene out of "Mad Max."

America is a—God, what a wonderful place. It is a big, wide, open, diverse, sometimes dysfunctional, oftentimes imperfect, but good country with good people in it. And I want to emphasize the diversity part. What constitutes the good life in my State may not constitute the good life in Connecticut or in California or in Florida or in Maine.

And that is one of the reasons that we have and have had the institution of the 60-vote threshold. If you are going to make a law that is going to impact the entirety of this big, wide, open, diverse country, then you ought to have 60 votes because if you only have 51 votes, 51 percent of the vote does not get your way 100 percent of the time.

It has worked for a long time.

Now, I don't want to sound like I am lecturing, because I get it. I get it. I get that my Democratic friends and some of my Republican friends, who, frankly, are probably thinking about this—but I get that my Democratic friends want to—that they want to serve their President. We all want to serve our President. But you especially want to serve your President when the President is of your own party.

I remember when President Trump—now like President Biden—said: Change the filibuster. Get rid of it. I can't get my bills passed.

We said no. And by “we,” I mean Republicans and Democrats. Here is the letter right here. It was led by Senator COLLINS, a Republican, and Senator CHRIS COONS. I signed it. We said no.

Now President Biden wants to do the same thing. That is what Presidents do. They try to pass their bills. So I get it.

To my Democratic colleagues and any Republican colleagues who are thinking about voting for Senator SCHUMER's change of heart, I want to tell them: I get it too. I get it. I know the frustration. I have felt it. I have talked about it on this floor before.

You know, we all come up here for one reason: to make this country better. And we are ready to go to work, and we want to debate, and we want to decide. We didn't come up here for delay. We didn't come up here for stultification. So I get it. I get the frustration. But you don't satisfy those aims by not following these words of wisdom by Senator SCHUMER.

Now, once passions have cooled, I don't want my words to be construed as an assertion that everything about our body is perfect. There are changes, once passions have cooled and the filibuster is intact, the 60-vote threshold is intact—I use “60-vote threshold” because “filibuster” to some has negative connotations, and it is a positive rule, not a negative rule. But once passions have cooled, there are a lot of questions that we need to sit down and talk about, and if my Democratic friends want to talk about them, I will be there. Call the meeting. I will pounce on it like a ninja.

I mean, there are questions that we need to be asking ourselves about this body; how we can make it better. Do we give our majority leader too much authority? It is not personal. Do we give our minority leader too much authority? It is not personal, but that is a fair question.

Every Member of this body knows about the diminution of our committee

system. Why do we even have committees anymore, for God's sake? I mean, you go work your committee, and you get a bill out, and it is a bipartisan bill, and you are feeling all toasty and ready to go, and you learn pretty quick around this place that doesn't matter. It is probably dead as fried chicken if the majority leader doesn't want to bring it up. And that is true whether the majority leader is Republican or Democrat. We need to have an honest conversation about the diminution of the committee process.

Our amendment rules. My God, there is not a single Member of this body who really understands those rules. I mean, if you ask—pick 10 Senators at random and say: Tell me the truth, now. Do you understand the rules of the Senate about how to offer an amendment? Nine out of ten will tell you no, and the tenth is lying. We ought to have an amendment process that looks like somebody designed it on purpose, and we don't. We ought to talk about that.

We ought to talk about the fact that this body—it didn't happen just yesterday—has ceded an enormous amount of our power, under a Madisonian system of separation of powers, to the executive branch and to the administrative staff.

After this is over, if any of my Democratic friends want to have that talk and see if we can't come up with a way to improve this body and ask some hard questions, I will be there happily, and I hope we can make progress. But to my colleagues, I say: Please, please, don't do this.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, President Biden wants to pass a new New Deal. In fact, in some ways, the reckless spending the President is pushing for actually dwarfs the New Deal. But Joe Biden is not FDR, and we are not living in the Great Depression. The New Deal passed the House and the Senate on the back of huge Democratic supermajorities.

Today, Americans have elected a 50-50 Senate and a razor-thin Democratic majority in the House. The American people voted for bipartisanship and compromise in the U.S. Congress, not a blanket mandate for progressives to reorganize American life as they see fit. But some Democrats in Congress seem to think they did.

