

provide expensive medical supplies for his special needs daughter, even though his appeal for a religious exemption was and is—remains still today—pending.

It seems in this and other circumstances, the Department of Defense has issued something of a pocket veto, not acting on these requests for an exemption but instead refusing to act and therefore leaving the servicemember with few options.

This person writes:

My entire family was—was without notice or warning—dropped from TriCare left scrambling to find health insurance.

These brave men and women represent just a tiny fraction of the servicemembers who have reached out to my office. Many are in desperation. They are pleading for someone to recognize the injustice they are experiencing. They deserve better, and we owe them more than this.

So, as we consider this year's National Defense Authorization Act, the blueprint for the defense budget that directs policy for our military, we should adopt this simple amendment that would: No. 1, immediately repeal the COVID vaccine mandate; No. 2, prohibit DOD from replacing the current COVID-19 vaccine mandate with a similar mandate absent express congressional approval; No. 3, provide remedies for any servicemember negatively impacted by the mandate, including the right to reinstatement, if desired, and to petition for a change in status if they received a negative discharge based on whether or not they were vaccinated, correcting for any loss of rank, pay or retirement benefits; and, No. 4, require the DOD to make every effort to retain unvaccinated servicemembers.

We, of course, can't take back the hardship that the military vaccine mandate has inflicted on countless servicemembers. We can't do that. That is in the past. But there are some things we can do. By adopting this amendment, we can recognize an injustice and take steps to restore the affected brave men and women who deserve our best.

We owe them that, and we owe them so much more. So I urge my colleagues to support this amendment and stand with those who themselves "stand ready to visit violence on those who would harm us."

It is the right thing to do.

LIEUTENANT RIDGE ALKONIS

Mr. President, while we are on the topic of actions taken by the Department of Defense that don't show adequate, appropriate, and necessary respect for those who stand in harm's way to protect us and defend us, I want to tell you the story of a brave young man, a U.S. Navy lieutenant named Ridge Alkonis.

Ridge Alkonis is one of the best and the brightest that our Navy has to offer, that America has to offer: a graduate of the U.S. Naval Academy, a decorated officer who served his coun-

try well, who goes above and beyond the call of duty by every account that I can find or that I have access to. Lieutenant Alkonis, who is also the father of three young children and a devoted husband to his wife Brittany, sits today languishing in a Japanese prison.

You may ask: What has he done? What put him there? Why is he in prison in Japan? Did he steal something? Did he harm someone?

No, none of the above. No, at the end of May—May 29, 2021—Lieutenant Alkonis and his wife Brittany, along with their three children, decided to take a brief road trip to go see Mount Fuji. While descending from Mount Fuji, he suffered a most unfortunate, most unforeseen and unforeseeable medical emergency, one that caused him to lose consciousness while driving.

His young daughter, seeing that he had lost consciousness, tried to wake him up. She kicked the seat. She yelled. She did everything she could to wake him up.

You see, he wasn't asleep. He lost consciousness. He suffered from a rare medical condition he didn't know he had. He couldn't have known that he had this medical condition that caused him to lose consciousness at that moment.

Tragically, while he was unconscious, the car he was driving was involved in an accident, one that took the lives of two Japanese nationals.

My heart breaks for them, for the family members of these individuals whose lives were lost on May 29, 2021, in Japan. I know that Lieutenant Alkonis, with whom I have spoken as I visited him in prison in Japan—his heart breaks for them as well.

Our entire country extends our thoughts, our prayers, and our well wishes to the family members of those victims.

This was not a criminal act. This was a medical emergency, one that resulted in a tragedy—and I am so sad that it did—and no one is more sad about this than Lieutenant Alkonis and his family.

You see, in Japan, they have a different system than ours. In the United States, this wouldn't result in someone going to prison. This wouldn't result in criminal charges of any kind. This would be regarded for what it is, which is a tragedy resulting from a medical emergency, an accident that wasn't foreseen or foreseeable. We wouldn't send someone to prison for that here in the United States.

We understand that different countries have different systems of law, and we do our very best to respect the laws of other countries. But that is why he is in prison today.

My purpose in raising this today is to talk about how our country handled it, not how Japan handled it. We can talk about that perhaps another day, but today I want to talk about how the U.S. military is handling this tragedy.

When a U.S. military officer or enlisted person isn't able to be present

for duty, he or she will stop getting paid. They stop getting paid if they are absent from their work. It is not surprising. Pretty much any job works that way. Like most jobs, if you are absent from your work, your employer can make a decision about whether the absence was unavoidable and should therefore be excused.

An employer in the private sector might, for example, decide to continue to pay someone for a period of time if the circumstances warrant it. They might warrant it particularly if the absence was brought about as a result of the conditions in which the person was working on the job.

