

Substitute Version of H.R. 8404

(The Respect for Marriage Act)

*Analysis of the Amendment in the Nature of a Substitute
Proposed by Senators Baldwin and Collins (KIN22365)*



Concerns with Original	Substitute's Response	Analysis
Inflicts litigation and liability risk on faith-based social service agencies that follow their views on marriage when working with the government	None	Instead of addressing the real problem, the substitute purports to protect houses of worship involved in solemnizing marriages. No one thinks the RFMA requires churches to solemnize marriages. This is a feel good solution in search of a problem.
Jeopardizes the tax-exempt status of non-profits that exercise their belief that marriage is the union of one man and one woman	None	The substitute states that no provision of the bill shall be interpreted to deny tax-exempt status. Again, no one thinks that the RFMA directly requires revoking an organization's tax-exempt status. The real problem is that the RFMA could help the IRS build the case that there is a "national policy" in favor of same-sex marriage, that dissenting groups are acting "contrary to public policy," and that they should thus lose their tax-exempt status. The substitute doesn't prevent this scenario.
Requires the federal government to recognize polygamous and multi-party marriages created in states	Limits federal recognition to two-person marriages.	While the federal government is not required to recognize marriages involving three or more persons, the substitute will still require the federal government to recognize traditional polygamous relationships where one person is married to multiple partners (who are not married to each other).