

supportive and committed to seeing the memorial built today as I was then.

It is important that we commemorate and honor the members of the Armed Forces who served on Active Duty and supported the Global War on Terrorism. The original legislation authorizing construction of the Global War on Terrorism Memorial required that the memorial be located and designed in accordance with the Commemorative Works Act.

The Senator's bill is now proposing to waive a key provision in that law. I am concerned that trying to legislatively force a memorial into the Reserve area of the National Mall will result in a more contentious approval process that will take longer to get the memorial built than staying with the process that applies to all of our memorials.

I restate my commitment to keep working with Senator ERNST and to schedule a vote on this bill at the Energy and Natural Resources Committee's next legislative business meeting so that committee members can weigh in, which is the process, on with what the appropriate policy should be.

Again, I remain a very strong supporter of the Global War on Terrorism Memorial, and I believe that all of our colleagues on the Republican and Democratic side feel the same. The National Park Service should give it the highest priority, and they will, in finding an appropriate site.

But the memorial should be built following the same process—the same process—that applies to all of our memorials and commemorative works. I will continue to work with my friend and colleague from Iowa, but I must respectfully object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Ms. ERNST. Madam President, I just want to come forward and thank the Senator for the progress that is being made on the location for the Global War on Terrorism Memorial, and I will continue to pursue this. I think it is important to do that. I remain committed to the families of those who have fallen, as well as the many servicemembers who have served across the spectrum in the Global War on Terror.

I understand that many decades ago an act was put in place by Congress which limited activity on the National Mall, but understanding, since that time, we have seen many memorials and many monuments that have been placed on the Reserve on the National Mall.

And so I am asking that, as Congress, we move forward quickly on this act. We have been working on this for a number of years. We need to move quickly and provide a time of healing for our Nation after we are closing the Global War on Terror.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. First of all, I want to thank the total commitment and dedication that my friend from my Iowa has; the same as, I think, all of us have. But on that, since 2003, when Congress acted about basically putting a moratorium on the Mall so the Mall would be preserved for all of us to enjoy, there were some that were still pending but were allowed to complete. There has not been any new approved since 2003.

But we have a process, and I respect that, and I am going to work as hard as I can to make sure that that process is going to be honored and we go through it in our markup and everyone have input on it. And I think that is the proper way for us to proceed.

And I appreciate the Senator working and understanding and working with us. Right now, we just have to continue to do what we are doing and let this process basically go forth as quickly as possible. That is my commitment, and I will honor that.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 2843

Mr. LEE. Madam President, as if in legislative session, I ask unanimous consent that the Committee on HELP be discharged from further consideration of S. 2843 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. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, this is outrageous. On September 27, there were over 80,000 new COVID-19 cases and over 1,000 COVID-19 deaths in our country; and yet, the next day, I had to come to the Senate floor to explain why undermining our efforts to end this pandemic would be reckless. And now, 2 days, with thousands more cases and deaths later, I have to do it again. And this is the second time today Republicans have tried to do something like this.

This virus has killed over 685,000 people in our country. And if people do not get vaccinated, variants like Delta will continue to spread, undermine our economy, and take lives.

So why in the world, for the second time in a week, do I have to come down here and explain to some of my Republican colleagues that weakening one of our strongest tools to fight this virus is a dangerous and deadly idea?

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. So I hope we can stop with this political theater and focus on ending this pandemic, rebuilding our economy, and keeping people alive.

I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Utah.

Mr. LEE. Madam President, immunizations are nothing new. To a degree, immunization requirements might not be new, but sweeping immunization mandates issued by a single individual within the Federal Government—that is, the President of the United States—are entirely new, entirely unprecedented, entirely unfounded, and dangerous to our constitutional order, to say nothing of its tendency to discourage those who have been reluctant to get the vaccine from getting one.

So I have returned to the Senate floor today, for the third time this week, to express my profound objections to that sweeping mandate—to President Biden's sweeping, promised, and still inchoate vaccine mandate—and to offer legislation that this body could have passed right now; that it could have passed in order to protect countless Americans from this Federal intrusion.

Now, look, the Federal Government has no legitimate role mandating COVID-19 vaccination for all Americans. In fact, the President of the United States has acknowledged that. It doesn't have that role. It doesn't belong to this government. Yes, there have been vaccine mandates in the past. They have never been from the Federal Government, directed at the entire country.

