



**Floor Remarks**  
**Respect for Marriage Act**  
**Senator Susan M. Collins**  
**November 16, 2022**

I rise today to express my strong support for the *Respect for Marriage Act*, a bipartisan bill that Senator Baldwin and I have introduced with our colleagues Senator Feinstein, Senator Portman, Senator Sinema, and Senator Tillis.

This bill recognizes the unique and extraordinary importance of marriage on an individual and societal level. It would help promote equality, prevent discrimination, and protect the rights of Americans in same-sex and interracial marriages. It would accomplish these goals while maintaining—and indeed strengthening—important religious liberty and conscience protections. I am proud to be the lead Republican sponsor of this legislation, and I am grateful that a similar bill passed the House with strong bipartisan support.

As the Senate considers and prepares to vote on this historic legislation, I would be remiss if I did not begin by recognizing the tremendous progress that LGBTQ individuals in this country—in our country—have made in recent times in achieving equal rights.

It was not long ago that patriotic Americans could not be honest about their sexual orientation while fighting to protect our country—our freedoms—in the armed forces. I led the fight with former Senator Joe Lieberman of Connecticut to repeal the discriminatory “Don’t Ask, Don’t Tell” law.

It was not long ago in America that a person could be fired merely for being gay. I strongly supported the Employment Non-Discrimination Act, known as ENDA, which passed the Senate in 2013 and would have prohibited such discrimination. Seven years later, the Supreme Court in *Bostock* held that the Civil Rights Act protects employees from discrimination based on their sexual orientation or gender identity.

And it was not long ago in America that individuals could not marry the person whom they love if that person were of the same sex. The Supreme Court’s landmark decision in *Obergefell* found that the fundamental right to marry is guaranteed by our Constitution.

Let us remember that we are talking about our family members, our friends, our co-workers, our neighbors. I am proud to have stood with them—and I will continue to stand with them in efforts to protect and secure their rights, while at the same time steadfastly protecting and respecting religious liberty.

The *Respect for Marriage Act* would accomplish two primary goals. First, it would guarantee that a valid marriage between two individuals in one state is given full faith and credit by other states—meaning that states must recognize a valid marriage for purposes of public acts, judicial proceedings, and rights arising from a marriage—regardless of that couple’s sex, race, ethnicity, or national origin. That means that same-sex and interracial couples can rest assured that their marriages will be recognized, regardless of the state in which they live. We need to remove the cloud that is now over these couples that is causing them such consternation as my colleague from Wisconsin has mentioned.

Second, it would require the federal government to recognize a marriage between two individuals, if the marriage was valid in the state where it was performed. It would do so by getting rid of a law that is on the books, the Defense of Marriage Act, which has been invalidated by the Supreme Court’s ruling and yet it remains on the books.

With these changes, federal law will provide that all married couples are entitled to the rights and responsibilities of marriage. This includes, for example, making medical decisions for an ill spouse and receiving spousal benefits from programs like Social Security and Medicare, as well as those benefits earned from service in our armed forces.

To remove any ambiguity about the intent and scope of this bill, I have worked with my Senate colleagues on both sides of the aisle, as well as with a coalition of religious organizations, to develop an amendment designed to clarify the language and address concerns that have been raised with the House version of our bill.

First and foremost, this legislation would not diminish or abrogate any religious liberty or conscience protections afforded to individuals and organizations under the United States Constitution and federal law, including the First Amendment and the Religious Freedom Restoration Act. Through our amendment, this fact is now stated explicitly in our bill.

The amendment also makes clear that this bill only applies to valid marriages between two individuals. In other words, it does not authorize or require recognition of polygamous marriages. They are already prohibited in all 50 states. This really was a straw argument, but we’ve made it clear nonetheless in our amendment that in no way would the federal government or other states be required or authorized in any way to recognize polygamous marriages.

Moreover, the amendment clarifies that the bill could not be used to deny or alter the tax-exempt status—or any other status, tax treatment, grant, contract, agreement, guarantee, educational funding, loan, scholarship, license, certification, accreditation, benefit, right, claim, or defense not arising from a marriage—for any otherwise eligible person or entity. In other words, no church, no synagogue, no mosque, no temple, no religious educational institution would have to worry that somehow their tax-exempt status would be in jeopardy if they do not perform same-sex marriages that are contrary to their religious beliefs.

Let me repeat that, because this has been coming up time and again. For the first time, and consistent with the First Amendment and the laws of many states, this legislation would make clear in federal law that non-profit religious organizations and religious educational

institutions cannot be compelled to participate in or support the solemnization or celebration of marriages that are contrary to their religious beliefs. I would ask that an excellent analysis by the First Amendment Partnership be included on this issue in the Record at the end of my statement.

Some have said that this bill is unnecessary because there is little risk that the right to have a same-sex or interracial marriage recognized by the government will be overturned by the Supreme Court. Regardless of one's views on that possibility, there is still value in ensuring that our federal laws reflect that same-sex and interracial couples have the right to have their marriages recognized, regardless of where they live in this country. I strongly believe that passing this bill is the right thing to do.

And the American people agree. Indeed, more than 70 percent of Americans support marriage equality, including a majority of Democrats, Republicans, and independents. As I wrote in a *Washington Post* op-ed with my colleague, Senator Baldwin, "Millions of American families have come to rely on the promise of marriage equality and the freedoms, rights and responsibilities that come with making the commitment of marrying the one you love. . . . Individuals in same-sex and interracial marriages need, and should have, the confidence that their marriages are legal."

Simultaneously, we must also recognize that people of good conscience may disagree on issues relating to marriage. For many Americans, marriage is more than just a legal union—it is a religious institution grounded in their faith. As Justice Kennedy, writing for the majority of the Supreme Court, explained in the *Obergefell* decision, "[m]arriage, in their view, is by its nature a gender-differentiated union of man and woman. This view long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world." He went on to explain that "neither they nor their beliefs are disparaged here." The same principle applies to our legislation, and that is explicitly acknowledged in the amended bill.

Thus, it is important to me that our bill would not affect or diminish in any way religious liberty and conscience protections. Any interpretation of this legislation that would limit the applicability of these protections for individuals or entities because they have religious objections to same-sex marriages would be contrary to the plain language of our bill. I would ask unanimous consent that a series of letters from religious organizations that endorsed the religious liberty provisions of our bill be entered into the Record at the conclusion of my statement. They include letters from Elder Jack Gerard from the Church of Jesus Christ of Latter-Day Saints, from Melissa Reid from the Seventh-Day Adventist Church, from Nathan Diamant from the Union of Orthodox Jewish Congregations, from a host of other organizations—the Council of Christian Colleges and Universities, the AND campaign, the Institutional Religious Freedom Alliance, the Center for Public Justice, and Tim Schultz of the 1<sup>st</sup> Amendment Partnership. We worked very closely with all of them.

In closing, let me once again salute the leadership of Senator Baldwin, as well as Senator Portman, Senator Tillis, and Senator Sinema, for their tireless efforts on this important legislation. Let's do the right thing. Let's vote to proceed to this important bill, and let us pass it.

I urge all of my Senate colleagues to join me in supporting the *Respect for Marriage Act*.