Because they haven't reached out to Republicans to work together on important issues, they haven't been able to pass their Build Back Better plan, so they have turned their attention to another kind of Federal Government overreach: overhauling the way our country runs elections. Their argument is that lawmakers in red States are trying to make it harder for people to vote, and so it is necessary for Washington Democrats to take over election administration in all 50 States.

One important point: The first part of that is simply not true. The right to vote is not under assault. According to Pew Research, 94 percent of Americans believe that voting is easy. In my home State of Nebraska, we achieved a record 76 percent voter turnout in the 2020 election, in the middle of a pandemic, because of all the different ways that my State made it easier for Nebraskans to vote, including expanded early voting and no-excuse absentee voting. But Democrats still want to pass a Federal takeover of elections.

Because the rules don't allow them to pass every single law they would like to in a 50-50 Senate, many of my Democrat colleagues are flip-flopping to oppose the filibuster. President Biden, who defended the filibuster during his nearly 40 years in the Senate, now wants a special carve-out for Democrats' election takeover. But who says it is going to stop there? The majority leader said in 2005, when Democrats were in the minority, that doing away with the filibuster would “wash away 200 years of history” and mean “doomsday for democracy.” Today, no one is pushing harder to end it than he is. And Democrats were perfectly happy to use the filibuster hundreds of times during the 4 years of the Trump Presidency, when the majority leader was the minority leader and Republicans had even larger majorities in Congress.

This isn't some debate about some arcane Senate rule. This is about protecting the rights of the minority in our democracy. This is about providing stability and certainty to our people. If the majority is able to constantly push through their views and policy every few years, drastic swings in policy will take place. Tax policy, social policy, health policy, foreign policy, defense policy—the laws of the United States will start just to whip back and forth, following where the power lies in this Chamber, and those shifts will weaken our Nation both here at home and abroad.

In 2017, the senior Senator from Maine and the junior Senator from Delaware led a bipartisan letter urging Senate leadership to preserve the 60-vote threshold for legislation.

While I appreciate their efforts, I did not sign that letter. I was concerned that many Democrats only signed it because they were afraid the GOP—that Republicans were going to end the filibuster. I believed that many of my Democratic colleagues would soon turn against the letter's own arguments and they would go back on their word. I believed that because a few years earlier, I had listened to reasons they gave for changing the executive filibuster for Presidential nominations when they

were in the majority, and I had then watched them reverse those positions when they were back in the minority. I felt they would flip again for political reasons as soon as they returned to the majority.

Of the 61 Senators who did sign that letter, 30 were Democrats, 28 are still in office, and I am sorry to say that they have proved me right. But when Republicans were in the majority, we said we wouldn't abolish the legislative filibuster, and we have kept our word.

The truth is that some of my Democratic colleagues want to remake the American system only in their own image, not considering the views of about half of our citizens. To do that, they have to take an ax to the filibuster. But I urge them to think about the consequences their actions may have.

Without the filibuster, any Senate majority would be free to ignore the other side to pass their own agenda. Bipartisanship? Well, it would become a relic of the past. I know that Democrats don't want that to happen. I don't want it to happen, either, and that is why I have consistently supported the Senate filibuster no matter who is in power.

I urge my colleagues to think beyond the passions of the moment and to do what is best for this country in the long term: Leave the filibuster in place. Democrats may want to use it again as soon as next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, in a letter written in 1789, Thomas Jefferson declared that the "earth belongs to the living, not the dead." Relationships between generations, he explained, are but that of a distant set of independent nations.

Mr. President, I don't know how many of my Democratic colleagues still admire Mr. Jefferson, but they are certainly taking his words to heart. There is little concern on one side of this Chamber about the impact of our actions beyond our own time here. There is a belief that the importance of this hour's partisan ambitions outweighs the value of centuries-old institutions.

Abandoning the 60-vote threshold in order to seize control of America's elections isn't simply shortsighted, it is clueless. It is the exact opposite of what the people who sent us here want.

Back home in Indiana, I hear from anxious Hoosiers because these are anxious times. I know what is on their minds—rising inflation, the cost of putting food on their table and gas in their tanks. I hear from them about paying to heat their homes. Many are struggling to pay next month's rent.