During a really difficult time, economically and otherwise, in which inflation and the jobs market are causing a whole lot of businesses around the country to have to close their doors, President Biden has announced that he is going to enforce this mandate with a really hefty fine. Each incidence of a business not fulfilling the mandate could cost a business \$14,000. President Biden, under the threat of massive punishment, is co-opting businesses to enforce his mandate. They will have to police their workforce's personal medical decisions and order the receipt of a vaccination or, alternatively, be forced into bankruptcy.

Now, some on the other side of the aisle think that the President's punishment doesn't go far enough. In fact, in the reconciliation bill draft currently being circulated on the other end of the Capitol in the House of Representatives, Democrats are pushing to increase the fine to \$70,000 per violation.

Look, unvaccinated Americans are not the enemy; they are not the virus; and they are certainly not the enemy. Some are frontline doctors and nurses and other healthcare professionals who worked overtime throughout the pandemic, throughout the darkest of the dark hours of the pandemic, treating patients and saving lives.

Others are workers whose industries were deemed essential and who showed up to work to ensure Americans kept having access to food and electricity and other essential items and services. Others still are simply neighbors, family members, and other loved ones who

have supported friends, families, and entire communities as Americans as a whole struggled through quarantines, shutdowns, financial difficulties, and social isolation.

Let me reiterate, as I have said many times before and I will continue to repeat: I believe the vaccine's development is nothing short of a miracle. It is an answered prayer. I have been fully vaccinated, as has every member of my family, with my encouragement. But we certainly should not be forcing employers, through the Federal Government, without congressional authorization or constitutional authority, putting employers in a position where they have to fire some of their most valuable and now increasingly hard-to-find workers.

We shouldn't be threatening business owners with closure simply because they don't have any desire to police their workforce's personal medical decisions. That is not who we are as a country. I don't care whether you are a Democrat or a Republican or an Independent or a Libertarian; Americans, as a whole, don't believe that that is who we are. We are not into that kind of draconian micromanagement associated with a nanny state, nor are we into the excessive accumulation of power in the hands of a few or, even worse, in the hands of one person. Many simply cannot incur the cost of this enforcement—certainly not in this economy.

Additionally, this fine really amounts to a tax. It is government revenue collected from the American people, and the Constitution has a thing or two to say about how revenue bills must be enacted. The Constitution does not vest any taxing or, for that matter, any other revenue raising or fining authorities in the President alone—no. This is a power that is reserved to the people's representatives in Congress who are charged with precisely that responsibility. We have exclusively that authority, and that authority is not to be exercised by the President of the United States.

It is no accident that the Founding Fathers, through the Constitution, put this power in the hands of those people occupying positions in the branch of government most accountable to the people at the most regular intervals and in no one else within our government.

President Biden's mandate would impose really significant costs on Americans and on American businesses and on our Nation's economy that is already in some really rough times.

Look, it is unconstitutional. It hasn't been passed by Congress. It is wrong for America. And that is why, today, as I did yesterday and the day before, I came here to offer a proposal that, if enacted, as we could have enacted it today, it would protect Americans from some of the most disastrous effects of the mandate.

While I believe the mandate will, I am quite certain, eventually be invali-

dated in court, it is going to take some time for us to get there because right now we don't even have the mandate itself; we just have the threat of the mandate. And it is the imminent apprehension of the mandate's eventual issuance that is causing HR departments and general counsel's offices in corporate America throughout this country today to scurry to try to get ahead of the curve, develop their own policy, so that they are in compliance as of day one when the mandate hits.

But, in the meantime, there is nothing to sue. There is no one to sue because there is no final Agency action. There is no order in place. There is just the threat of it.

This, I fear, is a feature, not a bug, because by the time we actually have something on which to sue and by the time lawsuits are brought, by the time that litigation works its way to its natural conclusion—which, I believe, inevitably, culminates in a finding that it is invalid; it is unconstitutional; it is not warranted by law—months, if not years, will have elapsed, and a lot of the damage will be done.

So, until that day—until that day I consider inevitable when a court rules that this is unlawful—these bills like the one that I have offered today can provide businesses and the American people with the certainty that they need to make their own decisions.

My bill that I have offered up today, the No Taxation Without Congressional Consent Act, would prohibit OSHA and other executive branch Agencies in the Federal Government from imposing fines, fees, or taxes with respect to these mandates. It would protect our constitutional order by requiring that revenue measures be voted on by Congress, the branch of government most accountable to the people and the only branch of government empowered to enact such policies. The other two branches cannot.

As I mentioned yesterday, the people concerned about this mandate are everyday Americans. I have now heard from 158 Utahns who are at risk of losing their jobs due to the mandate, and that number continues to grow every day. They are not our enemies; they are our neighbors. Many of them have been advised by board-certified doctors that they ought to not receive the vaccine. We shouldn't be punishing them or forcing them into second-class status.

