To govern is to choose, and the Republican Congress has made its priorities clear.

It is time for a new direction. It is time for a change.

MIDDLE EAST

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, for several generations now we have watched Middle Eastern-born terrorism intimidate, maim and kill Americans and our allies around the free world.

The images coming out of Israel and Lebanon are a sad, ugly replay of something we have seen far too often. Mr. Speaker, there is no easy solution to this problem, despite what some pundits on the talk show circuit would tell us. This is a fight between a nation and between terrorists who claim no nation.

It is simply unacceptable that Iran would be permitted to fund a terrorist organization like Hezbollah. It is unacceptable that the state-sponsored terrorist organization would be placed in another nation, Lebanon, in order to wage a steady war against one of our allies. That is what has been happening for far too long.

Mr. Speaker, our President is exactly right not to condemn Israel for taking actions to defeat its terrorist enemy.

A CLUELESS CONGRESS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, there is a conflagration in the Middle East. We are losing the war in Iraq. We are losing ground to the Taliban in Afghanistan. The stock market is crashing, gas prices are skyrocketing. We have raised the debt ceiling four times to $9 trillion, all of which we are going to dump on the backs of our children, who we are inadequately educating, let alone creating a safer world for them.

And what are the Republican congressional leadership's priorities? To ban same-sex marriage, to ban flag burning, to ban stem cell research, to ban child safety locks on guns in the home, to ban abortion here and family planning abroad, to protect the pledge of allegiance, to cut $20 billion from college student loan programs, to cut $9 billion from elementary and secondary education. And, oh, yes, more tax cuts.

Mr. Speaker, this has got to be the most clueless Congress in American history.

STEM CELL RESEARCH

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, last year this House passed the landmark stem cell bill, H.R. 810. We know that President Bush has already authorized research, even though it is arbitrary and artificially restricted, when he made his executive order allowing research on existing stem cell lines before 9 p.m. August 9, 2001, and prohibiting them after that date.

We know that in 2001 it was believed 78 stem cell lines existed. But now we know there are only 22 that are viable, and they have been contaminated with mouse stem cells.

We know that we are at a historic crossroad in Washington this week. We are either days away from this Congress passing this stem cell bill, or we are going to see delays for years. We know that this issue has united Americans into action across party lines. It includes over 80 Nobel Prize scientists. It counts hundreds of disease-fighting groups advocating for 110 million Americans who are afflicted with a genetic sentence to disability or death.

We know President Bush has signed over 1,000 bills into law. This is not the time to start with the Presidential roadblock of a veto.

TIME FOR A CHANGE IN LEADERSHIP

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the Middle East is near all-out war and the United States is on the sidelines hamstrung by the Bush occupation of Iraq. We will borrow $1.3 billion today to run the government and hand the bill to our kids and grandkids.

Record gas prices are hamstringing family budgets and business. Record oil profits for the oil companies, and we are borrowing the money from Saudi Arabia and OPEC.

Now, these are difficult issues, and it would be tough to hammer out solutions here on the floor of the House, so the Republican majority has chosen to walk away from these issues of real concern to the American people and phony up an agenda full of dead-end bills designed for one purpose only, to excite the Republican right wing base and perpetuate their hegemony here in Congress.

Two fake stem cell bills to cover the first veto by this President of a meaningful stem cell bill that could provide relief to suffering Americans, paralyzed Americans, Americans with debilitating diseases. But, no, their ideologues won't allow that. They want medieval science to prevail here in Washington, D.C. It is time for a change in the leadership, to have a Congress that truly represents the needs of the American people, not a fringe element in this country.

MARRIAGE PROTECTION AMENDMENT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 918 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour and 30 minutes of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 88 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 918 is a closed rule. It provides 1 hour and 30 minutes of debate in the House equally divided and controlled by the majority leader and the minority leader or their designees. This resolution waives all points of order against consideration of the joint resolution, it provides one motion to recommit, and it provides that during consideration of the joint resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

Mr. Speaker, I rise today in support of House Resolution 918 and the underlying joint resolution, H.J. Res. 88, the Marriage Protection Act.

First, I would like to thank Representative MARILYN MUSGRAVE, the author and lead sponsor of this constitutional amendment, for her steadfast commitment to the preservation of traditional marriage.

As the manager of this rule and an original cosponsor of the underlying joint resolution, I am very pleased the House will have an opportunity today to consider and debate this very important amendment to our Constitution.

Mr. Speaker, the proceeding debate, both on the rule and the underlying resolution, either can be divisive and disrespectful, or it can be respectful and productive. This amendment has nothing whatsoever to do with exclusion, but it has everything to do with protecting the traditional and historical definition of marriage as a union between one man and one woman.

Contrary to what the opponents of this resolution might say today, this amendment will simply preserve the

traditional definition of marriage as it has existed for millennia.

I anticipate there will be those on the other side who will say this amendment was concocted for political purposes. To the contrary, Mr. Speaker. This amendment is in response to a few activist judges who are trying to throw out the definition of marriage, along with over 200 years of American judicial precedent.

□ 1030

These judges, and these judges alone, made this matter an issue, and they did so without one vote cast in either a legislature or at the ballot box. These activist judges substituted legal precedent and the will of the American people with their own personal desires and political beliefs. Their decision to scrap the traditional definition of marriage has forced us, forced us, to now consider enshrining the definition of marriage into our Constitution.