They are tired of and still worried about a pandemic that President Biden promised to shut down, and they are angry. Many are angry about a southern border that this President has left wide open.

In the middle of all this—an affordability crisis, an ongoing pandemic, a broken border—changing the Senate rules to nationalize Indiana's elections, to repeal popular voter ID laws, to use tax dollars to fund political campaigns are not high among Hoosier priorities or the priorities of the American people.

Do you know what is, though? Congress coming together, finding compromise, actually addressing, in a collective way, our shared national challenges. It is one of the most widely ignored messages of the last election. Every one of my colleagues should take note. If America wanted a radical, extreme, partisan set of changes put forward, they wouldn't have evenly divided the U.S. Senate. Believe it or not, they want us to collaborate, and we have shown them we are capable of doing that.

Let me remind my colleagues, we formed a united front against China when it comes to competitiveness and trade policy. We helped American workers and small businesses hurt by the pandemic. We gave our troops a pay raise. Now, these and so many other achievements are really important. They are achievements that will benefit Americans now and in the years to come. We need to do more working together.

Now, look, I have been around here long enough. I understand that my Democratic colleagues are frustrated. I say to my colleagues, you have had less success with your reckless multitrillion-dollar social spending bill than you would like. I understand that. Your proposal to federalize and politicize American elections has been a tough sell. I understand that.

As a result, America's democracy, we are told, is in peril, and the only way to save it is to kill the 60-vote threshold. But the 60-vote threshold is not the source of our Nation's dysfunction. I say to my colleagues, your Democratic radical agenda is driving much of the angst, the anxiety, and the frustration among the American people. The so-called legislative filibuster is not a threat to our democracy; ending it is.

My advice is to rethink your priorities. If you want to end gridlock, do the difficult work of actually building coalitions of support: introduce bills to be referred to the committees of jurisdiction that Republicans can actually vote for, allow for an open amendment process as we did with the China bill.

Now, this is the entire point of the 60-vote threshold. It is a forcing mechanism, during fraught times like these, that gives the minority a say in the process. It forces majorities to find ways to compromise. It incentivizes bipartisan collaboration among Senators representing diverse parts of our Nation with differing values, differing priorities. Americans want us to go through this hard work of finding common ground, of reconciling our differences. That is our job. And, yes, it is

an obstacle to simple majority rule. It is an obstacle to one party—either party—razing our institutions for the slimmest of margins. But need I remind my colleagues, this is not a direct democracy, this is a republican—small "r"—form of government.

Frustrating as it may be, the filibuster, in its way, is a source of and sometimes the source of order and even unity in Congress.

Now, if you think our current political division is troubling, colleagues, torch the filibuster, foist your unpopular partisan priorities on all Americans, and then check the health of our democracy. Pour gasoline on this raging fire. Don't be shocked by its sorry state after you do so.

I will close with a familiar caveat. Majorities, no matter their size, never endure. Looked at in the light of human history, all of us, even the most long-tenured, are here for a little more than a hiccup in time. Yes, what one party sows today, the other will of course reap tomorrow. Clearing the path for every grandly ambitious Democratic priority aimed at reshaping our country would only clear the way for a future Republican effort to repeal and replace it with one of our own, with even greater scale.

Beyond this, though, as much as I admire Thomas Jefferson, I do not believe that the Earth belongs only to the living. No. Citizens place both their trust and their destiny in a set of shared institutions. In America, this forms a compact that stretches across centuries and generations. It includes those in the grave and those yet unborn. And for the moment, we—Republicans, Democrats, Independents—we are its custodians.

If we give in to temporary passions, if we tear our institutions to shreds rather than work through them to serve the people, rewriting the rules when we don't win the game, we are failing in our jobs. We are breaking that compact.

So, as I said in my first speech on this floor, standing right over there—and I will repeat it until my last speech—we are, above all else, the custodians of the common good—the common good. Remember that, colleagues, before you take a hammer to one of the Senate's signature means of advancing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I have had the privilege of serving Arkansans in the U.S. Senate and U.S. House of Representatives in both the majority and minority. So I know how unmistakably important it is to protect the rights of the minority in the interest of individual States—especially those like Arkansas that are more rural and less populated.