For example, imagine you were running a business and you had an employee whom you assigned to work somewhere in a foreign country for a period of time and something like this happened. I would imagine that many, if not most, if not all, sane employers would do everything they possibly could to take care of the family and of that particular employee and that employee's family if something like this happened in a country where they were present only as a result of their work assignment.

In fact, there is a statute that deals with this very thing for employees of the Department of Defense. That statute is codified at 37 U.S.C. 503. Here is what it says:

A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard or National Oceanic and Atmospheric Administration, who is absent without leave or over leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

"Unless it is excused as unavoidable."

That is exactly what the Department of Defense should do right now, is excuse as unavoidable Lieutenant Alkonis's absence. It seems to me that if ever there were an instance perfectly tailored for this statute, if ever there were an absence that needed to be excused as unavoidable, it is that of Lieutenant Ridge Alkonis.

So, with that in mind, and with the needs of his wife Brittany and their three young children who are still in Japan, Lieutenant Alkonis filed the paperwork for an exception to the policy with the Department of Defense. Now, that application was filed many, many months ago, and we now find ourselves in a situation in which that application has not been granted.

They filed this, I believe, back in June. It was transferred from one office to another in July. It was transferred—sent over to the Office of the Under Secretary of the Department of Defense a few months later. It still hasn't been acted on formally.

I have spoken with more officials within the Department of Defense than I can even count at this moment. I have been on this pattern of making phone calls since just a few weeks after this was filed in June. I have spoken with officials within the Office of the

Secretary of the Navy, including the Secretary himself. I have spoken to Under Secretary Cisneros. I have spoken to even Secretary of Defense Lloyd Austin. I appreciate their willingness to take my phone calls, but they still haven't acted. They still haven't granted those. It still hasn't happened.

Now, keep in mind this has been in the Office of the Secretary of Defense since September 3. So we are going on 3½ months since that was forwarded, and they still haven't acted.

I finally spoke with Under Secretary Cisneros. He was one of the last people I got through to. It took me 3 weeks to get through to the Under Secretary—3 weeks of calling. I finally got through to him. During that phone call, I appreciated the fact that he finally took it. He assured me that, whatever decision was made, it would be a decision that was made by the appropriate personnel and that it would be whatever was in the best interests of the Department of Defense.

I told him at the time I believed that what was best for the Alkonis family would itself be what was in the best interests of the Department of Defense, you see, because there are a lot of problems that our Department of Defense has right now. Recruiting is down. Morale is down. Threats to our national security are up. There are more demands on our military men and women than ever before.

Why would you want to take one of your best and your brightest, one of your smartest, one of these people—I have talked to so many people who have worked with him, in his chain of command, who have described him as the kind of guy who will do something that needs to be done even before anyone else realizes it needs to be done. He will go out on his own and proactively take steps to improve himself and to improve others around him. He is exactly what the Navy, what the Department of Defense, and what the United States of America need.

So why would you put him in a vulnerable position? You sent him to Japan. Look, I don't understand Japan's laws. They are very different than our own. It is Japan. It is their country. They are their laws. It is what they do. We may not within the U.S. Government be able to solve that particular issue. I wish we could, and I hope we can at some point. Those are conversations for a different day, but for today, we can deal with this. We can take care of this family.

So let's go back to November 2. I had that conversation with Under Secretary Cisneros. I told Under Secretary Cisneros that it was imperative that this be acted upon quickly because Ridge Alkonis's leave was going to be running out. You see, since he was actually put in prison in July of this year—between the accident that occurred at the end of May of 2021 to the time the criminal charges were filed and completed, it wasn't until July that he actually reported to prison—

Lieutenant Alkonis and Brittany, his wife, and their three children have been relying on the fact that he had accumulated leave—leave accumulated over the years—that has lasted them this long.

I told Under Secretary Cisneros on November 2 that it was really important that this be acted upon quickly because the Alkonises need this. They need this right away. They need the certainty of it. They need to be able to plan their lives.

I then started seeking a call with Secretary Austin, the Secretary of Defense. It took me 3 weeks to get that one scheduled—3 weeks. I finally spoke to him on November 29.

Secretary Austin callously informed me on that day that the request for the exception to policy would not be granted. I asked him why. He believed that it wasn't appropriate for the Department to do that. It was a private conversation, so I am not going to go into all of the details of it. But I asked him at that moment: If that is your decision, will you at least formalize it and put it out so that it is in public; so that we can discuss it; so that its relative merits can be addressed; so that we as a Congress can figure out, once on public notice, what the action was and why it was taken; so we can decide how best to address it beyond my ability to comprehend as a lawyer and as a U.S. Senator?

