

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 835—EX-PRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 2022 AS “NATIONAL YOUTH JUSTICE ACTION MONTH”

Mr. WHITEHOUSE (for himself and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 835

Whereas the historical role of the juvenile court system is to rehabilitate and treat young people while holding them accountable and maintaining public safety, and the juvenile court system is therefore better equipped to work with youth than the adult criminal justice system, which is punitive in nature;

Whereas youth are developmentally different from adults, and those differences have been—

(1) documented by research on the adolescent brain; and

(2) acknowledged by the Supreme Court of the United States, State supreme courts, and many State and Federal laws that prohibit youth under the age of 18 from taking on major adult responsibilities such as voting, jury duty, and military service;

Whereas youth who are placed under the commitment of the juvenile court system often do not receive access to age-appropriate services and education and remain far from their families, which increases the likelihood that those youth will commit offenses in the future;

Whereas, every year in the United States, an estimated 53,000 youths are tried, sentenced, or incarcerated as adults, and most of those youth are prosecuted for nonviolent offenses;

Whereas most laws allowing the prosecution of youth as adults were enacted before the publication of research-based evidence by the Centers for Disease Control and Prevention and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice demonstrating that prosecuting youth in adult court actually decreases public safety as, on average, youth prosecuted in adult court are 34 percent more likely to commit future crimes than youth retained in the juvenile court system;

Whereas youth of color, youth with disabilities, and youth with mental health issues are disproportionately represented at all stages of the criminal justice system;

Whereas confining youth in adult jails or prisons, where youth are significantly more likely to be physically and sexually assaulted and are often placed in solitary confinement, is harmful to public safety and to young people in the legal system;

Whereas youth sentenced as adults receive an adult criminal record that hinders future education and employment opportunities;

Whereas youth who receive extremely long sentences deserve an opportunity to demonstrate their potential to grow and change; and

Whereas, in October, people around the United States participate in Youth Justice Action Month to—

(1) increase public awareness of the need to protect the constitutional rights of youth, establish a minimum age for arresting children;

(2) remove youth from adult courts and prisons;

(3) end the practice of sentencing children to life imprisonment without parole and consecutive or lengthy sentences that amount

to de facto life imprisonment without parole; and

(4) provide people across the United States with an opportunity to develop action-oriented events in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that the collateral consequences normally applied in the adult criminal justice system should not automatically apply to youth arrested for crimes before the age of 18;

(2) expresses support for the designation of “National Youth Justice Action Month”;

(3) recognizes and supports the goals and ideals of National Youth Justice Action Month; and

(4) recognizes the importance of and encourages the Office of Juvenile Justice and Delinquency Prevention to fully implement the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.), as amended by the Juvenile Justice Reform Act of 2018 (Public Law 115-385; 132 Stat. 5123), in a manner in keeping with the spirit and intent of the law.

SENATE RESOLUTION 836—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. TESTER (for himself and Mr. MORAN) submitted the following resolution; which was considered and agreed to:

S. RES. 836

Now, therefore, be it

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within a Senate building or other office secured for a Senator non-monetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a non-profit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the second session of the 117th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 6481. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 8404, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes; which was ordered to lie on the table.

SA 6482. Mr. LEE (for himself, Mr. CRAPO, Mr. CRUZ, Mr. GRAHAM, Mr. HAWLEY, Mr. MARSHALL, Mr. PAUL, Mr. SASSE, Mr. THUNE, Mr. WICKER, Mr. RISCH, Mr. BRAUN, Mr.

JOHNSON, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 8404, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 6481. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 8404, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—RELIGIOUS BELIEFS AND MORAL CONVICTIONS**SEC. 201. PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN PLACES OF PUBLIC ACCOMMODATION.**

(a) PLACES OF PUBLIC ACCOMMODATION.—Section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

“(4) any store, facility in a shopping center, or online retailer or provider of online services that has 1 or more employees in the current or preceding calendar year;

“(5) a social media platform provider; and”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraph (1)” and inserting “paragraph (1) or (5)”;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking “paragraph (4)” and inserting “paragraph (6)”;

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following: “(4) in the case of an establishment described in paragraph (4) of subsection (b), it sells or offers to sell a product or service that moves, or has moved, in commerce; and”;

(3) by adding at the end the following:

“(f) The provisions of this title shall not apply to a religious institution, including place of worship, religious camp, or religious school.

