

114TH CONGRESS
1ST SESSION

S. 435

To amend chapter 1 of title 1, United States Code, with regard to the definition of “marriage” and “spouse” for Federal purposes and to ensure respect for State regulation of marriage.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2015

Mr. CRUZ (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. DAINES, Mr. INHOFE, Mr. LANKFORD, Mr. LEE, Mr. ROBERTS, Mr. SCOTT, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 1 of title 1, United States Code, with regard to the definition of “marriage” and “spouse” for Federal purposes and to ensure respect for State regulation of marriage.

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 “State Marriage De-
5 fense Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Congress affirms the States’ legitimate and
2 proper public policy interests in regulating domestic
3 relations and in defining marriage for the residents
4 of their States.

5 (2) Despite striking down section 3 of the De-
6 fense of Marriage Act, the Supreme Court ruling in
7 United States v. Windsor, 133 S. Ct. 2675 (2013)
8 did not institute a new Federal definition of mar-
9 riage that includes same sex marriage. Instead,
10 United States v. Windsor specifically required the
11 Federal Government to defer to “state sovereign
12 choices about who may be married” in determining
13 marital status for Federal purposes.

14 (3) Congress recognizes that current actions by
15 the Federal Government to afford benefits to certain
16 relationships not recognized as marriages by a per-
17 son’s State of residence go beyond the Supreme
18 Court’s ruling in United States v. Windsor. These
19 Federal actions create “two contradictory marriage
20 regimes within the same State,” in direct contradic-
21 tion of United States v. Windsor.

22 (4) Actions taken by the Federal Government
23 to grant recognition of marital status for persons
24 not recognized as married in their State of domicile

1 undermine a State’s legitimate authority to define
2 marriage for its residents.

3 **SEC. 3. AMENDMENT TO DEFINITION OF MARRIAGE FOR**
4 **FEDERAL PURPOSES.**

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

7 **“§ 7. Definition of ‘marriage’ and ‘spouse’**

8 “For purposes of determining the meaning of any Act
9 of Congress, or of any ruling, regulation, or interpretation
10 of the various administrative bureaus and agencies of the
11 United States, as applied with respect to individuals domi-
12 ciled in a State or in any other territory or possession of
13 the United States, the term ‘marriage’ shall not include
14 any relationship which that State, territory, or possession
15 does not recognize as a marriage, and the term ‘spouse’
16 shall not include an individual who is a party to a relation-
17 ship that is not recognized as a marriage by that State,
18 territory, or possession.”.

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