

is Russia; that is the Russian Army. Everybody else is a loser. So I would say to the Biden White House they have an easy gift: Reverse course.

By the way, the Biden State Department, Secretary Blinken, fought to impose these sanctions, and political operatives in the Biden White House overruled the Secretary of State.

Secretary Blinken, you have a fabulous opportunity.

The Secretary of State is unhappy that I have holds on nominees to the Department of State. The Presiding Officer is unhappy as he sends repeated tweets, expressing his dismay that I am using the leverage of a Senator to try to stop this pipeline.

Well, I have good news: The German electorate has given you an answer to this problem.

The Biden White House has an easy excuse. The German Government is changing. So their only benefit—to make the German Government happy—has disappeared. If all they care about is making the German Government happy—if they don't care about the rest of Europe; if they don't care about Ukraine; if they don't care about the European Union; if they don't care about American jobs; if they don't care about Putin getting richer and stronger—if the only criterion is to make the German Government happy, do you know what they should do today? Sanction Nord Stream 2 AG. Follow the law. If they do that, I will lift the holds, and these nominations can proceed very, very quickly.

The German voters have given Joe Biden a gift. The only question is if anyone in the White House is paying attention, if anyone wants to accept the gift, or are they too stubborn? They have picked their course, dammit, and they are going to go down with the ship even if it hurts America forever.

There is still time to stop this pipeline. The question is, Does anyone in the White House care? I hope and pray that they do because if Joe Biden and KAMALA HARRIS persist in their decision to completely and totally surrender to Vladimir Putin, that will harm the United States not for a year, not for 10 years, but for 30, 40, 50 years going forward.

Mr. President, the German voters have given you a gift. You should take it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 2850

Mr. LEE. Mr. President, I rise today to express my deep concern with President Biden's disregard for American freedom. President Biden's strong-arm

push to force Americans to choose between their health and decisions affecting their health, on the one hand, and providing for their families, on the other hand, is wrong.

I simply do not believe the Federal Government has any business mandating the COVID-19 vaccination for all Americans.

Now, let me be clear. I believe that vaccines, broadly speaking, have provided immense benefits to society, nearly eradicating measles, polio, smallpox, and more in the United States.

I have personally received the COVID-19 vaccination, as has my entire family, and I view the rapid development of effective COVID-19 vaccines as a miracle; one that safeguards the vulnerable from severe illness and from hospitalization.

I believe that the FDA's expedited approval process is effective at efficiently reviewing and producing generally safe drugs and devices for Americans' use.

Additionally, I believe the emergency use authorization can make drugs available to Americans more quickly, which, in some cases, can mean the difference between life and death.

So even with the speed by which COVID-19 vaccines were developed and made available, I very much believe that they are generally safe. However, receiving the vaccine is a decision that Americans should make with all the facts in front of them, in consultation with their doctors, and with full consideration of their own current health circumstances.

However, President Biden made his intentions clear when announcing his Federal mandate saying: "This is not about freedom or personal choice."

Look, we have got to remember that anytime someone, someone who is serving as the President of the United States, while issuing a sweeping Federal mandate, insists that this is not about freedom or personal choice, it is. It necessarily is. It unavoidably is.

The fact that he made this statement is troubling. The statement highlights the fact that the President does not understand the key relationship between citizens and government under our Constitution.

Every mandate, regulation, tax, or any other government imposition comes necessarily at the cost of freedom and personal choice of Americans. It is a tradeoff we make with government. Use of overwhelming government power, without even considering the implications on freedom, is precisely why our Founders thought the Declaration of Independence, a revolution, and our Constitution were necessary.

I have heard from many Utahans who are at risk of being unemployed if they choose not to get the vaccine. In fact, within the last week alone, my office has heard from no fewer than 144 Utahns in distress for this very reason.

Allow me to share just a few of their stories:

A young woman in Utah has two autoimmune diseases. She was told by her doctor that she should not get vaccinated because of her existing health conditions. Yet her employer has informed her that, contrary to her doctor's recommendations, she must get the vaccine or be fired. Get the vaccine or be fired, those are the only two options she is left with.

A soon-to-be-mother, who has been advised not to get the vaccine because of her pregnancy, has been told by her employer that she must choose between receiving the vaccine and receiving a paycheck. Without her job, she will not have the means to care for her child.

