

H.R.5

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18TH, 2022

Mr. BROWN (for himself, Ms. Kelly, Mr. Harris) introduced the
following bill;

AN ACT

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

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Marriage Revisions Act".

SEC. 2. REPEAL OF SECTION ADDED.

Section 1738C of title 28, United States Code, is repealed.

SEC. 3. MARRIAGE EQUALITY.

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

Sec. 1738C. Certain acts, records, and proceedings and the effect

Thereof

(a) In General.--No person acting under color of State law may deny--

(1) full faith and credit to any public act, record, or
judicial proceeding of any other State pertaining to a marriage
between 2 individuals, on the basis of the sex, race,

ethnicity, or national origin of those individuals; or

(2) a right or claim arising from such a marriage on the basis that such marriage would not be recognized under the law of that State on the basis of the sex, race, ethnicity, or national origin of those individuals.

(b) Enforcement by Attorney General.--The Attorney General may bring a civil action in the appropriate United States district court against any person who violates subsection (a) for declaratory and injunctive relief.

(c) Private Right of Action.--Any person who is harmed by a violation of subsection (a) may bring a civil action in the appropriate United States district court against the person who violated such subsection for declaratory and injunctive relief.

(d) State Defined.--In this section, the term 'State' has the meaning given such term under section 7 of title 1."

SEC. 4. MARRIAGE RECOGNITION.

Section 7 of title 1, United States Code, is amended to read as Follows:

"Sec. 7. Marriage

(a) For the purposes of any Federal law, rule, or regulation in which marital status is a factor, an individual shall be considered married if that individual's marriage is valid in the State where the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place where entered into and the marriage could have been entered into in a State.

(b) In this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(c) For purposes of subsection (a), in determining whether a marriage is valid in a State or the place where entered into, if outside of any State, only the law of the jurisdiction applicable at the time the marriage was entered into may be considered."

SEC. 5. SEVERABILITY.

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

159th Congress

1st Session

Act, or any amendment made thereby, or the application of such provision to all other persons, entities, governments, or circumstances, shall not be affected thereby.

SEC. 6. ENACTMENT.

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.