Mr. Speaker, like most of my colleagues, I would prefer to not have to address this issue in this manner. But, unfortunately, I know my constituents and a strong majority of the American people want us to defend the traditional definition of marriage. A poll by the New York Times, not exactly a bastion of right-wing conservatism, they found that 59 percent, I repeat, 59 percent, of Americans favor an amendment to the Constitution stating that marriage is a union between one man and one woman.

I also, sadly, realize this amendment will probably not have the necessary two-thirds majority to pass and opponents will cite this as a reason to not even consider the underlying resolution. We heard it in a couple of the 1-minute speeches from the other side just a few moments ago. Well, this vote will serve as an opportunity for each and every Member of this body to go on record in support or in opposition to protecting the traditional definition of marriage. And after this vote each of us will be judged accordingly by our constituents, and I can say with a clear conscience and without hesitation that I will support this rule, I will support the underlying resolution for the sake of the sacred institution of traditional marriage and for the sake of our precious children.

Mr. Speaker, I also want to encourage my colleagues to support the rule and this underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I very much regret that the Republican majority in this House has brought this bill to the floor. This bill, to put it simply and bluntly, is about adding discrimination and intolerance to the United States Constitution. This is about the Republican majority's once again trying to divide and polarize the Nation. It is about the Republican leadership's taking something that should be about love and turning it into a weapon of hate.

I am proud, Mr. Speaker, to be from Massachusetts, the home of the Nation's first State Constitution. In Massachusetts over 8,000 same-sex couples have been married since May of 2004, when it became legal. I should advise my colleagues that Massachusetts has not fallen off the map into the Atlantic Ocean. The sun still rises and sets in the Commonwealth. The Red Sox still play at Fenway, and life goes on. The only thing that is different is that couples of the same sex who love each other, want to spend the rest of their lives together, and want to get married can do so. It means that men and women who happen to be gay are able to enjoy the same rights, privileges, and responsibilities as men and women who happen to be straight. And, Mr. Speaker, that is how it should be.

Those who have continued to advocate a ban on same-sex marriage are on the wrong side of history. There are some here who claim that they are on some sort of moral crusade to protect the institution of marriage. To them I say worry about your own marriage. I do not need you to protect mine. I have been happily married to the same woman for 17 years without the help or interference of Congress. What we should be protecting are the civil and human rights of all Americans.

The fact that same-sex marriage is legal in my home State has had no impact on my marriage except that we were invited to more weddings. Same-sex marriage is a threat to no institution, to no individual.

The underlying bill before us would not only add discrimination to the Constitution for the first time in our history. It would repeal, it would actually take away, the rights of thousands of Americans. What do the supporters of this bill say to the gay couples in Massachusetts who are now legally married; our family members, our neighbors, our coworkers, the people who sit next to us in church? Do you say your marriage is now meaningless and we are going to take away your rights? Do you say we are sending you back to second-class citizenship? Do you say that we have so much hatred for who you are that we are willing to tarnish the United States Constitution?

Marriage law in this country has traditionally been left to the States. Indeed, even in Massachusetts the same supreme judicial court that the proponents of this bill decry recently ruled that a referendum banning same-sex marriage can go forward. That referendum is currently working its way through the process. And I believe, of course, that the referendum should and will fail, that the citizens of Massachusetts would not vote to turn back the clock. But that should be up to us, Mr. Speaker, not to the people of Colorado or Georgia or anywhere else.

In addition, this bill jeopardizes not just same-sex marriage in Massachusetts but domestic partnership and civil union laws in other parts of the country. The proposal before us is so poorly drafted that legal experts disagree on exactly what effect it will have on those laws. That means, of course, that the issue will end up back in the courts, which is ironic given the concept of court-bashing by the bill's supporters.

Mr. Speaker, the impact of this debate goes far beyond constitutional arguments. The proponents of this bill are contributing to a climate of intolerance. We will hear protests from the other side today that they have no problem with gay people. Yet here they are arguing that gay people do not deserve the same rights as everybody else.

Mr. Speaker, I am also terribly troubled by the hate spewing from some of the outside groups using the same-sex marriage issue to whip up emotions and raise money. Mr. Speaker, some of the rhetoric is just deplorable. But I doubt that we will hear any of the bill's supporters denouncing it here today on the floor.

My colleagues, discrimination is discrimination, and it should find no sanctuary in our Constitution or in our hearts. It should find no sanctuary on the floor of the people's House.

We all know why this proposal is before us. It is an election year, and if it is an election year, the Republican leadership will find a place on the agenda for gay-bashing.

This proposal is worse than a distraction. It is not an assault on our fellow citizens. It is an attack on a piece of their humanity, and I urge you to stand on the right side of history and to defeat this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In response to a couple of things that my good friend said, Mr. Speaker, nowadays lots of people are claiming that marriage is a discriminatory institution. Same-sex couples say marriage discriminates against them. Believe it or not, single people are now complaining that marriage discriminates also against them. After all, say the singles, why should the State give special benefits to married parents but not to us?

It gets worse. Even polygamists and believers in group marriage, who call themselves polyamorists, are saying that marriage discriminates against them.

Now, if the support society gives the men and women who have the potential to create children is going to be called discrimination, pretty soon there is not going to be such a thing as a marriage at all. When one group can call marriage discrimination, then any group can make the same claim.

And, also, Mr. Speaker, there was a comment about a couple loving each

other. But this is not a civil rights issue. Love, of course, is a great thing. But in my humble opinion, marriage is not just any kind of love. It is a love that can bear children, and it is a love that involves both a mom and a dad. Two men might be a good father. But neither one is a mom. The ideal for children is the love of both a mom and a dad. No same-sex couple can provide that. The ideal for marriage is about bringing together moms and dads so children have a mother and a father to learn from.

