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Senate

The Senate met at 1:45 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, God who keeps us in the midst of dangers, shelter us from temptations. Keep us from the pride that encourages us to think of ourselves more highly than we ought. Save us from procrastination, from refusing to face the unpleasant, and from analyzing things until it is too late to ever do them.

Today, guide our lawmakers away from the temptations of criticism and fault-finding. Give them the strength to resist the weakness of thinking the worst of others.

Lord, provide us all with the purity to overcome evil with good.

We pray in your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

RESPECT FOR MARRIAGE ACT—Motion to Proceed—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 8404, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 449, H.R. 8404, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I want to begin by thanking and recognizing the House Judiciary chairman, JERRY NADLER, and the entire House Equality Caucus for introducing the House bill and starting up this effort.

This legislation passed the House of Representatives with a strong bipartisan vote of 267 to 157, with all Democrats and 47 Republicans supporting the bill.

I also want to extend my heartfelt appreciation for my Senate colleagues who have worked tirelessly to get us up to this point. I want to thank the lead sponsor of the bill, Senator FEINSTEIN, and also thank and recognize the hard work and effort of Senator COLLINS, Senator PORTMAN, Senator SINEMA, and Senator TILLIS for their steadfast commitment. We couldn't be where we are right now without their efforts.

I also want to thank the staff of all of these offices for the long hours and hard work that went into this legislation, including my own counsel, Becca Branum, and my chief of staff, Ken Reidy.

Lastly, I want to thank all of the advocates who have fought for marriage equality for decades.

We are on the cusp of a historic vote in the Senate because of everybody's efforts.

I decided, in thinking about what I wanted to share today, that I wanted to put a face on this debate; actually, more accurately, three faces.

Let me introduce you to my dear friends Margaret, Denise, and their daughter Maria, and just tell you a little bit about them and then how this underlying issue impacts them.

The marriage and long partnership that my dear friends Denise and Margaret share began in Oklahoma in 1981. They were there as organizers, working to pass the Equal Rights Amendment in that State. They were organizing support for the ERA so that we might add a few simple words to the U.S. Constitution, specifically, ''Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.''

That they met one another during a struggle for social justice surprised no one who knew either Denise or Margaret, for, really, the pursuit of equality and equity and justice has defined each of them as individuals as well as life partners.

Their professional and personal lives and the movements for women's rights, LGBTQ rights, educational equity, affordable housing, economic justice—they are all inextricably linked.

Their first date occurred in December of 1981 over coffee in Oklahoma City. And as that ERA campaign came to an unsuccessful close in 1982, they chose to move together to Madison, WI. I vividly recall meeting them shortly thereafter in the autumn of 1984.

Denise hailed from Milwaukee, WI—this is Denise—Margaret, from Webster City, IA. They were incredibly and are incredibly committed to one another, but they also determined, as they got a little older, that something was missing. Actually, I want to say someone was missing. Denise's and Margaret's journey to find that someone was arduous. Yet they never gave up.

In 2003, after working with an adoption agency for many years, Denise received a video of their daughter, this lovely, brown-eyed Maria. And the family you now see here—this is, actually,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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several years old. Maria is now a sophomore at the University of Wisconsin, Madison campus, so a little bit dated. But I wanted to put a face or a series of faces on this because it is such an all-American family and an all-American story.

But as everyone knows about the debate we are about to enter, marriage was not an option for Margaret and Denise until after the Obergefell decision. The things that most married people take for granted are things that couples like Margaret and Denise had to think about and had to figure out how do they protect one another, how do they protect their family.

We often think, when we think about marriage, of the wedding and the ceremony and the celebration, but we don't often think about the hundreds upon hundreds of rights and responsibilities that civil marriage confers upon couples.

Margaret and Denise were telling me about their recollection of when the city of Madison passed a domestic partnership ordinance allowing them to register. And when that happened, for the first time, they could be on one another's health insurance. That is something that married couples kind of take for granted—that they could have one another on their health insurance. They had to think a lot about what they would do in an emergent situation where one might be in the hospital because without marriage, you are technically legal strangers. And, literally, if Margaret were in the hospital after an accident, for example, Denise, without having the appropriate papers—a healthcare power of attorney—would be viewed as a legal stranger and potentially denied access.

Adoption is something that has made many a family in the United States. Yet prior to marriage rights, Denise and Margaret had to make a choice of only one who would have the official adoption, but then they had to go through a whole bunch of legal rigamarole, if you will, so that Margaret, if need be had to go to a parent-teacher conference or to pick Maria up at school, had some documentation at the school that she, too, was a parent.

Estate planning, you have to think about that. You had to think about that intently prior to marriage rights being conferred.

I wanted you to get a quick chance to meet Margaret and Denise and Maria because they reflect the experiences of literally tens of millions of people in the United States. It is why the Obergefell decision was so key.

I want to switch to focus on why it is so critical that we adopt the Respect for Marriage Act—because Obergefell right now is the law of the land, but there is great concern that that legal precedent could be in jeopardy.

Some of my colleagues have questioned the urgency and maybe even the necessity of passing the Respect for Marriage Act. Some have asserted that there is no threat to these rights in America. Some have said that there is no case currently making its way up to the U.S. Supreme Court challenging these rights so there is nothing really to worry about. Others have suggested that proponents of the Respect for Marriage Act are raising the issue just to drive further divisions among Americans.

I believe that there is an urgency to pass the Respect for Marriage Act in order to heal such divisions and provide certainty to married interracial and same-sex couples that the protections, rights, and responsibilities that flow from their marriages will endure.

Right now, millions of Americans—our family members, our neighbors, our congressional staff members, and, certainly, our constituents—are scared; scared that the rights they rely upon to protect their families could be taken away. And they are scared for good reason.

Let's face it. Regardless of your position on the issue of abortion, the highest Court of the land has just overturned a precedent of nearly 50 years. There is no questioning that. And the same legal arguments that the Supreme Court rested upon to reverse Roe v. Wade could just as easily be applied to reverse numerous other cases related to families, related to intimate relations, to contraception, and marriage.

In the wake of the Supreme Court's decision to overturn Roe v. Wade, in the Dobbs case access to abortion care or denial of such care has been left in the hands of the States. By the way, in Wisconsin, we are subject to a criminal abortion law that was passed in 1849, 1 year after Wisconsin became a State and before women had the right to vote and certainly before women served in the legislature that serves to rule upon their rights.

There are landmark cases related to marriage that could be threatened should the Supreme Court consider cases challenging those earlier decisions. One such case is Loving v. Virginia, which was decided in 1967. The Supreme Court ruled in Loving that State laws prohibiting interracial marriage were unconstitutional based upon the equal protection and due process clauses of the 14th Amendment and its liberty provisions. At the time of the Loving decision, 16 States had laws banning interracial marriage. And you might be surprised to learn that it took until the year 2000 for the last State to repeal the law on its books banning interracial marriage.

Another landmark case relates to same-sex marriage. In Obergefell v. Hodges, the Supreme Court decided in 2015 that the equal protection and due process clauses of the 14th Amendment prohibit States from outlawing and refusing to recognize same-sex marriages.

Some 35 States across the country prohibit same-sex marriage in their laws, constitutions, or both. And the so-called Defense of Marriage Act that bars Federal recognition of same-sex marriages and was ruled unconstitutional by a narrow 5–4 Supreme Court—that law is still on the books.

Given this landscape, it is not unreasonable for same-sex and interracial couples to be fearful that the protections of their marriages are in real jeopardy. The fact that the constitutional principles of liberty, privacy, self-determination, and equal treatment under the law, upon which Roe v. Wade was originally decided, are the same constitutional principles on which the Loving and Obergefell cases were decided makes the Supreme Court's reversal of Roe v. Wade all the more shocking and frightening to those in interracial and same-sex marriages.

Several of my colleagues have maintained that, even if the Court may someday revisit these cases, there is no urgency right now since there is no case challenging interracial or same-sex marriage that is currently making its way up to the Supreme Court. But think about today's world. Given the Supreme Court's use of procedural mechanisms like cert before judgment or use of a shadow docket, cases often reach the Supreme Court faster than ever before.

And when it comes to the merits, one needs to pay attention to the concurring opinion of Justice Clarence Thomas in the Dobbs decision. In his opinion, Justice Thomas explicitly said that the rationale used to overturn Roe v. Wade should be used to overturn cases establishing rights to contraception, same-sex consensual relations, and same-sex marriage. He was essentially providing an open invitation to litigators across the country to bring their cases to the Court, inevitably instilling fear among millions of Americans.

The Supreme Court should not be in a position to undermine the stability of families with the stroke of a pen. So now Congress must act, and Congress is acting with a full-throated endorsement from the American people. More than 70 percent of Americans support marriage equality, including a majority of Democrats, Republicans, and Independents.

This legislation unites Americans. With the Respect for Marriage Act, we can ease the fear that millions of same-sex and interracial couples have that their freedoms and their rights could be stripped away. By passing this bill, we are guaranteeing same-sex and interracial couples, regardless of where they live, that their marriage is legal and that they will continue to enjoy the rights and responsibilities that all other marriages are afforded. And this will give millions of loving couples the certainty, the dignity, and the respect that they need and that they deserve.

For my dear friends Margaret and Denise and their daughter Maria, passing this legislation will remove the weight of the world from their backs. While they worry just like the rest of us about the cost of living and staying

healthy and saving for retirement, passing this bill will take away a worry that someday their marriage might be on the chopping block at no fault of their own.

By the way, I think I failed to mention it, but I was so honored back in December of 2018 to be a copresider at their wedding. The wedding took place 37 years after they first met and became a couple, and it happened on Maria's Sweet Sixteen birthday.

But for the millions of other Americans in same-sex and interracial marriages, this shows that the American Government and people see them and respect them.

With that, I encourage all of my colleagues to vote yes on the motion to proceed to the Respect for Marriage Act and to help come together to move our country forward.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Maine.

Ms. COLLINS. Madam President, I rise today to express my strong support for the Respect for Marriage Act, a bipartisan bill that Senator BALDWIN and I have introduced with our colleagues Senator FEINSTEIN, Senator PORTMAN, Senator SINEMA, and Senator TILLIS.

Madam President, this bill recognizes the unique and extraordinary importance of marriage on an individual and societal level. It would help promote equality, prevent discrimination, and protect the rights of Americans in same-sex and interracial marriages. It would accomplish these goals while maintaining and indeed strengthening important religious liberty and conscience protections.

I am proud to be the lead Republican sponsor of this legislation, and I am grateful that a similar bill passed the House with strong bipartisan support.

As the Senate considers and prepares to vote on this historic legislation, I would be remiss if I did not begin by recognizing the tremendous progress that LGBTQ individuals in this country—in our country—have made in recent times in achieving equal rights.

It was not long ago that patriotic Americans could not be honest about their sexual orientation while fighting to protect our country—our freedoms—in the Armed Forces. I led the fight with former Senator Joe Lieberman of Connecticut to repeal the discriminatory don't ask, don't tell law.

It was not long ago in America that a person could be fired merely for being gay. I strongly supported the Employment Non-Discrimination Act, known as ENDA, which passed the Senate in 2013 and would have prohibited such discrimination. Seven years later, the Supreme Court in Bostock held that the Civil Rights Act protects employees from discrimination based on their sexual orientation or gender identity.

And it was not long ago in America that individuals could not marry the person whom they loved if that person were of the same sex. The Supreme Court's landmark decision in Obergefell found that the fundamental right to marry is guaranteed by our Constitution.

Madam President, let us remember that we are talking about our family members, our friends, our coworkers, our neighbors. I am proud to have stood with them, and I will continue to stand with them in efforts to protect and secure their rights, while at the same time steadfastly protecting and respecting religious liberty.

The Respect for Marriage Act would accomplish two primary goals. First, it would guarantee that a valid marriage between two individuals in one State is given full faith and credit by other States, meaning that States must recognize a valid marriage for purposes of public acts, judicial proceedings, and rights arising from a marriage regardless of that couple's sex, race, ethnicity, or national origin. That means that same-sex and interracial couples can rest assured that their marriages will be recognized regardless of the State in which they live.

We need to remove the cloud that is now over these couples that is causing them such consternation, as my colleague from Wisconsin has mentioned.

Second, it would require the Federal Government to recognize a marriage between two individuals if the marriage was valid in the State where it was performed. It would do so by getting rid of a law that is on the book, known as the Defense of Marriage Act, which has been invalidated by the Supreme Court's ruling yet remains on the books.

With these changes, Federal law will provide that all married couples are entitled to the rights and responsibilities of marriage. This includes, for example, making medical decisions for an ill spouse and receiving spousal benefits from programs like Social Security and Medicare, as well as those benefits earned from service in our Armed Forces.

To remove any ambiguity about the intent and scope of this bill, I have worked with my Senate colleagues on both sides of the aisle, as well as with a coalition of religious organizations, to develop an amendment designed to clarify the language and address concerns that have been raised with the House version of our bill.

First and foremost, this legislation would not diminish or abrogate any religious liberty or conscience protections afforded to individuals and organizations under the U.S. Constitution and Federal law, including the First Amendment and the Religious Freedom Restoration Act. Through our amendment, this fact is now stated explicitly in our bill.

The amendment also makes clear that this bill only applies to valid marriages between two individuals. In other words, it does not authorize or require recognition of polygamous marriages. They are already prohibited in all 50 States. This really was a straw argument, but we have made it clear nonetheless in our amendment that in no way would the Federal Government or other States be required or authorized in any way to recognize polygamous marriages.

Moreover, the amendment clarifies that the bill could not be used to deny or alter the tax-exempt status or any other status—tax treatment, grant, contract agreement, guarantee, educational funding, loan, scholarship, license, certification, accreditation, benefit, right, claim, or defense not arising from a marriage—for any otherwise eligible person or entity. In other words, no church, no synagogue, no mosque, no temple, no religious educational institution would have to worry that somehow their tax-exempt status would be in jeopardy if they do not perform same-sex marriages that are contrary to their religious beliefs.

Let me repeat that because this has been coming up time and again. For the first time and consistent with the First Amendment and the laws of many States, this legislation would make clear in Federal law that nonprofit religious organizations and religious educational institutions cannot be compelled to participate in or support the solemnization or celebration of marriages that are contrary to their religious beliefs.

Madam President, I ask unanimous consent to have printed in the RECORD at the end of my statement an excellent analysis by the 1st Amendment Partnership.

Some have said that this bill is unnecessary because there is little risk that the right to have a same-sex or interracial marriage recognized by the government will be overturned by the Supreme Court. Regardless of one's views on that possibility, there is still value in ensuring that our Federal laws reflect that same-sex and interracial couples have the right to have their marriages recognized regardless of where they live in this country.

I strongly believe that passing this bill is the right thing to do, and the American people agree. Indeed, more than 70 percent of Americans support marriage equality, including a majority of Democrats, Republicans, and Independents.

As I wrote in a Washington Post op-ed with my colleague Senator BALDWIN, ''Millions of American families have come to rely on the promise of marriage equality and the freedoms, rights and responsibilities that come with making the commitment of marrying the one you love. . . . Individuals in same-sex and interracial marriages need, and should have, the confidence that their marriages are legal.''

Simultaneously, we must also recognize that people of good conscience may disagree on issues relating to marriage. For many Americans, marriage is more than just a legal union; it is a religious institution grounded in their faith.

As Justice Kennedy, writing for the majority of the Supreme Court, explained in the Obergefell decision,

''[M]arriage, in their view, is by its nature a gender-differentiated union of man and woman. This view long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world.'' He went on to explain that ''neither they nor their beliefs are disparaged here.''

The same principle applies to our legislation, and that is explicitly acknowledged in the amended bill. Thus, it is important to me that our bill would not affect or diminish in any way religious liberty and conscience protections. Any interpretation of this legislation that would limit the applicability of these protections for individuals or entities because they have religious objections to same-sex marriages would be contrary to the plain language of our bill.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my statement a series of letters from religious organizations that endorse the religious liberty provisions of our bill.

They include letters from Elder Jack Gerard from the Church of Jesus Christ of Latter-day Saints, Melissa Reid from the Seventh-day Adventist Church, Nathan Diament from the Union of Orthodox Jewish Congregations, and from a host of other organizations: the Council for Christian Colleges and Universities, the AND Campaign, the Institutional Religious Freedom Alliance, the Center for Public Justice, and Tim Schultz of the 1st Amendment Partnership. We have worked very closely with all of them.

Madam President, in closing, let me once again salute the leadership of Senator BALDWIN, as well as Senator PORTMAN, Senator TILLIS, and Senator SINEMA, for their tireless efforts on this important legislation.

Let's do the right thing. Let's vote to proceed to this important bill, and let us pass it. I urge all of my Senate colleagues to join me in supporting the Respect for Marriage Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT DO RELIGIOUS FREEDOM SUPPORTERS GET IN THE AMENDED SENATE VERSION OF THE RESPECT FOR MARRIAGE ACT (RMA)?