A disabled veteran, who now spends his time working for the VA because he loves helping his fellow veterans, has been informed that he must be fully vaccinated within the next 75 days or lose his employment. This ultimatum imposed by President Biden is making him choose between receiving an unwanted medical procedure, on the one hand, while, on the other hand, being unable to provide for his pregnant wife and their child.

After businesses have weathered the economic impacts of COVID-19 and the corresponding shutdowns that have led to so many closures and bankruptcies, President Biden now wants to force employers to act as a sort of medical police force. They must impose a vaccine mandate on their workforce or be forced to pay a heavy fine.

This mandate is constitutionally dubious—and that is putting it mildly—and it is not reasonable and it neglects the interests of business owners, families, and individuals alike.

Look, threatening the employment of millions of Americans and making employers become enforcers is not how our country will return to normal. It is not even how you will make more people decide to get the vaccine. These steps will only erode meaningful relationships that Americans have with one another.

The utility of such a sweeping mandate is also in question. In fact, a recent study from three hospitals in Israel shows that natural immunity was "27 times more effective than vaccinated immunity in preventing symptomatic infections."

This mandate completely ignores existing evidence-based data lending credibility to the reality that millions of Americans may not need to be vaccinated because they have acquired natural immunity from previous COVID-19 illness. Further, the mandate dismisses the reality that there are outstanding questions regarding the COVID-19 vaccine's safe administration to those who are immunocompromised or have certain other health-related concerns or how to accommodate any who may have objections rooted in religious or other sincerely held beliefs.

The decision to engage in a medical procedure, you see, is personal. It is

deeply personal, and even the idea that it can be forced upon citizens by the Federal Government is offensive. If particular American citizens do not feel that the receipt of the COVID-19 vaccine is the right decision for them or their children, then they are entitled to that belief.

A mandate by the Biden administration to be vaccinated against COVID-19 under threat of unemployment will not quell Americans' concerns; instead, it will likely further erode the little trust that may currently exist.

Now, I don't believe that the Federal Government has been as transparent as it must. In its effort to get as many people vaccinated as possible, it has neglected the responsibility to inform Americans of any adverse effects that some may have experienced. These unfortunate instances of harm following the administration of COVID-19 vaccines must be acknowledged even if they are rare.

The fact that instances of adverse reactions to the COVID-19 vaccines are not being shared with the public or even, in many cases, the medical community, causes me grave, grave concern. It has left those who have been adversely harmed with almost nowhere to turn. It has caused distrust in the unvaccinated that the government may have something to hide.

When openly and transparently informed, I believe that each and every American is able to handle the responsibility of weighing the risks of getting vaccinated or not getting vaccinated. I honestly believe that most Americans, after speaking to their doctors, will make the decision that is best for themselves, for their families, and for our country.

Finally, while I have not seen the final regulation for President Biden's COVID-19 vaccine mandate, nor do I know definitively even what statute he is claiming provides him with this sweeping authority, I highly doubt that this unilateral action is constitutional. But, frankly, I don't think the President cares. President Biden knows the effects his announcement and even a temporary regulation will have, even if it is later ruled unconstitutional. Even if the mandate is never fully or ever implemented, it still could get him what he wants.

Businesses across the Nation are yielding before the awesome might of the Federal Government in complying with this Executive mandate before it has even legally been drafted, let alone enforced.

According to the vague outline that President Biden's speech provided, a business would risk going under if even a small percentage of its workforce were unvaccinated at the time enforcement begins. This is a scare tactic—a scare tactic of the absolute worst sort—and it is working. People are scared, and I am here to defend them.

Today, in this bill, the Senate has the opportunity to protect those in the minority, those Americans who sin-

cerely believe, due to religious conviction or otherwise, that they should not receive the COVID-19 vaccine.

This bill would not prevent businesses from imposing their own mandates or establishing rules for their own workplaces. All this bill would do is to ensure that the Federal vaccine mandate provides an exemption for Americans whose sincere beliefs prevent them from receiving the vaccine.

Furthermore, nothing in Federal law provides President Biden the authority to institute the vaccine mandate on private-sector employers or on the public at large, and today Congress has the opportunity to rectify this situation for the American people.

Now, I want to be clear. This is not the end of my discussion here. I have 12 of these bills. I will be back tomorrow and the next day, for as long as it takes to win the fight against this sweeping mandate.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2850 and the Senate proceed to its immediate consideration; I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. MARKEY). Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, this unnecessary bill will undermine our efforts to end a pandemic that has killed over 685,000 people and counting.

