

117TH CONGRESS  
2D SESSION

# H. R. 8404

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2022

Mr. NADLER (for himself, Mr. CICILLINE, Ms. DAVIDS of Kansas, Mr. JONES, Mr. SEAN PATRICK MALONEY of New York, Mr. POCAN, Mr. TAKANO, Ms. CRAIG, Mr. PAPPAS, Mr. TORRES of New York, Mrs. BEATTY, Mr. RUIZ, Ms. CHU, Mr. JEFFRIES, Mr. SMITH of Washington, Mr. PAYNE, Mr. BROWN of Maryland, Ms. SCHAKOWSKY, Mrs. WATSON COLEMAN, Mr. COOPER, Mr. DANNY K. DAVIS of Illinois, Ms. PORTER, Mr. CARTER of Louisiana, Mr. LOWENTHAL, Mr. LARSON of Connecticut, Ms. GARCIA of Texas, Mr. BERA, Mr. NORCROSS, Mr. DEUTCH, Mr. TONKO, Mr. CLEAVER, Ms. STEVENS, Ms. SÁNCHEZ, Mr. JOHNSON of Georgia, Mr. TRONE, Mr. BOWMAN, Ms. PRESSLEY, Ms. KUSTER, Ms. BARRAGÁN, Ms. PINGREE, Mr. ESPAILLAT, Mr. GALLEGO, Mr. WELCH, Mr. LANGEVIN, Ms. NORTON, Ms. MENG, Mrs. BUSTOS, Ms. WILSON of Florida, Mr. PALLONE, Mr. HIGGINS of New York, Mr. SARBANES, Ms. BASS, Mr. SCHIFF, Mrs. LAWRENCE, Mr. CASTRO of Texas, Ms. JACOBS of California, Mr. THOMPSON of California, Mr. HORSFORD, Mr. DESAULNIER, Mr. CARBAJAL, Mr. CASTEN, Mr. KAHELE, Ms. STRICKLAND, Mr. RASKIN, Ms. SPEIER, Ms. SHERRILL, Mr. CONNOLLY, Ms. TLAIB, Mr. BLUMENAUER, Ms. STANSBURY, Mr. AUCHINCLOSS, Ms. KELLY of Illinois, Ms. WASSERMAN SCHULTZ, Ms. WILLIAMS of Georgia, Mr. FOSTER, Ms. TITUS, Ms. ADAMS, Mr. GRIJALVA, Mr. DOGGETT, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. LIEU, Ms. ROSS, Mrs. FLETCHER, Mr. GARAMENDI, Ms. KAPTUR, Mrs. AXNE, Mr. KILMER, Ms. JAYAPAL, Mrs. DINGELL, Ms. LEE of California, Mrs. CAROLYN B. MALONEY of New York, Mr. CROW, Mr. MCEACHIN, Mr. HIMES, Mr. LAWSON of Florida, Mr. CÁRDENAS, Ms. JACKSON LEE, Mr. COSTA, Mr. MORELLE, Mr. AGUILAR, Mr. YARMUTH, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CRIST, Mr. EVANS, Mr. STANTON, Ms. VELÁZQUEZ, Mr. GOMEZ, Mr. SOTO, Ms. MCCOLLUM, Mr. CORREA, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Ms. DELBENE, Ms. MATSUI, Mrs. KIRKPATRICK, Mrs. NAPOLITANO, Ms. BLUNT ROCHESTER, Mr. ALLRED, Ms. DEGETTE, Ms. MOORE of Wisconsin, Mr. NEGUSE, Ms. BROWNLEY, Mr. DEFazio, Mr. COHEN, Mr. KIM of New Jersey, Ms. SPANBERGER, Mr. SWALWELL, Mr. PHILLIPS, Mr. BEYER,

Mr. MEEKS, Ms. OCASIO-CORTEZ, Mr. LYNCH, Mr. CARSON, Mr. MCNERNEY, Ms. SEWELL, Ms. OMAR, Mr. LARSEN of Washington, Mrs. TRAHAN, Mr. KRISHNAMOORTHY, Mr. KEATING, Mr. GREEN of Texas, Mr. QUIGLEY, Mrs. MURPHY of Florida, Ms. CASTOR of Florida, Ms. CLARK of Massachusetts, Ms. LEGER FERNANDEZ, Mrs. HAYES, Mr. PERLMUTTER, Ms. ESHOO, Ms. DEAN, Mr. MALINOWSKI, Mr. GOTTHEIMER, Mr. SCHNEIDER, Mr. MOULTON, Ms. UNDERWOOD, Ms. WILD, Mr. MFUME, Mr. SCOTT of Virginia, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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. REPEAL OF SECTION ADDED TO TITLE 28, UNITED**  
 7 **STATES CODE, BY SECTION 2 OF THE DE-**  
 8 **FENSE OF MARRIAGE ACT.**

9       Section 1738C of title 28, United States Code, is re-  
 10 pealed.

11 **SEC. 3. FULL FAITH AND CREDIT GIVEN TO MARRIAGE**  
 12 **EQUALITY.**

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

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

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

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

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

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

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

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

1 **SEC. 4. MARRIAGE RECOGNITION.**

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

4 **“§ 7. Marriage**

5 “(a) For the purposes of any Federal law, rule, or  
6 regulation in which marital status is a factor, an indi-  
7 vidual shall be considered married if that individual’s mar-  
8 riage is valid in the State where the marriage was entered  
9 into or, in the case of a marriage entered into outside any  
10 State, if the marriage is valid in the place where entered  
11 into and the marriage could have been entered into in a  
12 State.

13 “(b) In this section, the term ‘State’ means a State,  
14 the District of Columbia, the Commonwealth of Puerto  
15 Rico, or any other territory or possession of the United  
16 States.

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

22 **SEC. 5. SEVERABILITY.**

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

1 ment made thereby, or the application of such provision  
2 to all other persons, entities, governments, or cir-  
3 cumstances, shall not be affected thereby.

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