1) Explicit Congressional support for the truth that traditional marriage supporters and their beliefs are decent and honorable. This was stated by the Supreme Court in Obergefell, but many progressives refuse to acknowledge it. Congress endorsing this truth in a bipartisan law is a big deal. This can be cited in all future cases where progressives equate traditional beliefs about marriage with racism.

2) Demonstration that gay rights legislation will not pass without addressing religious liberty concerns. This has been denied by many progressive activists, who falsely use words like ''license to discriminate''.

3) Explicit protections under federal law against non-profit religious organizations that support traditional marriage having to facilitate marriages that violate their religious convictions.

4) A non-retaliation clause: the Act cannot be used by federal agencies to punish religious organizations in any way related to their views on marriage. Even if this clause will be rarely used in practice, it sets a very firm floor of religious protections that it will be difficult for future Congresses to reverse.

WHY SHOULD CONSERVATIVES WHO OPPOSED THE OBERGEFELL DECISION SUPPORT THE RESPECT FOR MARRIAGE ACT?

Obergefell isn't going to be overturned. After all, Justice Thomas's concurrence in Dobbs was not signed by any other justice. Most conservatives wouldn't want to nullify the marriages made legal by Obergefell anyhow. Now, with Obergefell as the legal basis for same-sex marriage, there are no explicit corresponding religious freedom protections. Enacting RMA will put into law real religious protections that can't be won alone. And enactment of the amended RMA sends a strong bipartisan message to Congress, the Administration, and the public that gay rights can't trample religious freedom.

IS THIS A GOOD DEAL FOR RELIGIOUS FREEDOM?

Yes. Religious freedom advocates get protections that they have sought on a standalone basis but been unable to enact. Courts might grant some of these protections eventually, but litigation is costly and takes years to see results. In return, gay marriage advocates get something they already have: recognition of legal gay marriages, albeit now on statutory grounds.

WHY SHOULDN'T CONSERVATIVES DEMAND STRONGER RELIGIOUS FREEDOM PROTECTIONS IN THE RMA?

Senator Lee and others rightly desire to enact even broader religious protections. But our wish list is not going to be enacted into law all at once without major compromise. The similar ''First Amendment Defense Act'' never moved, even when Republicans had majorities. Any amendment demanding broader protections is therefore a messaging device that conservatives can vote for, even though it will not have the 60 votes needed to pass the Senate.

Conservatives should rest well still voting for the achievable protections in the RMA, knowing that they are still much more than conservatives have been able to pass in the eight years since Obergefell.

DOES THE RMA CREATE NEW RISKS FOR FOR-PROFT ENTITIES LIKE WEDDING VENDORS?

No. The RMA doesn't contain non-discrimination requirements that would put bakers and other for-profit entities providing wedding services in jeopardy. The Equality Act would create those risks, not the RMA. Note that there is no politically viable way to protect these for-profit religious entities in statute without at the same time advancing LGBT non-discrimination (like the Equality Act). Congress can, however, sketch out a vision of balanced fair play that this Supreme Court will find attractive. That's exactly what the RMA does.

WON'T THE RMA BE USED BY PROGRESSIVE ACTIVISTS TO SUE FAITH-BASED NON-PROFITS, INCLUDING ADOPTION AGENCIES?

No. We share your mistrust of progressive activities. But the RMA doesn't hand them any new litigation tools. Gay marriage is already legal—see Obergefell. Private rights of action to enforce legal gay marriage are already available under Section 1983.

Crucially, the RMA allows lawsuits only against those ''acting under color of state law.'' Neither current law nor the RMA defines non-profits that receive government money as ''acting under color of state law.'' Left-wing gadflies have long sought to redefine all civil society organizations (faith based and otherwise) as ''state actors,'' subject to the full equal treatment requirements of the Constitution. But they haven't gained any legal victories with this extreme theory, and their ''case'' has at most one vote on this Supreme Court.

DON'T THE RELIGIOUS PROTECTIONS IN THE RMA LACK AN ENFORCEMENT MECHANISM?

It doesn't need one. Religious liberty amendments have limited the RMA to avoid impacts on religion. The RMA states, ''nothing in this act shall be construed to . . .'' and then lists things the RMA can't do to harm religion. We understand that progressive activists abuse the courts all the time, but the RMA doesn't hand them any new tools and this Supreme Court would never entertain the idea that it does.

DOES THE RMA THREATEN THE STATUS OF FAITH-BASED SCHOOLS TO FULLY PARTICIPATE IN STATE FUNDED SCHOOL CHOICE PROGRAMS?

No. The RMA addresses recognition by the federal government and state governments of lawful same-sex marriages as required by Obergefell. Section 6(a) of the RMA expressly states that it cannot be used to diminish existing religious liberties. Section 7(a) states that the RMA cannot be used to alter the eligibility for grants, accreditation, or ''educational funding'' benefits for which a faith-based entity is otherwise eligible. The RMA does not attempt to reach all future legal disputes arising in state legislatures over LGBT rights. But the clear ''teaching'' of the bipartisan Senate version of the RMA is that religious liberty in this space must be protected. The Congress is weighing in very clearly to that effect.

NOVEMBER 15, 2022.

Re The Respect for Marriage Act (H.R. 8404).

DEAR SENATORS: We are leaders of faith-based organizations representing tens of millions of Americans and hundreds of religious institutions. All our organizations hold to an understanding of marriage as between one man and one woman. Many of us privately expressed concerns about the House-passed version of the Respect for Marriage Act.

We are gratified by the substitute religious freedom language offered by Senators Collins, Baldwin, Sinema, Portman, Tillis, and Romney. It adequately protects the core religious freedom concerns raised by the bill, including tax exempt status, educational funding, government grants and contracts, and eligibility for licenses, certification, and accreditation. If passed, it would continue to build on the congressional wisdom represented by the Religious Freedom Restoration Act of 1993 (RFRA).

Attached are many statements from individual organizations.

Sincerely,

ELDER JACK N. GERARD,
The Quorum of the Seventy, The Church of Jesus Christ of Latter-day Saints.

MELISSA REID,
Director of Government Affairs, Seventh-day Adventist Church—North American Division.

NATHAN J. DIAMENT,
Executive Director for Public Policy, Union of Orthodox Jewish Congregations of America.

SHIRLEY HOOGSTRA,
President, Council for Christian Colleges and Universities.

REV. JUSTIN E. GIBONEY,
President, AND Campaign.

STANLEY CARLSON-THIES,
Founder and Senior Director, Institutional Religious Freedom Alliance.
STEPHANIE SUMMERS,
CEO, Center for Public Justice.
TIM SCHULTZ,
President, 1st Amendment Partnership.

STATEMENT FROM THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

The doctrine of The Church of Jesus Christ of Latter-day Saints related to marriage between a man and a woman is well known and will remain unchanged.

We are grateful for the continuing efforts of those who work to ensure the Respect for Marriage Act includes appropriate religious freedom protections while respecting the law and preserving the rights of our LGBTQ brothers and sisters.

We believe this approach is the way forward. As we work together to preserve the principles and practices of religious freedom together with the rights of LGBTQ individuals much can be accomplished to heal relationships and foster greater understanding.

DEAR SENATORS COLLINS, BALDWIN, and PORTMAN: The Seventh-day Adventist Church in North America would like to express our profound appreciation for your commitment to the protection of this nation's historical and treasured religious freedoms in the context of the codification of same-sex marriage recognition.

The Seventh-day Adventist Church holds a traditional understanding of marriage as divinely established in Eden and affirmed by Jesus to be a lifelong union between a man and a woman. We recognize, however, that societal trends have departed from our Church's understanding of marriage, sexuality and family.

We are grateful for the members of Congress and their staff who have constructively engaged with us and with other faith institutions to ensure that the Respect for Marriage Act acknowledges that ''reasonable and sincere people'' can have ''decent and honorable religious or philosophical'' reasons to maintain traditional convictions about marriage.

The Adventist Church applauds you and your fellow Senators for the significant religious freedom protections included in the Respect for Marriage Act, including the protection of churches from being required to facilitate same sex marriages and the prevention of retaliation against religious organizations for their views on marriage.

Thank you for partnering together on legislation that reflects bipartisan commitment to religious freedom and diversity.

MELISSA REID,
DIRECTOR OF GOVERNMENT AFFAIRS,
Seventh-day Adventist Church—North American Division.

UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA, ADVOCACY CENTER,
Washington, DC, November 15, 2022.

Senators SUSAN COLLINS, KYRSTEN SINEMA, ROB PORTMAN, TAMMY BALDWIN.

DEAR SENATORS: In anticipation of the U.S. Senate's consideration of H.R. 8404 (the ''Respect for Marriage Act''), as modified by an amendment you have offered, we write to you on behalf of the leadership of the Union of Orthodox Jewish Congregations of America (''Orthodox Union''), the nation's largest Orthodox Jewish umbrella organization.

In 2015, when the U.S. Supreme Court issued its ruling in *Obergefell* v. *Hodges*, the leadership of the Orthodox Union ''reiterated(ed) the historical position of the Jewish faith . . . Our religion is emphatic in defining marriage as a relationship between a man and a woman. Our beliefs in this regard are unalterable.'' At the same time, we noted ''that Judaism teaches respect for others and we condemn discrimination against individuals.''

At the time, our leadership said that ''in the wake of today's ruling, we turn to the next critical question for our community, and other traditional faith communities—will American law continue to uphold and embody principles of religious liberty and diversity, and will the laws implementing today's ruling and other expansions of civil rights for LGBT Americans contain appropriate accommodations and exemptions for institutions and individuals who abide by religious teachings that limit their ability to support same-sex relationships?

As the U.S. Senate prepares to consider H.R. 8404 the leadership of the Orthodox Union, in light of the religious principles reiterated above, cannot endorse the main purpose of H.R. 8404. However, we welcome the provisions added to this bill by your amendment in the nature of a substitute in the Senate that appropriately address religious liberty concerns (provisions that were absent in the version of the bill passed by the House of Representatives).

As amended, Section 2 of H.R. 8404 recognizes that ''diverse beliefs about the role of gender in marriage are held by reasonable and sincere people based on decent and honorable religious or philosophical premises.'' Section 6 of H.R. 8404 provides that ''nothing in this act shall be construed to . . . abrogate a religious liberty . . . protection . . . available under the Constitution or Federal law'' and further provides that no religious nonprofit entity whose principal purpose is the advancement of religion shall be required to provide services or goods associated with solemnizing or celebrating a same sex marriage. Section 7 of H.R. 8404 provides that no government official or agency can deny a wide array of benefits—including tax exempt status, grants, contracts, accreditation or others—to an otherwise eligible entity or person on the basis of that entity or person not recognizing same-sex marriage. These provisions appropriately address the array of religious liberty concerns raised in the context of H.R. 8404 and its operative provisions.

Moreover, we note that your recognition that religious liberty interests must be explicitly and substantively addressed in the context of this kind of legislation is itself an essential act in a nation devoted to the principles of diversity, tolerance and religious freedom.

We thank you for your work with us and other faith partners to craft these important legislative provisions.

Sincerely,

MARK (MOISHE) BANE,
President.
RABBI MOSHE HAUER,
Executive Vice President.
NATHAN J. DIAMENT,
Executive Director—Advocacy.

Hon. Senator SUSAN COLLINS.
Hon. Senator TAMMY BALDWIN.

DEAR SENATORS: The CCCU strongly recommends that the Senate include the attached religious freedom amendment within the Respect for Marriage Act (S. 4556). The CCCU represents over 140 Christ-centered institutions of higher education in the United States encompassing over 500,000 students. The CCCU's mission is to advance the cause of Christ-centered higher education and help our institutions transform lives by faithfully relating scholarship and service to biblical truth. CCCU institutions adhere to Biblical values and traditions, including teaching the Biblical understanding of marriage as between one man and one woman as an essential foundation for a thriving society.

Since the *Obergefell* v. *Hodges* decision, the CCCU and other religious and First Amendment groups have sought to both uphold their sincere convictions regarding marriage and, in the spirit of *Obergefell*, advocate for a balanced legislative approach that preserves religious freedom and addresses LGBTQ civil rights. This carefully crafted amendment includes both strong religious liberty language recognized in the *Obergefell* decision and nonretaliation language that ensures this legislation cannot be used by state and federal agencies to punish religious organizations for their sincerely held beliefs.

This amendment provides explicit Congressional support for the truth that traditional marriage supporters and their beliefs are decent and honorable as was stated by the Supreme Court in Obergefell. It also sends a strong bipartisan message to Congress, the Administration, and the public that LGBTQ rights can co-exist with religious freedom protections, and that the rights of both groups can be advanced in a way that is prudent and practical.

Sincerely,

SHIRLEY V. HOOGSTRA, J.D.,
President.

NOVEMBER 15, 2022.

Re The Respect for Marriage Act.

DEAR SENATORS: On behalf of the AND Campaign and our coalition of pastors nationwide, I would like to thank you for your significant efforts to protect religious freedom in the amended Respect for Marriage Act (the ''Act''). Your commitment to civic pluralism and the hard work of democracy provides a model for American politics to move forward in a healthier manner. We're thankful that you chose the path of good faith and dignity in a time of immense division.

The AND Campaign upholds the historic Christian sexual and family ethic, which defines marriage as a union between one man and one woman. Accordingly, we were encouraged to see the amended legislation acknowledge that ''diverse beliefs about the role of gender in marriage are held by reasonable and sincere people based on decent and honorable religious or philosophical premises''. That acknowledgement coupled with strong anti-retaliation language is vital to protecting the free exercise of religion for millions of Americans who share our worldview.

Rather than engaging in zero-sum politics, your work demonstrates that thoughtful leaders can work through disagreements with respect and charity. We applaud the amended language and support the motion to proceed as necessary for a thorough debate on the Act.

Sincerely,

REV. JUSTIN E. GIBONEY, J.D.,
President, AND Campaign.

NOVEMBER 15, 2022.

Re The Respect for Marriage Act (H.R. 8404).

DEAR SENATORS COLLINS AND BALDWIN: The Center for Public Justice, and our Institutional Religious Freedom Alliance, thank you for your dedication to safeguarding religious freedom in the context of the statutory protection of same-sex marriage. We applaud Senators committed to bring forward for discussion the Respect for Marriage Act so the full chamber may discuss the proposed

amendment that we believe strongly protects religious freedom.

The proposed amended Respect for Marriage Act establishes that Congress agrees with the U.S. Supreme Court's decision authorizing same-sex marriage that reasonable and sincere people can hold other convictions about marriage due to their religious or philosophical convictions. Among other strong religious freedom protections we commend, we stress our thanks for the bill's language specifically protecting the tax-exemption of faith-based nonprofits and houses of worship.

As a Christian organization, we believe in the historic biblical understandings of marriage and human sexuality. Many in our society hold a different view, and in Obergefell, the Supreme Court mandated that same-sex unions be legally recognized as marriages. Significantly, in that same opinion, the Court acknowledged that reasonable and sincere people can have decent and honorable religious or philosophical reasons to maintain their traditional convictions about marriage. We believe that it will be of great legal and cultural significance if Congress enacts an amended Respect for Marriage Act that adds to the U.S. Code a statement of congressional agreement with the Court's positive view about the supporters of traditional marriage.

The amended Respect for Marriage Act contains other significant language embodying a congressional commitment to protecting religious freedom in the context of affirming LGBTQ rights. We regard adoption of the Act as the best opportunity since the passage of the Religious Freedom Restoration Act (1993) and the Religious Land Use and Institutionalized Persons Act (2000) for Congress to safeguard religious freedom with Democratic support. The amended Respect for Marriage Act codifies what is already the law of the land because of Obergefell while adding to the U.S. Code new protections for religious freedom in the context of marriage equality.

As a Christian public policy organization we are committed to policies that respect the dignity of all people. In our society with its many diverse communities of belief, justice requires creative pluralist policies. The religious freedom protections designed into the amended Respect for Marriage Act embody this pluralist approach. We commend you and your colleagues for your commitment to protecting religious freedom in our changing culture.

Sincerely,

STEPHANIE SUMMERS,
CEO, Center for Public Justice.

STANLEY CARLSON-THIES,
Founder, Institutional Religious Freedom Alliance.

NATIONAL ASSOCIATION OF EVANGELICALS,
November 15, 2022.

DEAR SENATORS BALDWIN AND COLLINS: Thank you for diligently working to ensure the inclusion of important religious freedom protections in the Respect for Marriage Act, which is currently before Congress. Your efforts, if successful, will produce the first significant bipartisan legislation in many years advancing religious freedom for all, including for those who hold traditional views on marriage.

Your proposal would achieve several objectives that enhance the religious freedom of all Americans:

Expressing congressional endorsement of the Supreme Court's finding that those who hold traditional understandings of marriage are decent and honorable, deserving of respect under the law, rather than being equated with those who espouse racism and bigotry;

Demonstrating that Americans can respect the dignity of their fellow citizens and live in peace even when disagreeing on fundamental issues such as the nature of marriage;

Protecting traditional marriage supporters from having to facilitate marriages that violate their religious convictions; and

Protecting religious organizations from retaliation by federal agencies due to their views on marriage.