“(g) For purposes of this title:

“(1) The term ‘online retailer or provider of online services’ means a commercial business, acting through a web page that invites the general public to purchase a good or service by use of a credit card or similar payment device over the internet, that provides content for the web page. The term does not mean a commercial business, acting through a web page that gives information, including information on quality, price, or availability, about a good or service but does not permit such purchase directly from the web page.

“(2) The term ‘social media platform provider’ means the provider of a public website or internet application, including a mobile internet application, social network, video sharing service, advertising network, mobile operating system, search engine, email service, or internet access service, that promotes users posting content and others consuming that content.”.

(b) EXCEPTION.—Title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) is amended by adding at the end the following:

“SEC. 208. EXCEPTION FOR SMALL BUSINESSES.

“(a) DEFINITION.—In this section, the term ‘small business’ means an employer who does

not have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

“(b) EXCEPTION.—No small business shall be required, under this title or any other Federal, State, or local law, to provide a service related to a marriage of individuals of the same sex, if the small business declines to provide the service in accordance with a sincerely held religious belief, or moral conviction, that marriage is or should be recognized as a certain type of union. For purposes of this subsection, services related to marriage include services for any ceremony or related celebration of the marriage.”.

SEC. 202. DETERMINATION OF TAX-EXEMPT STATUS MADE WITHOUT REGARD TO RELIGIOUS BELIEFS.

Section 501(c)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking “Corporations” and inserting the following:

“(A) IN GENERAL.—Corporations”, and

(2) by adding at the end the following new subparagraph:

“(B) DETERMINATION MADE WITHOUT REGARD TO RELIGIOUS BELIEFS.—

“(i) IN GENERAL.—Any determination whether an organization is organized or operated exclusively for religious, charitable, scientific, literary, or educational purposes or complies with legal standards of charity shall be made without regard to the organization’s religious beliefs or practices concerning the validity of marriages between individuals of the same sex.

“(ii) RELIGIOUS.—For purposes of this paragraph, the term ‘religious’ includes all aspects of religious belief, observance, and practice, whether or not compelled by, or central to, a system of religion.”.

SEC. 203. CHILD WELFARE PROVIDER INCLUSION ACT.

(a) SHORT TITLE OF SECTION.—This section may be cited as the “Child Welfare Provider Inclusion Act of 2022”.

(b) PURPOSES.—The purposes of this section are as follows:

(1) To prohibit governmental entities from discriminating or taking an adverse action against a child welfare service provider on the basis that the provider declines to provide a child welfare service that conflicts, or under circumstances that conflict, with the sincerely held religious beliefs or moral convictions of the provider.

(2) To protect child welfare service providers’ exercise of religion and to ensure that governmental entities will not be able to force those providers, either directly or indirectly, to discontinue all or some of their child welfare services because they decline to provide a child welfare service that conflicts, or under circumstances that conflict, with their sincerely held religious beliefs or moral convictions.

(3) To provide relief to child welfare service providers whose rights have been violated.

(c) DISCRIMINATION AND ADVERSE ACTIONS PROHIBITED.—

(1) IN GENERAL.—The Federal Government, and any State that receives Federal funding for any program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.) (and any subdivision, office or department of such State) shall not discriminate or take an adverse action against a child welfare service provider on the basis that the provider has declined or will decline to provide, facilitate, or refer for a child welfare service that conflicts with, or under circumstances that conflict with, the provider’s sincerely held religious beliefs or moral convictions.

(2) LIMITATION.—Paragraph (1) does not apply to conduct forbidden by paragraph (18) of section 471(a) of such Act (42 U.S.C. 671(a)(18)).

(d) FUNDS WITHHELD FOR VIOLATION.—The Secretary of Health and Human Services shall withhold from a State 15 percent of the Federal funds the State receives for a program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.) if the State violates subsection (c) when administering or disbursing funds under such program.

