

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

4 Section 1738C of title 28, United States Code, is re-
5 pealed.

6 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**
7 **EQUALITY.**

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

11 **“§ 1738C. Certain acts, records, and proceedings and**
12 **the effect thereof**

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

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

20 “(2) a right or claim arising from such a mar-
21 riage on the basis that such marriage would not be
22 recognized under the law of such other State on the
23 basis of the sex, gender, race, ethnicity, or national
24 origin of those individuals.

25 “(b) ENFORCEMENT BY ATTORNEY GENERAL.—The
26 Attorney General may bring a civil action in the appro-

1 p r i a t e United States district court against any person who
2 violates subsection (a) for declaratory and injunctive relief.

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

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

11 **SEC. 4. MARRIAGE RECOGNITION.**

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

14 **“§ 7. Marriage**

15 “(a) For the purposes of any Federal law in which
16 marital status is a factor, an individual shall be considered
17 married if that individual’s marriage is valid in the State
18 where the marriage was entered into or, in the case of
19 a marriage entered into outside any State, if the marriage
20 is valid in the place where entered into and the marriage
21 could have been entered into in a State.

22 “(b) In this section, the term ‘State’ means a State,
23 the District of Columbia, the Commonwealth of Puerto
24 Rico, any other territory or possession of the United
25 States, or an Indian tribe.”.

1 **SEC. 5. SEVERABILITY.**

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