These are important, commonsense provisions that represent a significant contribution to strengthening the legal protections for chose who, like the members of the National Association of Evangelicals, continue to believe that God designed marriage as an exclusive covenantal relationship between a man and a woman for the purpose of creating strong families that in turn bless their community and nation. We cherish the freedom to preach, teach, and practice these core convictions, while respecting our fellow citizens who do not share these beliefs.

Be assured of our prayers for you as you continue serving our nation and defending the rights of all Americans.

Gratefully,

WALTER KIM,
NAE President.

UNIVERSITY OF VIRGINIA SCHOOL OF LAW,
November 16, 2022.

DEAR SENATORS COLLINS AND BALDWIN: We are constitutional law scholars who have studied, taught, and written about the law of religious liberty for decades. All of us have persistently argued for religious liberty in legislatures and in the courts, including liberty for believers and institutions with objections to facilitating same-sex marriages.

We believe that H.R. 8404, the Respect for Marriage Act (RMA), with the additional religious freedom protections you have proposed, is a good and important step for the liberty of believers to follow their traditional views of marriage. Its protections for religious liberty, while not comprehensive, are important, especially in the context in which RMA arises.

A. THE RELIGIOUS LIBERTY PROTECTIONS ARE IMPORTANT

For several reasons, we believe the religious-liberty protections in RMA are meaningful and important even if not comprehensive.

1. First, RMA includes an explicit statement by Congress that ''[d]iverse beliefs about the role of gender in marriage''—including the belief that marriage is between a man and woman rather than between persons of the same sex—''are held by reasonable and sincere people based on decent and honorable philosophical premises'' and that such beliefs ''are due proper respect.'' Section 2(2). This statement of respect for the belief in male-female marriage plainly distinguishes it from beliefs opposing interracial marriage, which receive no such affirmation (even as the statute protects interracial marriages).

The distinction is important for religious-freedom claims. The Supreme Court in Bob Jones University v. United States, 461 U.S. 574 (1983), upheld stripping tax exemptions from racially discriminatory private schools, including religious schools, on the basis of the ''firm and unyielding'' national policy against racial discrimination. Opponents of traditional beliefs about marriage regularly analogize those beliefs to racist beliefs for the purpose of resisting religious freedom claims by traditional believers and institutions.

Explicit congressional affirmation that the traditional male-female definition of marriage is ''reasonable'' and ''honorable'' would counter the analogy to racism and weaken the ground for relying on Bob Jones to justify rejecting traditionalist believers' religious-freedom claims. Obergefell v. Hodges included a similar statement of respect for traditional views, but it was dictum, and some commentators have questioned the Court's power to declare it. A congressional statement would be a legitimate, and powerful, statement of national policy—one favoring respect for (among other things) religious organizations that adhere to traditional views of marriage.

2. RMA includes specific protections for religious liberty. Most notable is the categorical exemption for ''nonprofit religious organizations''—comprehensively defined to include ''social agencies'' and ''educational organizations,'' and ''nondenominational'' and ''interdenominational'' organizations as well as houses of worship—from having to provide ''services, accommodations, advantages, facilities, goods, or privileges for the solemnization or celebration of a marriage.'' Section 6(b). The provision, although not a comprehensive protection for acts by religious nonprofits, guarantees that they can refuse to participate in the category of activities most relevant to RMA's coverage: ''solemnization or celebration of a marriage.'' The provision bars ''any civil claim or cause of action'' based on such a refusal: it sets no limitation on the nature or source of the claim or cause of action barred. Although courts might provide such protection under the First Amendment, this provision makes the right more secure and avoids lengthy constitutional litigation. The protection is categorical; unlike a claim of constitutional right, it cannot be overridden by a judicial finding of a ''compelling governmental interest.''

RMA also explicitly provides that it does not ''deny or alter'' any tax exemption, funding, license, accreditation, or ''any benefit, status, or right of an otherwise eligible entity or person''—including, plainly, of a religious organization. Section 7(a). Those who claim that the bill would be used as a ground for denying tax-exempt status to organizations adhering to male-female marriage, by analogy to Bob Jones, are disregarding the statutory text.

3. Finally, RMA both reflects and teaches that if proponents of LGBTQ rights want any advances or legislative protections for those rights, they must attend also to corresponding religious-liberty concerns. LGBTQ-rights proponents have failed to secure their goals in Congress through the Equality Act, or in many state legislatures, because they have been unwilling to make provision for religious liberty. The lesson applies to conservatives as well. Efforts like the First Amendment Defense Act (FADA) have likewise failed repeatedly because they made no provision for recognizing LGBTQ rights even in an incremental way. Religious liberty has been caught in the crossfire of warring groups unwilling to accept the smallest gain for the other side. And religious liberty has suffered as a result, both in its concrete scope and in its status as a fundamental civil right that all Americans should embrace enthusiastically.

This bill offers a chance to counter those trends and to enact religious-liberty protections in a bipartisan measure. RMA does not provide all the protection that traditionalist believers seek or that they should receive. But the protections it offers are important.

B. THE RELIGIOUS-LIBERTY PROTECTIONS ARE IMPORTANT IN LIGHT OF THE CONTEXT IN WHICH RMA ARISES

Moreover, the religious-liberty protections that RMA provides must be considered in the

context in which RMA arises. Three features of RMA's context reinforce that its religious-liberty protections are significant.

1. RMA poses little or no new risk to religious liberty beyond those that already exist from nondiscrimination laws combined with same-sex marriage rights under Obergefell v. Hodges. Those rules are currently in force, without RMA (and without the statutory religious-liberty protections it would provide).

RMA creates no new cause of action against any private religious entity, even one receiving funding from the state. Only a person acting ''under color of state law'' can violate the Act. Contrary to the claims of some RMA opponents, Supreme Court precedent is clear that entities do not act under color of state law—to use an equivalent term, they are not rendered ''state actors''—simply because they contract with the state, receive funding from the state (even the lion's share of their funding), or are heavily regulated by the state. Blum v. Yaretsky, 457 U.S. 991 (1982); Rendell-Baher v. Kohn, 457 U.S. 830 (1982). Blum, for example, held that a privately owned skilled nursing facility was not a state actor even though it was heavily regulated, received 90 percent of its income from Medicaid payments, received state subsidies for its capital costs, and was doing something the government required it to do—but what was challenged was a particular means of doing that thing, and the government did not require the means. ''[C]onstitutional standards are invoked only when it can be said that the State is responsible for the specific conduct of which the plaintiff complains.'' Blum, 457 U.S. at 1004 (second emphasis added). The state had not directed the specific conduct complained of in Blum. Nor, obviously, can the government be said to have directed a religious nonprofit's specific decision to disfavor same-sex relationships.

2. If RMA creates no new liability, then the only way it could make traditional believers' religious liberty less secure is if the Supreme Court were ready to overrule Obergefell, ending the constitutional right to same-sex marriage, and RMA then preserved a small portion of that right by statute. But the chances of overturning Obergefell are small. Justice Thomas's call to overturn it, made in his concurrence in Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228 (2022), attracted no other votes. Rather, the Dobbs majority opinion emphasized, in three different places, that the overruling of constitutional abortion rights did not cast doubt on other substantive due process precedents, because abortion is a ''unique act'' involving termination of a ''life or potential life.'' 142 S. Ct. at 2277; id. at 2258, 2280. Justice Kavanaugh reiterated the point in his concurrence. Id. at 2309. Conservatives have generally urged taking these assurances from the Dobbs majority as genuine and reliable.

As constitutional scholars and observers, we agree. To overrule Obergefell, the Court would have to undo thousands of same-sex marriages entered into in reliance on that decision or else create a two-tier system in which some same-sex couples will be validly married for fifty or sixty years because they married during a window of opportunity while all future couples are barred in many states. We very much doubt that a majority will take that step.

3. Finally, as we have already emphasized, religious-liberty protections, however defensible and warranted, have repeatedly failed when embodied in legislation that provides no benefits (however incremental) to LGBTQ rights. The question is not whether this bill provides all the protections that traditional believers and institutions will need in all contexts. The question is whether the bill provides protections that are significant when compared with new risks to religious liberty that the legislation creates. Because we conclude that the bill's protections are important and that any new risks it creates are quite limited, we see it as an advance for religious liberty.

DOUGLAS LAYCOCK,
Robert E. Scott Distinguished Professor of Law, University of Virginia, Alice McKean Young Regents Chair in Law Emeritus, University of Texas.

THOMAS C. BERG,
James L. Oberstar Professor of Law and Public Policy, University of St. Thomas (Minnesota).

CARL H. ESBECK,
R.B. Price Professor Emeritus of Law and Isabelle Wade and Paul C. Lyda Professor Emeritus of Law, University of Missouri.

ROBIN FRETWELL WILSON,
Mildred Van Voorhis Jones Chair in Law, University of Illinois College of Law.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I have come to the floor today to talk about legislation that is going to come before this Chamber this afternoon called the Respect for Marriage Act. I hope the Senate will consider this legislation and pass it. I think it is good for our country.

Marriage is really important in our society. It is a sacred bond that two people make to each other. It represents a lifetime of commitment and love and care in times good and bad. It is also the foundational unit upon which our entire society is built. I have witnessed this firsthand over the past 36 years with my wife Jane and our amazing family. I was fortunate to have an upbringing with parents who were together for five decades. The recognition and protection of this bond makes the couple, the family, and our country stronger. That is why there is a constitutional right to marry.

Same-sex marriage has also been a constitutional right since 2015. Today, there are about a million same-sex households. About 60 percent of them are married.

In the minds of most Americans, the validity of these marriages is a settled question, and the overwhelming majority of Americans want this question to be settled. According to Gallup, 71 percent of Americans believe that same-sex marriage should be recognized as valid by law. The majority of support for same-sex marriage, by the way, is seen across all age groups, races, religious affiliations, and even political parties. In fact, polling from just last year shows that 55 percent of Republicans support the legal recognition of same-sex marriage.

Now, the Respect for Marriage Act we are about to vote on actually doesn't go that far. It simply says that if you get married in one State, another State has to honor it.

So why are we here? Given this broad American consensus, why is the Senate debating this today as to whether we should recognize something that the vast majority of Americans already recognize and support? The answer is, because current Federal law does not reflect the will or beliefs of the American people in this regard. The current statute allows States and the Federal Government to refuse to recognize valid same-sex marriages.

While it is true that this law is not currently enforceable, I would argue, because of Supreme Court rulings, it still represents Congress's last word on the subject. So it is important to clarify that, to get the old legislation off the books. Likewise, current Federal law is silent on the question of interstate interracial marriage, believe it or not, so that needs to be addressed.

Given this disconnect between the American people and our current legislation, it is time for the Senate to settle the issue and pass the Respect for Marriage Act, as the House of Representatives has already done. By the way, that was an overwhelming vote in the House with 46 Republicans supporting it.

This bill simply allows interracial or same-sex couples who are validly married under the laws of one State to know that their marriage will be recognized by the Federal Government and by other States, if they move, in accordance with established Supreme Court precedent. That is why we have to do this.

Second, we have to do it because in a recent Supreme Court case, there was this notion that maybe this would get revisited, this issue of same-sex marriage. So it is important that we resolve the issue for both of those reasons. And people who are in same-sex marriages are understandably very interested in having that resolved. They want to clarify it. They've made financial arrangements, maybe adoptions, and so on. They want to be sure that their marriage can continue to be honored.

I think, in short, there are two main effects of this bill, and both are well within the constitutional authority of the Congress to address. First, to ensure that the marriages legally performed in one State are recognized as valid in other States, regardless of sex or race.

This is a straightforward application, by the way, of the Full Faith and Credit Clause of the Constitution anyway. Under this clause, States are required to recognize things like court judgments and public records from other States. This bill simply clarifies that marriage is one of those things that must be recognized across State lines.

Second, this bill specifies that the Federal Government will recognize a marriage that is valid in the State where it was performed. This portion of

the bill keeps the Federal Government out of the business of defining marriages, which is something, on my side of the aisle, among Republicans, particularly important because that leaves the decision to the States where it properly belongs.

I also want to take a moment to address what this bill does not do because I have had a lot of conversations with my colleagues over the last week or so about this; and in some cases, they are talking about things that this bill simply doesn't do. It does not require any State to perform same-sex marriages if it chooses not to, in the event the current Supreme Court case, let's say, is overturned. It just doesn't do that. It does not require anything not already required by the Supreme Court precedent.

It certainly does not allow polygamy. This is a point that has been raised by some of my colleagues on my side of the aisle. Polygamy is illegal in every jurisdiction in the United States, and this does nothing to change that. It actually adds another provision in our amendment—that I will talk about in a second—that explicitly prohibits polygamy.

This bill does not permit lawsuits against individuals or entities acting in a purely private capacity. That is important.

As you can see, the bill is really very narrow. It is constitutional, and it does not infringe on State sovereignty. It is a bill that simply ensures, as a matter of statutory law, that interracial and same-sex marriages that were legal in the State in which they were performed will be recognized if the couple moves to a different State.

I also want to address several points of criticism against the bill and the significant efforts that we have made to address those through a substitute amendment, which was written by all of us who have been involved in this process but also a number of outside groups. This amendment contains robust religious liberty protections. The amendment was developed collaboratively, again, between us—as TAMMY BALDWIN is here on the floor, SUSAN COLLINS, THOM TILLIS, also KYRSTEN SINEMA—also by listening to feedback and working extensively with many of our Senate colleagues, with faith-based groups on the outside, and also other stakeholders.

The first criticism that I heard was this bill does not sufficiently protect people of faith. I disagree. I believe religious freedom is a fundamental pillar of our constitutional order, and I am confident nothing in this will limit the religious and constitutional protections that exist under the First Amendment or any other Federal laws.

To further advance and protect our cherished religious freedoms, however, our amendment contains four very important provisions. First, it acknowledges that decent and honorable people who hold diverse views about the role of gender in marriage and that such people and their beliefs are due respect. This is very important to many of the religious organizations we have dealt with who are strongly supporting this legislation, to make the point that people can have different points of view. We are going to respect that.

It also has a very important application to the lawsuits that people are concerned about that might come up. In the Bob Jones case, as an example, there was a notion that was different with regard to interracial marriage. In this case, though, with regard to same-sex marriage, again, we respect people have different points of view. It is important to lay that out.

Secondly, it explicitly protects all existing religious liberty and conscience protections under the First Amendment, any other constitutional provisions, and Federal laws explicitly. I would argue it already did that, but I think it is important to make it explicit.

Third, it guarantees that this bill cannot be used to target or deny benefits, including tax-exempt status which is very important to a lot of religious organizations; also, grants, contracts, educational funding, licenses, and many others. Religious organizations helped us to put this language in place just to ensure that this bill cannot be used for that purpose.

Fourth, it ensures that nonprofit religious organizations, including churches, mosques, synagogues, religious schools, and others, cannot be required to provide facilities or goods or services for marriage ceremonies or celebrations against their will.

These religious liberty provisions are very significant. Several constitutional scholars, by the way, and advocates for religious liberty, led by Professor Doug Laycock of the University of Virginia Law School, have carefully analyzed this bill and sent us a letter concluding that overall this legislation is ''an advance for religious liberty.'' These are advocates, especially Laycock himself, who has taken cases to the Supreme Court representing religious schools. He is saying that this bill, on net, this bill actually increases religious liberty. Numerous other important faith groups agree. The Reverend Walter Kim, President of the National Association of Evangelicals described this amendment, if it passes, as ''the first significant bipartisan legislation in many years advancing religious freedom for all, including for those who hold traditional views on marriage.'' In other words, he is saying this legislation—forgetting the parts about same-sex marriage, which are very important—but with regard to religious liberty, it moves the ball forward, in his view, as the President of the National Association of Evangelicals.

Another criticism of this bill is that it will be used to target religious organizations by revoking their tax-exempt status under Federal law. I don't see how this would be possible without even having an amendment, but we wanted to clarify that. This bill does not require anything that is not already required by the Supreme Court. However, penalizing or targeting a private organization because of sincere views on same-sex marriage would be a clear First Amendment violation. I am confident the Court would not tolerate it. But to ensure that this bill cannot be used to target or deny benefits to religious organizations, our amendment explicitly prohibits it. The amendment specifies that this legislation may not be used to deny or alter any ''benefit, status, or right'' unrelated to marriage, period. This gives assurances to people and organizations of faith that their tax-exempt status, tax treatment, educational funding, licenses, and other benefits cannot be affected by this legislation.

The third criticism I heard is that this bill legalized and recognized polygamy. To address this, we put an explicit prohibition in place, even though no State permits it, so there cannot be a recognition of polygamous marriages, period.

As you can tell, we have worked hard to address concerns that have been raised and to craft an amendment that provides robust, affirmative protections of people of faith without diminishing the rights of couples in same-sex marriages. This is very important.