We are fighting a highly contagious virus. If people don't get vaccinated, variants like Delta will continue to spread, undermine our economy, and take lives. Getting people vaccinated is one of the most important things we can do to stop COVID-19.

And let's be clear. Immunization requirements are nothing new in this country. State and local governments and school districts have required vaccination against diseases like polio and measles for over a century. Taking similar steps against COVID is just commonsense.

Tailored exemptions for legitimate religious and medical considerations already exist in current law and are included in President Biden's policy.

This bill could undermine existing protections and create a massive loophole that would lead to more unnecessary and preventable deaths.

It is so frustrating to know how scared people are of this virus, to know how many people it has killed, to know how hard people are trying to do the right thing and how eager they are for this to end, only to have Republicans offer ideas that would create political division, prolong this crisis, and cost more lives, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I want to be very clear about something. There are no exemptions built into the mandate because the mandate doesn't yet exist.

As far as I can tell, this may be a feature and not a bug, you see, because he gave a speech—he gave a speech—talking about the fact that he was going to issue the mandate. He didn't release any legally operative documents, didn't even disclose his precise source of authority to do this—authority which I highly doubt even exists. So there is no document to challenge. No one can sue to challenge the document because the document doesn't exist.

But businesses everywhere fear and, indeed, know that it is coming, and so their general counsel's offices, their human resources departments for employers with more than 99 employees in this country are scrambling to get ahead of it. Many are even adopting and some, I am told, are moving forward with enforcing or preparing to enforce those same policies. So what will happen is that those employees who have these sincerely held objections will be without recourse.

Now, my friend and colleague from Washington makes the point that these exemptions are already there. That is a legal and factual impossibility because the mandate does not yet exist. The document isn't in there, which begs the question: If it already exists, then what would be her objection or anyone's objection to merely adopting a measure that says any such mandate, if and when it is issued, must contain such an exemption—an objection that my friend and colleague from Washington assures us already exists. It is difficult for me to understand how this would be objectionable.

Without these protections, you see, President Biden is telling many religious minorities in the country that they need not apply for a job, and if they have got a job already, that that job is in jeopardy.

Freedom to make one's own medical decisions is fundamental to our system of liberty. The economic impact of the mandate is going to hamper our economic recovery as workers are forced to make hard decisions.

Here we are talking specifically about objections rooted in religious or other sincerely held personal beliefs. If, in fact, that exemption already exists, that protection is already there, which it isn't because it can't be because the document itself doesn't exist, then why not embrace it? Why not accept it? Why not acknowledge it in law?

I struggle to imagine what harm could come from protecting religious minorities in this country, and I find it very discouraging and very distressing that this body, the U.S. Senate, wouldn't want to do everything we possibly could to make that happen.

Another word about the fact that it doesn't yet exist; the mandate isn't there. Because it is not there, employers with more than 99 employees around the country are being forced to

guess as to what it might mean, and a whole lot of them are already preparing their own policies—in some cases, already adopting them and enforcing them based on their own anticipation of what the mandate may be. What it means as a practical matter is, you can't sue anyone. You can't sue any administrator in the Biden administration or elsewhere in the Federal Government who is going to be enforcing this because you don't know what they are going to be enforcing. There isn't a dispute ripe for adjudication in any court anywhere because we don't know what that is.

For many people, this entire exercise could be rendered moot in the meantime, not just moot in the sense that the court would lack article III jurisdiction to entertain the dispute in question, but moot in the sense that they might lose their job, moot in the sense that they are going to have to face this awful Hobson's choice between maintaining their ability to provide for their family, on the one hand, and, on the other hand, receiving a medical procedure that they would deem harmful and objectionable based on their religious or other sincerely held beliefs. This is not America; this is not acceptable; and this is not and cannot possibly be constitutional.

We should be able to do this.

I am going to be back tomorrow, the next day, and as long as it takes to keep addressing this issue. Freedom matters, and the Constitution matters. President Biden has ignored them both. Thank you.

