

Calendar No. 449

117TH CONGRESS
2D SESSION**H. R. 8404**

IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

Received; read the first time

JULY 21, 2022

Read the second time and placed on the calendar

AN ACT

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”.

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

9 Section 1738C of title 28, United States Code, is re-
10 pealed.

1 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**
2 **EQUALITY.**

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

6 **“§ 1738C. Certain acts, records, and proceedings and**
7 **the effect thereof**

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

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

15 “(2) a right or claim arising from such a mar-
16 riage on the basis that such marriage would not be
17 recognized under the law of that State on the basis
18 of the sex, race, ethnicity, or national origin of those
19 individuals.

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

24 “(c) PRIVATE RIGHT OF ACTION.—Any person who
25 is harmed by a violation of subsection (a) may bring a
26 civil action in the appropriate United States district court

1 against the person who violated such subsection for declar-
2 atory and injunctive relief.

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

6 **SEC. 4. MARRIAGE RECOGNITION.**

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

9 **“§ 7. Marriage**

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

18 “(b) In this section, the term ‘State’ means a State,
19 the District of Columbia, the Commonwealth of Puerto
20 Rico, or any other territory or possession of the United
21 States.

22 “(c) For purposes of subsection (a), in determining
23 whether a marriage is valid in a State or the place where
24 entered into, if outside of any State, only the law of the

1 jurisdiction applicable at the time the marriage was en-
2 tered into may be considered.”.

3 **SEC. 5. SEVERABILITY.**

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

Passed the House of Representatives July 19, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.

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