President Hoogstra of the Council of Christian Colleges and Universities, a group that is endorsing this legislation, observed this amendment ''sends a strong bipartisan message to Congress, the administration, and the public that LGBTQ rights can coexist with religious freedom protections, and that the rights of both groups can be advanced in a way that is prudent and practical.''

That is what is extraordinary about this bill. These two sometimes viewed as competing interests are working together. But as she said, we have shown here through this legislation that these rights can co-exist—religious freedom, on the one hand, LGBTQ on the other hand.

Achieving this kind of compromise could not have happened without hard work, good faith, and bipartisan negotiation. I want to extend specific thanks to the following groups who have worked with my colleagues to develop this legislation, including the Church of Jesus Christ of Latter-day Saints, also known as the Mormon Church; the National Association of Evangelicals; the Seventh Day Adventist Church; the Union of Orthodox Jewish Congregations of America; the Council for Christian Colleges and Universities; the Center for Public Justice; the AND Campaign; the Institutional Religious Freedom Alliance; and the 1st Amendment Partnership.

It is my hope that, with the changes we talked about today and we have all now agreed to, we can pass this legislation with the same kind of overwhelming bipartisan majority we saw in the House of Representatives, and,

therefore, settle this issue once and for all. Millions of American couples, including many Ohioans, are counting on their elected representatives in Congress to recognize and protect their marriage, to give them the peace of mind to know that their marriage is, indeed, protected and secure. We must not let them down.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, today, the Senate has a chance to live up to its highest ideals by taking up legislation that will protect the rights of all Americans, regardless of who they choose to marry.

In many ways, the story of America has been a difficult but inexorable march towards greater equality for all people. Throughout our history, sometimes we have taken very important steps forward; other times, unfortunately, we have taken steps backward. But today, the Senate is taking a truly bold step forward in the march towards greater justice, greater equality, by advancing the Respect for Marriage Act.

It is a simple, narrowly tailored, but exceedingly important piece of legislation that will do so much good for so many Americans. It will make our country a better, fairer place to live.

Passing this bill is as personal as it gets for many of us in this Chamber, myself included. My daughter and her wife, my daughter-in-law, are expecting a baby next spring. I want to do everything possible to make sure their rights are protected under Federal law. I want them and everyone in a loving relationship to live without the fear that their rights could one day be stripped away. There are many of us who are deeply invested in seeing this bill succeed.

Originally, it was our intention to take action on the Respect for Marriage Act back in September, fresh off the House's strong bipartisan vote for the summer. Remember, 47 House Republicans joined Democrats to pass this bill. But at the urging of my colleagues from both sides of the aisle, I agreed to hold off on scheduling a vote in order to make sure we had enough support to move forward. My job at the end of the day will always be to prioritize getting things passed through this Chamber, and marriage equality is too important an issue to risk failure. So I made the choice to trust the Members who have worked so hard on this legislation and wait a little bit longer in order to give the bipartisan process a chance to play out. It is much better to pass this legislation and move equality forward than simply have a showboat, which would bring political reckoning, but no real change for the American people.

I want to thank my colleagues from both sides of the aisle who have led the charge in getting this bill ready for the floor and, hopefully, soon onto the President's desk—including our two leaders on our side, Senators BALDWIN and SINEMA, who have done a fabulous job and have worked this bill so hard and so well and so consistently. I want to thank Senators PORTMAN and TILLIS, and COLLINS on the other side who are part of this bipartisan team. They managed this process stupendously and I am optimistic their efforts will prove successful later today.

To the rest of my colleagues and to all Americans who are watching what the Senate does, this is a great chance to do something very important for tens of millions of Americans. No one—no one—in a same-sex marriage should have to worry about whether or not their marriage will be invalidated in the future. They deserve peace of mind knowing their rights will always be protected under the law. With this bill, we can take a significant and much-needed step in that direction.

The majority of Americans support us in this endeavor. They are joined, not only by hundreds of major American companies who support this bill, but also religious organizations who affirm that the Respect for Marriage Act is a sound and a commonsense piece of legislation.

So if both parties can come together, today could be truly one of the highlights of the year for this body. This has been an incredibly productive year in Congress, full of many significant achievements, but I think that passing the Respect for Marriage Act would be one of the more significant accomplishments of the Senate to date.

Like so many other bills this year, it will be an unequivocal bipartisan win. So I urge my colleagues: Think about those who you know and love who are in a same-sex marriage, maybe it is your friends, maybe it is your family, maybe it is someone on your staff. I hope with them in your heart, you will support this bill.

There is every reason under the Sun to move forward and begin debating this important legislation for the sake of ensuring equal justice under law, for the sake of millions of married couples who want to live their lives without discrimination, and for the sake of every person out there, young and old alike who wonder if they, too, deserve to be treated with fairness and dignity and basic decency.

I strongly urge my colleagues to vote yes on moving forward with the Respect for Marriage Act later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Madam President, I, along with my colleagues who have spoken before me, am proud to be able to work on a very sensitive issue in a very collaborative and bipartisan fashion.

We did it in a way that was always respectful of the fact that many Americans come from different walks of life and many diverse beliefs and viewpoints.

We know that nearly a million Americans are already committed to same-sex marriages who simply want long-term certainty—not only the million who are already committed to same-sex marriages but the millions of people who attended the ceremonies, their friends, and their family.

As we went through this bill, we listened to the very sincere concerns of Americans with strongly held religious beliefs who simply wanted to make sure that Congress protects their First Amendment rights, especially the freedom of religion.

By casting politics aside and working hard behind the scenes over the past several months, we managed to strike a balance with this legislation. There will be permanent certainty for same-sex couples, and they can rest easy knowing their families are secure. And there will be robust protections for churches, religious organizations, protections that are more robust and expansive than currently exist in Federal law.

I want to talk a little bit about the compromise we reached and what it will mean for our constituents who voiced their concerns over the past few months. This bill protects religious liberty and conscience protections available under the Constitution and Federal law, including the Religious Freedom Restoration Act, commonly referred to as RFRA. This bill cannot be used to diminish or repeal any such protection.

The bill also makes clear that no religious organization will be required to provide any services for the celebration of a same-sex marriage. Simply put, that means that no church or religious organization will be required to perform, recognize, or celebrate same-sex marriages.

We also took steps to protect the tax-exempt status of religious nonprofit organizations. We didn't leave anything ambiguous. We included language that guarantees the bill cannot be used to deny or alter any benefit, right, or status of any otherwise eligible person or entity. This includes tax-exempt status, tax treatment, grants, educational funding, loans, scholarships, licenses, and certifications. Put together, the Respect for Marriage Act essentially preserves the status quo we have had in our country for the last 7 years, since the Supreme Court ruling.

Same-sex couples will continue to have the right to get married, now without the fear of government intervention, and churches and religious organizations will continue to operate and worship free from government interference.

This is a good compromise. It is one that is based on mutual respect for our fellow Americans, protecting the rights of Americans who may have different lifestyles or different viewpoints. I am proud of the work we did with this bill. I am looking forward to voting yes on it. And I am grateful for the leadership of so many people who were involved. Of course, Senator COLLINS, Senator PORTMAN, Senator BALDWIN, and Senator SINEMA. But I also want to thank

the Church of Latter-day Saints, the Seventh-day Adventists, the Council for Christian Colleges and Universities that represents 150 different religious institutions of higher learning here in the United States alone, and they have operations abroad, and the National Association of Evangelicals, the Center for Public Justice and its Institutional Religious Freedom Alliance.

I believe this is a good bill, and bipartisan bills in any environment are difficult. And I think it is why it was so important we came together, had the courage to work together, recognized the viewpoints at either end of the spectrum, and came up with a carefully crafted compromise that I believe is good for all Americans.

And I look forward to everybody voting in favor of it. We will have some opposition, but at the end of the day, I think we will prevail. And that is a message to so many people out there who want this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. SINEMA. Madam President, I rise today as our country takes an important step forward to protect the rights and freedoms of all Americans. Together with broad bipartisan support, the Senate will provide certainty to millions of Americans in loving marriages and enshrine into law the basic protections afforded all Americans while respecting our country's critical principle of religious liberty.

This historic milestone builds off of years of incredible strides we have made advancing freedom and equality, including hard-fought victories I have been honored to help lead.

Nearly two decades ago in 2006, at a time when our country was just beginning to debate marriage, Arizona proposed a ballot proposition banning same-sex marriage in our State's constitution. This issue was personal to me and to many other Arizonans. Similar ballot provisions had passed in States across the country, red and blue States alike, and the stakes were high. The pundits didn't give Arizona much of a chance.

I knew that in order to buck the trend and win, we would need to run a different kind of campaign that expanded the conversation, cultivated a diverse group of unlikely partners, and moved past the tired, partisan talking points.

That is why I worked across the aisle and teamed up with my good friend Steve May, a Republican. Now, we faced some criticism at the time for how we chose to run our campaign. Some wanted us to run a partisan campaign, convinced that highlighting the divides in our community and focusing exclusively on the LGBTQ community would put us over the top.

But I knew we couldn't do it just by talking amongst people who already agreed with our position. The polling showed it. And, frankly, we felt that in order to do right by our friends, our neighbors, and our fellow members of the LGBTQ community in Arizona, we had to do more than run a campaign that made our core supporters feel good but ultimately didn't build the broad-based coalition of Arizonans needed to win.

That is why we expanded the conversation to include how the proposition would harm all unmarried couples across Arizona, not just those in the LGBTQ community but people in domestic partnerships, people in common-law marriages because here is the truth: When we reach beyond partisan talking points to find common ground, we expand what is possible in Arizona and in our country.

We had open and honest conversations about the hopes and dreams that unite us, instead of the superficial differences that divide us.

In Arizona, we value our independence. We are proud of our families and our communities, and we work hard to protect them. We have our differences, but we share a strong sense of service, hard work, and self-determination.

We believe that everyone has the right to define his or her own destiny and that no one should be treated differently under the law. By focusing on these shared values, we found success. We defeated that ballot proposition—the first State in the country to do so—and I learned lessons that have shaped my work for Arizonans ever since.

Since 2006, we have seen long-term progress that makes today's important debate in the U.S. Senate possible. This work is ongoing. But the work can't and shouldn't be attributed to any one politician, any political party, or any piece of legislation. This work happens because people choose to be their most authentic selves and live their lives freely.

Being gay is normal. Being yourself is normal. Showing up to life every day happy to be who you are is normal. And being authentic with your friends, your family, your colleagues, and your community, that is also normal. That normalcy is what helps us listen to each other, understand each other, and grow in our community together. It is what changes hearts and minds in Arizona and around the country, and it is what, little by little, piece by piece, delivers sustainable progress.

Whether at home in Arizona or here in the U.S. Senate, in order to deliver real results to the Americans we serve, we need to work together. Working together means listening with open hearts, bridging divides, shutting out the noise, and focusing on our shared goals.

I have seen time and time again how this approach helps us overcome tough challenges.

A little over 6 months ago, it was thanks to that same approach that I stood here on the Senate floor and delivered remarks on the passage of our Bipartisan Safer Communities Act, a historic law we negotiated and passed with broad bipartisan support that makes our schools and communities safer and saves lives.

And before that, this same approach helped us pass our landmark legislation, the Infrastructure Investment and Jobs Act, into law, strengthening America through upgrades and repairs, creating good-paying jobs, and expanding economic opportunities across the country. Beyond these historic accomplishments, our approach of focusing on common goals and shared ideals has helped us pass a number of other lasting solutions, including long-awaited and necessary postal reform, support for Ukraine in its fight against Putin, and most recently, the passage into law of our bipartisan CHIPS and Science Act, legislation that boosts America's global leadership, spurring job creation and addressing our supply chain challenges.

As we can all see, this approach has proved successful, and right now we need this approach more than ever. You know, this summer Arizonans and Americans across the country were confused, and some were scared, following the Supreme Court's decision to overturn Roe v. Wade. Women felt their health and well-being was endangered and our own abilities to make critical decisions about our futures were suddenly thrown into question. This fear trickled into other communities—including the LGBTQ community—as leaders with extreme ideologies mused about what other challenges could come next. But sadly, in response, we saw elected officials on both sides of the aisle exploit this fear and use it to fuel clicks, book cable news appearances, and drum up outrage to further their own partisan political agendas.

Outrage can help propel political stars, but it doesn't solve problems. It doesn't make life better for everyday people.

But amidst the noise, a few hard-working Senators from across our country and across the political spectrum understood there was a need to provide certainty to the American people, and we came to the table to get something done.

Senator TAMMY BALDWIN, our groundbreaking leader on this issue, partnered with my old friends Senators SUSAN COLLINS, ROB PORTMAN, THOM TILLIS, and myself, all of us no strangers to bipartisan success in a divided Senate. Together, we Senators all focused on the same goal, to help ensure married same-sex couples across the country are afforded the same protections as all other married American couples.

Along the way, we overcame obstacles; we made certain our language respected religious liberty; and we were careful to ensure that in shoring up some rights we did not infringe upon others.

We made our case to colleagues on both sides of the aisle. We listened to those who disagreed with us. We didn't pick fights. We didn't call names. We

just kept moving forward. And I am proud to say that by refusing to demonize each other and by focusing on our shared goals, we will deliver real, lasting results for the LGBTQ community.

We will make our country stronger and safer for American families in a way that honors and respects our diverse viewpoints on marriage, on family, and society.

I thank the many faith communities that helped us expand this policy conversation and ensure that our amendment would include robust and commonsense religious liberty protections.

In particular, I thank the Church of Jesus Christ of Latter-day Saints that provided thoughtful suggestions and contributions. They summarized our holistic outcome when they wrote in their statement:

> We believe this approach is the way forward. As we work together to preserve the principles and practices of religious freedom together with the rights of LGBTQ individuals, much can be accomplished to heal relationships and foster greater understanding.

Not every American agrees on marriage or lots of other issues, and that is OK. Honest disagreements don't make us any less decent or honorable, especially if we see that disagreement as an opportunity to learn and grow.

If more of us dedicate ourselves to better understanding one another and our lived experiences, if we strive to see an issue from another person's point of view, and if we all work to practice a bit more patience and grace, I know we can continue finding paths forward together.

It may not seem like it in today's partisan world, but there has always been more that unites us as Americans than divides us.

The bipartisan support we have garnered in the Senate today proves this issue isn't a matter of one party being right or the other party being wrong. This issue is bigger than angry tweets and bombastic fundraising emails. This is about ensuring American families, who share the ideals of all marriages—love, devotion, and sacrifice—can continue to count on the basic rights and responsibilities that come with their marriages. It is about protecting the beliefs that unite us as Americans: the right to define our own destinies, the understanding that no one should be different in the eyes of the law, the freedom to reach for every opportunity and fulfill our greatest potential.

The truth is, if we allow our basic values of honor and dignity to become just another political football, we all lose.

As I learned back in 2006 in Arizona, we have to work together. We have to find willing partners in both parties, and we must bridge our divides before they rip us apart for good.

Our work is not done. As a body, we must resolve to do the right thing to continue this mission and keep working together to deliver lasting results. Our country deserves it, the American people deserve it, and the stakes are too high to stop our progress now.

I yield the floor.

The PRESIDING OFFICER (Mr. PETERS). The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. BALDWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. BALDWIN. I ask unanimous consent that the vote previously scheduled for 3:15 p.m. be called immediately.

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 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. 449, H.R. 8404, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes.

Charles E. Schumer, Tammy Baldwin, Brian Schatz, Margaret Wood Hassan, Patty Murray, Tammy Duckworth, Jeff Merkley, Jacky Rosen, Richard J. Durbin, Debbie Stabenow, Elizabeth Warren, Mazie K. Hirono, Alex Padilla, Gary C. Peters, Jeanne Shaheen, Catherine Cortez Masto, Benjamin L. Cardin, Robert P. Casey, Jr.

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 motion to proceed to H.R. 8404, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Nebraska (Mr. SASSE).

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—62

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

NAYS—37

Barrasso	Grassley	Paul
Blackburn	Hagerty	Risch
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Thune
Crapo	Lankford	Toomey
Cruz	Lee	Tuberville
Daines	Marshall	Wicker
Fischer	McConnell	
Graham	Moran	

NOT VOTING—1

Sasse

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 62, the nays are 37.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for as much time as I shall consume.

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

FAREWELL TO THE SENATE

Mr. INHOFE. Mr. President, as I reflect on my 28 years serving in the U.S. Senate, I am reminded of the lessons I learned from my former colleagues and friends who have served beside me in the Senate. I had the privilege of serving with many great titans for a fairly long period of time. Some maybe thought too long. I had the privilege of serving with the people whom I have known very well—people like Orrin Hatch and Mike Enzi, friends I miss dearly. I single them out because they are no longer with us.

In Senator Hatch's farewell speech in 2018, he reflected on the striking shift in polarization and partisanship of the Senate, and he yearned for the days of Members finding common ground and breaking bread together.

Orrin reflected on this in his farewell speech. He said: Could two people with polar-opposite beliefs and from vastly different walks of life come together as often as Teddy and I did? And the answer is yes. Can conservative Republicans and Democrats come together today? All the time, and they will in the future. But you may not hear about it because it is not newsy. The media doesn't really care if everybody loves everybody.

