

**AMENDMENT TO SENATE AMENDMENT TO H.R.**

**8404**

**OFFERED BY MR. ROY OF TEXAS**

Page 1, strike line 4, and insert the following (and redesignate succeeding provisions accordingly):

**1 TITLE I—GENERAL PROVISIONS**

**2 SEC. 101. FINDINGS.**

Page 6, after line 10, insert the following:

**3 TITLE II—RELIGIOUS BELIEFS**  
**4 AND MORAL CONVICTIONS**

**5 SEC. 201. PROTECTION OF THE FREE EXERCISE OF RELI-**  
**6 GIOUS BELIEFS AND MORAL CONVICTIONS.**

**7** (a) IN GENERAL.—Notwithstanding section 7 of title  
**8** 1, United States Code, section 1738C of title 28, United  
**9** States Code, or any other provision of law, the Federal  
**10** Government shall not take any discriminatory action  
**11** against a person, wholly or partially on the basis that such  
**12** person speaks, or acts, in accordance with a sincerely held  
**13** religious belief, or moral conviction, that marriage is or  
**14** should be recognized as a union of—

**15** (1) one man and one woman; or

1           (2) two individuals as recognized under Federal  
2       law.

3       (b) DISCRIMINATORY ACTION DEFINED.—As used in  
4       subsection (a), a discriminatory action means any action  
5       taken by the Federal Government to—

6           (1) alter in any way the Federal tax treatment  
7       of, or cause any tax, penalty, or payment to be as-  
8       sessed against, or deny, delay, or revoke an exemp-  
9       tion from taxation under section 501(a) of the Inter-  
10      nal Revenue Code of 1986 of, any person referred to  
11      in subsection (a);

12          (2) disallow a deduction for Federal tax pur-  
13      poses of any charitable contribution made to or by  
14      such person;

15          (3) withhold, reduce the amount or funding for,  
16      exclude, terminate, or otherwise make unavailable or  
17      deny, any Federal grant, contract, subcontract, co-  
18      operative agreement, guarantee, loan, scholarship, li-  
19      cense, certification, accreditation, employment, or  
20      other similar position or status from or to such per-  
21      son;

22          (4) withhold, reduce, exclude, terminate, or oth-  
23      erwise make unavailable or deny, any entitlement or  
24      benefit under a Federal benefit program, including  
25      admission to, equal treatment in, or eligibility for a

1 degree from an educational program, from or to  
2 such person; or

3 (5) withhold, reduce, exclude, terminate, or oth-  
4 erwise make unavailable or deny, access or an enti-  
5 tlement to Federal property, facilities, educational  
6 institutions, speech fora (including traditional, lim-  
7 ited, and nonpublic fora), or charitable fundraising  
8 campaigns from or to such person.

9 (c) ACCREDITATION; LICENSURE; CERTIFICATION.—  
10 The Federal Government shall consider accredited, li-  
11 censed, or certified for purposes of Federal law any person  
12 that would be accredited, licensed, or certified, respec-  
13 tively, for such purposes but for a determination against  
14 such person wholly or partially on the basis that the per-  
15 son speaks, or acts, in accordance with a sincerely held  
16 religious belief or moral conviction described in subsection  
17 (a).

18 **SEC. 202. JUDICIAL RELIEF.**

19 (a) CAUSE OF ACTION.—A person may assert an ac-  
20 tual or threatened violation of this title as a claim or de-  
21 fense in a judicial or administrative proceeding and obtain  
22 compensatory damages, injunctive relief, declaratory re-  
23 lief, or any other appropriate relief against the Federal  
24 Government. Standing to assert a claim or defense under

1 this section shall be governed by the general rules of  
2 standing under article III of the Constitution.

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

9 (c) ATTORNEYS' FEES.—Section 722(b) of the Re-  
10 vised Statutes (42 U.S.C. 1988(b)) is amended by insert-  
11 ing “title II of the Respect for Marriage Act,” after “the  
12 Religious Land Use and Institutionalized Persons Act of  
13 2000,”.

14 (d) AUTHORITY OF UNITED STATES TO ENFORCE  
15 THIS TITLE.—The Attorney General may bring an action  
16 for injunctive or declaratory relief against an independent  
17 establishment described in section 104(1) of title 5, United  
18 States Code, or an officer or employee of that independent  
19 establishment, to enforce compliance with this title. Noth-  
20 ing in this subsection shall be construed to deny, impair,  
21 or otherwise affect any right or authority of the Attorney  
22 General, the United States, or any agency, officer, or em-  
23 ployee of the United States, acting under any law other  
24 than this subsection, to institute or intervene in any pro-  
25 ceeding.

1   **SEC. 203. RULES OF CONSTRUCTION.**

2           (a) NO PREEMPTION, REPEAL, OR NARROW CON-  
3   STRUCTION.—Nothing in this title shall be construed to  
4   preempt State law, or repeal Federal law, that is equally  
5   or more protective of free exercise of religious beliefs and  
6   moral convictions. Nothing in this title shall be construed  
7   to narrow the meaning or application of any State or Fed-  
8   eral law protecting free exercise of religious beliefs and  
9   moral convictions.

10          (b) NO PREVENTION OF PROVIDING BENEFITS OR  
11   SERVICES.—Nothing in this title shall be construed to pre-  
12   vent the Federal Government from providing, either di-  
13   rectly or through a person not seeking protection under  
14   this title, any benefit or service authorized under Federal  
15   law.

16          (c) NO AFFIRMATION OR ENDORSEMENT OF  
17   VIEWS.—Nothing in this title shall be construed to affirm  
18   or otherwise endorse a person’s belief, speech, or action  
19   about marriage.

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

25   **SEC. 204. DEFINITIONS.**

26           In this title:

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

5           (2) FEDERAL; FEDERAL GOVERNMENT.—The  
6           terms “Federal” and “Federal Government” relate  
7           to and include—

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

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

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

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

17                   (A) publicly traded for-profit entities;

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

20                   (C) Federal for-profit contractors acting  
21                   within the scope of their contract; or

22                   (D) hospitals, clinics, hospices, nursing  
23                   homes, or other medical or residential custodial  
24                   facilities with respect to visitation, recognition  
25                   of a designated representative for health care

- 1 decisionmaking, or refusal to provide medical
- 2 treatment necessary to cure an illness or injury.

