

Senate approves measure to codify same-sex marriage

November 30, 2022

The U.S. Senate voted 61-36 to approve the Respect for Marriage Act, a bill to codify same-sex marriage as law, but faith groups differed on whether the amended bill includes adequate religious liberty protections.

The bipartisan bill drew the support of all Democrats present to vote on Nov. 29, along with 12 Republicans and two independents. Sen. John Cornyn and Sen. Ted Cruz of Texas both voted against the bill.

The amended bill now goes back to the U.S. House of Representatives for approval. The House already had approved an earlier version in July by a 267-157 vote.

The Respect for Marriage Act—a legislative version of the U.S. Supreme Court’s *Obergefell v. Hodges* decision that legalized same-sex marriage—repeals the Defense of Marriage Act. That 1996 law defined marriage as the union of one man and one woman, and also allowed individual states to refuse to recognize same-sex marriage granted under the laws of other states.

As amended, the Senate version of the Respect for Marriage Act—which also protects interracial marriage—states nothing in the bill “shall be construed to diminish or abrogate a religious liberty or conscience protection” available under the U.S. Constitution or federal law.

It specifically states:

- Churches and other religious entities will not be required to

- provide services, facilities or goods for a same-sex marriage.
- The bill does not allow the federal government to recognize polygamous marriages.
 - The bill cannot be used to deny or alter benefits or tax-exempt status to an otherwise eligible person or entity.

In a mid-November tweet, Amanda Tyler, executive director of the Baptist Joint Committee for Religious Liberty, affirmed bipartisan efforts by lawmakers to “advance civil rights protections for same-sex and interracial couples, while reaffirming existing religious freedom protections.”

“Lawmakers are right to recognize a diverse range of views on marriage among religious traditions as they work to pass legislation to ensure every American is equal in rights and dignity,” [Tyler tweeted](#). “We believe marriage equality and religious freedom are compatible.”

The Center for Public Justice issued a statement Nov. 29 commending the Senate “for adding vital religious freedom protections before passing the Respect for Marriage Act.”

“We salute the Senate for providing multiple protections for organizations that are committed to one man-one woman marriage, including security for their tax-exempt status and their eligibility for government funding, accreditation and licensure,” the statement read.

However, other faith-based organizations voiced continued opposition to the Respect for Marriage Act, saying the religious liberty protections were inadequate.

In written comments to [Baptist Press](#), Hannah Daniel, policy manager for the Southern Baptist Convention’s Ethics and Religious Liberty Commission, expressed disappointment the Senate failed to “amend this bill further to bolster religious liberty protections for people and institutions of faith.”

“In the lead-up to this vote, we expressed our opposition to the bill to senators, and now that it moves back to the House, we will continue doing so,” Daniel stated.

[Catholic News Service reported](#) the U.S. Conference of Catholic Bishops said even as amended, “religious objectors are likelier to be denied exemptions under the First Amendment and [the Religious Freedom Restoration Act] in cases where they would have prevailed but for the passage” of the Respect for Marriage Act.

“The amended act will put the ministries of the Catholic Church, people of faith and other Americans who uphold a traditional meaning of marriage at greater risk of government discrimination,” Cardinal Timothy M. Dolan and Bishop Robert E. Barron of the U.S. Conference of Catholic Bishops wrote in a Nov. 23 letter to all members of Congress.