With that, Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina, Representative VIRGINIA FOXX.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

I also want to thank my colleagues for seeing the great need for this debate, a need which is no longer on the horizon but has reached the forefront as it has begun to affect American families.

It is the right time to discuss a marriage protection amendment. As Members of this Congress, we have a responsibility to look at this critical situation for marriage and the real possibility that the courts are going to redefine marriage.

This constitutional amendment would concretely define marriage as we always have: as the union between one man and one woman. The disintegration of the family is the force behind so many of our most serious social problems. We cannot turn a blind eye to the social trends that are doing the most damage to America's children. The health of American families is built upon marriage, and it affects us all.

The Massachusetts Supreme Judicial Court and other local courts have ruled in favor of same-sex marriages. These unsound decisions set a dangerous precedent, and that is why a constitutional amendment is necessary. If enacted, it will effectively ban these illegitimate marriages nationwide.

This definition of marriage is not intended to be discriminatory but rather to uphold the sanctity of marriage as an institution. The Marriage Protection Amendment removes the definition of marriage from the hands of the courts and returns this decision to the American people, where it belongs. The Massachusetts decision represents the beginning of what could be a dangerous erosion of this sacred tradition that we must protect.

Will we put our faith in a few unelected activist judges seated on a bench to define marriage, or will we use the most democratic process we have to affirmatively define marriage as it is intended? We must protect the sanctity of marriage now.

I encourage my colleagues to vote ''yes'' on the rule and support the Marriage Protection Amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, with all due respect to my beloved colleagues, what if a man and a woman have a partnership which does not produce children? Is their marriage invalid? Is it less sacred? And the use of the word ''illegitimate'' here is a little troubling because I thought we dispensed with those kinds of references as we became more enlightened.

It is easy to take a stand for the institution of marriage in the abstract, but try doing it in your own life and that becomes a little more complex. It is far easier to tell others how they should live and whom they should be permitted to marry. The science of human relations requires humility. Whether in the heights of unity or the depths of divorce, our relationships, our companionships, our partnerships, are our greatest teachers. Our relationships are also a sphere of influence which should be free from government interest or interference.

Government does not belong in the bedroom or secretly listening on your phone, reading your books, reviewing your e-mails. Government does not have a rightful role in determining who you should love, who should love whom, and therefore enter into the formalization of a civil marriage contract.

We do not often quote from the Declaration of Independence here, but I think it would be useful if I recited some words that are instructive at this moment:

''We hold these truths to be self-evident, that all men,'' and we know now all people, ''are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.''

Thomas Jefferson went on to write that governments are created to secure these rights. I might add that this government was not created to crush those rights.

Today, with a proposed constitutional amendment defining marriage, we would establish a law which would be at odds with the 14th amendment, which guarantees equal protection of the law. What is next? Amend the Pledge of Allegiance to take out the words ''with liberty and justice for all''? What is next? Recarve the dais in front of us here, which has words carved into wood, and I will read them for those who are not able to see them: words carved below the Speaker: ''Tolerance,'' ''Justice,'' ''Union,'' ''Liberty''? Do we just take that apart?

□ 1045

Move it? Leave it blank?

You wonder why this Congress is not held in higher regard. I will tell you why. In Iraq, our troops are caught in a crossfire of a civil war which grows more deadly every day. The administration has no exit strategy. Congress does nothing.

In Iran, the Department of Defense is actively preparing for war while the administration sets the stage for negotiations that they intend to fail. Congress does nothing.

In the Middle East, the region stands on the brink of a full-blown war in which there will be no winners. Congress does nothing.

In North Korea, the administration won't negotiate with North Korea, while North Korea is thumbing its nose at the international community. Congress does nothing.

Here at home, you want to talk about a threat to the institution of marriage? 45 to 50 million people are without health insurance; bankruptcies at a record level; people in home foreclosures. Let's talk about a threat to the institution of marriage. Congress is doing nothing about any of that.

Today, in a shameless attempt to divert, distract, and distort from the lackluster performance of this Congress, the House is set to write discrimination into the U.S. Constitution. Iraq, Iran, the Middle East, North Korea, health care, gas prices, the minimum wage? No, the most pressing issue in America is gay marriage.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Ohio is concerned and says, what next? Is the Congress going to take out from the Pledge of Allegiance ''with liberty and justice for all''? I say to my friend from Ohio, no. Later on this week we will have the opportunity to defend ''one Nation under God'' and keep the Federal judiciary from taking that out.

Mr. Speaker, I yield 2¼ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Georgia for yielding.

Mr. Speaker, I rise today to defend traditional marriage. It is hard to believe that we have come to such a time in our country that we must even debate this basic American value.

Marriage is defined as the union between one man and one woman. Some may question whether or not this issue warrants a Federal debate and Federal action. Unfortunately, certain courts in this land have answered that question as ideological judges threaten to undo the very fabric of our families by imposing their opinions and policies as the final say on what marriage means.

Mr. Speaker, families matter, because fathers and mothers matter. They are not interchangeable. Literally hundreds of studies point to the crucial nature of mothers and fathers rearing children within the bonds of traditional marriage. Every deviation from the ideal model of enduring monogamous marriage between a man and a woman expands those boundaries; and when we push these limits, who is to say where the definition of marriage will end?

Government and societies have granted certain institutional benefits and privileges to heterosexual marriage because these unions have the biological potential to provide societies with a tangible benefit, children.