That is what our country's Founders had in mind when they designed the

Senate. The Senate is sometimes referred to as “the world’s greatest deliberative body”—the key word being “deliberative.”

It is not crafted to quickly approve or reject legislation passed by the House as a mere formality. Instead, it offers equal representation to each State and a procedural process that incentivizes and rewards consensus.

Allowing individual Senators to secure and, just as importantly, stop dramatic policy changes is what sets this body apart. The filibuster provides each of us leverage that must be preserved.

Unfortunately, many of our colleagues on the other side have succumbed to shortsighted political calculations and are endorsing changing the Senate’s rules in order to jam through their legislative priorities.

However, the ability to prevent radical, swift, and far-reaching changes that would surely sow confusion and uncertainty is invaluable. As such, I intend to continue protecting the filibuster.

Our Democratic friends, with some exceptions, are now abandoning their previous support for the filibuster, which, while in the minority, they argued was indispensable and utilized with zeal to great effect.

Even President Biden, who enjoyed a long career in the Senate and exercised his right to stop or hamper legislation and nominees he had concerns with, has decided his decades-long embrace of the filibuster is no match for the loudest voices in his party demanding to discard it.

The justifications all point in one direction: keeping power.

Today, the Biden administration and Senate Democrats believe a supposed threat to our democracy requires abandoning the minority party’s ability to pump the brakes on the excesses of one-party control in Washington.

Worse, the grave threat to the fabric of our society and experiment in self-government they are touting amounts to nothing more than duly elected State legislatures reining in some of the most overly accommodating voting policies that were enacted during the COVID-19 pandemic: things like reasonable limits on absentee voting, commonsense registration rules, and practical deadlines.

Instead, they want to bring the full weight of the Federal Government down on States like Arkansas that have sought to protect election integrity by instituting voter ID, blocking ballot harvesting, or ensuring the accuracy of voter rolls.

These commonsense safeguards are not an existential threat to our Nation, nor do they warrant breaking the Senate and being unconstitutionally superseded.

It is concerning that most Members of the majority are now singing quite a different tune when it comes to tinkering with longstanding rules of the Senate to achieve partisan ends.

I think it is important to applaud our colleagues on the other side of the aisle who remain committed to protecting the filibuster and, by extension, the very integrity of this institution. They have come under intense pressure. Yet I recognize and they recognize how important this tool is, the harm that would come from abandoning or undermining it, and that majorities in the Senate do not last forever.

Should the Senate go down this path, it would result in exceedingly scorched Earth, where consensus is even harder to find and shifting majorities implement drastic policy transformations when a President is willing to rubberstamp whatever Congress approves.

I have opposed this ill-advised tactic in the face of opposition from my own side of the aisle in the past and understand it is not always an easy thing to do.

My colleagues and I will not acquiesce on this question, and I hope the Senate can move on, in a bipartisan way, to addressing the challenges that our country is facing and finding solutions that actually help Americans facing real-world problems instead of spending any more time on partisan threats that upend this body’s traditions that would ultimately diminish its unique and necessary place within a government that is truly the envy of the world.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to join my distinguished colleague from Arkansas. I agree with everything that he has said about this latest power grab by the Democrats in the U.S. Senate—of their effort to change the rules, to rig the rules, of course, through an agenda which I see, as do so many Americans, as radical and extreme and dangerous and scary. What the Democrats are proposing right here is to muzzle the voices of half of the country.

So why are they doing this? Well, it really has nothing to do with the priorities that are the priorities of the folks from my home State of Wyoming or from the previous speaker’s home State of Arkansas or from the next speaker’s home State of West Virginia. Oh, no, it has nothing to do with that. It has nothing to do with the priorities that the Gallup poll tells us are the concerns all around America: the coronavirus and the crisis we face there; the crisis at the southern border, where we are looking at almost 2 million illegal immigrants coming into the United States; crime in the cities, with murders up year after year and just amazingly up this year.