So today we have a choice. I hope that, at some point, my colleagues on the other side of the aisle will allow us to provide this certainty and peace of mind to those individuals and businesses at risk of suffering under the mandate.

We can defend Congress's role as the branch of government that determines how and from whom revenue is to be raised. Not only can we do that, but we have an obligation to do that. We have all sworn an oath to uphold and protect and defend the Constitution of the United States, and that document

doesn't give the President this power. In fact, that document precludes, it prohibits the President from exercising this power in the absence of congressional authorization, which we have not provided.

So this bill, one of a dozen that I have submitted, could have passed this body today. I wish, for the sake of millions of concerned Americans, that it had, but regardless of this result today and of the objection that precluded it from passing the Senate today, I am going to continue to fight. I will keep coming back for as long as it takes in order to end this egregious and legally baseless and unconstitutional mandate.

I find it interesting that my friend and colleague, the distinguished Senator from the State of Washington, referred to this as "outrageous," as outrageous that we would be attempting to put in place protections for those Americans who are going to be victimized by the vaccine, who are going to have to choose between, on the one hand, receiving a medical procedure that they don't want and, on the other hand, being fired. Nobody should have to choose between submission and financial ruin. They especially shouldn't have to do that under the direction of an invalid, unconstitutional directive by the Federal Government.

She also referred to what she described as "our efforts," "our efforts to end this pandemic." This isn't about whether we want to end the pandemic. There is not a single person—Democrat, Republican, Independent—in this Chamber or in the other Chamber—I am not sure I know a single American anywhere who wouldn't want to end this pandemic. This is not the pandemic. This is not going to end the pandemic. If anything, this will cause more people to be more reluctant to get the very vaccine that they are wanting to encourage others to provide.

This is not about that. The minute we lose control of the government that is supposed to work for us, the minute we start to erode, willfully, even for those who might be convinced that it is good policy—and I would disagree with them on that. The minute we decide to give this power to the President of the United States and stand silently as he usurps authority that under article I, section 7, and article I, section 8, plainly belongs only to Congress, to the extent we have any business operating in this area to begin with as a Federal Government, which we do not—then we have simultaneously undermined both the vertical protection that we call federalism and the horizontal protection we call separation of powers.

Now, lest anyone might be left with the impression that this would be an esoteric or academic exercise or that that is not something that affects their freedom—there are those who would make that suggestion—they are sorely mistaken. You see, because anyone, anywhere can have a Bill of Rights.

In fact, as the late Justice Antonin Scalia used to point out, any "tin horn

dictator” around the world can have a Bill of Rights. And most of them do. Many of those Bills of Rights are scintillating documents; they are glowing in terms of their expression of individuality and the right of each human to exist and flourish. They will articulate a list of rights that is, in some cases, comparable to, if not even more protective of, individual liberty than our own Bill of Rights.

Yet, as Justice Scalia continued, whether or not that Bill of Rights or any Bill of Rights is worth more than the paper that it is printed on ultimately rests on whether there are protections in place that guard against the dangerous accumulation of power in the hands of the few. That is what makes that difference.

So if we allow a President today to adopt whether you want to call it a tax or a fine or whatever revenue-raising tool that you choose to identify this as being, the President doesn't have the power to impose that. That is a legislative function.

Article 1, section 7 is very clear: You cannot enact legislation, including any legislation collecting revenue from the citizenry without passage in the House, passage in the Senate, and presentment to the President of the United States. He can't do it alone.

That is what this is about. This is about so much more than just this vaccine mandate. But this vaccine mandate in and of itself is wrong. It is unconstitutional. It is harmful, and it has a tendency to undermine the very interest the President purports to be advancing.

THE PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF TRACY STONE-MANNING

Mr. BARRASSO. Madam President, I come to the floor today in having heard the Senator from Washington—the senior Senator from Washington, a Democrat leader—talk about something in this Senate Chamber, and she called it outrageous.

Let me tell you what I find outrageous. Outrageous is the fact that people all across this country are facing crisis after crisis, all caused by the Democrats who are in charge of the House, the Senate, and the White House. And on this day, the final day of the fiscal year, we are spending time on a nominee who is completely unfit for the job for which she has been nominated. That is outrageous.

But it has been one outrageous thing after another that I hear about in Wyoming each weekend. In August, it was the chaotic abandoning of Afghanistan, resulting in the deaths of 13 American heroes; hundreds more individuals who lost their lives, or Afghani citizens—one of those brave soldiers, Rylee McCollum, a marine, age just 20, was from Wyoming.