Mr. Speaker, redefining marriage to include same-sex unions not only devalues marriage, but it diminishes the rights of children. Nature itself gave children this right.

I wish that this fight here today was not necessary. We did not ask for it. But failure to enact a constitutional amendment will mean that the decisions made by the American people at the ballot box and through their elected representatives regarding marriage will continue to be overruled, bit by bit, by a few renegade judges and local officials. Unfortunately, when judges distort the Constitution to overrule the express will of the people, only constitutional amendments can overturn the judges.

Mr. Speaker, the people in the Eighth District of North Carolina have clearly and repeatedly asked me to defend traditional marriage, to do whatever it takes to ensure that the people have the final say. That is why I rise here today, convinced that this constitutional amendment is the right thing to do.

The time is now. Let's give American moms and dads the chance to protect marriage. I urge a ''yes'' vote on the rule and the Marriage Protection Amendment.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KUCINICH. Mr. Speaker, the 14th amendment, section 1, says that no one shall be denied equal protection of the laws. Now, if this would pass, would this legislation, this constitutional amendment, supersede that provision of the 14th amendment and make that provision of the 14th amendment null and void?

The SPEAKER pro tempore. It is not the province of the Chair to interpret the pending measure or to construe its relationship to the Constitution. Those are matters to be elucidated by Members in debate.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to insert into the RECORD at this time an article that appeared in the Economist magazine entitled ''The Case For Gay Marriage.''

I will insert into the RECORD an executive summary of the Cato Institute's policy analysis entitled: ''The Federal Marriage Amendment: Unnecessary, Anti-federalist and Antidemocratic.''

I would also like to insert into the RECORD a letter from the Human Rights Campaign in opposition to the bill before us, a letter from the American Jewish Committee in opposition to the bill before us, a letter from the National Council of Jewish Women in opposition to the bill before us, and a letter from the Leadership Conference on Civil Rights in opposition to the bill before us.

[From the Economist print edition, Feb. 26, 2004]

THE CASE FOR GAY MARRIAGE

IT RESTS ON EQUALITY, LIBERTY AND EVEN SOCIETY

So at last it is official: George Bush is in favour of unequal rights, big-government intrusiveness and federal power rather than devolution to the states. That is the implication of his announcement this week that he will support efforts to pass a constitutional amendment in America banning gay marriage. Some have sought to explain this action away simply as cynical politics, an effort to motivate his core conservative supporters to turn out to vote for him in November or to put his likely ''Massachusetts liberal'' opponent, John Kerry, in an awkward spot. Yet to call for a constitutional amendment is such a difficult, drastic and draconian move that cynicism is too weak an explanation. No, it must be worse than that: Mr. Bush must actually believe in what he is doing.

Mr. Bush says that he is acting to protect ''the most fundamental institution of civilisation'' from what he sees as ''activist judges'' who in Massachusetts early this month confirmed an earlier ruling that banning gay marriage is contrary to their state constitution. The city of San Francisco, gay capital of America, has been issuing thousands of marriage licences to homosexual couples, in apparent contradiction to state and even federal laws. It can only be a matter of time before this issue arrives at the federal Supreme Court. An those ''activist judges'', who, by the way, gave Mr. Bush his job in 2000, might well take the same view of the federal constitution as their Massachusetts equivalents did of their state code: that the constitution demands equality of treatment. Last June, in Lawrence v. Texas, they ruled that state anti-sodomy laws violated the constitutional right of adults to choose how to conduct their private lives with regard to sex, saying further that ''the Court's obligation is to define the liberty of all, not to mandate its own moral code''. That obligation could well lead the justices to uphold the right of gays to marry.

LET THEM WED

That idea remains shocking to many people. So far, only two countries—Belgium and the Netherlands—have given full legal status to same-sex unions, though Canada has backed the idea in principle and others have conferred almost-equal rights on such partnerships. The sight of homosexual men and women having wedding days just like those enjoyed for thousands of years by heterosexuals is unsettling, just as, for some people, is the sight of them holding hands or kissing. When The Economist first argued in favour of legalising gay marriage eight years ago (''Let them wed'', January 6th 1996) it shocked many of our readers, though fewer than it would have shocked eight years earlier and more than it will shock today. That is why we argued that such a radical change should not be pushed along precipitously. But nor should it be blocked precipitously.

The case for allowing gays to marry begins with equality, pure and simple. Why should one set of loving, consenting adults be denied a right that other such adults have and which, if exercised, will do no damage to anyone else? Not just because they have always lacked that right in the past, for sure: until the late 1960s, in some American states it was illegal for black adults to marry white ones, but precious few would defend that ban now on grounds that it was ''traditional''. Another argument is rooted in semantics: marriage is the union of a man and a woman, and so cannot be extended to same-sex couples. They may live together and love one another, but cannot, on this argument, be ''married''. But that is to dodge the real question—why not?—and to obscure the real nature of marriage, which is a binding commitment, at once legal, social and personal, between two people to take on special obligations to one another. If homosexuals want to make such marital commitments to one another, and to society, then why should they be prevented from doing so while other adults, equivalent in all other ways, are allowed to do so?

CIVIL UNIONS ARE NOT ENOUGH

The reason, according to Mr. Bush, is that this would damage an important social institution. Yet the reverse is surely true. Gays want to marry precisely because they see marriage as important: they want the symbolism that marriage brings, the extra sense of obligation and commitment, as well as the social recognition. Allowing gays to marry would, if anything, add to social stability, for it would increase the number of couples that take on real, rather than simply passing, commitments. The weakening of marriage has been heterosexuals' doing, not gays', for it is their infidelity, divorce rates and single-parent families that have wrought social damage.