Then there is Barbara Boxer. Not too many people who are making their last speech talk about Members of the other party, but I will do this. I have shared this story many times with all of you about how former Senator Barbara Boxer of California and I worked together for many years as chair and ranking member of the EPW Committee to get things done. You can't get two more ideologically different Senators than Barbara and me—Barbara, a proud Democrat of the most far left State in the Nation, and me, a

proud Republican from the most conservative State in the Nation. But we were able to see past our ideological differences to work together, and we did. We got stuff done. We passed landmark legislation, from highway bills like the FAST Act to the Frank Lautenberg Chemical Safety Act. You remember that. Most people still remember that. We did it, and we did it time and time again.

Every Wednesday, as Republicans in this meeting in the Senate where the chairmen will go—I shouldn't probably be telling all you guys what Republicans do. But they go around the room and give an update on what their committee is working on. And I would always say at that time: Now is the time to hear from the committee that gets things done.

And I can say that—that Barbara Boxer and I got things done. And do you know what? We actually enjoyed it. Nobody believed that we would enjoy it so much and actually get things done.

Then there is JACK REED. Today, I have a similar relationship with the chairman of the Senate Armed Services Committee. I am a Republican, and he is a Democrat. JACK is from Rhode Island, a very blue State, but we have worked together for years to pass the annual Defense authorization bill, which is the most important bill we pass every year.

I believe the secret to getting this bill done—and any bipartisan bill, for that matter—is determination, but also trust and respect in the Member that you are sitting across the table from, a lesson Senator Hatch set very well. In working with Senator REED over the years, he has my trust, and I have his respect. And it is why we have been successful in what I consider to be the most significant thing that we do every year.

For me, I was a builder and developer prior to running for public office and never contemplated getting involved in politics until one day on the job in South Texas. I was told that I needed more than a dozen permits to build a single dock. Now, that didn't make much sense to me, and so I decided at that time to run for office and try to get things done where people in this body are actually responding favorably.

I remember when I first came to the Senate from the House. After I gave a very spirited speech on the Senate floor, Senator Byrd came up to me and he said: Young man, the Senate doesn't work like the House. Let me tell you about the Senate. That day happened to be November 17, 1994, which was my 60th birthday. Until the day he died, I was still ''young man.'' And Senator Byrd explained to me—and this is something that a lot of the new Members who are just being sworn in as we speak, and are here for the first time, realize—that this is discipline and major differences. If you make enemies in the Senate, you are wiped out. That is not true in the House. I spent a lot of years in the House before.

Also, I remember friends across the aisle, like former Hawaii Senator Danny Akaka, who led our Prayer Breakfast each week; Ted Kennedy, who I helped out of the Capitol during one of the September attacks that was taking place; and former Majority Leader Harry Reid, who would sometimes move our voting schedule around so that I could get home and watch my grandkids' football games.

And then there is the one that we all love, SUSAN COLLINS, who is well-respected because she makes this institution a better place, and not just because of the Maine lobster rolls that are her signature fare for the eating groups.

Real friendship does exist in the U.S. Senate, but nobody knows it. It is a big secret around here.

Then there is a bipartisan Bible study that we have. Some of you know about the Senate Bible study that meets every Thursday in my hideaway in the Capitol. I have made a point not to miss a Thursday Bible study in 28 years. So I have a record going. There is no one who is going to beat it. Well, they could beat it, I suppose. After I was first elected to the House in 1986, I attended a Bible study led by a guy named Tom Barrett.

I am going to tell you a story that most people don't want to hear, but one day, Tom Barrett and a Member of Congress from Kansas invited me to the Members' dining room after Bible study. Keep in mind, this was 1986.

They said to me: Inhofe, we think that—we have been with you now for over a year, since you got here, and we think you never really accepted Jesus.

Well, I got mad. Who is this young guy there telling me about Jesus?

And they said: All right, when did you ask Him?

And I said: Well, every day.

They asked: How long have you and Kay been married?

At that time, we were newlyweds. We were probably, I think, celebrating our 29th wedding anniversary.

And they said: Do you propose to Kay every day?

And I said: No.

And they replied: Why?

And I said: Because we are already married.

Well, bingo, that meant something. And I thought—I was a little cautious because these guys were younger, and I wasn't sure I knew them that well. I said, just in case they were right in the Members' dining room at 2:30 in the afternoon on September 22, 1988, I reaccepted—reaccepted—Jesus as my personal Lord and Savior. Now, that is life-changing.

OK. Now there is Africa. Since joining the Senate, I have made 172 African country visits, alongside good friends from here, like Mike Enzi, JOHN BOOZMAN, MIKE ROUNDS, Trent Kelly, Tim Walberg, and arguably my closest friend, Mark Powers, a real brother, but it all started with Doug Coe. You see, people think of Doug Coe as having been someone who was a great diplomat. He had political influence and all that.

Years back, an article about Doug said this:

> The extent of Coe's influence in American politics is [real] . . . important figures have acknowledged his role on the national and international stage. For instance, speaking at the 1990 National Prayer Breakfast, President George H. W. Bush praised Coe for his quiet diplomacy.

Not many things are quiet around here. Doug spent his years in the countries across the world taking Jesus's name to the Kings. I remember him asking me for 8 years. He said: Inhofe, I wish you would go to West Africa.

And I had no interest in going to West Africa.

And he kept saying—and this lasted for 8 years. For 8 years, I said no to this guy, but he was very persistent. And I can't tell you why it happened, but then finally I said yes. And I still to this day can't figure out how that happened. But that changed lives, including mine, and it all came from Doug Coe.

You know, I would like to mention some of these people who were really heroes around here that most people don't even know. They don't remember. But they go back and they look them up and they see what great contributions they made. Not many people are aware of this, but here in the U.S. Senate, every Wednesday morning, we meet in the Spirit of Jesus. This is something Doug Coe started many years ago during the Eisenhower administration. It is scripturally based, Acts 2:42. We get together, eat together, pray together, fellowship together, and talk about the precepts of Jesus together.

I will always be thankful to Doug for his efforts to quietly speak of Jesus in most every country around the world.

Over my 172 African country visits as a Senator—sure, I did my military job while I was there—but I developed a deep love and appreciation for the people of Africa whom I will hold here with me forever.

One thing from my visits remains clear. Building meaningful and lasting relationships with African leaders is vital if the United States is to have a role on the African Continent. I was proud to lead the effort to establish AFRICOM. Some of you don't remember this, but AFRICOM didn't exist for a long period of time. Every other part of the world did but not Africa. But we set that up as a separate combatant command in 2007, and I have seen the benefits across the continent since that time.

The presence of U.S. military across Africa means a great deal to our friends and is a worthwhile investment for the United States. A strong and robust relationship with the United States has helped spur economic growth and regional stability across the continent.

I think it is important to talk about these things that other people don't talk about. I have faith that my colleagues in the House and Senate will continue the United States-African friendship long after I have retired from the Senate.

Western Sahara. Western Sahara. Over the years, I have been very outspoken about the situation in Western Sahara. A few years ago, I visited the Sahrawi refugee camps. I visited the children who lived there. They were joyous and happy and ordinary children who didn't know yet that they were part of the frozen, forgotten conflict, where their hopes and dreams were dying a cruel death.

I urge my colleagues to remember our ideals of democracy and extend that to the Sahrawians. Don't let the world forget them. I urge everyone in this body to stand strong to support Western Sahara's right to self-determination and reject Morocco's relentless attacks on Western Sahara.

Ethiopia. Then there is Ethiopia, a nation that is close to my heart for many reasons. The human suffering happening there is heartbreaking. Instead of focusing on the importance of creating lasting friendships with the Ethiopian people, some in the U.S. Government look for ways to punish them. Nineteen of my African visits have included Ethiopia, where I have watched firsthand the economic transformation that occurred.

Their middle class is growing; they have become a regional superpower; and they are a good friend of the United States of America. Their military is professional, capable, and they are punching above their weight in the war against terrorism that continues to plague the continent.

They promote regional peace and security by being one of the top contributors to the United Nations when they are called upon. Hopefully, we can find ways to grow this friendship, the Ethiopian friendship.

Then there is Zegita Marie. Now, many of you already know that I have an adopted granddaughter who was born in Ethiopia. Her name is Zegita Marie. We call her the Z-girl. She has a very special story and has grown up to be a very impressive star. Knowing the joys of adoption in my own family, I have worked to ensure all families who choose to adopt can.

In 2017, when Ethiopia decided to close intercountry adoptions, I worked directly with my friend then-Prime Minister Hailemariam so the families who were pending adoptions were able to complete their adoptions to bring their children home. That was a major thing, a major undertaking. You wouldn't think it would be. That should be natural.

Now, the Constitution. Yes, you have heard me say this line before. There are two things we should remember here in Congress: infrastructure and defense. That statement rang true 28 years ago when I got to the Senate, and it will ring true in the years to come.

Infrastructure—and we have gotten a lot done together on that front over the years. We passed bipartisan landmark infrastructure legislation from SAFETEA–LU to MAP–21, to the FAST Act, all of which rebuilt our Nation's crumbling infrastructure so the future generations of Americans still have safe roads and bridges to cross.

Before 2005, Oklahoma—my State—was a donor State to the highway trust fund. Now, what that means is we were paying more into the highway trust fund than we were receiving out of it, and of course we were going to change that.

SAFETEA–LU created a fair formula for apportionment so Oklahoma—I just want to say this. I want to make sure that people in Oklahoma, since I am bugging out of this place, realize some of the things that I have done. I know it is controversial in some circles to say this, but I have been one of the staunchest defenders of congressionally directed spending also known as earmarks. And an ''earmark'' must be defined as something that is both authorized and appropriate and should be the job of Congress to decide how the American people—how their taxes are spent, not unelected bureaucrats in the executive branch. And that is what we are trying to get away from when we are looking at why we should be using earmarks.

We have worked across the party lines to ensure the National Defense Authorization Act is signed into law every year. And as I said earlier, the NDAA is the most important bill that we do every year and for a good reason. This year will be the 62nd time that the NDAA has been signed into law—62nd time.

And I am proud to have had a hand in crafting the last 28 years of that bill. The Defense authorization bill ensures that our service men and women have the training, equipment, and other resources they need to defend America, here and on the road.

It also ensures that the families of the men and women who serve are taken care of. Some elected leaders criticize our military spending, but they need to know that our greatest expense in the military is taking care of our troops and building schools for the young people and how important that is. And why does it cost more for us to do that than other countries? than communist countries? It does because we do actually take care of our people.

With growing threats from China, Russia, Iran, and others around the world, it is more important now than ever that our troops have what they need to counter this aggression. Ronald Reagan used to say we maintain the peace through our strength, and that continues to be true today. After all of these years serving on the Senate Armed Services Committee, I have come to know with certainty that America cannot lose its focus on fully investing in its defense capabilities.

And I have got to say this about Oklahoma. Oklahoma has come out pretty well. You all don't need to feel sorry for Oklahoma because I will take care of that. They are very happy right now. Oklahoma has five major military installations. From training pilots to building bombs, each is unique in its mission to support our military.

Since 1988, we have gone through five BRAC rounds. That is Base Realignment and Closure Commissions. And in each round, the Department of Defense closed bases and military installations in accordance with their performance. This is something we ought to be doing. And in each round, Oklahoma and the Department of Defense grew its presence in Oklahoma. So Oklahoma has done very well in that period of time.

I am going to tell a story here that will surprise a lot of people because the star of the story is—none of these kids will remember, except for reading about it—Ronald Reagan. When I was about 6 years old, my dad was a claims adjuster in a building where Ronald Reagan was an announcer for WHO radio, a sports announcer in Des Moines, IA—my dad and Ronald Reagan. In fact, I thought he was—I was about 6 years old at that time, and I thought that he was related to me. My dad and Ronald Reagan used to play the pinball machine together. He would come out to the house, and I always thought he was an uncle or some relative.

When I was young, my family moved from Des Moines to Tulsa—Tulsa, OK—but we never missed a Dutch Reagan movie, which is what my dad called him, Dutch Reagan.

We would drive—I remember one time we went all the way down from Tulsa to Durant, OK, and that was before turnpikes. We drove for hours to watch a Dutch Reagan movie. Never missed one of those. It is not a big deal, but it is to me, and I am the guy who needed it.

Fast-forward to when, as mayor of Tulsa and Ronald Reagan was President, when President Reagan wanted someone to tout his domestic agenda, he used me. We would appear on all the TV shows, sometimes together, and tell the people what they needed to know and what was happening in the administration.

I will always remember when, as mayor of Tulsa, I pushed the construction of a low-water dam on the Arkansas River. It ended up being one of the largest public projects in America that was totally privately funded. It had a lot of opposition, but it is pretty amazing. Go back and read about this, and you will see that anything Ronald Reagan wanted, he got.

Then there is the Wiley Post flight around the world. Now, people may not know who Wiley Post is. Everyone knows who Will Rogers is. Well, Wiley Post and Will Rogers were both pilots. The difference is, Wiley Post had just one eye and he was good. In fact, they were together when they died.

Back in 1991, I was still in the House, and a few friends and I created a Wiley Post 1931 flight around the world in my twin engine Cessna aircraft. It is hard to believe that was 30 years ago when we made that trip that left out of Oklahoma, with several stops on the east coast, then in Europe, and then in the Soviet Union. Wiley Post had my plane beat on the travel time. He did his in 8 days; it took me 16 days.

Looking back, I am not sure how Tom Quinn and I survived those stops in the Soviet Union. I remember praying: Lord, you got more for me to do. Get me out of this mess.

Fighting far-left environmentalists, it is no shock to anyone that the Washington Post has dubbed me public enemy No. 1 for radical environmentalists for decades now.

For much of my time in the Senate, I was chair and ranking member of the Environment and Public Works Committee. Throughout that time, I pushed back against the Obama administration's far-left policies designed to upend the—sought to upend the lives of Oklahomans, like the Paris climate agreement, the waters of the United States rule, the Clean Power Plan, and many others. These policies were really about giving Washington bureaucrats sweeping control over the lives of millions of Americans. We are debating a lot of these same issues today, and I expect these disagreements will continue into the future.

Lastly, I want to take a second to say thank you to all of my current and former staff. They are hanging around out here now. I didn't get much work out of them today. They were pretty busy, but my staff knows that once they leave my office, they always have a place here. We have become very close. We don't have people who leave; they become friends.

I lovingly call my former staff the Has-Beens. It is something of a mark of honor. And to all of you, thank you. You are all about to be Has-Beens.

Most importantly, to my family: I love you.

When Kay and I got married 63 years ago, I could never imagine I would be standing here today with 20 kids and grandkids saying goodbye.

Thank you to all you guys for all you have done all these years, and thank you for putting up with me.

To Kay, my best friend and rock, I can never put into words what you mean to me.

Finally, I want to say to the people of Oklahoma that I really thank you for what you have done for me all these years. Thank you very much. I love you guys.

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO JAMES M. INHOFE

Mr. MCCONNELL. Mr. President, I just want to congratulate our friend from Oklahoma on an extraordinary career of service to his State and to our country, and I will be having a lot more to say about the senior Senator from Oklahoma a little later.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to the say a few words about my colleague and friend and my battle buddy, Senator JIM INHOFE.

It has been a great honor to serve beside JIM. I am grateful—we are all grateful—for the legacy of his service he leaves in this Chamber.

For three decades, Senator INHOFE has served on the Armed Services Committees, from his time as a Member of the House of Representatives to his role in the Senate.

For more than 20 years, I have had the privilege to serve with him on the Senate Armed Services Committee—in turn, each of us serving as chairman and ranking member. Together, we have produced nearly two dozen National Defense Authorization Acts, traveled to combat zones and military posts around the world, and worked to support our men and women in uniform. No one could have had a better partner in those endeavors.

We both served in the Army earlier in our lives, and I know JIM carried out his deep sense of responsibility to our troops in the Senate each day. He never forgot that what we do here ultimately is executed by young men and women in the uniform of the United States. He never broke faith with those young men and women who wear that uniform, and the American military is stronger and the United States is safer because of JIM INHOFE.

I am especially proud that the Armed Services Committee voted to name this year's Defense bill the ''James M. Inhofe National Defense Authorization Act.'' It is a fitting tribute and honor.

JIM is an extraordinary leader whose legislative skills and boundless capacity for hard work are unmatched, and he is a firm and fierce advocate for the people of Oklahoma. He has made sure that they benefit from his hard work and his great efforts, and he has done it with unswerving honesty and integrity.

Senator INHOFE, thank you for your leadership and dedication to the committee and the Senate and particularly the men and women of the Armed Forces. You have been a wonderful partner and colleague, and I believe I speak for the committee and the entire Senate when I say we will miss you dearly. Your steady, unselfish leadership will continue to help guide our Nation in the years ahead, and I wish you and Kay and the family much happiness as you plan for a well-deserved retirement.