If somehow the statutory text of 37 U.S.C., section 503 contains something saying, "You may not grant an exception to policy in this circumstance, that of Lieutenant Alkonis's," then we could at least be on notice of that so that we as a Congress could figure out how to change the law so that it doesn't take that into account.

I have yet to tell this story to a single Member of the U.S. Congress—Democrat or Republican, House or Senate—who isn't moved by this story and who doesn't conclude: Well, of course, this is a no-brainer. Of course, we should take care of him and his family. Of course, they should be granted an exception to policy. But to do that, we have to be able to have the notice of what their decision is, of the actual decision itself, and why it came about.

I asked him when that would be coming, and he said: Soon.

I said: How soon?

I reminded him that we were just weeks away—in fact, we are now less than 2 weeks away before Lieutenant Alkonis's leave runs out and before Brittany, his wife, and his three children, who are still in Japan, will have no source of income. These are three very young children. The older kids are homeschooled by Brittany Alkonis. They are in Japan—not a cheap place to live—and their income stream is about to run out.

Now, the calloused, casual observer might respond by saying: OK. Well, then, she can just go back to the United States.

OK. And then what? Go back to the United States. Do you know what that

means? That would mean that they don't ever get to see their husband and their father. In fact, because of the way the rules work in Japan, they can't even talk to him on the phone. There would be no interaction with Lieutenant Alkonis by his wife and their three children if they just left. So leaving is a problem. It still doesn't solve the problem of income for this very young, stay-at-home mom who homeschools her children. What is she supposed to do? She has got this Hobson's choice, this absolutely awful dilemma. Rather than the prisoner's dilemma, we will call it the prisoner's wife's dilemma.

This is inexcusable. The fact that they won't excuse as unavoidable Lieutenant Alkonis's absence is itself inexcusable, and we must act. It is more difficult for us to act because the Department of Defense hasn't even had the decency to issue a public pronouncement for this. I find this reprehensible.

Earlier today—in fact, just an hour or two ago—Mrs. Brittany Alkonis sent out a series of tweets, and one of them said the following:

In 13 days, our pay and benefits will be turned off. I won't be able to support our children or Ridge—

—who is Lieutenant Alkonis—

and I clearly won't be able to count on the U.S. Navy to do so either.

This is not a way to treat those who stand in harm's way so that we can live and be safe and be free. This isn't a way to treat anyone. None of us would treat our employees that way. I don't know anyone who would.

On top of everything else, it is not just the fact that they have now stated they are going to deny it; it is that they have waited so long to do so and that they still haven't had the decency to say so in public. Then, on top of all of that, they are going to have her kicked to the curb at Christmastime in a foreign land. This is just disgraceful.

Look, I get it. I know the Department of Defense is really big. I know that the burdens faced by Secretary Austin and Under Secretary Cisneros and by so many others I have spoken to and by those I haven't spoken to within the Department of Defense are immense. I am grateful to them and for the service they provide to our great country. I am grateful that they have taken the time to examine this issue. They have reached the wrong conclusion, and they have done it in the wrong way.

Fortunately, there is still time. The time is short, but there is still time for them to make right that which is wrong. They can still take care of Brittany Alkonis and the three children of Ridge and Brittany Alkonis. They can still do that. I urge them to do so.

If they don't do it, we will have no choice as a Congress but to act. The Department of Defense may or may not like whatever legislation we put in place in order to do it, but it will happen. It is hard for it to happen—perhaps impossible for it to happen—until

they issue their actual decision so that we know what it is we are correcting. They should at least have the decency to do that. But the United States must not allow this family to be treated this way.

In no other circumstance that I can find has anyone—going back many, many decades—serving in the U.S. Armed Forces in Japan or in any other place that I am aware of been placed in prison as a result of a medical emergency. So this truly is exceptional, and that is what makes the exception to policy so meritorious and so worthy. He did nothing wrong. This was not foreseeable. It was not avoidable. He was in Japan only because he was assigned to serve in Japan, where he has served faithfully.

We must correct this wrong, and I will be back to the Senate floor as often as it takes. Once we have the actual decision in hand, I will know what legislation to push for. I will know what office to reconfigure and what statutory language to strip out or add. They need to issue that right away. Even better, they need to issue their decision not to deny but to grant the exception to policy for LT Ridge Alkonis. The Alkonis family and the United States itself deserve nothing less.

THE PRESIDING OFFICER. The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 401

Mr. LANKFORD. Mr. President, it is another time for me to be back on this floor again to talk about an issue I have talked about before, but it is a little bit different this time.

