

117TH CONGRESS  
2D SESSION

# H. R. 8404

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REPEAL OF SECTION ADDED TO TITLE 28, UNITED**  
5 **STATES CODE, BY SECTION 2 OF THE DE-**  
6 **FENSE OF MARRIAGE ACT.**

7 Section 1738C of title 28, United States Code, is re-  
8 pealed.

9 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**  
10 **EQUALITY.**

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

14 **“§ 1738C. Certain acts, records, and proceedings and**  
15 **the effect thereof**

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

18 “(1) full faith and credit to any public act,  
19 record, or judicial proceeding of any other State per-  
20 taining to a marriage between 2 individuals, on the  
21 basis of the sex, race, ethnicity, or national origin of  
22 those individuals; or

23 “(2) a right or claim arising from such a mar-  
24 riage on the basis that such marriage would not be  
25 recognized under the law of that State on the basis

1 of the sex, race, ethnicity, or national origin of those  
2 individuals.

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

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

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

15 **SEC. 4. MARRIAGE RECOGNITION.**

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

18 **“§ 7. Marriage**

19 “(a) For the purposes of any Federal law, rule, or  
20 regulation in which marital status is a factor, an indi-  
21 vidual shall be considered married if that individual’s mar-  
22 riage is valid in the State where the marriage was entered  
23 into or, in the case of a marriage entered into outside any  
24 State, if the marriage is valid in the place where entered

1 into and the marriage could have been entered into in a  
2 State.

3 “(b) In this section, the term ‘State’ means a State,  
4 the District of Columbia, the Commonwealth of Puerto  
5 Rico, or any other territory or possession of the United  
6 States.

7 “(c) For purposes of subsection (a), in determining  
8 whether a marriage is valid in a State or the place where  
9 entered into, if outside of any State, only the law of the  
10 jurisdiction applicable at the time the marriage was en-  
11 tered into may be considered.”.

12 **SEC. 5. SEVERABILITY.**

13 If any provision of this Act, or any amendment made  
14 by this Act, or the application of such provision to any  
15 person, entity, government, or circumstance, is held to be  
16 unconstitutional, the remainder of this Act, or any amend-  
17 ment made thereby, or the application of such provision  
18 to all other persons, entities, governments, or cir-  
19 cumstances, shall not be affected thereby.

Passed the House of Representatives July 19, 2022.

Attest:

*Clerk.*



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