But marriage is about children, say some: to which the answer is, it often is, but not always, and permitting gay marriage would not alter that. Or it is a religious act, say others: to which the answer is, yes, you may believe that, but if so it is no business of the state to impose a religious choice. Indeed, in America the constitution expressly bans the involvement of the state in religious matters, so it would be especially outrageous if the constitution were now to be used for religious ends.

The importance of marriage for society's general health and stability also explains why the commonly mooted alternative to gay marriage—a so-called civil union—is not enough. Vermont has created this notion, of a legally registered contract between a couple that cannot, however, be called a ''marriage''. Some European countries, by legislating for equal legal rights for gay partnerships, have moved in the same direction (Britain is contemplating just such a move, and even the opposition Conservative leader, Michael Howard, says he would support it). Some gays think it would be better to limit their ambitions to that, rather than seeking full social equality, for fear of provoking a backlash—of the sort perhaps epitomised by Mr. Bush this week.

Yet that would be both wrong in principle and damaging for society. Marriage, as it is commonly viewed in society, is more than just a legal contract. Moreover, to establish something short of real marriage for some adults would tend to undermine the notion for all. Why shouldn't everyone, in time, downgrade to civil unions? Now that really would threaten a fundamental institution of civilisation.

[From Policy Analysis, June 1, 2006]

THE FEDERAL MARRIAGE AMENDMENT UNNECESSARY, ANTI-FEDERALIST, AND ANTI-DEMOCRATIC

(By Dale Carpenter)

EXECUTIVE SUMMARY

Members of Congress have proposed a constitutional amendment preventing states from recognizing same-sex marriages. Proponents of the Federal Marriage Amendment claim that an amendment is needed immediately to prevent same-sex marriages from being forced on the nation. That fear is even more unfounded today than it was in 2004, when Congress last considered the FMA. The better view is that the policy debate on

same-sex marriage should proceed in the 50 states, without being cut off by a single national policy imposed from Washington and enshrined in the Constitution.

A person who opposes same-sex marriage on policy grounds can and should also oppose a constitutional amendment foreclosing it, on grounds of federalism, confidence that opponents will prevail without an amendment, or a belief that public policy issues should only rarely be determined at the constitutional level.

There are four main arguments against the FMA. First, a constitutional amendment is unnecessary because federal and state laws, combined with the present state of the relevant constitutional doctrines, already make court-ordered nationwide same-sex marriage unlikely for the foreseeable future. An amendment banning same-sex marriage is a solution in search of a problem.

Second, a constitutional amendment defining marriage would be a radical intrusion on the nation's founding commitment to federalism in an area traditionally reserved for state regulation, family law. There has been no showing that federalism has been unworkable in the area of family law.

Third, a constitutional amendment banning same-sex marriage would be an unprecedented form of amendment, cutting short an ongoing national debate over what privileges and benefits, if any, ought to be conferred on same-sex couples and preventing democratic processes from recognizing more individual rights.

Fourth, the amendment as proposed is constitutional overkill that reaches well beyond the stated concerns of its proponents, foreclosing not just courts but also state legislatures from recognizing same-sex marriages and perhaps other forms of legal support for same-sex relationships. Whatever one thinks of same-sex marriage as a matter of policy, no person who cares about our Constitution and public policy should support this unnecessary, radical, unprecedented, and overly broad departure from the nation's traditions and history.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the Human Rights Campaign (''HRC''), our nation's largest civil rights organization promoting equality for gay, lesbian, bisexual and transgender (''GLBT'') Americans, I write to urge you to vote no on H.J. Res. 88, a proposed amendment to the United States Constitution that would write discrimination into our Constitution and brand lesbian and gay families as second-class citizens in every state in our nation.

Our Constitution was written to promote liberty, equality, and fairness. ''We, the people'' means all of the people. By singling out a group of Americans for unequal treatment, the federal marriage amendment (''FMA'') would undermine the guiding principles of our Constitution. Constitutional amendments have expanded rights for Americans, including voting rights, religious liberty, and equal protection. Discrimination has no place in our nation's founding document.

The proposed amendment's supporters and drafters disagree over whether it would ban the civil union and domestic partnership protections that several states and cities have extended to same-sex couples. Sixty percent of Americans agree that all families should be able to protect one other in times of crisis, whether to take care of a sick family member, share retirement savings, of make important decisions on the death of a partner. The FMA could render laws that provide these protections unconstitutional, hurting real American families.

Americans prioritize fairness over discrimination. Congress should focus on fairness, and abandon the divisive politics behind the FMA. With gas prices rising and issues related to health care and education on the minds of Americans, Congress should not be spending its time seeking to discriminate against a group of Americans and treating them differently under the law in our Constitution.

Your ''no'' vote on the FMA is a vote against discrimination and for the values that belong in our Constitution: liberty, equality, and fairness.

Thank you for your consideration. If you have any questions, or need more information, please contact David Stacy at 202.572.8959 or Lara Schwartz at 202.216.1578.

Sincerely,

JOE SOLMONESE,
President.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, July 17, 2006.

Re: Marriage Protection Amendment (H.J. Res. 88)

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Marriage Protection Amendment (H.J. Res. 88). If passed, this legislation would amend the U.S. Constitution to provide that marriage in the United States shall consist only of the union between a man and a woman. The amendment would also prevent both the federal and state constitutions from being interpreted to require that marriage or the legal incidents thereof shall be conferred upon any union other than the union of a man and a woman.

