

113TH CONGRESS
1ST SESSION

H. R. 3133

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

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

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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