[DISCUSSION DRAFT]

117TH CONGRESS 2D 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”.

SEC. 2. REPEAL OF SECTION ADDED TO TITLE 28, UNITED STATES CODE, BY SECTION 2 OF THE DEFENSE OF MARRIAGE ACT.

Section 1738C of title 28, United States Code, is repealed.

SEC. 3. FULL FAITH AND CREDIT GIVEN TO MARRIAGE EQUALITY.

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

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

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

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

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

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

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

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

SEC. 4. MARRIAGE RECOGNITION.

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

“§ 7. Marriage

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

“(b) In this section, the term ‘State’ means a State,
the District of Columbia, the Commonwealth of Puerto
Rico, any other territory or possession of the United
States, or an Indian tribe.”.
SEC. 5. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application of such provision to any person, entity, government, or circumstance, is held to be unconstitutional, the remainder of this Act, or any amendment made thereby, or the application of such provision to all other persons, entities, governments, or circumstances, shall not be affected thereby.