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November 15, 2022

Senator Susan Collins
Senator Kyrsten Sinema
Senator Rob Portman
Senator Tammy Baldwin
United States Senate
by electronic mail

Dear Senators,

In anticipation of the U.S. Senate's consideration of H.R.8404 (the "Respect for Marriage Act"), as modified by an amendment you have offered, we write to you on behalf of the leadership of the Union of Orthodox Jewish Congregations of America ("Orthodox Union"), the nation's largest Orthodox Jewish umbrella organization.

In 2015, when the U.S. Supreme Court issued its ruling in *Obergefell v. Hodges*, the leadership of the Orthodox Union "reiterated(ed) the historical position of the Jewish faith... Our religion is emphatic in defining marriage as a relationship between a man and a woman. Our beliefs in this regard are unalterable." At the same time, we noted "that Judaism teaches respect for others and we condemn discrimination against individuals."

At the time, our leadership said that "in the wake of today's ruling, we turn to the next critical question for our community, and other traditional faith communities – will American law continue to uphold and embody principles of religious liberty and diversity, and will the laws implementing today's ruling and other expansions of civil rights for LGBT Americans contain appropriate accommodations and exemptions for institutions and individuals who abide by religious teachings that limit their ability to support same-sex relationships?"

As the U.S. Senate prepares to consider H.R.8404 the leadership of the Orthodox Union, in light of the religious principles reiterated above, cannot endorse the main purpose of H.R.8404. However, we welcome the provisions added to this bill by your amendment in the nature of a substitute in the Senate that appropriately address religious liberty concerns (provisions that were absent in the version of the bill passed by the House of Representatives).

As amended, Section 2 of H.R.8404 recognizes that "diverse beliefs about the role of gender in marriage are held by reasonable and sincere people based on decent and honorable religious or philosophical premises." Section 6 of H.R.8404 provides that "nothing in this act shall be construed to...abrogate a religious liberty... protection...available under the Constitution or Federal law" and further provides that no religious nonprofit entity whose principal purpose is the advancement of religion shall be required to provide services or goods associated with solemnizing or

celebrating a same sex marriage. Section 7 of H.R.8404 provides that no government official or agency can deny a wide array of benefits - including tax exempt status, grants, contracts, accreditation or others - to an otherwise eligible entity or person on the basis of that entity or person not recognizing same-sex marriage. These provisions appropriately address the array of religious liberty concerns raised in the context of H.R.8404 and its operative provisions.

Moreover, we note that your recognition that religious liberty interests must be explicitly and substantively addressed in the context of this kind of legislation is itself an essential act in a nation devoted to the principles of diversity, tolerance and religious freedom.

We thank you for your work with us and other faith partners to craft these important legislative provisions.

Sincerely,

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