Then, of course, there are the raging fires of inflation, which are cutting into people’s paychecks so that money doesn’t go as far. When families in home States are looking at the fact that they are going to be paying about \$3,500 more next year than the last and

the year before that just to keep up, to maintain the quality of living, they have a lot of concerns. What the Democrats are trying to do isn’t even one of them because the Democrats are trying to take a Federal takeover of elections. That is what they are trying to pass. They want to cram through a bill that they know otherwise would not pass.

So what is in the bill? Well, the Democrats want to do things like ban voter identification. You know, in my home State of Wyoming and I know in the previous speaker’s State of Arkansas and the soon-to-be speaker’s State of West Virginia, we know that people believe, if you want to get a ballot and if you want to vote, you should have to prove you are who you say you are.

In the home State of the Presiding Officer and the former Presiding Officer and in many States, if you want to go to a restaurant, you have to show your papers to prove you were vaccinated or to go into a building or to go to a sporting event. Yet the Democrats are proposing that you shouldn’t have to show anything to prove you even are who you say you are in order to vote.

What about the incumbents who want to vote for this thing? Oh, did we mention there are taxpayer dollars going to incumbent Members of Congress to pay for their political campaigns? No wonder so many of the Democrats have voted for this. It is money into their own pockets.

The Democrats want Washington, DC, to micromanage elections across the country. They want to rig the rules of the Senate so they can enact this unpopular bill to take over elections in America.

The American people aren’t asking for this. This recent Gallup poll that I alluded to asked people what they thought was the most important issue facing the country. Voting laws didn’t even crack the top 20. In a list of 23, it came in as 23rd. It is the Democrats’ No. 1 priority, and it is the last priority of the American public. It wasn’t even an asterisk. It didn’t even get 1 percent of the vote.

If the Democrats take over the Senate to take over elections and break the rules of the Senate, there will be no stopping them from passing the rest of this dangerous and extreme agenda.

Democrats know that there is an election coming in November. They can read the polls. They know it is not looking good for them. They know there is a very unpopular President in the White House. They know that their numbers are sinking, that their ship is sinking, and that they will soon be in the minority in both the House and the Senate.

Frankly, the election for the Democrats in the election after that doesn’t look so good either because it only took 1 year for the people all across the country to recognize that the current President of the United States, Joe Biden, is both overwhelmed and ineffective as the President of the United States. There is no denying that.

Changing the rules, as the Democrats are proposing to do, really is their last chance to pass their leftwing, fringe ideas. It is the last chance to pack the Supreme Court. The Democrats in this body introduced legislation to pack the Supreme Court, to add four Democrats to the Court. It is the last chance to add new States to the Union. It is the last chance to give amnesty to millions of illegal immigrants. It is the last chance before Democrats lose control of the Congress.

So why do they want to change the rules? It is because their agenda is so unpopular with the American people. They understand, as one Democrat said to another, that we have got to do it now because it is our last chance to force socialism on the American people whether they want it or not.

Instead of changing the rules, the Democrats should change their agenda. The Democrats should focus on what the American people say is important to them. It is our constituents who determine what is important to them. They are to communicate it to us. We are to represent them.

What is important to them? Well, it is getting ahead of the coronavirus, it is securing the border, and it is really to stop adding fuel to the fire of inflation when paychecks can't keep up with the costs of gas and groceries.

A Wall Street Journal story yesterday was about all of the Democrats who signed a letter saying: money from New England, Members of this body—they said energy costs are so high, the government should do something about it. This is after Joe Biden kills the Keystone XL Pipeline and stops oil and gas exploration, and their own home States are blocking pipelines which could carry inexpensive energy to the people who live there. Yet the Democrats want the government to do more. The government has done enough damage already.

There are lots of ideas that could pass the Senate and the House and be signed into law that would actually help the American people. Those are the things the American people are asking for. The American people are not asking for a blatant Democrat power grab to force through a very liberal agenda. People don't want to be muzzled. They don't want to have their voices silenced. They want real solutions. They don't want the Democrats' radical agenda.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Connecticut.

#### ORDER OF BUSINESS

Mr. MURPHY. Mr. President, I ask unanimous consent that the Senate vote on confirmation of the Bose nomination at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

#### FILIBUSTER

Mrs. CAPITO. Mr. President, I rise today to deliver I think one of my more important speeches that I will give as a Member of this body, and that is to defend the longstanding rules of the U.S. Senate.

