

Public Law 104-199  
104th Congress

An Act

To define and protect the institution of marriage.

Sept. 21, 1996

[H.R. 3396]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Defense of  
Marriage Act.  
1 USC 1 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Defense of Marriage Act”.

**SEC. 2. POWERS RESERVED TO THE STATES.**

(a) **IN GENERAL.**—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

**“§ 1738C. Certain acts, records, and proceedings and the effect thereof**

“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.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

“1738C. Certain acts, records, and proceedings and the effect thereof.”.

**SEC. 3. DEFINITION OF MARRIAGE.**

(a) **IN GENERAL.**—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

**“§ 7. Definition of ‘marriage’ and ‘spouse’**

“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.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

“7. Definition of ‘marriage’ and ‘spouse’.”.

Approved September 21, 1996.

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LEGISLATIVE HISTORY—H.R. 3396:

HOUSE REPORTS: No. 104-664 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 142 (1996):

July 11, 12, considered and passed House.

Sept. 10, considered and passed Senate.