

117TH CONGRESS
2D SESSION

S. 4556

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

JULY 19, 2022

Mrs. FEINSTEIN (for herself, Ms. BALDWIN, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

6 **SEC. 2. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**
7 **EQUALITY.**

8 Chapter 115 of title 28, United States Code, is
9 amended by striking section 1738C and inserting the fol-
10 lowing:

1 **“§ 1738C. Certain acts, records, and proceedings and**
2 **the effect thereof**

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

5 “(b) PROHIBITION.—No person acting under color of
6 law of a State may deny—

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

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

17 “(c) ENFORCEMENT BY ATTORNEY GENERAL.—The
18 Attorney General may bring a civil action in the appro-
19 priate district court of the United States against any per-
20 son who violates subsection (b) for declaratory and injunc-
21 tive relief.

22 “(d) PRIVATE RIGHT OF ACTION.—Any person who
23 is harmed by a violation of subsection (b) may bring a
24 civil action in the appropriate district court of the United
25 States against the person who violated such subsection for
26 declaratory and injunctive relief.”.

1 **SEC. 3. MARRIAGE RECOGNITION.**

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

4 **“§ 7. Marriage**

5 “(a) DEFINITION.—In this section, the term ‘State’
6 means a State, the District of Columbia, the Common-
7 wealth of Puerto Rico, any other territory or possession
8 of the United States, or an Indian Tribe.

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

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

14 “(2) in the case of a marriage entered into out-
15 side any State, the marriage—

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

18 “(B) could have been entered into in a
19 State.”.

20 **SEC. 4. SEVERABILITY.**

21 If any provision of this Act, an amendment made by
22 this Act, or the application of such provision or amend-
23 ment to any person, entity, government, or circumstance,
24 is held to be unconstitutional, the remainder of this Act,
25 any amendment made thereby, or the application of such

- 1 provision or amendment to all other persons, entities, gov-
- 2 ernments, or circumstances, shall not be affected thereby.