May we all strive for the wisdom, courage, and humility that Senator JIM INHOFE imparted upon this great Nation and this distinguished Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, as the junior Senator from Oklahoma, I can't tell you what an honor it has been to be able to serve with my senior Senator.

JIM INHOFE has for decades served our State. He has been reelected over and over and over again because the people of our State know he loves them, know he cares about them. They trust him in some very hard decisions that had to be made in this place, and they know JIM INHOFE has been there for our State.

I jokingly say—and Senator INHOFE mentioned his passion for infrastructure and for the U.S. military—that when I run into somebody who is griping about the construction traffic that they are currently sitting in, I will jokingly say to them: Well, blame that on JIM INHOFE because that new road, that new place, that new infrastructure has been his passion all along to be able to make sure our State and our Nation, quite frankly, continue to be able to advance.

In the days ahead, Senator INHOFE will be dearly missed in our State. There is not a town that I go to as I travel around our State that they don't ask me: What are we going to do when Senator INHOFE retires? Not one. They are all grateful, and they are all spoiled by Senator INHOFE's service to them.

But I can't tell you how excited my wife Cindy and I are for him and Kay getting time together because they have sacrificed much for our Nation and for our State for decades, and I am excited for them to be able to finally get some time to be able to wake up every day and to be able to see each other and, quite frankly, for JIM to not have to be in yet another vote-a-rama all night voting, that he can actually spend his time with Kay.

So if I can say for the State of Oklahoma, we are grateful for JIM INHOFE. We are grateful for the legacy he has left for our State. We are grateful for his firm conservative stand that he has taken year after year after year. We wish him very well in retirement and are very excited to still continue to be able to walk with him in the days ahead.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Illinois.

RESPECT FOR MARRIAGE ACT

Mr. DURBIN. Madam President, my office recently received a message from a woman named Amanda. She lives in Illinois and the Chicagoland area. She tells me that she and her wife Cally will be celebrating their fifth anniversary as a married couple. The two of them have actually been together for 8 years, but after the Supreme Court's 2015 decision in Obergefell, they decided it was time to tie the knot.

That ruling affirmed their love and, just as important, their constitutional right. The Court declared that their right to marry is a fundamental liberty under the Constitution—for every American, regardless of sexual orientation. So in 2017, Amanda and her wife Cally exercised that right, and today they are the proud parents of two beautiful young children: a daughter, Austin, and a son, Wren.

Really, that should be the end of the story. With Obergefell, Amanda and her wife were guaranteed the same rights as me and my wife, and it should be the beginning of a new story: a loving couple who can now focus on their family and taking care of their day-to-day responsibilities: paying the bills, feeding the kids, navigating life as working parents.

But, sadly, Amanda and many others are now living in fear. Like millions of Americans, she is facing the very real prospect that this Supreme Court could soon rule that her right to marry the person she loves is not protected by the Constitution. She saw what this radical, far-right Supreme Court did with the Dobbs decision just a few months ago, the decision that erased the constitutional right for the women of America to make their own reproductive health choices; and now she and Cally are wondering: Will they come for our rights to marry next?

Amanda wrote to my office:

> Justice Clarence Thomas, in his concurring opinion in [Dobbs] . . . wrote that the court ''should reconsider all of this Court's substantive due process precedents, including Griswold, Lawrence, and Obergefell.''

She said:

> For the first time in our history, Americans are facing the loss of civil rights—

by this Supreme Court.

> Our two young children are growing up in a world where they may, [and] in some cases [do], have less rights—

fewer rights—

> than their parents and grandparents.

Amanda tells me she and her wife are taking every legal step they can to ''ensure that our recognition as parents to our own children cannot be challenged. This is emotionally and financially taxing,'' she said, ''and yet, something that we feel we must do.''

There are more than 700,000 married same-sex couples in America, couples like Amanda and Cally, whose love and legal status were recognized under the law and protected by a Supreme Court decision in Obergefell; couples who, along with their friends and families, are demanding the Senate do what we should have done years ago: codify marriage equality.

We can put their minds at ease before Justice Thomas and the far-right majority even have a chance to rip away yet another fundamental freedom. And this is not an abstract exercise. Early next month, the Supreme Court will hear oral arguments in a case called 303 Creative LLC v. Elenis. It is a case that, apparently, is concerned with free speech, involving a website designer in Colorado who wants to build wedding websites but with the disclaimer that proudly announces she will not build websites for same-sex couples.

She sued the State of Colorado, demanding the right to boast about her plans to discriminate against LGBTQ Americans. Such a disclaimer would violate a State's civil rights law, which prohibits business from discriminating or intending to discriminate against someone on the basis of their sexual orientation.

If the Supreme Court's last term and the Dobbs decision are any indication, this radical far-right majority on the Court could very well use this case to start the erosion of protections of LGBTQ Americans. It is exactly the kind of judicial activism that we have come to expect from this current Court's conservative majority.

Remember when they boasted about the fact that Donald Trump was going to put on three Justices who would rule his way in future cases? It was pretty clear from that day forward that the Supreme Court had a political bent. The Federalist Society had to give its stamp of approval.

The Federalist Society is a multi-million-dollar political arm of the Republican Party. And before any judicial nominee had a chance in my Senate Judiciary Committee under the Republican days, they had to get the approval of the Federalist Society.

The Federalist Society, from the start, was setting out to eliminate a woman's right to choose. They had their victory in the Dobbs decision.

But the American people spoke on November 8. Overwhelmingly, they said across America: You can't get away with eliminating rights already established under the Constitution for any American.

I hope that that sentiment grows and, eventually, we reverse the Dobbs decision.

What we have seen is exactly the kind of judicial activism we can come to expect from the Court's conservative majority. They twist the law and set aside longstanding precedent to establish the policies they prefer.

It is not the Supreme Court's role to make the laws. How many times have we heard that speech from Republicans? We don't want judicial activists, they say. That job of making the laws belongs in Congress.

And today we can defend families like Amanda's by voting for the Respect for Marriage Act, which passed just a few moments ago here on the floor of the Senate with a strong bipartisan vote.

It will protect marriage equality under the Federal law, not just for LGBTQ couples but also interracial couples, whose rights could also be in peril by the Court's far right majority.

The issue of marriage equality is too important to get bogged down in partisanship, which is why this bill is a bipartisan compromise. I hope that getting 60 votes for the Respect for Marriage Act is going to be an indication of more cooperation to guarantee that Amanda and Cally do not have to lose sleep over the future that they have as loving individuals married to one another and parents.

In last week's election, the American people sent a clear message to Washington and to the Senate: Get it together. Work together. No more toxic culture wars. No more divisive rhetoric. No more Big Lie. Enough.

If you want to stand for family values, let's start by enacting protections for every family in America. We can do it, certainly, with the Respect for Marriage Act, and even more.

To Amanda and Cally, I would like to say, happy fifth anniversary. I hope that by the time your sixth anniversary comes around, you won't even have to think twice about whether your rights are secure.

RSV

Mr. DURBIN. Madam President, as we head into the holiday season, parents and doctors nationwide are concerned about a dramatic surge in an illness called RSV, a respiratory virus. It can be especially serious for children and older Americans.

As a parent, there is no more terrifying or helpless feeling than knowing that your baby is sick. I know. I lived it.

Caitlyn Berg experienced that fear recently, too, when her 6-month-old daughter became ill with RSV and was struggling to breathe. The Bergs live in Mount Zion, IL, a small town downstate, near Springfield. Caitlyn Berg scoured the area looking for a hospital that would cure her sick daughter. After many frantic calls, she finally decided Springfield was the closest town with a hospital. She took her baby there and waited 8 hours in the emergency room before a bed finally opened up for her daughter.

Caitlyn Berg, incidentally, is a pediatrician. If a pediatrician has to struggle to find hospital care for her own sick infant, imagine the panic and fear other parents feel when their babies are struggling to breathe because of RSV. And it isn't just a problem in small towns or rural America.

Chicago is the third largest city in our country, with some of the best hospitals in the world, including some of the very best children's hospitals. The rate of emergency room visits for young children with RSV is now 10 times higher than in 2019—10 times higher than a normal season 3 years ago.

This chart demonstrates that. Look at this spike. As you can see, the number of children admitted for RSV has skyrocketed. In Chicago alone, there are hundreds of new cases each week, and nearly a dozen kids each day are being hospitalized.

Earlier this month, Comer Children's Hospital at the University of Chicago was full, with no beds for 53 straight days. And Lurie Children's Hospital of Chicago is also running at full capacity. Ninety-five percent of pediatric ICU beds across Illinois are full during this time.

This crush on pediatric hospitals isn't limited to Illinois. Over the border in Franklin, IN, little Ophelia—you can see her here in the bed—struggled to breathe after contracting RSV at preschool. She went to the local hospital, and they transferred her to the

large children's hospital in Indianapolis, where she was intubated for 5 days. Thankfully, she is home safely now and recovered.

Across the country, children's hospitals are being pushed to the limit, caring for infants, toddlers, and young kids sickened by RSV. In extreme cases, kids and babies may require ventilators to breathe.

The timing of this surge in RSV is especially concerning, coming from the worst flu season in a decade and while new COVID variants are circulating. Those three viral variants together pose what many health professionals argue could be a ''triple-demic'' of viral illness. So let's look for solutions.

The Children's Hospital Association and the American Academy of Pediatrics has asked this President to issue an emergency declaration to free up more resources. I support them.

At the top of the list, America desperately needs more nurses, more doctors, more staff. Hospitals plagued with worker shortage even before COVID now have a pandemic that made the crisis even worse. If our children's hospitals had more staff, they could immediately open more beds to treat the kids.

Congress made some headway in the American Rescue Plan, which passed on the floor of the Senate without the support of a single Republican Senator. It included my provision to invest $1 billion in the National Health Service Corps for scholarships and loan repayments for new nurses and doctors who serve in urban and rural areas in need.

But we need to do more to end the healthcare worker shortage. Senators MENENDEZ, BOOZMAN, and SCHUMER have a bipartisan plan, which I support. It increases funding for medical residency slots to train the next generation of doctors, nurses, and other medical professionals. I support putting that plan in the end-of-the-year package we will consider in the next few weeks.

It is also critical that we fund our public health system adequately and provide for data collection so we can track RSV. The HELP Committee has been working on this priority, and I certainly support their efforts.

We are all in this together. The hospitals are doing their best. Doctors and nurses are working extra-long shifts to keep kids safe. We all need to do our part, too. For all of us, that means staying home when we are sick, still washing our hands, getting COVID booster and flu shots. For those of us in Congress, it also means providing the resources to get safely through this current surge of RSV and building the strong public health infrastructure that American families require.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. BLACKBURN. Madam President, I have spoken repeatedly about the many ways my Democratic colleagues' crusade for power has been disastrous for the American people. We have recordbreaking inflation, a chaotic southern border, and the collapsing energy industry. This is the world that the Democrats created in just 2 short years.

What is worse, this Democrat-led government has ignored the ripple effects of their reckless agenda in favor of maintaining a political narrative about progress. But to Tennesseans and to so many Americans, it feels like the country is not moving forward; it is moving backward.

I have come to the floor again today to talk about the ripple effects of the COVID–19 vaccine mandate that threatens to gut the ranks of the U.S. military. This body has had multiple chances to avert disaster, and each time the Democrats have decided to take the wrong path.

I introduced two amendments to the National Defense Authorization Act that would have kept politics out of the military's use of vaccines. They are simple. Each amendment is about one page long. The first of these would have prohibited involuntary separation of any servicemember for refusing the COVID–19 vaccine until each service achieves its authorized end strength.

You see, it makes absolutely no sense that we would be removing people from military service simply because they do not get a shot—a shot, by the way, that does not prevent you from getting COVID.

Now, the second amendment would make sure that members of the National Guard or Reserve maintain access to both pay and benefits while their request for an accommodation—a medical accommodation or religious beliefs accommodation—is pending. But, of course, my Democratic colleagues have blocked these two amendments. They are common sense. They protect our men and women in the military.

But it is my plan to offer them another opportunity to do the right thing. I have combined these amendments into a bill. That bill is called the Preserving the Readiness of our Armed Forces Act. It is filed. It is ready for more cosponsors. I am also going to give them another opportunity. When the NDAA finally comes to the floor, they are going to have the opportunity to consider these two amendments, and I am asking my colleagues to support me in this. I stand by my call to Leader SCHUMER to bring the NDAA to the floor for a vote and hope that my Democratic colleagues will change course and support these two amendments to protect our men and women in uniform.

But, right now, the ripple effect is seen as another reckless power play by this administration and their Department of Defense.

I went into detail earlier this week about how this would hamper the readiness of the U.S. military, and I want to focus on the death blow today that this has dealt to our recruitment. Keep in mind that this is information that is available to each and every Member of this Chamber. My Democratic colleagues have this information.

Here is what we have to consider: the number of new servicemembers who are joining the military is, right now—right now—at an all-time low. Academy applications for our military academies are also at an all-time low.

See, even high school students know something is wrong with this picture. So they are not sitting there thinking: ''I want to go to West Point'' or ''I want to go to Annapolis'' or ''I want to go to the Air Force.'' They are not thinking that. What they are saying is, Why is the military focused on all this other stuff other than on their core mission—keeping this country safe?

Now, again, statistics prove the point.

The Army has fallen 15,000 soldiers short of their goal for 2022, and they don't expect this situation to improve. In 2023, they think they are going to be 21,000 troops short. I want you to think about this. Think about what we are facing, whether it is attacks from the axis of evil—Russia, China, Iran, North Korea—or whether it is China's aggressiveness.

Think about this. Think about the difference that 10,000 troops, 15,000 troops, 21,000 troops make, and then ask yourself, why is it that men and women, citizens of this country, are not wanting to raise their hand and take the oath to protect and defend? If you are honest with yourself, you know that a big part of the problem is the way the military has been treated over the last couple of years.

We didn't have this problem previously. This is a problem that has been made for our military, for this Nation's security. It has been made by this administration.

The National Guard is missing their recruitment goals. Why is that? Could it be that having to take a shot—and bear in mind, it is not a vaccine like a polio vaccine or other vaccines; it is a shot for a certain strain of COVID. What you have is a Department of Defense that is willing to say ''You are fired'' to people who have volunteered to serve this country, and they are going to do it over a shot. They don't expect anybody running over the southern border illegally, I might add, to have the shot, but they expect members of the U.S. military, students at our academies, those who are on Active Duty, those who are reservists, those who are in the National Guard to get this even though President Biden has said the pandemic is over—it is over.

So you have to ask, why is it that they are continuing to beat down on the military? Why are they willing to pummel them over a shot? Why are they not willing to put the NDAA on the floor? We have done it for 61 years. Are we going to miss on year 62? Why is it not a priority? Could it possibly be that the NDAA is not a priority for my

Democratic colleagues, that the men and women in uniform protecting them and their families are not a priority? Could it be it is not at the top of their to-do list?

The choice to enter military service is a serious choice. It is a choice that people do not make lightly. But this hesitancy to serve should raise alarm bells in this Chamber. Looking at these numbers that are falling so far short of our recruitment goals, our retention goals, should ring some alarm bells. It is symptomatic of a much larger problem.

The past few years haven't been easy for anyone, but we all have the benefit of hindsight. We all have the benefit of lessons learned. But it appears that some people are just not willing to learn from those lessons, and anyone willing to be honest about how the Democrats have handled this can see two things pretty clearly:

First, turning the debate over the COVID vaccine into political warfare—that is a choice that the Democrats in this Chamber, the Democrats in Washington, DC, and this administration—that is a choice that they have made. Let's take this vaccine mandate, and let's turn it into political warfare.

Secondly, getting political about this particular vaccine or shot, as it is, in the context of military readiness—that was a choice; I might add, a very bad, a very inappropriate choice. The military is supposed to be apolitical. Servicemembers count on that when they sign up to serve, when they raise their hand, when they take that oath, but now punditry drives policy at the Pentagon, and this has eroded trust between the military, the servicemembers, and their families.

The Democrats are in charge of the Senate. If they had allowed it, we could have had an honest debate about my two amendments. As I said, they are each about one page long. They are there specifically to protect our men and women in uniform, to say we have to have them serve. We lost 5,700 to this COVID mandate. We are short—I have given you the numbers—15,000 this year and 21,000 for next year. That is what we are short. Recruitment is low. We are not hitting our marks there. Signing up for our military academies—the numbers are the lowest ever. We are not hitting the mark there. Why is it? Be honest with yourself and ask yourself, what has caused this change in attitude? You know, if you are honest with yourself, if the President were honest with himself, he could rescind that mandate. That would be a very good thing. But to ignore reality and pretend that these low recruitment numbers, these firings, these retention numbers are all OK—it is unconscionable.

