

hopes of getting people to be vaccinated—trying everything to get people to try the vaccine.

We have tried every approach to incentivize them, but the vaccine numbers are not where they need to be. So, facing this reality, the President accepted responsibility to try harder. He has directed Federal Agencies and OSHA to mandate vaccination for Federal employees and certain private workers. These directives were issued under the OSHA Act and other established legal authorities; and, listen, they have been welcomed by the Business Roundtable and other employers who were waiting for a signal from the White House that we were serious, and they are supported by a majority of the American people.

I recognize that some of my colleagues disagree with that action, and that has prompted this bill from my friend and fellow Senator from Utah. His bill, the Don't Jab Me Act, would create a private right of action for any "aggrieved individual" to sue the Federal Government "for injuries sustained as a result of a COVID-19 vaccination mandate."

I know that the Senator is careful in his words. I would ask him to look carefully at that word "injuries." It is misleading.

COVID-19 vaccines are safe and effective. They were evaluated in tens of thousands of clinical trials. They meet the FDA's rigorous scientific standards for safety, effectiveness, and quality. They have undergone and will continue to undergo the most extensive, intensive safety monitoring in history.

In an extremely rare case that an individual suffers an injury, a harm, from a COVID-19 vaccine, there is a system in place to provide compensation. Under the Countermeasures Injury Compensation Program, a person can already seek to recover damages for physical injuries suffered because of COVID-19 vaccines.

The Senator from Utah's bill appears to go beyond compensating individuals for physical injuries caused by the vaccine. It lets people sue the government for "injuries sustained as the result of a COVID-19 vaccine mandate."

Now, what kind of injuries might there be?

Well, we surely don't know. The bill does not define the type of injuries that a person could sue for. The entire bill is two and a half pages of very vague language.

What we do know is that the bill, if enacted, would authorize a flood of lawsuits by individuals claiming that a vaccine mandate injured them in some physical, maybe nonphysical way. We don't know.

It is ironic. For more than a year, my Republican colleagues claimed the pandemic would create a tsunami of COVID lawsuits. Remember all of the times Senator MCCONNELL went to the floor and said: Hang on tight. The trial lawyers are just going to be hell-bent now, filing lawsuits all across America. There will be a tsunami of lawsuits.

Well, it never happened. Despite that fact, the Senator from Utah is apparently urging a new set of lawsuits to be filed.

I am a former trial lawyer. I made a living at it. When people have been harmed, I support their day in court, but liabilities laws need to be carefully calibrated to promote the right behavior and incentives. This short, vague bill does not even try to strike a balance between health and safety. It is a shot across the bow to entities that are using vaccine mandates.

Remember, courts have long rejected challenges to vaccine requirements imposed by public entities. And the Senator might take a look at his home State. In Senator LEE's home State of Utah, there are public actors, like Salt Lake Community College, the University of Utah, and Utah State University, that are using COVID vaccine mandates to promote health and safety.

And I want to show the Senate this chart because it tells an amazing story.

Remember the report about all the attorneys general who were going to file lawsuits, in keeping with the Senator's message, against Joe Biden for these mandates for these employees?

Well, we took a look at their State.

Twenty-four States threatened lawsuits against Joe Biden for the very reason stated by the Senator from Utah.

How are they doing compared to all the other States, the 26 States that didn't file a lawsuit?

Well, it turns out the infection rate for COVID-19 over the past 3 months is more than twice in those States as it is in the States not filing these lawsuits. Since mid-June, the death rate is almost three times the rate of those States that didn't file the lawsuit, and the vaccination rates are significantly lower.

So for those who have an idea about guiding the State to the right outcome, shouldn't public health and safety be important?

I am sure we all understand the issue of liberty and how important it is to America, but there was a word before liberty that the Founding Fathers used: life. Life.

These vaccine mandates are about saving lives in America, and it is for that reason that I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. Madam President, I appreciate the insight provided by my friend and distinguished colleague, the senior Senator from Illinois and the assistant majority leader.

I respectfully submit that this is about allowing people to obtain redress for, among other things, the awful Hobson's choice people are facing and are increasingly going to be facing as this mandate kicks in. It hasn't been issued yet. We still don't know what is in it. We still don't know his precise basis for the authority. We assume that he would have told us his precise basis for the authority if, in fact, it existed.

I have scoured the U.S. Code looking for authority for the President of the United States to implement this unilaterally, and I have found none. So it is very significant, therefore, that when you are going to put this kind of a Hobson's choice in front of the people, you ought to be able to at least have the decency to tell them what your source of authority is. He still hasn't done it.

If we assume that he is going to come up with one and that he is going to issue a mandate, that mandate is going to put a whole lot of people in a terrible position, forcing them to choose between getting a vaccine that, for whatever reason, they don't want and termination—between submission and poverty. That is unfair.

Now, look, I get the fact that a lot of us were and are enthusiastic and grateful for the vaccine. I have received the vaccine, as has every member of my family. I think the vaccine is a good thing. I also understand that there are people who feel differently. In some cases, there are people who have been advised by board-certified medical doctors not to get the vaccine based on the existence of one or more autoimmune diseases, past personal or family history, and their idiosyncratic reactions to other vaccines or to this vaccine. There are other people who might have religious or other sincerely held personal beliefs that might make this choice a really unfair one for the Federal Government to force upon them.

So, yeah, I am glad we have got the vaccine. I think the vaccine is good. I think the vaccine is helping a lot of people. But to tell every American that he or she must get this under penalty of losing a job, and then for the President, after acknowledging that he doesn't have authority, to mandate this for every American turns America's employers—all those with more than 99 employees—into the COVID-19 vaccine police for the entire country.

