117th Congress
2d Session

S.

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

IN THE SENATE OF THE UNITED STATES

Mrs. Feinstein (for herself, Ms. Baldwin, and Ms. Collins) introduced the following bill; which was read twice and 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FULL FAITH AND CREDIT GIVEN TO MARRIAGE EQUALITY.

Chapter 115 of title 28, United States Code, is amended by striking section 1738C and inserting the following:
§ 1738C. Certain acts, records, and proceedings and the effect thereof

(a) Definition.—In this section, the term ‘State’ has the meaning given the term in section 7 of title 1.

(b) Prohibition.—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.

(c) Enforcement by Attorney General.—The Attorney General may bring a civil action in the appropriate district court of the United States against any person who violates subsection (b) for declaratory and injunctive relief.

(d) Private Right of Action.—Any person who is harmed by a violation of subsection (b) may bring a civil action in the appropriate district court of the United States against the person who violated such subsection for declaratory and injunctive relief.”
SEC. 3. MARRIAGE RECOGNITION.

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

"§ 7. Marriage

(a) DEFINITION.—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.

(b) MARRIAGE.—For the purposes of any Federal law in which marital status is a factor, an individual shall be considered married if—

(1) the marriage of the individual is valid in the State where the marriage was entered into; or

(2) in the case of a marriage entered into outside any State, the marriage—

(A) is valid in the place where entered into; and

(B) could have been entered into in a State.

SEC. 4. SEVERABILITY.

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