

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H. R. 8404

To repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Respect for Marriage
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) No union is more profound than marriage,
9 for it embodies the highest ideals of love, fidelity, de-
10 votion, sacrifice, and family.

11 (2) Diverse beliefs about the role of gender in
12 marriage are held by reasonable and sincere people

1 based on decent and honorable religious or philo-
2 sophical premises. Therefore, Congress affirms that
3 such people and their diverse beliefs are due proper
4 respect.

5 (3) Millions of people, including interracial and
6 same-sex couples, have entered into marriages and
7 have enjoyed the rights and privileges associated
8 with marriage. Couples joining in marriage deserve
9 to have the dignity, stability, and ongoing protection
10 that marriage affords to families and children.

11 **SEC. 3. REPEAL OF SECTION ADDED TO TITLE 28, UNITED**
12 **STATES CODE, BY SECTION 2 OF THE DE-**
13 **FENSE OF MARRIAGE ACT.**

14 Section 1738C of title 28, United States Code, is re-
15 pealed.

16 **SEC. 4. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**
17 **EQUALITY.**

18 Chapter 115 of title 28, United States Code, as
19 amended by this Act, is further amended by inserting after
20 section 1738B the following:

21 **“§ 1738C. Certain acts, records, and proceedings and**
22 **the effect thereof**

23 “(a) IN GENERAL.—No person acting under color of
24 State law may deny—

1 “(1) full faith and credit to any public act,
2 record, or judicial proceeding of any other State per-
3 taining to a marriage between 2 individuals, on the
4 basis of the sex, race, ethnicity, or national origin of
5 those individuals; or

6 “(2) a right or claim arising from such a mar-
7 riage on the basis that such marriage would not be
8 recognized under the law of that State on the basis
9 of the sex, race, ethnicity, or national origin of those
10 individuals.

11 “(b) ENFORCEMENT BY ATTORNEY GENERAL.—The
12 Attorney General may bring a civil action in the appro-
13 priate United States district court against any person who
14 violates subsection (a) for declaratory and injunctive relief.

15 “(c) PRIVATE RIGHT OF ACTION.—Any person who
16 is harmed by a violation of subsection (a) may bring a
17 civil action in the appropriate United States district court
18 against the person who violated such subsection for declar-
19 atory and injunctive relief.

20 “(d) STATE DEFINED.—In this section, the term
21 ‘State’ has the meaning given such term under section 7
22 of title 1.”.

23 **SEC. 5. MARRIAGE RECOGNITION.**

24 Section 7 of title 1, United States Code, is amended
25 to read as follows:

1 **“§ 7. Marriage**

2 “(a) For the purposes of any Federal law, rule, or
3 regulation in which marital status is a factor, an indi-
4 vidual shall be considered married if that individual’s mar-
5 riage is between 2 individuals and is valid in the State
6 where the marriage was entered into or, in the case of
7 a marriage entered into outside any State, if the marriage
8 is between 2 individuals and is valid in the place where
9 entered into and the marriage could have been entered
10 into in a State.

11 “(b) In this section, the term ‘State’ means a State,
12 the District of Columbia, the Commonwealth of Puerto
13 Rico, or any other territory or possession of the United
14 States.

15 “(c) For purposes of subsection (a), in determining
16 whether a marriage is valid in a State or the place where
17 entered into, if outside of any State, only the law of the
18 jurisdiction applicable at the time the marriage was en-
19 tered into may be considered.”.

20 **SEC. 6. NO IMPACT ON RELIGIOUS LIBERTY AND CON-**
21 **SCIENCE.**

22 (a) IN GENERAL.—Nothing in this Act, or any
23 amendment made by this Act, shall be construed to dimin-
24 ish or abrogate a religious liberty or conscience protection
25 otherwise available to an individual or organization under
26 the Constitution of the United States or Federal law.

1 (b) GOODS OR SERVICES.—Consistent with the First
2 Amendment to the Constitution, nonprofit religious orga-
3 nizations, including churches, mosques, synagogues, tem-
4 ples, nondenominational ministries, interdenominational
5 and ecumenical organizations, mission organizations,
6 faith-based social agencies, religious educational institu-
7 tions, and nonprofit entities whose principal purpose is the
8 study, practice, or advancement of religion, and any em-
9 ployee of such an organization, shall not be required to
10 provide services, accommodations, advantages, facilities,
11 goods, or privileges for the solemnization or celebration
12 of a marriage. Any refusal under this subsection to provide
13 such services, accommodations, advantages, facilities,
14 goods, or privileges shall not create any civil claim or
15 cause of action.

16 **SEC. 7. STATUTORY PROHIBITION.**

17 (a) NO IMPACT ON STATUS AND BENEFITS NOT
18 ARISING FROM A MARRIAGE.—Nothing in this Act, or any
19 amendment made by this Act, shall be construed to deny
20 or alter any benefit, status, or right of an otherwise eligi-
21 ble entity or person, including tax-exempt status, tax
22 treatment, educational funding, or a grant, contract,
23 agreement, guarantee, loan, scholarship, license, certifi-
24 cation, accreditation, claim, or defense, provided such ben-
25 efit, status, or right does not arise from a marriage.

1 (b) NO FEDERAL RECOGNITION OF POLYGAMOUS
2 MARRIAGES.—Nothing in this Act, or any amendment
3 made by this Act, shall be construed to require or author-
4 ize Federal recognition of marriages between more than
5 2 individuals.

6 **SEC. 8. SEVERABILITY.**

7 If any provision of this Act, or any amendment made
8 by this Act, or the application of such provision to any
9 person, entity, government, or circumstance, is held to be
10 unconstitutional, the remainder of this Act, or any amend-
11 ment made thereby, or the application of such provision
12 to all other persons, entities, governments, or cir-
13 cumstances, shall not be affected thereby.