

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

violence, that science speaks volumes about the real point of this bill.

By the way, if you are a patient, well, then, the message from this bill is even more clear and even more outrageous. This bill says the ideology of your boss, of your health insurance company, of your pharmacist, or your doctor is more important than your personal decision, your medical needs, or your well-being.

That is dangerous, it is wrong, and I will not stand for it. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oklahoma.

Mr. LANKFORD. Apparently, a woman has a right to control her own body unless her boss compels her to perform an abortion, and then she no longer has control over her own body—her boss does. And he can tell her: Perform this abortion against your faith, or I will fire you—and that is OK.

So choice seems to only go one way. If you choose to perform abortions, you are accepted in our culture. If you believe a child with 10 fingers and 10 toes and a beating heart and unique DNA and a functioning nervous system is actually a child, then you are an outlier, and your opinion doesn't count. The only thing that counts is you are compelled to take the life of more children and stand there and watch it. I think that is wrong.

No, this bill doesn't get into—as Senator MURPHY said, it doesn't get into speaking out about the violence against abortion clinics or, quite frankly, get into the violence on pregnancy resource centers that have been firebombed by pro-abortion folks, who have been spray-painted, who have threatened and attacked people who want to give sonograms to individuals who are pregnant. It doesn't deal with any of those because, quite frankly, that is a different committee. That is over in the Judiciary Committee.

This is a very narrow bill dealing with one simple topic. It doesn't deal with everything on abortion. It doesn't decrease abortions in America. It doesn't do anything like that. It is simple and straightforward. It says: Is this government going to compel people to violate their faith? Apparently, the answer today is yes from this body; we don't care what you believe. I think that is sad, and I think that shows how far we have moved as a nation when it used to be 92 to 1 that we would say: If you have a different opinion, that is OK in America. But now you can't have a different opinion. That is not right.

I would hope this body would speak out and say at some point that we respect all opinions in America and would speak out for the right of conscience for people of faith.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The majority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent that the scheduled vote start immediately.

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

VOTE ON JOHNSON NOMINATION

The question is, Will the Senate advise and consent to the Johnson nomination?

Mr. DURBIN. 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CRUZ), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 392 Ex.]

YEAS—76

Baldwin	Heinrich	Portman
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Romney
Booker	Hoeven	Rosen
Boozman	Hyde-Smith	Rounds
Brown	Inhofe	Sanders
Burr	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	Kennedy	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lankford	Stabenow
Collins	Leahy	Sullivan
Coons	Lujan	Tester
Cornyn	Manchin	Thune
Cortez Masto	Markey	Toomey
Cramer	McConnell	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Ernst	Moran	Warren
Feinstein	Murkowski	Whitehouse
Fischer	Murphy	Wicker
Gillibrand	Murray	Wyden
Graham	Ossoff	Young
Grassley	Padilla	
Hassan	Peters	

NAYS—20

Blackburn	Hawley	Rubio
Braun	Johnson	Sasse
Cassidy	Lee	Scott (FL)
Cotton	Lummis	Scott (SC)
Crapo	Marshall	Shelby
Daines	Paul	Tuberville
Hagerty	Risch	

NOT VOTING—4

Barrasso	Cruz
Blunt	Tillis

The nomination was confirmed.

The PRESIDING OFFICER. 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.

LEGISLATIVE SESSION

JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

House message to accompany a bill (H.R. 7776) to provide for improvements to the riv-

ers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

Pending:

Schumer motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Schumer motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Schumer (for Manchin) amendment No. 6513 (to the House amendment to the Senate amendment), to provide for American energy security by improving the permitting process.

Schumer amendment No. 6515 (to amendment No. 6513), to add an effective date.

Schumer motion to refer the bill to the Committee on Armed Services, with instructions, Schumer amendment No. 6516, to add an effective date.

Schumer amendment No. 6517 (to the instructions) amendment No. 6516), to modify the effective date.

Schumer Amendment No. 6518 (to amendment No. 6517), to modify the effective date.

The PRESIDING OFFICER. The Senator from Texas.

H.R. 7776

Mr. CORNYN. Mr. President, I am glad that we, hopefully soon, will finally pass the National Defense Authorization Act and send this legislation to the President for his signature. Obviously, this has national, even global, implications, but I would like to spend just a moment to talk about what it means to my home State of Texas.

This year's NDAA supports a range of projects that will lead our military into the future, from nuclear modernization to next-generation weapons development.

It sends critical military assistance to Ukraine and makes a big investment in our national defense stockpile.

It focuses, appropriately, on long-term strategic competition with China, and it ensures our troops will have the tools, the training, and the resources they need to succeed in any conflict, and, of course, the ultimate goal is to make the United States military so strong that no country dares engage in a military conflict with us, and thus provides needed deterrents in order to maintain the peace.

The Defense Authorization Act shapes our military missions around the world, but it also is important for reasons that hit much closer to home.

The Defense Department is the largest employer in the United States, with 2.9 million employees, including both servicemembers and civilians. They are stationed in more than 160 different countries around the world, and on all seven continents. And, on any given day, they can be found providing life-saving medical care, maintaining aircraft, protecting communities in war zones, or carrying out various missions.

Texas is the proud home to 14 military installations which directly employ more than 235,000 people. When you add in construction, information technology, manufacturing, and the many other workers these facilities require, Texas military installations employ more than 620,000 people. The