It is time for my colleagues—my Democratic colleagues—to stop ignoring the reality, stop ignoring the ripple effects of their political agenda before it puts our Nation and our military in danger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CIVIL-MILITARY RELATIONS

Mr. GRASSLEY. Madam President, I want to share some words of wisdom with my colleagues. These words of wisdom come from 13 former top civilian and military leaders. I am going to start with the list of eight former Defense Secretaries: Dr. Ashton Carter, recently deceased; William Cohen, also a former Senator; Dr. Mark Esper; Dr. Robert Gates; Charles Hagel, also a former Senator; Gen. James Mattis, besides being Secretary of Defense; Leon Panetta, also a former Congressman; and Dr. William Perry. Also added to this list are five former Chairmen of the Joint Chiefs of Staff: GEN Martin Dempsey; GEN Joseph Dunford, Jr.; ADM Michael Mullen; GEN Richard Myers; and GEN Peter Pace. They offer some very sage advice for improving civil-military relations.

Everybody knows where this principle came from of civil control of our military. It happened December 1783 when GEN George Washington surrendered his papers to the Continental Congress and gave up being commander in chief at that particular time.

These words of wisdom appear in an open letter that was published September 6 in a national security blog, and that blog is entitled ''War on the Rocks.''

I intended to speak about this letter at the time that I first read it, but due to our extended recess, I am just now getting to it about 2 months late.

These former leaders warn us about what they call ''extreme strain'' in civil-military relations coming from all directions, and these are the directions that this strain is coming from, affecting civil-military relations: the pandemic, with social disruption; wars that ended with unachieved goals; military withdrawal from Afghanistan; rising great-power rivalries; ''extremely adverse'' political environment caused by the divisiveness of polarization in our American society, evidenced here in the Congress of the United States; and lastly, contested elections and the shaky transfer of power. After listing these points, these defense leaders then predict rising tensions.

This is a red flag that we all ought to observe. Civil-military relations are out of balance.

Although alarming, the open letter is both educational and reassuring. It offers guidance and remedies. Sixteen what they call ''core principles and best practices'' are spotlighted for restoring ''healthy American civil-military relations.'' Most of these remedies hinge on the all-important principle of civilian control of the military.

By the way, I spoke on that very subject from a different angle on July 14 of this year.

The letter that I am referring to views civilian control as I do: ''the bedrock foundation of American democracy.'' It is ultimately ''wielded by the will of the American people as expressed through elections.'' That core constitutional principle keeps our ''powerful standing military'' from threatening democracy.

''Healthy civil-military relations''—those four words are in quotes—''Healthy civil-military relations'' are instrumental to civilian control. They must rest on a rock-solid foundation of ''mutual trust.'' Mutual trust and respect between civilian and military leaders are essential for healthy civil-military relations. They are fostered in part by honest deliberations over policy choices. According to this open letter, mutual trust is cultivated when civilian leaders ''rigorously explore alternatives that are best for the country regardless of the implications for partisan politics.''

A ''dynamic and iterative process'' for policy development helps ''civil-military teams build up a reservoir of trust.'' That extra measure of trust will defuse friction when the military must ''faithfully implement directives that run counter to their professional military preference.''

When tensions rise over disagreement with the Commander in Chief's policy choices, the former Pentagon leaders offer this guidance in their very own words. And this is a fairly long quote:

> Elected (and appointed) civilians have the right to be wrong, meaning they have the right to insist on a policy or direction that proves, in hindsight, to have been a mistake. This right obtains even if other voices warn in advance that the proposed action is a mistake.
>
> Military officials are required to carry out legal orders the wisdom of which they doubt. Civilian officials should provide the military ample opportunity to express their doubts in appropriate venues . . . members of the military accept limits on the public expression of their private views—limits that would be unconstitutional if imposed on other citizens.
>
> Civilian and military officials should also take care to properly characterize military advice in public. Civilian leaders must take responsibility for the consequences of the actions that they direct.

Now, the advice of these former chiefs of staff and former secretaries of defense is honest, it is direct, and squares very much with the Constitution of the United States. The Commander in Chief's orders must be obeyed. The military must refrain from criticizing the President in public. And the President is accountable for policy choices.

On partisan political activities, the former chiefs and secretaries of defense offer a straightforward piece of advice:

> There are significant limits on the public role of military personnel in partisan politics, as outlined in longstanding Defense Department policy and regulations . . . military and civilian leaders must be diligent about keeping military separate from partisan political activities.

The final best practice that they offer us covers the responsibility of military leaders during the transfer of power after Presidential elections. They—meaning the military—have a dual obligation. First, they must assist

the incumbent Commander in Chief in the exercise of his or her constitutional duty. And, second, since the voters choose the new Commander in Chief, they must prepare to assist whomever the voters pick.

They carry out their responsibilities regardless of who sits in the White House. To summarize, this open letter provides sound advice that could help to moderate civil-military strife. It telegraphs a message to the top brass: It is time to hit the reset button and rebalance civil-military relations.

Now, I don't know the motive behind this letter, because there wasn't any indication of it, but the sum of it may be pointed directly at Chairman of the Joint Chiefs of Staff General Milley. My advice to him: Take their sage advice to heart. A dose of humility burnishes one's integrity. As the Nation's most senior military officer, General Milley has a responsibility to set an example of excellence and cease all partisan political activity. Partisan political activity is harmful to civil-military relations and has the potential for creating dangerous divisions within the ranks of the Armed Forces.

Military personnel must stay out of politics. Period. End of story.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I rise today for my 286th ''Time to Wake Up'' speech, in this case to report back from the United Nations' 27th Conference of the Parties, or COP, the annual meeting where the nations of the world work to combat climate change. The Paris Agreement, for instance, sprang from the COP. Senators CARDIN, MARKEY, and I went to this year's COP in Egypt. Speaker PELOSI led a separate House delegation, and President Biden traveled there with a large executive branch delegation to make some important announcements.

Our Senate delegation met with government officials from many other countries, with American officials, with UN leaders, and with dozens of business leaders, labor leaders, environmental groups, environmental justice advocates, and oceans advocates.

We consistently heard that the work we accomplished right here in this Chamber through the Inflation Reduction Act and by ratifying the Kigali Amendment brought our country back into global leadership on climate. But we know that our work to tackle climate change is not over—not by a long shot.

Emissions from fossil fuel are still growing. 2022 fossil fuel emissions will blow right past previous record highs. Things are not getting better yet; they are getting worse. We need additional ambitious climate policies, both at home and abroad, to reduce those emissions.

And because climate disasters so often fall upon the most vulnerable, particularly in developing nations, we need the wealthier nations and the ultrawealthy corporations responsible for the lion's share of climate upheaval to step up to finance the clean energy transition for those countries.

So, what are the things the United States and other nations should do? At the COP, I spoke a lot about the upcoming European Union carbon border adjustment mechanism, or CBAM. The EU already applies a carbon price to energy-intensive manufactured goods. That is one of the main policies that is driving decarbonization in Europe, and they will start, later this decade, imposing a carbon tariff on goods from countries that don't impose a comparable carbon price on those imported goods.

My message to the COP: The EU CBAM is good policy. It creates an incentive for lower carbon manufacturing, no matter where the goods are produced. The United States should not—I repeat—the United States should not complain about the EU CBAM. Our manufacturers are among the least carbon intensive in the world, and they will pay far lower carbon tariffs than, for instance, Chinese manufacturers. That makes American companies more globally competitive and will move jobs and manufacturing our way to our shores.

So instead of complaining, we should match the EU CBAM or beat it with our own carbon border adjustment plan. And, by the way, we should urge the British and the Canadians and the Japanese and the Australians, anyone else interested in lowering emissions, to do the same. We should all pull together.

The beauty of a well-designed carbon border adjustment is that it prevents cheating by polluters to cross borders and pollute elsewhere for free.

A carbon border adjustment regime will drive decarbonization everywhere—in China, India, and around the world. If their manufacturers want to compete, they will have to reduce their emissions. So, yes, let's meet or beat the EU CBAM, not fear it or resist it.

By the way, when we heard quibbles about our IRA incentives for clean energy and electric vehicles and low carbon manufacturing being unfair to our foreign trading partners, my response was the same: Meet us or beat us. Pass incentives as good as ours or better. Let our IRA be an example that can be replicated around the world. As I mentioned earlier, President Biden came to the COP with ambitious proposals. He unveiled a new EPA proposal to reduce methane emissions from oil and gas production and transport by almost 90 percent.

This is—as President Biden might say—a ''BFD'' as methane emissions are responsible for about 25 percent of observed warming. The EPA proposal is a huge step in the right direction. It would create a new process for third-party monitoring of methane emissions. There are already a number of private and public entities that monitor methane emissions around the world using satellites, aircraft, drones. Utilize this data to quickly identify and eliminate large sources of methane emissions.

We should stand up an enforcement task force to make sure leakers promptly face the best enforcement methods to stop their leaks. Combined with my methane fee, which was adopted into the IRA as the Methane Emission Reduction Program, we now have the platform for the EPA, the Department of Justice, the Department of the Interior, and interested State, local, and tribal authorities to, as they would say in the military, find, fix, and finish methane leak sources.

Given that methane emissions are a global problem, particularly in fossil fuel-producing countries like Russia, I also urged the U.S. and foreign officials with whom we met to stand up an international task force to identify overseas methane emissions and sanction parties, companies, and countries that don't eliminate them.

Buried within EPA's methane proposal is another important announcement, an updated social cost of carbon, pegged at $120 per ton, more than double the Obama-era estimate. This too is a ''BFD.'' But only if the Office of Management and Budget follows up and spreads its use beyond just the EPA and this regulation into rulemaking, procurement, grantmaking, investment decisions, leasing, trade policy, just to name a few. It would be transformative; and given the scale and scope of the Federal Government, it would have the power to move markets.

One note of warning, our success in the United States, as well as in countries around the world, will, in significant ways, be determined by the behavior of big corporations.

Corporate America has built the biggest political influence operation the world has ever seen. It surrounds this building, surrounds us here in Congress. Lobbyists, dark money, trade associations, political contributions, phony think tanks—it is an awesome apparatus, and it is one that corporate America has yet to switch on for climate legislation. They either sit out there doing nothing or they actually oppose it.

Despite often admirable corporate work to decarbonize their own operations and even their supply chains, much of the corporate political apparatus is actually actively hostile to real climate legislation. And on top of that, of course, is the fossil fuel industry's inveterate, ceaseless obstruction machine.

So I was pleased to see the United Nations Secretary General announce new criteria for assessing corporate climate pledges—criteria that will include their lobbying and advocacy behavior. The report states:

[Companies] must align their external policy and engagement efforts, including membership in trade associations, to the goal of

reducing global emissions by at least 50% by 2030 and reaching net zero by 2050. This means lobbying for positive climate action and not lobbying against it. [Companies] should publicly disclose their trade association affiliations. They should encourage their associations to advocate for positive climate action and have an escalation strategy if they do not, including the option of leaving the association if the necessary changes are not made.

I could not agree more. At COP, I repeatedly made the argument that companies should actually be required to file audited climate political footprint statements. Too many companies have been two-faced for too long. That climate political footprint statement should be the ticket that admits companies to COP and to other environmental gatherings.

But instead of corporate transparency about their political activities, more than 600 fossil fuel lobbyists swarmed this COP. Coca-Cola, the world's largest plastics polluter, was a leading sponsor. That ''worst climate obstructor''—the U.S. Chamber of Commerce—hosted the big dinner and put on a speech by a fossil fuel services company president. It is hard for people around the world to take COPs seriously when the fossil fuel industry and other large polluters have such a prominent presence at the COP and they haven't had to even disclose their political efforts to undermine that very COP.

Instead of welcoming the big polluters to COPs, we should hold them accountable for the damages their pollution is causing. A windfall profits clawback on global excess fuel profits, just like the conservative Tories did in the UK, could help fund remediation, transition, and adaptation efforts in developing countries. It is a commonsense principle that polluters should pay for the harm that they cause.

At the end, I left this COP with a sense of pride that the Senate and the U.S. Government are finally getting going on climate, but also a sense of the awesome difficulty of the task ahead to bend that global emissions curve, to hit nature's emissions reduction targets.

Our work is not close to done. In fact, it has only just begun. After decades of delay, deliberately caused by the fossil fuel industry's multibillion-dollar campaign of denial and obstruction, we are now in a marathon that we will have to run as a sprint. But this past year proved that we are finally up and running, and the announcements at COP will pick up our laggard pace. Our joints may be stiff from disuse, our breathing may be ragged from years of lassitude on the couch, but we have at last begun to run. And, boy, does it feel good. We will only speed up and do better. Powered by the energy and enthusiasm of legions of young voters, we are, I dare to say, at last coming awake.

I will close with this last slide which shows how important it is to see this as a global problem.

Those are emissions from China, from the United States, from India, and from the EU. When you add them up, you see the global figure. If we address each of these or just our own, it does not help enough to avoid the consequences of that continuing upward emissions trajectory.

So that is where an internal social cost of carbon that cuts across every aspect of government, buttressed by a carbon border adjustment of the world's major economies—that is what can drive that line down and put us on a pathway to safety.

I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Washington.

RESPECT FOR MARRIAGE ACT

Ms. CANTWELL. Mr. President, I come to the floor tonight to urge my colleagues to support the Respect for Marriage Act. Today, we took an important step by passing the procedural hurdle to make sure that marriage equality is put into law.

This legislation would ensure that both the Federal and State Governments will continue to recognize all marriages and continue to not discriminate based on gender, sexual orientation, national origin, ethnicity or race. These are strong protections that are long overdue.

I understand some of my colleagues do not see a need for passing this legislation, but I would ask them to stand in the shoes of someone in a marriage that is in danger of being dissolved overnight by a court decision. The same rationale for overturning Roe v. Wade can be used in this landmark Supreme Court decision we just saw that could erode further privacy rights and be used in same-sex marriages.

While marriage equality is constitutionally protected today, the Supreme Court's reasoning in Dobbs v. Jackson Women's Health Organization indicated the Court is open to reconsidering cases that determine certain fundamental rights are protected under the equal protection and due process clause of the 14th Amendment.

I believe it is our job here in the Senate to represent the voice of our constituents, and those voices are loud and clear. An overwhelming majority of Americans support marriage equality. According to a Gallup poll, 71 percent of Americans approve of same-sex marriage. In September, over 220 businesses, representing more than 8.5 million employees, called on the U.S. Senate to pass this legislation.

And this was not a bill that garnered support from just a few Republicans for the sake of calling it bipartisan. Forty-seven Republicans and over 20 percent of the House GOP Members recognized that this should be enshrined into law and supported the legislation. It passed the House by a large majority—267 to 157.

Americans support this bill. Businesses support this bill. And now some of my colleagues on the other side of the aisle have taken the step to also support this legislation.

The State of Washington was one of the first 10 States to legalize same-sex marriage and did so by a vote of the people.

I recently received a letter from a constituent from Everett, WA, saying that she and her wife moved to Washington in 2016 because ''they needed to be somewhere where our rights would be protected in the event that they would be threatened.''

She said: ''As soon as I arrived in Washington, I felt like I had come home.''

Marriage equality has been protected under Washington State law for a decade. It has been protected by the Supreme Court for 7 years, and yet, here in the Senate, there are some who don't believe that we need to take further protections.

At least 11.5 million people in this country are in an interracial or same-sex marriage. That is no less than 20 percent of all marriages in the United States.

With a number like that, we all know someone in one of those marriages, whether they are our friends, our neighbors, our colleagues. We know that we need to give them the same certainty, and we know that codifying marriage equality into law, they will not be in jeopardy of losing those rights.

Same-sex and interracial couples deserve the assurance that their marriage will be recognized. They need to know that they will continue to enjoy the freedom and privileges that are afforded to other couples, and we need to make sure that this is for generations to come.

The American people want this legislation passed, and I urge my colleagues to come together and support this very important Respect for Marriage Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Mr. President, I rise in support of the Respect for Marriage Act, and I am proud to be a cosponsor.

I come from a State that has long been at the cutting edge of progress. Minnesota began protecting LGBTQ people against workplace discrimination in 1993. At that time, it was the first and only State in the Nation to outlaw discrimination based on gender identity. And two decades later, in 2013, we became the 12th State to legalize marriage equality.

Across the country, as we know, many States have made advances. Today, 23 States have laws protecting people from discrimination based on

sexual orientation or gender identity. And in 2015, the Supreme Court recognized that the U.S. Constitution guarantees same-sex couples the right to marry.

But as far as we have come, we still have miles to go until LGBTQ Americans can live their lives with freedom, authenticity, and equality. And we must also make sure that we protect the progress we make.

From what happened recently with the Dobbs decision, as we know, rights that people take for granted—nearly 50 years of Roe v. Wade—can vanish with one mark of a pen, with one signature on a piece of paper.

In fact, when it comes to gay marriage, when it comes to the protections granted by the Obergefell case—it was actually raised in one of the Justice's written opinions—we know that this is on the chopping block.

That is why, when a Supreme Court Justice signals that the hard-won legal protection for marriage equality could be on that chopping block, putting the legal rights of countless married couples and families in jeopardy, we felt—a number of Republicans and Democrats—on a bipartisan basis, that we had to step in. That is why we are here.