It is unjustifiable, even at a policy level, before we get to the obvious constitutional defects and the lack of any semblance of any statutory authority. So I am disappointed that we can't pass this one today. I will be back again tomorrow. I will continue to come back for weeks to come because the American people deserve better than this. They deserve not to have people in Washington, DC, purporting to make very personal healthcare decisions for them and conditioning their own private-sector employment on compliance with the dictate of one man in Washington, DC.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that Senator PETERS and I be allowed to continue to complete our remarks before the roll-call vote.

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

NOMINATION OF ROBERT T. ANDERSON

Mr. BARRASSO. Madam President, the Senate is about to vote on the

nomination of Robert Anderson to serve as Solicitor of the Department of the Interior, and I am here to tell you, Madam President, that I oppose this nomination.

Now, if confirmed, Mr. Anderson will serve as the Department's chief attorney and also as the principal legal adviser to the Secretary of the Interior, Secretary Haaland. He would oversee more than 430 attorneys and a staff within 6 legal divisions. He would be responsible for ensuring that business conducted in the Interior Department follows the law and is done transparently. He would be granted tremendous powers to shape how the Department fulfills its mission by issuing final legal interpretations on all matters within the jurisdiction of the Department.

These decisions directly impact homes and businesses in Wyoming and throughout the Nation. These decisions can make or break our Nation's ability to protect our environment, to use and enjoy our natural resources, to create good-paying jobs, and to pay for services such as public education.

Over the course of his career, Mr. Anderson has both taught and practiced law, primarily focused on Tribal issues. Now, I am concerned that Mr. Anderson lacks sufficient legal experience beyond the Tribal law to effectively navigate the complex web of issues governing the multiple use of public lands and Federal lands.

I am very concerned about Mr. Anderson's actions, specifically actions he has taken as the Principal Deputy Solicitor since January 20 of this year. He has revoked many solicitors' opinions issued under the Trump administration. His work has paved the way for the Biden administration's punishing policies that are in direct conflict with the Department of the Interior's multiple-use mandate.

Mr. Anderson's responses to questioning by Senator CASSIDY during his nomination hearing were particularly concerning to me. Senator CASSIDY asked whether the nominee agreed that the requirement to "maintain"—maintain—oil and gas leasing programs meant to lease some more—not just maintain the leases that were already leased, but continue leasing. Mr. Anderson responded that he thought it was an open question.

Madam President, to suggest that the Secretary is no longer required to plan for and hold new offshore oil and gas leases simply and unfortunately but truly ignores the law of the land. Let me be clear. The Secretary of the Interior is required to comply with the law like everyone else. Mr. Anderson's willingness to put the Biden administration's war on American energy ahead of following established law, in my opinion, disqualifies him from serving as Solicitor.

I will vote against Mr. Anderson's nomination, and I will urge other Senators to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF JONATHAN EUGENE MEYER

Mr. PETERS. Madam President, I rise in support of Jonathan Meyer's nomination to be general counsel of the Department of Homeland Security, or DHS.

Mr. Meyer is an accomplished lawyer and dedicated public servant who is well qualified to serve as the Department's chief legal officer. His nomination maintains bipartisan support, including from former DHS general counsels who served under both Democratic and Republican administrations.

Mr. Meyer's previous government service spans 17 years and includes senior roles in the Department of Justice, the U.S. Senate, and as the deputy general counsel for DHS during the Obama administration.

Since returning to private practice in 2016, Mr. Meyer's legal work has continued to focus on cyber security, technology, and homeland security. Throughout the confirmation process, Mr. Meyer has demonstrated that he understands the complex legal issues facing DHS and the importance of ensuring that the Department cooperates with Congressional oversight.

DHS has not had a Senate-confirmed general counsel for over 2 years. DHS needs qualified, Senate-confirmed leaders in place to effectively carry out its critical mission of safeguarding our Nation.

I urge my colleagues to confirm Mr. Meyer today.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 264, Robert T. Anderson, of Washington, to be Solicitor of the Department of the Interior.

Charles E. Schumer, Tammy Duckworth, Brian Schatz, Alex Padilla, Sheldon Whitehouse, Richard J. Durbin, Elizabeth Warren, Amy Klobuchar, Gary C. Peters, Mark R. Warner, Tammy Baldwin, Martin Heinrich, Mazie K. Hirono, Debbie Stabenow, Patrick J. Leahy, Robert P. Casey, Jr., Thomas R. Carper, Tina Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert T. Anderson, of Washington, to be Solicitor of the Department of the Interior, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 391 Ex.]

YEAS—52

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

NAYS—46

Barrasso	Grassley	Romney
Blackburn	Hagerty	Rounds
Blunt	Hawley	Rubio
Boozman	Hoehn	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Scott (SC)
Capito	Johnson	Shelby
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Paul	Young
Fischer	Portman	
Graham	Risch	

NOT VOTING—2

Crapo  
Moran

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 159, Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security.

Charles E. Schumer, Tammy Duckworth, Brian Schatz, Alex Padilla, Sheldon Whitehouse, Richard J. Durbin, Elizabeth Warren, Amy Klobuchar, Gary C. Peters, Mark R. Warner, Tammy Baldwin, Martin Heinrich, Mazie K. Hirono, Debbie Stabenow, Patrick J. Leahy, Robert P. Casey, Jr., Thomas R. Carper, Tina Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jonathan Eugene Meyer, of Ohio, to be General Counsel, Department of Homeland Security, shall be brought to a close?