We are at a critical moment, make no mistake. With the slimmest of majorities, the Democrats haven't been able to pass their wildly unpopular agenda, so they are considering using the nuclear option—just think of the term “nuclear option” to show you how draconian it is—to eliminate the Senate's 60-vote threshold for legislation. They are doing it under the guise of protecting voting rights, but make no mistake—this power grab is not about voting rights. Instead, it is about advancing one party's agenda.

So I would like to take a look back at what Democrats, including President Biden, have said on the issue and why they are changing their tune. We can also debunk the argument that, if given the chance, Republicans would change the rules and eliminate the filibuster as the Democrats wish to do now.

Finally and most important to me, I am going to talk about how this shortsighted move would impact West Virginians, those whom I represent here in the Senate. They are the ones who will ultimately be hurt by this reckless and irresponsible change, and it is my responsibility to do what I can to stop it.

So President Biden is in Atlanta today, taking the bully pulpit to protest a State's law that he does not like as a reason to end the filibuster. He even says this is one of those defining moments. It really is. People are going to be judged as to where they were before and where they are after the vote.

It is interesting that he would say that because I would like to remind President Biden where he was when he was Senator Biden and what he had to say about eliminating the filibuster on this very floor in 2005.

He said:

It is not only a bad idea; it upsets the constitutional design, and it disserves the country.

Well, Senator Biden, I couldn't agree more. But he is not the only one who has done a complete 180 when it comes to the filibuster.

Majority Leader SCHUMER once said it would be “doomsday for democracy”—that sounds pretty bad, “doomsday for democracy”—if the filibuster were to be eliminated, and he was right. More recently, he has called the filibuster the most important distinction between the House and the Senate. Again, I couldn't agree more.

Then, from my home State of West Virginia, the late Senator Robert Byrd, a longtime Democrat, was unequivocal in his defense of preserving Senate rules.

He wrote in 2010:

The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray

that Senators will pause and reflect before ignoring that history and that tradition in favor of the political priority of the moment.

What would he say today?

Again, this is not about voting rights. It is important to note that we did have a record turnout in 2020. More people voted than ever before. More than 158 million ballots were cast in 2020, which is a 7-percent increase from 2016, and we didn't have this voting rights legislation. In West Virginia, we had thousands more people vote than voted in 2016. As a matter of fact, the total number of ballots that were cast in 2020 was more than in any election in our history with one exception—the 1960 election of President John F. Kennedy.

So don't believe the hyperbole. Don't believe the rhetoric. Don't take the bait. The party-wide flip-flop we are now seeing has nothing to do with voting rights. Instead, it has everything to do with paving the way for an aggressive and progressive agenda that the Democrats wish to enact.

One of the arguments from the other side that I hear all the time is, well, the Republicans would do the same thing and change the rules if given the chance. Guess what. We could have done that. Unfortunately, that argument doesn't carry much weight. Leader MCCONNELL, while sometimes under intense pressure to do this, never wavered, and we protected this institution. We didn't change the rules on the legislative filibuster when we didn't get our way. We could have, but we didn't.

Again, he knows, just as President Biden and Leader SCHUMER know, that if you can't get what you want, changing the rules is no way to govern. I certainly wouldn't run my household like that. It is no way to govern because it ultimately hurts those who sent us here to represent them.

In my home State of West Virginia, do you know what they want? They want us to work together like they saw us do on the bipartisan infrastructure bill. I hear this all the time. Bipartisanship is critical to making good and better policy, and if the Senate rules are changed, it would be a relic of the past. We just passed and signed into law the infrastructure bill that I worked to negotiate. We also passed the CARES Act. We passed opioid. We passed the Great American Outdoors Act—bipartisan.

We can do this, but if we change the rules to where only 50 votes are needed to pass legislation, there will be zero incentive or motivation for the two sides to work together. Just as bad, legislative accomplishments could be done or undone or redone and done over and over with just one flip of a Senate seat. Policies harmful to my State could be enacted: the Green New Deal, court packing, the federalizing of our elections. By the way, 54 of my 55 county clerks oppose that legislation. There would be packing the Senate with new States, defunding the police, attacking