President Biden's activities in Afghanistan, they were outrageous. Because of his hasty retreat, the administration has enraged—enraged—our allies around the world and has

emboldened our enemies at the same time. That is outrageous.

You know what is happening at the southern border?

And I would tell you, our weak immigration policies that resulted in millions of illegal immigrants flooding into our country, that is outrageous.

Across the West, a lack of fire mitigation and tree-thinning lacking has contributed to raging forest fires. These fires threaten lives, communities, and economies.

And here in Congress, Democrats continue to create chaos. Runaway partisan spending has resulted in the biting pain of inflation and spiking costs for families all across the country when they go to the grocery store to buy food or go to the gas station and fill up. That is outrageous.

So with all of these crises occurring across the Nation and the world, what is Leader SCHUMER and the Senate Democrats choosing today as one of their top priority for the Nation?

Well, it is confirming a nominee who has a history of having collaborated with ecoterrorists.

We talk about the threat of terrorism around the world and the threat of terrorism at home, and yet the Democratic leader is bringing to the floor today a nominee of the President of the United States and, apparently, endorsed and agreed to by all of the Democrats, who has a history of ecoterrorism and has been involved in such. It is confirming a nominee who collaborated with ecoterrorists, lied to the U.S. Senate, wrote in favor of population control as a problem related to the climate, and promoted the idea that homes built in the forest should be left to burn. This is outrageous.

President Biden has nominated someone named Tracy Manning to serve as the Director of the Bureau of Land Management. Across the West, it is known as the BLM.

Ms. Stone-Manning lied to the Senate—lied to this very Senate this year about her past association with an ecoterrorist cell that hammered hundreds and hundreds of metal spikes—about 500 pounds of metal spikes—into trees in Idaho's Clearwater National Forest.

If these metal spikes are struck by a logger's saw, the injuries to the logger can be fatal. And it is not just loggers who use saws; it is firefighters as well, going in to help fight fires. The same impact would occur to them.

Ms. Stone-Manning anonymously sent a threatening letter to the U.S. Forest Service on behalf of the ecoterrorists, of which she was one of the ring leaders, and then spent years covering up their crimes, as well as her own.

The lead investigator on the case sent a letter to our committee, the Energy and Natural Resources Committee. The lead investigator sent that letter to the committee to say that Ms. Stone-Manning was investigated and she refused to cooperate as a result of the crime.

She had years to come forward, years to reveal the crimes, and she never did. It wasn't until after she was caught and she was promised immunity and she received that immunity—it was only then that she agreed to testify.

Earlier this year, Ms. Stone-Manning lied to the Senate Energy and Natural Resources Committee about her involvement as an ecoterrorist and in ecoterrorism. When asked if she had ever done anything to support tree spiking in any forest, she replied “No.”

This is blatantly false. Ms. Stone-Manning's troubling record goes beyond lying and collaborating with ecoterrorists. She has written articles and a graduate thesis supporting the idea of human population control.

And 1 year ago—not when she was a graduate student a number of decades ago, but 1 year ago—she tweeted an article that her husband had written, calling for homes built in the forest, allowing them to burn during fires. She called the article a “clarion call.”

Now, this is for the person nominated to be the head of the Bureau of Land Management—a clarion call. That is not part of the responsibilities and is the exact opposite of what we should expect from the head of the Bureau of Land Management.

Tracy Stone-Manning is a dangerous choice to be put in charge of America's public lands. And each and every Senator who votes to confirm her will be held personally responsible for that vote. Her nomination has been publicly opposed by the last two—the last two—BLM Directors, by outdoor organizations, by sportsman's groups, pro-life organizations, by loggers, by the Western States Sheriffs' Association. The list goes on and on.

And might I mention that one of those past two BLM Directors was President Obama's BLM Director, who said she was unfit for the position to which President Biden had nominated her.

She is the wrong choice for this job. She should never be confirmed, but that is exactly what Senate Democrats want to do today; and that is outrageous.

At a time when America is facing mounting crises, Senate Democrats, each and every one, is determined to confirm a nominee who collaborated with ecoterrorists, lied to the U.S. Senate, and continues to hold very dangerous views.

I emphatically oppose her nomination. Every single Republican in the Senate opposes her nomination, and I urge courageous Democrats to stand up and do the same.

I yield the floor.

THE PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from West Virginia is recognized.

Mr. MANCHIN. Madam President, my dear friend from Wyoming, we agree on a lot of things; we just happen to see this one different. We disagree.

I rise in support of the motion to invoke cloture on a nomination of Tracy