

Pending
Y+N

Jimmy Baldwin

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

AMENDMENT N^o 6487

By: *Schumer for Baldwin*

To: *HR 8404*

6

Page(s)

GPO: 2003 45-603 (mac)

Marriage Act and ensure respect
for marriage, and for other purposes.

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to be printed

Table and to be printed

NATURE OF A SUBSTITUTE intended
for BALDWIN (for herself, Ms. COL-
LINS, Mr. PORTMAN, Ms. SINEMA, Mr. TILLIS, and Ms.
LUMMIS)

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.

1 (2) Diverse beliefs about the role of gender in
2 marriage are held by reasonable and sincere people
3 based on decent and honorable religious or philo-
4 sophical premises. Therefore, Congress affirms that
5 such people and their diverse beliefs are due proper
6 respect.

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

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

16 Section 1738C of title 28, United States Code, is re-
17 pealed.

18 **SEC. 4. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**
19 **EQUALITY.**

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

1 **“§ 1738C. Certain acts, records, and proceedings and**
2 **the effect thereof**

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

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

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

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

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

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

1 **SEC. 5. MARRIAGE RECOGNITION.**

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

4 **“§ 7. Marriage**

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

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

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

23 **SEC. 6. NO IMPACT ON RELIGIOUS LIBERTY AND CON-**
24 **SCIENCE.**

25 (a) **IN GENERAL.**—Nothing in this Act, or any
26 amendment made by this Act, shall be construed to dimin-

1 ish or abrogate a religious liberty or conscience protection
2 otherwise available to an individual or organization under
3 the Constitution of the United States or Federal law.

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

19 **SEC. 7. STATUTORY PROHIBITION.**

20 (a) NO IMPACT ON STATUS AND BENEFITS NOT
21 ARISING FROM A MARRIAGE.—Nothing in this Act, or any
22 amendment made by this Act, shall be construed to deny
23 or alter any benefit, status, or right of an otherwise eligi-
24 ble entity or person which does not arise from a marriage,
25 including tax-exempt status, tax treatment, educational

1 funding, or a grant, contract, agreement, guarantee, loan,
2 scholarship, license, certification, accreditation, claim, or
3 defense.

4 (b) NO FEDERAL RECOGNITION OF POLYGAMOUS
5 MARRIAGES.—Nothing in this Act, or any amendment
6 made by this Act, shall be construed to require or author-
7 ize Federal recognition of marriages between more than
8 2 individuals.

9 **SEC. 8. SEVERABILITY.**

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