

104TH CONGRESS  
2D SESSION

# S. 1740

To define and protect the institution of marriage.

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IN THE SENATE OF THE UNITED STATES

MAY 8, 1996

Mr. NICKLES (for himself and Mr. DOLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To define and protect the institution of marriage.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

1 **“§ 1738C. Certain acts, records, and proceedings and**  
 2 **the effect thereof**

3 “No State, territory, or possession of the United  
 4 States, or Indian tribe, shall be required to give effect to  
 5 any public act, record, or judicial proceeding of any other  
 6 State, territory, possession, or tribe respecting a relation-  
 7 ship between persons of the same sex that is treated as  
 8 a marriage under the laws of such other State, territory,  
 9 possession, or tribe, or a right or claim arising from such  
 10 relationship.”.

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

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

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

16 (a) IN GENERAL.—Chapter 1 of title 1, United  
 17 States Code, is amended by adding at the end the follow-  
 18 ing:

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

20 “In determining the meaning of any Act of Congress,  
 21 or of any ruling, regulation, or interpretation of the var-  
 22 ious administrative bureaus and agencies of the United  
 23 States, the word ‘marriage’ means only a legal union be-  
 24 tween one man and one woman as husband and wife, and

1 the word ‘spouse’ refers only to a person of the opposite  
2 sex who is a husband or a wife.”.

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

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

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