the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Alaska.

VACCINES

Mr. SULLIVAN. Mr. President, I want to address a topic this afternoon here in the U.S. Senate that I believe not enough people are talking about. It is something that I certainly heard a lot about when I was back home in Alaska, and I think it is something that millions of Americans are talking about.

But nobody here on the Senate floor is talking about, but we should be because this goes to constitutional authority, and it goes to what I believe means to be an American—freedom, liberty, and it is this: the Executive order that the President—President Biden issued mandating vaccinations for both Federal contractors and private employers.

In essence, what he has said in this Executive order—we are still waiting on the rule—is that employers need to have people who are vaccinated—all their employees by a certain date or they are going to be fired.

That is the President of the United States saying he has that power to force employers to make their employees decide between a vaccination or putting food on the table for their families. Vaccination or you are fired.

We are not talking about that, and this is unprecedented—unprecedented. Never before has a President claimed the authority to actually do this. The military is a different exception. Private employers who have some connection to the Federal Government or otherwise, tell your employees: Get vaccinated or you are fired.

And the President of the United States is claiming the constitutional authority to do that.

I don't even think it is a close call. I don't even think it is a close call. Never been done before, and I don't even think it is a close call whether the President has the constitutional authority to do this.

Think about, if he did, what this could mean for power in other realms that the executive branch or President would have.

Now, I will stipulate right here, I am vaccinated. I have encouraged others to get a vaccine in consultation with their doctors. We all want to put this pandemic behind us, no doubt about it. The vaccinations help with that. But that doesn't mean there should be an excuse to look the other way when the President is acting in an unconstitutional manner.

And there are many reasons, certainly with regard to my constituents, that people might be hesitating with regard to a vaccine. Some of them have health conditions that preclude them from taking a vaccine. Some of them may have serious religious objections to the vaccine. Some of them have histories of abuse and don't trust the Federal Government or the medical establishment. Some of them have dug in their heels and believe the government simply doesn't have the right to tell them what substance to put in their bodies.

The President of the United States is taking this unprecedented—and it is unprecedented—action: Get a vaccine or the Federal Government will mandate you get fired.

It is not just in my view unconstitutional, but it shows contempt for hardworking Americans; contempt that I see percolating again and again among some in the far left.

Think about it. You don't say what you think we should say, you are fired. You work for an industry that used to power America but now is out of favor with some on the left—oil, gas, coal, especially in Alaska, as the Presiding Officer knows—we will shut down your business and we will make sure your employees are fired. You speak your mind about an issue, you are fired. You don't take a vaccine, you are fired.

Oh, by the way, I think the Federal deadline on the vaccination put out by the President is December 8. So you are going to be fired right before the holidays.

Now, as you know, this is a 180-degree turn—180 about-face—with regard to what this body did last year.

What do I mean?

So we worked in a bipartisan way during 2020, when the pandemic hit, particularly the CARES Act. I think every U.S. Senator voted for that. But the other relief that we worked hard on, Democrats and Republicans—when the historians look back at 2020, there are going to be a lot of things, but I think one good thing is they are going to say the Congress of the United States came together, no playbook—we certainly had never seen this before—came together to help the American people; Democrats, Republicans, the President—that was President Trump—on relief.

And here is the thing. This is why I mean it is a 180-degree turn. One of the core principles of all the relief packages that we passed last year—the aviation relief packages that helped our airlines, the PPP—throughout all the relief bills that passed this body in a bipartisan way, one critical component was we need to make sure employers and employees stay connected.

Almost all the relief said: All right. Airline industry, we can't let you go under. You have got to stay safe in terms of the ability to fly for the American people. You are going to get billions and billions and billions in relief, but you can't fire your employees. You have to keep them connected.

The PPP, the estimates are tens of millions of Americans kept their jobs because of that program. You got relief, small business in America, but you can't fire your employees. That was the agreement. That is what we worked on. That was the core principle that helped us get through the pandemic economically.

Joe Biden is taking a sledge hammer to that connection. It is actually the exact opposite. We are still challenged by the pandemic. Our economy is still challenged.

But what is he doing?

If you don't listen to Joe Biden, private employers in America, you have to fire your employees.

