



The Respect for Marriage Act of 2011

HR 1116 and S 598

The Respect for Marriage Act repeals the so-called “Defense of Marriage Act” and returns the federal government to its constitutional and common-sense practice of honoring the lawful marriages celebrated in the states. The Respect for Marriage Act provides clarity and security to families, businesses and others dealing with them, and the government itself.

The Defense of Marriage Act

The 1996 Defense of Marriage Act (DOMA) unfairly denies married same-sex couples the 1,138+ federal protections and responsibilities triggered by marriage. This discrimination directly burdens tens of thousands of lawfully married same-sex couples in the United States, as well as businesses, employees, and others who deal with these families. DOMA intrudes the federal government into the interstate question of how to deal with valid out-of-state marriages, and carves all married same-sex couples out of all federal statutes, regulations, and programs otherwise applicable to other married people.

Currently, same-sex couples share the freedom to marry in six states (Connecticut, Iowa, Massachusetts, New Hampshire, New York and Vermont) and the District of Columbia. It is estimated that there are now as many as 100,000 legally married same-sex couples in this country. Because of DOMA, these couples are denied the federal protections afforded other legally married couples. These include:

- Sharing Social Security benefits with a spouse
- Sponsoring a spouse for a green card or citizenship
- Filing joint federal tax returns
- Receiving the protections spouses are entitled to under the federal estate tax
- Access to family and medical leave

DOMA complicates marriage, creating a patchwork of confusion where married couples must file state and local taxes differently and are uncertain of their rights and responsibilities, and burdening businesses and others interacting with the couples and their families.

The Respect for Marriage Act

The Respect for Marriage Act repeals DOMA and returns our nation to its traditional approach to marriage: States issue marriage licenses and the federal government respects lawful marriages, rather than undermining them. To provide clarity to families, businesses, and the federal government itself, the Respect for Marriage Act specifies that once a couple is lawfully married, the federal government will treat them like other married couples with regard to federal programs and laws.

The Respect for Marriage Act does not tell states whom they must marry, whom they must treat as married, or how they must treat married couples, nor does it tell any religion what ceremonies to perform. The Act does not change the meaning of marriage. Same-sex couples get married for reasons that are similar to those of other couples: to make a lifelong commitment to love and protect one another through good times and bad. Allowing committed gay and lesbian couples to share in marriage does not change the definition of marriage or take away from anyone else's marriage. The First Amendment protects the right of churches and religious bodies to determine the qualifications for religious marriage, and the Respect for Marriage Act cannot and will not upset that longstanding protection.

The Respect for Marriage Act provides the certainty that couples need in order to take care of their families - assuring them that once validly married, their marriage will always be treated as valid under federal law no matter where they live, work, or travel.

Growing Support

Since the passage of DOMA in 1996, public support for the freedom to marry has increased dramatically. In a 1996 Gallup poll, only 27% of the American people were in favor of marriage for same-sex couples. Today, according to Gallup and five other recent surveys, support has doubled to 53%. Millennials, Americans from 18-34 years of age, overwhelmingly support marriage by 70% and opposition is falling among every sector of the public.

A recent analysis, commissioned by Freedom to Marry and conducted by Dr. Jan van Lohuizen, pollster for former President George W. Bush, and Joel Benenson, President Barack Obama's current pollster, showed support for the freedom to marry has increased at an accelerated pace over the past two years. Support for the freedom to marry rose about 1.5% per year over a 13-year period between 1996 and 2009. In 2010 and 2011, it increased 5% per year. Voters under 40 support marriage by almost 70% and as young people reach voting age, this rise is expected to continue. In addition, since 2006, support has increased 15% among seniors, 8% among Republicans and 13% among Independents, who now support the freedom to marry by 56%. Voter intensity has also equalized. Since 2004, polls by ABC and the Washington Post show that "strong" support for marriage has increased by 12%, while "strong" opposition dropped by 13%.

Who We Are

Freedom to Marry is the national campaign to end exclusion from marriage. We pursue our "[Roadmap to Victory](#)" national strategy, working to win the freedom to marry in more states, grow the national majority for marriage, and end federal marriage discrimination. We partner with individuals and organizations across the country to end the exclusion of same-sex couples from marriage and the protections, responsibilities, and commitment that marriage brings.