I have brought to this floor several times and have asked for unanimous consent for a very, very simple bill called the Conscience Protection Act. The Conscience Protection Act is a bill that would protect religious liberty and freedom and conscience benefits for healthcare workers across the country. It is really not that controversial. In fact, let me show you how non-controversial this really is.

When the church amendments, years ago—decades ago, even—were put in by Congress to be able to protect the conscience rights of individuals and entities that object to performing or assisting an abortion or a sterilization in violation of their religious belief and conscience, that passed this body 92 to 1. So 92 to 1, this body voted and said: Of course, we want to protect the rights of individuals and not have to be compelled to perform an abortion if it is against their moral faith. That seems normal. In a normal conversation everywhere else, that would be straightforward and simple—until now.

Here is what is happening now: A nurse who had told her employer that she did not want to perform an abortion, that she had a moral objection to that, worked in this hospital. One day, the hospital was running short on staff, and so they called her in, didn't tell her what the procedure was, and when she walks into the surgery area, the

doctor looks at her and says: Don't hate me—meaning, we know full well what your belief is—but we are short-staffed, and we need another nurse; you are going to do this. The hospital informed her: You will lose your job if you don't do this right now, when everyone knew what her moral conviction was.

Now, the way that the law is set up, it is set up to say, for that person who had an entity deliberately violate her moral conscience, then the government steps in and presses against the employer and says: You can't do that. That is the way it is supposed to work. In fact, that is the way it was working until Xavier Becerra came in to HHS, looked at the case, and dropped it and said: You get no recourse—because the administration is pro-abortion. It doesn't matter what your belief is; it is what the administration's belief is.

So the response to that is pretty straightforward: Allow an individual who has been harmed to have what is called a private right of action; that they don't have to wait for government to intervene on their behalf to have a private right of action so that an individual, if government doesn't intervene on their behalf, they can intervene.

I have brought that to this floor several times, and I have been told: That is controversial. That is divisive. Then this week, President Biden signed the Respect for Marriage Act on the White House lawn with a special feature in it called a private right of action. So if individuals who felt—and the language says—that they were harmed because of the disagreement of others on their same-sex marriage, they didn't have to wait on government to be able to intervene on their behalf; they could do it.

I was told this was belt-and-suspenders. I was told, of course, the government is going to step in on their behalf; but in case they don't, they need a private right of action so that they can stand up for their own beliefs.

It is fascinating to me that what I have asked for for people of conscience who don't want to perform abortions but are compelled to do so by their employer, that was a radical concept, that we couldn't have a private right of action for them, but it was required in the Respect for Marriage Act. In fact, I brought an amendment to take that out to say: This is going to lead to a lot of lawsuits. And my colleagues said: Oh, no. Oh, no. And voted against that.

So now I am going to ask a very simple question: Is this body going to give a private right of action to some people they philosophically believe in, but other people they philosophically don't believe in don't get that same right? Are we going to discriminate today against people of faith and say: You do not get this right; other people do? That is my simple question for today.

This is not a radical request. This is a real-life issue that is occurring right now, where this administration will not intervene on behalf of individuals who have a religious, longstanding

moral objection to being compelled to perform an abortion.

Let's give them their private right of action so that employers don't feel like this administration can look the other way and they can do whatever they want to their employees or fire them, regardless of what their religious beliefs are.

This used to not be a radical concept. It was 92 to 1. This is not intended to be a radical concept today. It is a simple statement: Is this body going to discriminate against people of faith today? That is my question.

So, Mr. President, as in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 401, and that the Senate proceed to its immediate consideration. I further ask 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 an objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, 6 months ago, the Supreme Court ripped away the right to abortion; and, since then, Republicans have enacted abortion bans in States across the country. The outcry against Republicans' cruelty has been loud and clear and overwhelming.

In every single State where abortion was on the ballot, voters backed abortion rights. They made their voices clear: Women must be able to control their own bodies. They want us to protect abortion access. They want us to stand up against the wave of extreme bans and bills and partisan attacks on abortions and on doctors from Republicans.

That is exactly what this bill is, another attack on abortion that will make it harder for women to get the care that they need.

If my colleague really wants to talk about protecting healthcare providers, let's talk about the sharp rise in threats and violence against abortion clinics and what we are doing about that. Let's talk about the providers back home in my home State of Washington who tell me they are worried they could be punished for providing an abortion to patients from out of State. In my State, it is legal.

Let's talk about how Republican State lawmakers have already discussed a bill to make it a crime to provide abortion care to a resident even in another State where it is legal.

Yet, if you are one of the many, many doctors and nurses who believe they have a duty to provide abortion care, this bill does nothing to protect you for doing your job, not even if your patient's life is in danger. It is silent on the legal threats that these providers are facing from Republican States, not to mention the increasing physical threats that they face. That