The Marriage Protection Amendment would mark the first time the Constitution has been amended to include discrimination. It is a threat to the fundamental rights of many Americans and would only serve to enshrine discrimination in our social fabric.

Moreover, the Marriage Protection Amendment would imperil civil union and similar provisions that have been adopted in some states. While AJC takes no position on state recognition of same-sex marriage per se, AJC believes that same-sex couples who choose to enter into domestic arrangements such as civil unions should be afforded the same legal rights, benefits, protections and obligations conferred upon heterosexual couples who enter into civil marriage.

We therefore urge you to oppose H.J. Res. 88 in order to protect against enshrining discrimination in the Constitution.

Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF JEWISH WOMEN,
July 17, 2006.

DEAR REPRESENTATIVE: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing in opposition to the federal marriage amendment (H.J. Res 39). The federal marriage amendment also threatens fundamental constitutional rights such as religious liberty and domestic violence protections.

A ban on same-sex marriage would set a dangerous precedent by amending the Constitution to restrict the rights of a specific class of people. Furthermore, the proposed language is vague and would consequently jeopardize existing state recognized civil unions. To deny couples in committed relationships the same legal benefits accorded spouses in heterosexual marriages is prejudicial, morally offensive, and goes against the spirit of a free democracy.

Passage of the vague language within H.J. Res. 39 would also have broader consequences for all unmarried Americans. For instance, in Ohio, the media reports that some people are losing the protection of domestic violence laws based on that state's marriage amendment. The federal marriage amendment, which has almost identical language, would create similar ambiguities that would endanger protections for non-married victims, potentially reduce criminal penalties, and invalidate many state and local statues. This law would inadvertently help those who hurt others by complicating established laws in place to protect victims of violence.

In addition, the passage of H.J. Res. 39 would jeopardize religious liberty. To date, no administrative or judicial decision in any state or locale requires a religious group to perform any marriage against its will. The proposed amendment, on the other hand, would impose a single, religious definition of marriage upon the entire nation. Central to religious autonomy is the ability to choose who can take part in important religious rituals or services, including marriage. For the government to interfere in this process and show preference to one particular religion's point of view would significantly undermine the separation of religion and state.

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such, we believe that gay and lesbian individuals should have the constitutional right to affirm and protect their relationships through marriage. We endorse laws that would provide equal rights for same-sex couples.

Enshrining discrimination in a document whose purpose is to safeguard rights and freedoms is wrong. I urge you to vote to defeat this bill.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
WASHINGTON, DC, JULY 14, 2006.

Oppose the ''Federal Marriage Amendment'' (H.J. Res. 88) Don't Write Discrimination into the Constitution

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we strongly urge you to oppose the ''Federal Marriage Amendment'' (H.J. Res. 88), a radical proposal that would permanently write discrimination into the United States Constitution. LCCR believes that this highly divisive amendment is a dangerous and unnecessary approach to resolving the ongoing debate over same-sex marriage, and that it would turn 225 years of constitutional history on its head by requiring that states actually restrict the civil rights of their own citizens.

As a diverse coalition, LCCR does not take a position for or against same-sex marriage. The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, LCCR strongly believes that there are right and wrong ways to address the issue as a matter of public policy, and is extremely concerned about any proposal that would alter our nation's most important document for the direct purpose of excluding any individuals from its guarantees of equal protection.

The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in

history, the Constitution would be altered to be used as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

Constitutional amendments are extremely rare, and are only done to address great public policy needs. Since the Bill of Rights' adoption in 1791, the Constitution has only been amended seventeen times. LCCR believes that the Bill of Rights and subsequent amendments were designed largely to protect and expand individual liberties, and certainly not to deliberately take away or restrict them.

LCCR is particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their animus towards gays and lesbians. The attacks made by many of the most vocal proponents, such as the Traditional Values Coalition and the American Family Association, are disturbingly similar to the sorts of attacks that have been made upon other communities as the have attempted to assert their right to equal protection of the laws. This is, of course, an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of the Federal Marriage Amendment cite ''judicial activism'' as a reason to enact it. Terms like ''judicial activism'' are alarming to LCCR and the civil rights community because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous Supreme Court decision in Brown v. Board of Education (1954), for example, defenders of segregation cried ''judicial activism'' across the South and across the country. Many groups and individuals demanded that Congress ''impeach Earl Warren.'' The Supreme Court's ruling in Loving v. Virginia (1967), which invalidated a state anti-miscegenation law, resulted in similar attacks. Fortunately, our nation avoided taking any radical measures against the so-called ''judicial activists'' or their decisions, and we believe a similar level of caution is warranted in this case.

At a time when our nation has many great and pressing issues, Congress can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We implore you to focus on the critical needs facing our nation, and to publicly oppose this amendment. If you have any questions or need further information, please contact Rob Randhava, LCCR Counsel, at (202) 466–6058, or Nancy Zirkin, LCCR Deputy Director, at (202) 263–2880. Thank you for your consideration.

Sincerely,

Leadership Conference on Civil Rights

A. Philip Randolph Institute, American Association of People with Disabilities, American Civil Liberties Union, American Humanist Association, American Jewish Committee, Americans for Democratic Action, Americans United for Separation of Church and State, Anti-Defamation League, Asian American Justice Center (formerly known as NAPALC), Asian Pacific American Labor Alliance, AFL–CIO, Association of Humanistic Rabbis, Bazelon Center for Mental Health Law, Central Conference of American Rabbis, Citizens' Commission on Civil Rights, Disability Rights Education & Defense Fund, Friends Committee on National Legislation, Global Rights, Hadassah, the Women's Zionist Organization of America, Human Rights Campaign, Jewish Labor Committee.