VOTE ON PHEE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Phee nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—67

Baldwin	Duckworth	Markey
Bennet	Durbin	McConnell
Blumenthal	Gillibrand	Menendez
Blunt	Graham	Merkley
Booker	Grassley	Murkowski
Brown	Hassan	Murphy
Burr	Heinrich	Murray
Cantwell	Hickenlooper	Ossoff
Capito	Hirono	Padilla
Cardin	Inhofe	Peters
Carper	Kaine	Portman
Casey	Kelly	Reed
Collins	King	Risch
Coons	Klobuchar	Romney
Cornyn	Leahy	Rosen
Cortez Masto	Lujan	Rounds
Crapo	Manchin	Sanders

Schatz	Sullivan	Warren
Schumer	Tester	Whitehouse
Shaheen	Tillis	Wyden
Sinema	Van Hollen	Young
Smith	Warner	
Stabenow	Warnock	

NAYS—31

Barrasso	Hagerty	Rubio
Blackburn	Hawley	Sasse
Boozman	Hoeven	Scott (FL)
Braun	Hyde-Smith	Scott (SC)
Cassidy	Johnson	Shelby
Cotton	Kennedy	Thune
Cramer	Lankford	Toomey
Cruz	Lee	Tuberville
Daines	Lummis	Wicker
Ernst	Marshall	
Fischer	Paul	

NOT VOTING—2

Feinstein	Moran
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Todd D. Robinson, of New Jersey, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, we heard over the course of many hours last week and, indeed, over the many months that Foreign Affairs nominees have been languishing on the Senate floor, the concerns of the junior Senator from Texas related to the Nord Stream 2 pipeline. We also have heard at length from Members of this body about the humanitarian situation in Afghanistan—from the junior Senator from Missouri.

As I have said publicly and repeatedly, I share my colleague's concerns about the Nord Stream 2 pipeline. He put up a series of my quotes. They are all true. I am still of that view, but I am not of the view that you stop the national security apparatus in order to pursue a policy difference and create a whole host of other serious risks for the United States.

I believe and have said that the evacuation from Afghanistan was fatally flawed. In fact, the Foreign Relations Committee held a hearing and heard from Secretary Blinken about the situation in Afghanistan. The Foreign Relations Committee is holding a briefing tomorrow about the administration's efforts to bolster European energy security to counter Russia's efforts in this area. And I intend to continue oversight of the situation in Afghanistan and why, over the course of 20 years, we have failed.

What I fail to understand is the relationship between the foreign affairs

nominees pending before this body and those topics. These individuals are critical to confronting numerous other global challenges, promoting American values, and advancing the safety, health, and economic well-being of America. We need them confirmed today—today.

I therefore will rise to seek unanimous consent for the confirmation of 10 nominees, including seven career diplomats. Each of them moved through the Foreign Relations Committee with bipartisan support. There is no reason for Republicans to block their confirmation.

Let me speak to them for a minute or two.

This is especially the case at the U.S. Agency for International Development. The Administrator of USAID, Samantha Power, is the only member of that Agency's senior leadership that has been confirmed by this body. Ambassador Power needs her senior leadership team in place. Yet her two deputies are languishing on the floor because of Republican holds.

This Agency is grappling with the impact of the COVID-19 pandemic and other humanitarian emergencies that are ravaging the globe. It simply cannot function at its best without senior leadership. So why is it that Republicans insist on blocking Paloma Adams-Allen and Isobel Coleman, two highly qualified nominees to serve as USAID Deputy Administrators?

Let me take a moment to once again raise Haiti. We hear a lot about Haiti here on the floor, particularly from our Republican colleagues, and the challenge at the border.

Well, in August, a massive earthquake in Haiti killed more than 2,200 people, injured 12,000 more, and destroyed tens of thousands of buildings. This comes after the assassination of Haiti's President. But here, again, Republicans are holding a senior member of Ambassador Powers' team, Marcela Escobari, the nominee to be the Assistant Administrator for Latin America and the Caribbean at USAID. Escobari, who will manage our response to the Haiti earthquake, once confirmed, already held this very job in the Obama administration. Guess what. She was confirmed by voice vote then.

Now we want to deal with the challenge of Haitian refugees coming to the border and other refugees of the hemisphere coming to the border. Let's confirm the USAID Deputy Administrator who will deal with that issue so we can deal with the root causes. How do we create stability in Haiti? How do we provide relief for the Haitian people? How do we create feeding for the Haitian people so they are not fleeing their country? But, no, we are going to stop this nominee who is going to be at the very heart of that. So when you see a new group of Haitian refugees, blame yourself.

We spent many months in this body talking about the challenges posed by the Government of the People's Republic of China. The U.S. Innovation and