That is exactly the opposite of how this body worked across the aisle, Democrats and Republicans, and the previous President. The approach was this: We are going to help you, but you have to keep your employees. That is the right approach. That is the right approach, and yet no one is talking about this new approach from the new President: Do what I say, even though I don't have the constitutional authority. You have to get a mandate, even though I don't have the constitutional authority. And if you don't, I am going to make sure private employers fire their employees—oh, right before Christmas.

Doesn't anyone have a problem with this?

Well, I have a problem with this. And, again, I think people should get vaccinated. I just don't think the President of the United States has the constitutional authority to tell Americans: Do it or you are going to get fired.

So here is what I hope. I have been reaching out to some of our business leaders to make a respectful request, and it is this: You don't want to fire your employees. Heck, this country doesn't have enough people who are working right now.

You have the Biden economy, which is long lines, superhigh energy prices, people who aren't working, and empty shelves. We need more workers. We certainly don't need the President of the United States telling employers: Fire your people prior to Christmas, but that is what he is doing.

So here is what I think, respectfully, our business leaders should be doing. They should be looking and remembering what we did last year. For example, if you are an airline executive, we all worked really hard to make sure we continued to have air service for America and it was safe and that you kept your employees.

So what our business leaders should be doing is saying respectfully: Mr. President, it is highly unlikely you have this authority, and I don't want to fire my employees.

The best business leaders I know are very loyal to their employees.

So hold off. Don't fire them because Joe Biden says you have to. In the litigation that is going to play out in this country, he almost certainly is going to lose—almost certainly. I don't think there is a court in America that says that the President of the United States, without Congress's permission or passing a law—that the President of the United States on his own—has the

power to go to private sector employees and say: Your employees have to get vaccinated or you, Mr. Employer, have to fire them.

I think the President is going to lose that case in every court in America. So if you are a business leader, here is my respectful request: Hold off. Wait for the litigation to play out, and don't fire your employees because the President has told you to because they haven't gotten vaccinated before Christmas.

You know, we are already starting to see this. Some business leaders are taking a different approach, not this ''Do what I said or you are fired.'' They are offering financial incentives, hiring medical advisers to talk to their employees. They are allowing medical and religious exemptions. They are offering testing as an alternative to forcing the vaccine on their workers. And I read about one today. I have had discussions with others who are saying: Look, it is not our intention to fire employees right before Christmas.

These are the leaders who are saying they value and trust their employees, like what we did last year. Here is significant relief, businesses in America, but don't fire your employees. As a matter of fact, you can't if you accept this aid—which they didn't.

So these are the leaders who value their employees. And, at the end of the day, this is the approach that is going to work. It is going to work better for all of us—for these businesses, their workers, their communities, and our country.

I wish the President would take note of this, but right now he seems hellbent on doing a 180 from what we did last year, and that was encouraging businesses to work through the pandemic while keeping their employees, not ordering in an unconstitutional manner the firing of employees because Joe Biden said so.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 414.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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. 414, Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education.

Charles E. Schumer, Mazie K. Hirono, Tammy Duckworth, Martin Heinrich, Christopher A. Coons, Jack Reed, Benjamin L. Cardin, Angus S. King, Jr., Alex Padilla, Jeff Merkley, Christopher Murphy, Sheldon Whitehouse, Tina Smith, Jeanne Shaheen, Richard J. Durbin, Richard Blumenthal, Robert P. Casey, Jr.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

FREEDOM TO VOTE ACT—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 125, S. 2747.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 125, S. 2747, a bill to expand Americans' access to the ballot box and reduce the influence of big money in politics, and for other purposes.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 motion to proceed to Calendar No. 125, S. 2747, a bill to expand Americans' access to the ballot box and reduce the influence of big money in politics, and for other purpose.

Charles E. Schumer, Amy Klobuchar, Alex Padilla, Margaret Wood Hassan, Raphael G. Warnock, Ben Ray Luján, Gary C. Peters, Elizabeth Warren, Christopher Murphy, Tammy Duckworth, Patrick J. Leahy, Sheldon Whitehouse, Michael F. Bennet, Tim Kaine, Tammy Baldwin, Cory A. Booker, Sherrod Brown.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, October 18, be waived.

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

RELATING TO THE DEATH OF THE HONORABLE ADLAI EWING STEVENSON III, FORMER SENATOR FOR THE STATE OF ILLINOIS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 420, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 420) relating to the death of the Honorable Adlai Ewing Stevenson III, former Senator for the State of Illinois.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 420) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 417.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 417) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 7, 2021, under ''Submitted Resolutions.'')