Korean American Resource & Cultural Center (KRCC), Korean Resource Center (KRC), Lambda Legal, League of United Latin American Citizens, League of Women Voters of the United States, Legal Momentum, Metropolitan Washington Employment Lawyers Association, Mexican American Legal Defense and Educational Fund, National Alliance of Postal and Federal Employees, National Association for the Advancement of Colored People (NAACP), National Association of Human Rights Workers, National Association of Social Workers, National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Lawyers Association, National Gay and Lesbian Task Force, National Jewish Democratic Council, National Korean American Service & Education Consortium (NAKASEC).

National Partnership for Women & Families, National Urban League, National Women's Law Center, People For the American Way, PFLAG National (Parents, Families and Friends of Lesbians and Gays), Planned Parenthood Federation of America, Project Equality, Inc., Retail, Wholesale and Department Store Union, UFCW, Service Employees International Union (SEIU), Society for Humanistic Judaism, The Interfaith Alliance, Union for Reform Judaism, Unitarian Universalist Association of Congregations, United Church of Christ Justice and Witness Ministries, United Food and Commercial Workers International Union, United States Student Association, Women Employed, Workmen's Circle/Arbeter Ring, YWCA USA.

Mr. Speaker, let me also just say in response to some of the speakers who have come before us who have talked about gay marriage as somehow going against the will of the people, I will tell you that in Massachusetts, where gay marriage has been legal now for over 2 years, I think the majority of the people are absolutely fine with it. Over 8,000 gay couples have been married, and life goes on. Nothing has changed. The only thing that has changed is that people in gay relationships can enjoy the same rights and privileges and responsibilities as those who are in heterosexual relationships.

I would also say to my colleagues that if you are so worried about defending the institution of marriage, then I think we should all worry about our own marriages. In Massachusetts, I should point out for the record that we have the lowest divorce rate in the country. So maybe we know something about marriage that maybe you don't.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Massachusetts I am sure is aware of the fact that in his State, opponents have gathered 170,000 signatures supporting a constitutional amendment they hope would end gay marriage, despite what their supreme court did.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, we must defend traditional marriage. Marriage, family and community are not catch phrases. They are the backbone of our American society. Sadly, however, there is an organized effort by judicial activists and the radical left in this country to destroy our traditional American culture.

The Federal Marriage Amendment provides a national definition of marriage and leaves marriage laws to the State legislatures. It adds a layer of protection against court-imposed arrangements other than marriage and protects States from being forced to recognize same-sex unions created by other States.

Years of social science evidence confirms that children respond best when their mom and dad are married and live in the home. That is why it is important that we defend traditional marriage and this traditional notion of family law that emphasizes the importance of the foundational principle of family and to address the needs of children in the most positive and effective way.

We must defend what is sacred in our Nation against reckless actions of a dangerous few who seek to impose their liberal lunacy on our society. That is why we must fight for families, and this is a war worth fighting.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I used to think that what was sacred in this country was defending civil rights and civil liberties and fighting against discrimination. Apparently I am mistaken, based on the comments that I have just heard.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman and rise this morning in strong opposition to the rule before us. I hope later today to return to the floor and address the substance of Federal Marriage Amendment. But now I want to speak to this process, because by bringing up this unnecessary and divisive amendment to write discrimination into the Constitution, the leadership of this House once again illustrates just how out of step Congress is with the rest of America.

With the defeat of the amendment in the Senate a mere 5 weeks ago, this legislation should have never reached the floor of the House. Yet, unsurprisingly, politics is prevailing over common sense, and today we are going to be hearing a lot of hurtful political rhetoric targeting gay and lesbian families, all for the purpose of pandering to a narrow political base.

Mr. Speaker, America faces great challenges, both at home and abroad. We are confronted with record high gas prices, an endless and expensive war in Iraq, skyrocketing health care costs, and a growing international crisis in the Middle East and North Korea. But the Federal Marriage Amendment allowed under this rule, of course, does nothing to address these very pressing challenges.

At a time of such great tests confronting our Nation, America's leaders should be uniting, rather than dividing, our country. But the FMA does exactly the opposite of that, and it certainly puts politics ahead of real progress.

The Federal Marriage Amendment is also unnecessary. Since 2004, States around the country have been addressing the issue of gay marriage through the normal legislative and governmental process. Today, Massachusetts remains the only State that allows gay marriage. But several other States, including Vermont, Connecticut and California, have passed laws granting civil union protections for same-sex couples. Those laws would certainly be threatened if this amendment were to pass.

The proposed FMA limits the ability of States to confer protections such as important rights like hospital visitation rights, health insurance and broader civil union or domestic partnership protections on unmarried couples, and it undermines our federalist tradition of deferring to the States to regulate the institution of marriage.

Mr. Speaker, many Americans are struggling with the issue of same-sex marriage on a personal level today. There is a vibrant debate going on across our Nation, in church basements, in break rooms, in dining rooms. This debate would be completely shutdown and stifled if this amendment were to pass.

Our Constitution, the most cherished document embodying the American Dream of life, liberty and the pursuit of happiness, should not be amended to single out and deny the rights of any one group of Americans. This divisive, hateful, and unnecessary amendment is unworthy of our great Constitution that has been the foundation of our great Nation.

