

Defense of Marriage Act (1996)

As a result of its decision to hear Baehr v. Lewin (1993), the Hawaii Supreme Court appeared to be on the verge of requiring that state to issue marriage licenses to same-sex couples. Although the court ultimately rejected the plaintiffs' claims, the case prompted other states that do not permit homosexuals to marry to consider the issue of whether they would nonetheless be obligated under the Full Faith and Credit Clause of Article IV, Section 1, of the United States Constitution to give binding legal effect to such unions. Likewise, with regard to federal law, the case raised the question of whether a decision by one state to authorize same-sex marriage would entitle such couples to federal benefits that depend on marital status. In the Defense of Marriage Act of 1996, Congress answered these questions by providing that no state shall be required to accord full faith and credit to a marriage license issued by another state if it relates to a relationship between persons of the same sex and by defining the terms marriage and spouse, for purposes of federal law only, to reaffirm that they refer exclusively to relationships between persons of the opposite sex.

The Full Faith and Credit Clause of Article IV, Section 1, provides: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."

An Act to define and protect the institution of marriage.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act."

SEC. 2. POWERS RESERVED TO THE STATES.

(a) ... No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

SEC. 3. DEFINITION OF MARRIAGE.

(a) ... In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.