

113TH CONGRESS  
1ST SESSION

# H. R. 3133

To prevent adverse treatment of any person on the basis of views held  
with respect to marriage.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2013

Mr. LABRADOR (for himself, Mr. PITTS, Mrs. HARTZLER, Mr. MCINTYRE, Mr. SCALISE, Mr. FRANKS of Arizona, Mr. MEADOWS, Mr. FLEMING, Mr. LIPINSKI, Mr. GARRETT, Mr. BRIDENSTINE, Mr. DAINES, Mr. BOUTSANY, Mrs. BACHMANN, Mrs. WAGNER, Mr. BRADY of Texas, Mr. COLLINS of New York, Mr. PEARCE, Mr. WALBERG, Mrs. BLACK, Mr. HULTGREN, Mr. BROUN of Georgia, Mr. HARPER, Mr. CASSIDY, Mr. CRAMER, Mr. ADERHOLT, Mr. MULVANEY, Mr. BISHOP of Utah, Mr. ROKITA, Mr. SANFORD, Mr. MARINO, Mr. LONG, Mr. GRAVES of Georgia, Mr. SESSIONS, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. JORDAN, Mr. WEBER of Texas, Mr. HUIZENGA of Michigan, Mr. STUTZMAN, Mr. KINGSTON, Mr. LAMALFA, Mr. SALMON, Mr. COTTON, Mr. KELLY of Pennsylvania, Mr. FORTENBERRY, Mr. HARRIS, Mr. MILLER of Florida, Mr. BENTIVOLIO, Mr. HALL, Mr. ROGERS of Alabama, Mr. LAMBORN, Mr. PALAZZO, Mr. ROTHFUS, Mr. ROE of Tennessee, Mr. CHAFFETZ, Mr. GOHMERT, Mr. STEWART, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. SOUTHERLAND, Mr. JONES, and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prevent adverse treatment of any person on the basis  
of views held with respect to 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 “Marriage and Religious  
5 Freedom Act”.

6 **SEC. 2. FINDINGS.**

7        Congress finds the following:

8            (1) Leading legal scholars concur that conflicts  
9            between same-sex marriage and religious liberty are  
10           real and should be legislatively addressed.

11           (2) As the President stated in response to the  
12           decision of the United States Supreme Court on the  
13           Defense of Marriage Act in 2013, “Americans hold  
14           a wide range of views” on the issue of same-sex  
15           marriage, and “maintaining our Nation’s commit-  
16           ment to religious freedom” is “vital”.

17           (3) Protecting religious freedom from Govern-  
18           ment intrusion is a Government interest of the high-  
19           est order. Legislatively enacted measures advance  
20           this interest by remedying, deterring, and preventing  
21           Government interference with religious exercise in a  
22           way that complements the protections mandated by  
23           the First Amendment to the United States Constitu-  
24           tion.

1           (4) Laws that protect the free exercise of reli-  
2           gious beliefs about marriage will encourage private  
3           citizens and institutions to demonstrate similar tol-  
4           erance and therefore contribute to a more respectful,  
5           diverse, and peaceful society.

6 **SEC. 3. PROTECTION OF THE FREE EXERCISE OF RELI-**  
7                               **GIUS BELIEFS.**

8           (a) IN GENERAL.—The Federal Government shall  
9           not take an adverse action against a person, on the basis  
10          that such person acts in accordance with a religious belief  
11          that marriage is or should be recognized as the union of  
12          one man and one woman, or that sexual relations are  
13          properly reserved to such a marriage.

14          (b) ADVERSE ACTION DEFINED.—As used in sub-  
15          section (a), an adverse action means any action taken by  
16          the Federal Government—

17                (1) acting through the Administrator of the In-  
18                ternal Revenue Service, to—

19                       (A) deny or revoke an exemption from tax-  
20                       ation under section 501 of the Internal Revenue  
21                       Code of 1986 of such person; or

22                       (B) disallow a deduction for Federal tax  
23                       purposes of any charitable contribution made to  
24                       or by such person;

1           (2) to deny or exclude such person from receiv-  
2           ing any Federal grant, contract, cooperative agree-  
3           ment, loan, license, certification, accreditation, em-  
4           ployment, or other similar position or status;

5           (3) to deny or withhold from such person any  
6           benefit under a Federal benefit program; or

7           (4) to otherwise discriminate against such per-  
8           son.

9   **SEC. 4. JUDICIAL RELIEF.**

10          (a) CAUSE OF ACTION.—A person may assert an ac-  
11          tual or threatened violation of this Act as a claim or de-  
12          fense in a judicial proceeding and obtain compensatory  
13          damages, injunctive relief, declaratory relief, or any other  
14          appropriate relief against the Federal Government. Stand-  
15          ing to assert a claim or defense under this section shall  
16          be governed by the general rules of standing under article  
17          III of the Constitution.

18          (b) ATTORNEYS' FEES.—Section 722(b) of the Re-  
19          vised Statutes (42 U.S.C. 1988(b)) is amended by insert-  
20          ing “Marriage and Religious Freedom Act,” after “the Re-  
21          ligious Land Use and Institutionalized Persons Act of  
22          2000,”.

23          (c) AUTHORITY OF UNITED STATES TO ENFORCE  
24          THIS ACT.—The Attorney General of the United States  
25          may bring an action for injunctive or declaratory relief to

1 enforce compliance with this Act. Nothing in this sub-  
2 section shall be construed to deny, impair, or otherwise  
3 affect any right or authority of the Attorney General, the  
4 United States, or any agency, officer, or employee of the  
5 United States, acting under any law other than this sub-  
6 section, to institute or intervene in any proceeding.

7 **SEC. 5. RULES OF CONSTRUCTION.**

8 (a) **BROAD CONSTRUCTION.**—This Act shall be con-  
9 strued in favor of a broad protection of religious beliefs,  
10 to the maximum extent permitted by the terms of this Act  
11 and the Constitution.

12 (b) **NO PREEMPTION, REPEAL, OR NARROW CON-**  
13 **STRUCTION.**—Nothing in this Act shall be construed to  
14 preempt State law, or repeal Federal law, that is equally  
15 as protective of religious beliefs as, or more protective of  
16 religious beliefs than, this Act. Nothing in this Act shall  
17 be considered to construe any State or Federal law pro-  
18 tecting religious beliefs more narrowly than such law oth-  
19 erwise would be construed.

20 (c) **SEVERABILITY.**—If any provision of this Act or  
21 any application of such provision to any person or cir-  
22 cumstance is held to be unconstitutional, the remainder  
23 of this Act and the application of the provision to any  
24 other person or circumstance shall not be affected.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL BENEFIT PROGRAM.—The term  
4 “Federal benefit program” has the meaning given  
5 that term in section 552a of title 5, United States  
6 Code.

7 (2) FEDERAL GOVERNMENT.—The term “Fed-  
8 eral Government” includes a branch, department,  
9 agency, instrumentality, or official of the United  
10 States.

11 (3) PERSON.—The term “person” has the  
12 meaning given such term in section 1 of title 1,  
13 United States Code, and includes any person regard-  
14 less of religious affiliation or lack thereof, and re-  
15 gardless of for-profit or nonprofit status.

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