

**Statement of Senator Dianne Feinstein
on Reintroduction of the Respect for Marriage Act
June 26, 2013**

Mr. President, I rise today to reintroduce the *Respect for Marriage Act*.

Today is an historic day. The Supreme Court issued two decisions that are major victories for the cause of equality for same-sex couples in this nation.

In *United States v. Windsor*, the Court struck down Section 3 of the Defense of Marriage Act, or DOMA, which denies the federal benefits and obligations of marriage to legally married same-sex couples. I was one of 14 members of this body to vote against DOMA in 1996, and I am pleased a major part of the law has been declared unconstitutional.

In *Hollingsworth v. Perry*, the Court left in place a trial court injunction finding Proposition 8 unconstitutional – which will bring marriage equality back to my home State of California.

I am thrilled by these decisions, which will mean a great deal for same-sex couples in California and across the Nation.

Our work, however, is not done. It remains critical that Congress act to fully repeal DOMA. That is what the *Respect for Marriage Act* will do.

This legislation is cosponsored by 40 members of the Senate – Senators Baldwin, Baucus, Bennet, Blumenthal, Boxer, Brown, Cantwell, Cardin, Carper, Casey, Coons, Cowan, Durbin, Franken, Gillibrand, Harkin, Heinrich, Hirono, Kaine, King, Klobuchar, Leahy, Levin, McCaskill, Menendez, Merkley, Mikulski, Murphy, Murray, Reed, Sanders, Schatz, Schumer, Shaheen, Stabenow, Mark Udall, Tom Udall, Warren, Whitehouse, and Wyden.

I want to thank them for their strong support of this legislation. I would also like to thank Rep. Jerry Nadler for his staunch leadership on this issue in the House of Representatives.

Today, 12 states – Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington – and the District of Columbia allow same-sex couples to marry.

Because of today's decision in *Hollingsworth v. Perry*, which left, in effect, a trial court order finding Proposition 8 unconstitutional, my home state of California will soon once again recognize the freedom to marry for same-sex couples. I am thrilled about that result.

According to the 2010 Census, there are over 131,000 same-sex married couples in this Nation – a number that is sure to grow.

I think most Americans have come to recognize that same-sex couples live their lives like other married couples. They raise children together. They care for each other in good times and in bad. They take the same vows and make the same commitments as straight couples.

Simply put, they are *families*. And like other families, they reap life's joys and bear the brunt of life's hardships *together*.

Until the Supreme Court's decision today in *United States v. Windsor*, DOMA turned these families into second-class families.

Under over 1,100 federal laws, DOMA prohibited the Federal government from recognizing the equal dignity and commitment of legally married same-sex couples.

These couples were barred from filing joint tax returns, forced to pay much higher taxes on employer-provided health benefits, and stripped of protections for married couples from the estate tax.

They could not receive Social Security survivor benefits, which protect a surviving spouse from becoming destitute when the other spouse passes away.

Critical protections and benefits for service members and veterans were also denied. According to the Servicemembers Legal Defense Network, well over 100 statutory protections granted by Congress to servicemembers turn on marital status.

Today's decision in *United States v. Windsor* is a major victory for equality. It says that Section 3 of DOMA – which denies federal recognition to legally married same-sex couples – is unconstitutional because it is a denial of equal protection.

The *Windsor* case had to do with two women – Edie Windsor and Thea Spyer – who met in 1963 and were together for over 40 years. They married in 2007. Yet when Thea died in 2009, Edie was forced to pay over \$360,000 in estate taxes because of DOMA. Had her spouse been a man, Edie would not have had to pay those taxes.

Even after the Court decision, which hinged on a bare 5-4 majority, the *Respect for Marriage Act* remains critically important legislation, for several reasons.

First, DOMA is a discriminatory law – all of it should be fully stricken from the books. It was wrong when it was passed, and it should be repealed.

Second, even after the *Windsor* decision, there will remain inconsistencies in how certain federal programs are administered.

For example, the Social Security Act provides Survivors' Benefits – which are critical for families after a spouse dies – based on the law of the state where the deceased spouse was domiciled at the time of death.

So, a married couple could live together for 40 years, contribute equally to the system, and then be stripped of what they have earned – just because they moved to another state for medical reasons before one spouse passed. That's just not right.

Veterans benefits are based on the law of the state where the parties resided at the time of the marriage, or when the right to benefits accrued.

So, different veterans benefits might be granted or denied, depending on where a couple lived at different times, without any rhyme or reason. That's not fair to former servicemembers who may have moved around as part of their military service.

This bill is simple. It would strike all of DOMA, a discriminatory law, from the U.S. Code.

And, it would provide a clear rule that the Federal government would recognize a marriage if that marriage is valid in the State where it was entered into.

This rule will provide clarity and predictability for legally married same-sex couples, and it will be easy to administer for federal agencies tasked with ending DOMA in the programs they administer.

The bill would *not* require any state to issue a marriage license it does not wish to issue, nor would it require any religious institution to perform any marriage.

In 2011, after I first introduced this bill, I gave a press conference about it at the National Press Club. I said I was not faint-hearted about this, and that I was in it for the long march.

Today, I remain committed to that cause and determined to see it through. Our work is not finished until DOMA is fully off the books, which is what this bill will do.

I thank the chair, and I yield the floor.