The way I see it, all three branches of government have a responsibility to protect people's rights. This is why our system of government was set up this way brilliantly. If one branch doesn't do its job, then it is up to another to step in. Yes, it is a system of checks and balances. Checks. If someone's power is out of control, as I believe happened here—out of the mainstream, out of consistency with the American people—that is a check. That is why we have it this way.

That is why you are seeing today—thanks to the leadership of our friends Senator FEINSTEIN, Senator BALDWIN, Senator COLLINS, Senator SINEMA, Senator PORTMAN, Senator TILLIS, and so many others—that we have reached a bipartisan agreement to move this bill forward.

As you know, in July, the House of Representatives passed the Respect for Marriage Act to protect marriage equality. They did that on a bipartisan basis as well. Forty-seven Republicans voted for that bill in the House of Representatives.

For our Senate bill, I will note that the bipartisan text also has broad support from faith-based organizations to more than 250 businesses, including Minnesota's own Target and Best Buy.

We have before us a bill that requires States and the Federal Government to respect marriages legally entered into in other States, regardless of the sex or the race of the people who are married.

This is the kind of bill that should get 100 votes. It is about equality; it is about dignity; and it is about love. It is about saying that we won't go back to the days when a patchwork of State laws determined whether the union of two people who loved each other would be recognized by their government; that we won't go back to the days when a gay soldier, killed on the battlefield, was denied the honor and the respect of an official notification of next of kin. And we won't go back to the days of hospital patients being left to spend their final moments alone without the person they love most by their side.

This bipartisan vote today, and the one that we will have in the coming days, is about, no, we will not go backward. We will not go backward in this Chamber. We will not follow the way that the Supreme Court has been going when it comes to folding back rights and denying rights. That is not what America is about.

We should all be able to agree that States shouldn't be able to discriminate against people based on whom they love. This bill gives each and every one of my colleagues the opportunity to make that statement.

We know that there is more to be done to make sure all Americans are entitled to equal protections under the law, but this is an important step toward ensuring that no American experiences discrimination because of whom they love.

This is a great moment. It is a wonderful moment because my colleagues were able to reach an agreement across the aisle. It is a wonderful moment because we are fulfilling our constitutional duty of checks and balances. It is a moment of joy.

We have to remember that sometimes in our job, we have these moments that actually people say thank you for what you just did. They stop you in an airport, as the Presiding Officer knows, and say thank you. A lot of people are going to be saying that this week because they know this is the right thing to do, regardless of people's political views, regardless of their religious beliefs. It is why we are so proud that so many religious organizations are supporting this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RELIGIOUS FREEDOM RESTORATION ACT

Mr. LANKFORD. Mr. President, 29 years ago today—29 years ago today—President Bill Clinton signed into law a bill sponsored by then-Representative CHUCK SCHUMER that has aided in the defense of protection of one of the most fundamental freedoms that we have in our Nation; that freedom, religious freedom. The bill was called the Religious Freedom Restoration Act.

The Religious Freedom Restoration Act passed by Congress today, 29 years ago, found that government should not substantially burden religious exercise without a compelling justification. It was truly a landmark piece of legislation to be able to add further protections to individuals who have religious liberty differences. And we have wide variations of religious expressions in the United States. It is part of what makes us such a unique nation. It is that we guard the rights of every individual to not have to believe the same as the government believes or not even have to believe the same as your next-door neighbor believes but to have the right to freely have a faith of your choosing, to change your faith at any point, if you choose to, or to have no faith at all and be respected as an American; quite frankly, to be protected as an American.

This landmark piece of legislation, the Religious Freedom Restoration Act, has not been altered in the 29 years since it has been passed. The purpose of the act was to restore a compelling interest test to be able to make sure that if government acted in any way to affect anyone's religious liberty, there had to be a compelling reason for that from the government to guarantee its application in all cases where free exercise of religion is substantially burdened and provide a claim or defense for those whose religious exercise is substantially burdened by government.

The Religious Freedom Restoration Act doesn't pick winners and losers. It provides a balancing test. The government may burden someone's religious exercise only if the burden is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest. Twenty-nine years ago today.

Then, today, my colleagues moved forward on a bill that, instead of promoting equality for all people of all opinions, it specifically highlights areas of religious faith differences and says their opinions won't count this time.

It deals with this issue of marriage, which has been a controversial issue in America but was, quite frankly—since 2015 in the Obergefell decision in the Supreme Court, there have been no cases moved in the country to deny same-sex marriage to any individual in any State across the Nation.

Today, my colleagues moved forward on a bill to open up debate—without amendment, may I add—on a bill that would certainly affect the religious liberty of countless people across the country. That is not just my opinion. Religious liberty organizations from all faiths and from all backgrounds have already been speaking out on this issue. Just in the last 24 hours, the Alliance Defending Freedom, the American Association of Christian Schools, CatholicVote, the Center for Urban Renewal and Education, the Centennial Institute, the Christian Employers Alliance, Concerned Women for America, Eagle Forum, Ethics & Religious Liberty Commission, the Faith and Freedom Coalition, the Family Research Council, the Family Policy Alliance,

The Heritage Foundation, the Liberty Counsel, Lifeline Children's Services, the National Religious Broadcasters, Religious Freedom Institute, the United States Conference of Catholic Bishops, and the Ethics and Public Policy Center have all spoken out and said this bill that is currently on the floor of the Senate will damage religious liberty.

Religious institutions are rising up, reading the text of this bill, rather than just listening to the debate of this bill, and saying: There is a problem here.

Practically, what would this mean? Practically, what could this mean?

I would say, first and foremost, we don't want anyone to be discriminated against in America—anyone to be discriminated against in America. All individuals should be honored. All individuals should be able to live their lives in freedom in America. But, practically, this bill puts faith-based child welfare organizations who are operating in accordance with their sincerely held religious beliefs, namely, to place children in loving families—it puts them in jeopardy.

While some of my colleagues may say, Well, that is farfetched, may I remind you, the Supreme Court has already handed down a decision in Fulton and would remind us this is continuing to happen. Catholic Charities has been shut out of the child welfare system in Illinois, in DC, in California, and in Massachusetts already, and then this bill is coming.

Let me tell you some of the problems with the bill because I have had individuals tell me about what they say is in the bill, and then I actually pull the text of the bill out and show it to them and say: Show me where that is in the bill. And their response to me typically is: Well, that is the intent of the bill.

Well, we don't deal with intent here in Congress; we deal with legislation and text. The words matter in this, and the words in this do not provide the level of religious liberty protections, as many on this floor who have come to debate this say that is actually in this bill.

Let me give you just some simple examples of this. This bill gives a private right of action for both—well, I should say gives protections from the Attorney General to be able to file charges against an individual that shows discrimination or a private right of action for an individual to be able to sue another individual or entity in this, unless the discrimination is for religious liberty. They are peculiarly left out.

If there is discrimination against someone's religious liberty issues and their personal beliefs or their entity's beliefs, they don't get this same private right of action. So the private right of action only goes against people that have religious objections. Those religious individuals, if they are discriminated against, are on their own. They get no protections in this bill.

The bill itself, I have heard individuals say: Well, it has a section in it that is literally titled ''No Impact on Religious Liberty and Conscience.'' So that is the big, nice title of that section, section 6 of the bill. So let me read section 6 of this bill to you.

The first part of it, section (a), says:

> Nothing in this Act, or any amendment made by this Act, shall be construed to diminish or abrogate a religious liberty or conscience protection otherwise available to an individual or organization under the Constitution of the United States or Federal law.

Now, that has got to be the biggest ''no duh'' statement out there. This piece of legislation doesn't overturn the Constitution is what it says. That is an unnecessary statement on it. Of course the Constitution stands above it.

The second part of this, in part (b), says, basically, a rabbi, an imam, or a pastor is not compelled to perform a marriage ceremony that they are religiously opposed to. That is the whole religious liberty section of it—the whole section. First, it says it doesn't overturn the Constitution, and, second, it says pastors, imams, rabbis don't have to perform religious weddings that they are personally religiously opposed to.

That doesn't help. In fact, there is a qualifying feature in the middle of all this in that section, section 6, which limits the individuals that would even get any kind of protections on this by saying ''whose principal purpose is the study, practice, or advancement of religion,'' meaning an individual would first have to prove that your principal purpose is to study, practice, or advance religion before you even got those exceptions.

Why is that important? Well, I asked some of the sponsors of this bill why that particular piece of text is in there, and their explanation was, well, because we didn't want to include, for protections on religious liberty, private individuals and their personal religious expression or private businesses; that maybe the owners of that business have a personal religious belief in how they carry out their business, but they would not have religious protections because they are not principally a religious organization. So they do not get a defense. They don't get a private right of action to defend themselves. They just have to cave to the religious beliefs of this law.

Twenty-nine years ago, this Congress said we were not going to impose beliefs onto people. Today, this Congress said: If you are a faith-based individual and you have a difference of conscience about marriage, too bad. You have to prove you are a principally religious organization to have an exception; an individual doesn't count. A private business is specifically excluded.

In section 7 of this bill—I have had several of the sponsors who have told me: Section 7 covers everything else. It makes sure it protects nonprofits. It makes sure it protects all of your tax-exempt status, your grants—it is all in there. Until you read the text. No, those words are in there, but there are two big qualifiers that are also in that section.

The first of the qualifiers begins with ''Nothing in this Act . . . shall be construed to deny or alter'' the benefits, meaning if it is in something else, that is not protected. It has to be something specifically in this act.

The second thing is the very end of this. It gives a long section on this.

> Nothing in this Act, or any amendment made by this Act, shall be construed to deny or alter any benefit, status . . .

It goes on to explain some of these things, and then it ends with this:

> Provided such benefit, status, or right does not arise from a marriage.

That is the qualifier:

> Provided such benefit, status, or right does not arise from a marriage.

Now, I have handed this around and asked legal counsel: Explain to me what that means. And the first response that I get is: Well, that is a clear protection for individuals that are married that if there is any right given to any other married couple, they get the same right.

And I was like, that makes total sense. What about for entities, because the word ''entity'' is in this list?

And that is where it gets fuzzy because it has this qualifier:

> Provided such benefit, status, or right does not arise from a marriage.

We don't know how that is going to be interpreted for entities. So it is left for the courts to decide in the days ahead how that is going to be interpreted.

So what has been done with this? All these things have been brought up. We have had this text now for about 36 hours. It literally just got dropped on us. So for about 36 hours we have been going through it—and it is not long; it is three pages—asking questions: How does it work? What happens with it?

Several individuals have said: Hey, this is a real problem for religious liberty. We should fix this.

And others have said: Yeah, that is a good idea. Let's make sure that it is actually clear—except, now that the debate has started, amendments have been shut out. There are no amendments. All of these gaps that I talk about for individuals, for small businesses, for individuals of conscience, for the right to be able to protect yourself if you are facing religious discrimination on this, for the limiting portions in this act or from explaining ''not arising from a marriage,'' what that may mean, the issue of principal purpose and not having to prove your principal purpose, in a court of law, is a religious issue—everyone seems to nod their head and say: Oh, yeah, those are problems.

Multiple Members have brought amendments and said: Let's fix it. Yet they are being told over and over again: No amendments. We are not going to fix it.

You know what that tells me? These are not mistakes in the drafting. This was purposeful. That is what that tells me.

Listen, I believe the rights of every individual should be honored, but this is not choosing to be able to protect the rights of every individual. This is saying some people are more equal than others. That is a problem.

After the Obergefell decision was made, President Obama spoke to the Nation. He supported the Obergefell decision from the Supreme Court, but then he said this:

> I know that Americans of goodwill continue to hold a wide range of views on this issue. Opposition in some cases has been based on sincere and deeply held beliefs. All of us who welcome today's news should be mindful of that fact; recognize different viewpoints; revere our deep commitment to religious freedom.

Great words that seem to be on the cutting room floor today. It hasn't taken long for President Obama's statement after the Obergefell decision to say: Never mind.

This is fixable, but when people see the problem and the issue with it and choose to ignore it, I have to ask why.

Twenty-nine years ago today, President Clinton signed into law the Religious Freedom Restoration Act, and 29 years later, Congress is saying: Never mind.

I find that a problem.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MEDICAL MARIJUANA AND CANNABIDIOL RESEARCH EXPANSION ACT

Mr. SCHUMER. Mr. President, before the Senate finishes this evening, there is one more important piece of legislation we are passing today, which I want to tout: the Medical Marijuana and Cannabidiol Research Expansion Act.

I have to give great credit to Senator FEINSTEIN, Senator GRASSLEY, and Senator SCHATZ. They have championed this legislation and worked hard to see that it has gotten support of all the Senators. It would eliminate the red-tape that hinders cannabis research, opening the door for new, innovative treatments derived from cannabis.

Now, if you are one of the millions of Americans who deal with conditions like Parkinson's or epilepsy or post-traumatic stress, or any number of other conditions, cannabis might hold promising new options for managing these diseases, but we need to do research first. And the Federal government, sadly, has been woefully behind the times on this front.

This bill will help fix that and, equally important, I hope that after passing this bill, the Senate can make progress on other cannabis legislation too. I am still holding productive talks with Democratic and Republican colleagues in the House and the Senate on moving additional bipartisan cannabis legislation in the lameduck, and we are going to try very, very hard to get it done. It is not easy, but we are making good progress. So I thank my colleagues for the excellent work on this bill and hope it portends more good cannabis legislation to come.

CHANGE OF VOTE

Mr. SCHUMER. Mr. President, on a second matter, on rollcall No. 355, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes.

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

TRIBUTE TO DR. CAROLYN BERTOZZI

Mr. CASSIDY. Mr. President, today I honor and pay tribute to American Dr. Carolyn Bertozzi. Dr. Bertozzi was awarded the Nobel Prize in Chemistry 2022 for her outstanding work and dedication to chemical biology research.

Dr. Carolyn Bertozzi is the Anne T. and Robert M. Bass Professor of Chemistry and Professor of Chemical and Systems Biology and Radiology at Stanford University. She is also the Baker Family Director at Sarafan ChEM-H at Stanford and an investigator of the Howard Hughes Medical Institute. She completed her undergraduate education in chemistry at Harvard University before earning her Ph.D. in chemistry at UC Berkeley. Following postdoctoral study at UCSF, she returned to Berkeley as a professor in the college of chemistry and led groundbreaking investigations published in major scientific journals. She is an elected member of the National Academy of Sciences, the American Academy of Arts and Sciences, and the German Academy of Sciences Leopardine. She has also received countless awards, including most recently the Nobel Prize in Chemistry.

The Nobel Prize in Chemistry for 2022 is a distinguished honor awarded to Drs. Carolyn Bertozzi, Morten Meldal, and K. Barry Sharpless for the development of click chemistry and biorthogonal chemistry. After Meldal and Sharpless laid the foundation of click chemistry, Bertozzi used click chemistry to study cellular reactions. Cellular machinery that modifies proteins with specific carbohydrates is now leveraged for targeted treatment of cancer and other conditions. I applaud her commitment to this life-saving invention.

It is a privilege to commemorate Dr. Bertozzi's Nobel Prize in Chemistry. Her students and peers are inspired by her dedication to her students and research. As a physician and husband of a breast cancer surgeon, I admire her exemplary work on click chemistry and its application to cancer treatment research. I am honored to recognize her today.

ADDITIONAL STATEMENTS

REMEMBERING STACEY JONES

• Mr. BOOZMAN. Mr. President, I rise to honor the life of Stacey Allen Jones, who passed away October 8, 2022. Stacey was a native of Fort Smith, a leader, an educator, and a family man whose advocacy for the performing arts enriched the lives of people in western Arkansas.

Long-time residents of Fort Smith knew Stacey as a champion for the arts in the region. I knew Stacey as a fellow Northside Grizzly and a dear friend.

Before his recent retirement, he served as the associate vice chancellor of campus and community events at the University of Arkansas Fort Smith and led the Season of Entertainment on campus and at its predecessor Westark College for more than 39 years.

Through these programs, he brought nationally touring musicians and Broadway shows to the area and supported student productions to improve the quality of life in the community, provide opportunities for young people, and enhance the mission of the university. Along the way, he was also a mentor and advocate for thousands of students who participated in these programs.

Stacey was also well-known throughout the State for his dedication to the Miss UAFS and Miss Arkansas Programs. Because of his leadership, Westark College's local pageant became a qualifying event for the Miss Arkansas pageant. Among the many successful competitors who started at the Miss Westark pageant was Shawntel Smith, who went on to be crowned Miss America while representing Oklahoma in 1996.

Outside of the university, Stacey was a critical part of many community projects. As part of a coalition of local leaders, he regularly lent his voice and experience to help others in their efforts to enhance the arts, history, and culture of the region.

I extend my sincere condolences to Stacey's wife of 46 years, Sheila Jones; his daughters Stacie Kohles and Amanda Echols; his loving family; and many friends. Western Arkansas is richer because of his hard work, dedication, and genuine care for the university and the community. He will be missed.•

TRIBUTE TO SHERIFF TIM HELDER

• Mr. BOOZMAN. Mr. President, I rise today to recognize Washington County