AMENDMENT NO. 6482

To: H.R. 8404

By Lee

To improve the bill.


AMENDMENT intended to be proposed by Mr. Lee (for himself, Mr. CRapo, Mr. CRUZ, Mr. GRAHAM, Mr. HAWLEY, Mr. MARSHALL, Mr. PAUL, Mr. Sasse, Mr. THUNE, Mr. WICKER, and Mr. RISCH)

Viz:

At the end, insert the following:

TITLe II—RE LiGIous BelIEFS AND MORAL CONVICTIONS

SEC. 201. PROTECTION OF THE FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS.

(a) IN GENERAL.—Notwithstanding section 7 of title 1, United States Code, section 1738C of title 28, United States Code, or any other provision of law, the Federal Government shall not take any discriminatory action against a person, wholly or partially on the basis that such person speaks, or acts, in accordance with a sincerely held
1 religious belief, or moral conviction, that marriage is or
2 should be recognized as a union of—
3
4 (1) one man and one woman; or
5
6 (2) two individuals as recognized under Federal
7 law.
8
9 (b) DISCRIMINATORY ACTION DEFINED.—As used in
10 subsection (a), a discriminatory action means any action
11 taken by the Federal Government to—
12
13 (1) alter in any way the Federal tax treatment
14 of, or cause any tax, penalty, or payment to be as-
15 sessed against, or deny, delay, or revoke an exemp-
16 tion from taxation under section 501(a) of the Inter-
17 nal Revenue Code of 1986 of, any person referred to
18 in subsection (a);
19
20 (2) disallow a deduction for Federal tax pur-
21 poses of any charitable contribution made to or by
22 such person;
23
24 (3) withhold, reduce the amount or funding for,
(4) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, any entitlement or benefit under a Federal benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny, access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited, and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) ACCREDITATION; LICENSURE; CERTIFICATION.—

The Federal Government shall consider accredited, licensed, or certified for purposes of Federal law any person that would be accredited, licensed, or certified, respectively, for such purposes but for a determination against such person wholly or partially on the basis that the person speaks, or acts, in accordance with a sincerely held religious belief or moral conviction described in subsection (a).

SECTION 202. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert an actual or threatened violation of this title as a claim or defense in a judicial or administrative proceeding and obtain
1 compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief against the Federal Government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) **ADMINISTRATIVE REMEDIES NOT REQUIRED.**—Notwithstanding any other provision of law, an action under this section may be commenced, and relief may be granted, in a district court of the United States without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(e) **ATTORNEYS’ FEES.**—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting “title II of the Respect for Marriage Act,” after “the Religious Land Use and Institutionalized Persons Act of 2000,”.

(d) **AUTHORITY OF UNITED STATES TO ENFORCE THIS TITLE.**—The Attorney General may bring an action for injunctive or declaratory relief against an independent establishment described in section 104(1) of title 5, United States Code, or an officer or employee of that independent establishment, to enforce compliance with this title. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or em-
ployee of the United States, acting under any law other
than this subsection, to institute or intervene in any pro-
ceeding.

SEC. 203. RULES OF CONSTRUCTION.

(a) No Preemption, Repeal, or Narrow Construc-
tion.—Nothing in this title shall be construed to
preempt State law, or repeal Federal law, that is equally
or more protective of free exercise of religious beliefs and
moral convictions. Nothing in this title shall be construed
to narrow the meaning or application of any State or Fed-
eral law protecting free exercise of religious beliefs and
moral convictions.

(b) No Prevention of Providing Benefits or
Services.—Nothing in this title shall be construed to pre-
vent the Federal Government from providing, either di-
rectly or through a person not seeking protection under
this title, any benefit or service authorized under Federal
law.

(c) No Affirmation or Endorsement of
Views.—Nothing in this title shall be construed to affirm
or otherwise endorse a person’s belief, speech, or action
about marriage.

(d) Severability.—If any provision of this title or
any application of such provision to any person or cir-
cumstance is held to be unconstitutional, the remainder
of this title and the application of the provision to any
other person or circumstance shall not be affected.

SEC. 204. DEFINITIONS.

In this title:

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

(2) FEDERAL; FEDERAL GOVERNMENT.—The
terms "Federal" and "Federal Government" relate
to and include—

(A) any department, commission, board, or
other agency of the Federal Government;

(B) any officer, employee, or agent of the
Federal Government; and

(C) the District of Columbia and all Fed-
eral territories and possessions.

(3) PERSON.—The term "person" means a per-
son as defined in section 1 of title 1, United States
Code, except that such term shall not include—

(A) publicly traded for-profit entities;

(B) Federal employees acting within the
scope of their employment;

(C) Federal for-profit contractors acting
within the scope of their contract; or
(D) hospitals, clinics, hospices, nursing homes, or other medical or residential custodial facilities with respect to visitation, recognition of a designated representative for health care decisionmaking, or refusal to provide medical treatment necessary to cure an illness or injury.