

In the Senate of the United States,

November 29, 2022.

Resolved, That the bill from the House of Representatives (H.R. 8404) entitled “An Act to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Respect for Marriage*
3 *Act”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds the following:*

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

9 *(2) Diverse beliefs about the role of gender in*
10 *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 with*
8 *marriage. Couples joining in marriage deserve to*
9 *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 amend-*
19 *ed by this Act, is further amended by inserting after section*
20 *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 of
9 the sex, race, ethnicity, or national origin of those in-
10 dividuals.

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 is
16 harmed by a violation of subsection (a) may bring a civil
17 action in the appropriate United States district court
18 against the person who violated such subsection for declara-
19 tory 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 reg-*
3 *ulation in which marital status is a factor, an individual*
4 *shall be considered married if that individual’s marriage*
5 *is between 2 individuals and is valid in the State where*
6 *the marriage was entered into or, in the case of a marriage*
7 *entered into outside any State, if the marriage is between*
8 *2 individuals and is valid in the place where entered into*
9 *and the marriage could have been entered into in a State.*

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

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

18 **SEC. 6. NO IMPACT ON RELIGIOUS LIBERTY AND CON-**
19 **SCIENCE.**

20 (a) *IN GENERAL.*—*Nothing in this Act, or any amend-*
21 *ment made by this Act, shall be construed to diminish or*
22 *abrogate a religious liberty or conscience protection other-*
23 *wise available to an individual or organization under the*
24 *Constitution of the United States or Federal law.*

25 (b) *GOODS OR SERVICES.*—*Consistent with the First*
26 *Amendment to the Constitution, nonprofit religious organi-*

1 zations, including churches, mosques, synagogues, temples,
2 nondenominational ministries, interdenominational and
3 ecumenical organizations, mission organizations, faith-
4 based social agencies, religious educational institutions,
5 and nonprofit entities whose principal purpose is the study,
6 practice, or advancement of religion, and any employee of
7 such an organization, shall not be required to provide serv-
8 ices, accommodations, advantages, facilities, goods, or
9 privileges for the solemnization or celebration of a mar-
10 riage. Any refusal under this subsection to provide such
11 services, accommodations, advantages, facilities, goods, or
12 privileges shall not create any civil claim or cause of action.

13 **SEC. 7. STATUTORY PROHIBITION.**

14 (a) **NO IMPACT ON STATUS AND BENEFITS NOT ARISING FROM A MARRIAGE.**—Nothing in this Act, or any
15 amendment made by this Act, shall be construed to deny
16 or alter any benefit, status, or right of an otherwise eligible
17 entity or person which does not arise from a marriage, in-
18 cluding tax-exempt status, tax treatment, educational fund-
19 ing, or a grant, contract, agreement, guarantee, loan, schol-
20 arship, license, certification, accreditation, claim, or de-
22 fense.

23 (b) **NO FEDERAL RECOGNITION OF POLYGAMOUS MAR-**
24 **RIAGES.**—Nothing in this Act, or any amendment made by

1 *this Act, shall be construed to require or authorize Federal*
2 *recognition of marriages between more than 2 individuals.*

3 **SEC. 8. SEVERABILITY.**

4 *If any provision of this Act, or any amendment made*
5 *by this Act, or the application of such provision to any per-*
6 *son, entity, government, or circumstance, is held to be un-*
7 *constitutional, the remainder of this Act, or any amend-*
8 *ment made thereby, or the application of such provision to*
9 *all other persons, entities, governments, or circumstances,*
10 *shall not be affected thereby.*

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

H.R. 8404

AMENDMENT