(e) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—A child welfare service provider aggrieved by a violation of subsection (c) may assert that violation as a claim or defense in a judicial proceeding and obtain all appropriate relief, including declaratory relief, injunctive relief, and compensatory damages, with respect to that violation.

(2) ATTORNEYS’ FEES AND COSTS.—A child welfare service provider that prevails in an action by establishing a violation of subsection (c) is entitled to recover reasonable attorneys’ fees and costs.

(3) WAIVER OF SOVEREIGN IMMUNITY.—By accepting or expending Federal funds in connection with a program that provides child welfare services under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.), a State waives its sovereign immunity for any claim or defense that is raised under this subsection.

(f) SEVERABILITY.—If any provision of this section, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section and the application of the provision to any other person or circumstance shall not be affected.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the 1st day of the 1st fiscal year beginning on or after the date of the enactment of this section, and the withholding of funds authorized by subsection (d) shall apply to payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 671 et seq.) for calendar quarters beginning on or after such date.

(2) EXCEPTION.—If legislation (other than legislation appropriating funds) is required for a governmental entity to bring itself into compliance with this section, the governmental entity shall not be regarded as violating this section before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the legislative body that begins after the date of the enactment of this section. For purposes of the preceding sentence, if the governmental entity has a 2-year legislative session, each year of the session is deemed to be a separate regular session.

(h) DEFINITIONS.—In this section:

(1) CHILD WELFARE SERVICE PROVIDER.—The term “child welfare service provider” includes organizations, corporations, groups, entities, or individuals that provide or seek to provide, or that apply for or receive a contract, subcontract, grant, or subgrant for the provision of, child welfare services. A provider need not be engaged exclusively in child welfare services to be considered a child welfare service provider for purposes of this section.

(2) CHILD WELFARE SERVICES.—The term “child welfare services” means social services provided to or on behalf of children, including assisting abused, neglected, or troubled children, counseling children or parents, promoting foster parenting, providing foster homes or temporary group shelters for children, recruiting foster parents, placing chil-

dren in foster homes, licensing foster homes, promoting adoption, recruiting adoptive parents, assisting adoptions, supporting adoptive families, assisting kinship guardianships, assisting kinship caregivers, providing family preservation services, providing family support services, and providing time-limited family reunification services.

(3) STATE.—The term “State” means each of the 50 States, the District of Columbia, any commonwealth, territory or possession of the United States, and any political subdivision thereof, and any Indian tribe, tribal organization, or tribal consortium that has a plan approved in accordance with section 479B of the Social Security Act (42 U.S.C. 679c) or that has a cooperative agreement or contract with one of the 50 States for the administration or payment of funds under part B or E of title IV of the Social Security Act.

(4) FUNDING; FUNDED; FUNDS.—The terms “funding”, “funded”, or “funds” include money paid pursuant to a contract, grant, voucher, or similar means.

(5) ADVERSE ACTION.—The term “adverse action” includes, but is not limited to, denying a child welfare service provider’s application for funding, refusing to renew the provider’s funding, canceling the provider’s funding, declining to enter into a contract with the provider, refusing to renew a contract with the provider, canceling a contract with the provider, declining to issue a license to the provider, refusing to renew the provider’s license, canceling the provider’s license, terminating the provider’s employment, or any other adverse action that materially alters the terms or conditions of the provider’s employment, funding, contract, or license.

SA 6482. Mr. LEE (for himself, Mr. CRAPO, Mr. CRUZ, Mr. GRAHAM, Mr. HAWLEY, Mr. MARSHALL, Mr. PAUL, Mr. SASSE, Mr. THUNE, Mr. WICKER, Mr. RISCH, Mr. BRAUN, Mr. JOHNSON, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 8404, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE II—RELIGIOUS BELIEFS AND MORAL CONVICTIONS

SEC. 201. PROTECTION OF THE FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS.

(a) IN GENERAL.—Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, the Federal Government shall not take any discriminatory action against a person, wholly or partially on the basis that such person speaks, or acts, in accordance with a sincerely held religious belief, or moral conviction, that marriage is or should be recognized as a union of—

(1) one man and one woman; or

(2) two individuals as recognized under Federal law.

(b) DISCRIMINATORY ACTION DEFINED.—As used in subsection (a), a discriminatory action means any action taken by the Federal Government to—

(1) alter in any way the Federal tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by such person;

(3) withhold, reduce the amount or funding for, exclude, terminate, or otherwise make unavailable or deny, any Federal grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to such person;

(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and non-public fora), or charitable fundraising campaigns from or to such person.

(c) ACCREDITATION; LICENSURE; CERTIFICATION.—The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

SEC. 202. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert an actual or threatened violation of this title as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief against the Federal Government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) ADMINISTRATIVE REMEDIES NOT REQUIRED.—Notwithstanding any other provision of law, an action under this section may be commenced, and relief may be granted, in a district court of the United States without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(c) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting "title II of the Respect for Marriage Act," after "the Religious Land Use and Institutionalized Persons Act of 2000,".

(d) AUTHORITY OF UNITED STATES TO ENFORCE THIS TITLE.—The Attorney General may bring an action for injunctive or declaratory relief against an independent establishment described in section 104(1) of title 5, United States Code, or an officer or employee of that independent establishment, to enforce compliance with this title. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

SEC. 203. RULES OF CONSTRUCTION.

(a) NO PREEMPTION, REPEAL, OR NARROW CONSTRUCTION.—Nothing in this title shall be construed to preempt State law, or repeal Federal law, that is equally or more protective of free exercise of religious beliefs and moral convictions. Nothing in this title shall be construed to narrow the meaning or application of any State or Federal law protecting free exercise of religious beliefs and moral convictions.

(b) NO PREVENTION OF PROVIDING BENEFITS OR SERVICES.—Nothing in this title shall be

construed to prevent the Federal Government from providing, either directly or through a person not seeking protection under this title, any benefit or service authorized under Federal law.

(c) NO AFFIRMATION OR ENDORSEMENT OF VIEWS.—Nothing in this title shall be construed to affirm or otherwise endorse a person's belief, speech, or action about marriage.

(d) SEVERABILITY.—If any provision of this title or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected.

SEC. 204. DEFINITIONS.

In this title:

(1) FEDERAL BENEFIT PROGRAM.—The term "Federal benefit program" has the meaning given that term in section 552a of title 5, United States Code.

(2) FEDERAL; FEDERAL GOVERNMENT.—The terms "Federal" and "Federal Government" relate to and include—

(A) any department, commission, board, or other agency of the Federal Government;

(B) any officer, employee, or agent of the Federal Government; and

(C) the District of Columbia and all Federal territories and possessions.

(3) PERSON.—The term "person" means a person as defined in section 1 of title 1, United States Code, except that such term shall not include—

(A) publicly traded for-profit entities;

(B) Federal employees acting within the scope of their employment;

(C) Federal for-profit contractors acting within the scope of their contract; or

(D) hospitals, clinics, hospices, nursing homes, or other medical or residential custodial facilities with respect to visitation, recognition of a designated representative for health care decisionmaking, or refusal to provide medical treatment necessary to cure an illness or injury.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 4:15 p.m., to conduct a business meeting.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 3 p.m., to conduct a hearing.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 10:30 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, November 16, 2022, at 2:30 p.m., to conduct a closed briefing.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the following intern and fellow from my office be granted floor privileges until November 18, 2022. They are J.P. Cooper and Laura Hill.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 94-201, as amended by Public Law 105-275, appoints the following individual to serve as a member of the Board of Trustees of the American Folklife Center of the Library of Congress: Natalie Anne Merchant of New York.

MEDICAL MARIJUANA AND CANNABIDIOL RESEARCH EXPANSION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 8454, which was received from the House and is at the desk.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 8454) to expand research on cannabidiol and marijuana, and for other purposes.

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

Mr. SCHUMER. I ask that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate on the bill, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 8454) was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the