I urge my colleagues to reject this rule and to vote against the amendment.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to point out to the gentlewoman from Wisconsin that 45 States currently define marriage as a union of one man and one woman or expressly prohibit same-sex marriages; and those 45 States we are talking about, Mr. Speaker, include 88 percent of the population of this country. We are not just talking about Georgia. The fact is in a constitutional amendment, three-fourths of the States will have to ratify it.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. If all these States are doing what you want them to do, why do we need a Federal constitutional amendment?

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is because of these activist judges who are chipping away at the will of the people.

Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of the definition of a marriage as between one man and one woman. I think really what we are doing on the floor today is determining how America will define itself. Thousands of years and many civilizations have defined a marriage as the union between one man and one woman. With few exceptions, those civilizations that did not follow that perished.

Forty-five States, as the gentleman just said, have determined by people that were elected by the people of that State that marriage is the definition of one man and one woman. So, today, we are really on the floor to debate whether America will continue to define itself and the definition of marriage on a godly institution that was established thousands and thousands of years ago that one man and one woman would come together and become one and produce families, families that all across America have said that the definition of marriage is between one man and one woman.

I urge my colleagues today to define America as a moral country.

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Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from Massachusetts for yielding me time.

Mr. Speaker, you know we have a conflagration in the Middle East today as we speak. We have raised the debt ceiling four times to over $9 trillion, and we are going to pass it all on to our kids. And yet this is how the Republican congressional leadership chooses to spend its time.

Nobody's marriage is endangered. What this is really about and what this amendment should be entitled is the ''Gay Discrimination Act.'' That is all it is. And what is its motivation? It is a crass political attempt to divide America in an election year. That is what this is all about. We know it. And I suspect a lot of the American people know it as well.

What every American should find most objectionable is that you are using the Constitution to do this. Our Founding Fathers put together the Constitution and the Bill of Rights in order to protect and enhance individual rights and liberties. And this goes directly counter to what our Constitution is all about by prohibiting individual rights and limiting States rights.

They talked about life, liberty and the pursuit of happiness. And, yet, all you can think about is ways to make life more difficult for people who do not fall into the mainstream of America. That is not what America is about. This amendment needs to be defeated and we need to stand up for human rights, for civil rights, and for States rights.

We know it is never going to get enacted. But we should not be spending our time talking about it. We should not be spending our time trying to seek political gain at the expense of people who want to live committed lives with each other. That is not endangering anybody. Defeating this amendment is what our Founding Fathers wanted America to be about.

Mr. Speaker, I rise today in opposition to the Federal Marriage Amendment, and I do so for one simple reason—the United States Constitution must never be allowed to expressly authorize, indeed to expressly direct, discrimination against a group of individuals that is based upon their shared personal characteristics

Mr. Speaker, this amendment shouldn't be called the Marriage Protection Amendment. It isn't needed to strengthen or enhance the institution or traditional marriage in this country.

Call it what it is—it's the Anti-Gay Marriage Amendment, for it is intended to deny gay and lesbian Americans, solely on the basis of their orientation, the ability to maintain the same kind of committed relationships that every other adult in the country is entitled to.

This is discrimination in its rankest form.

The amendment is the first of its kind, for it seeks to change the Constitution, not to prohibit, but to authorize a specific form of discrimination.

And it does this by forever preventing the states from extending the rights and protections of marriage to a certain class of citizens.

States would be denied the right to recognize and afford same sex couples the legal rights and protection that heterosexual couples receive from government, such as the right to receive health benefits and hospital visitations.

Furthermore, those states that have already seen fit to recognize and enact domestic partnership state laws would be preempted by this amendment.

Never, however, has the Constitution, on its face, been amended to deny a specific set of rights to a specific class of citizens.

By approving this measure, the House would be party to act that would stand as an extraordinary affront to the Constitution and, especially, to the Bill of Rights and the fundamental principles and protections it enshrines.

This is not what the Constitution is about; this is not what our country is about. The amendment should be seen for what it is—a crass attempt to politically divide the American public in an election year. It must be soundly defeated, and I urge my colleagues to do so.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to remind the gentleman from Virginia that it is not all about money and how we spend it that we are in this Congress, but it is also about values and how this great country represents them to the world, not the least of which is the Middle East.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank my colleague also for his point that values are important here in Congress. That is why we are here. So I rise in support of the rule and support of the amendment.

In 1996, we passed in Congress the Defense of Marriage Act, DOMA, so this is not a new issue, back in 1996 to protect the institution of marriage.

Unfortunately, DOMA does not go far enough to protect States from courts that choose to drastically alter marriage laws. This amendment is greatly supported, greatly supported by the majority of Americans. As pointed out earlier, 20 States, 20 States voted and elected to define marriage as between a man and a woman by overwhelming majorities.

On average, these States have approved constitutional amendments with 70 percent approval ratings. Additionally, 23 other States have enacted laws that similarly limit marriage to unions between a man and a woman, and my State is among them, Florida. Yet, not one State, I say to my colleagues over there, not one State has chosen by popular vote to permit marriages between homosexuals. Explain that to me. Why, if there is so much concern over there, why a State has not permitted it?

Without this amendment, activist judges would be able to force recognition of same-sex marriage upon States that have democratically voted not to sanction these unions. This is a miscarriage of judicial power. I urge my colleagues to support the democratic process and support the Federal marriage amendment.

Mr. MCGOVERN. Mr. Speaker, just for the record, there is no Federal challenge at this time in any Federal court to DOMA. So that not is not even an issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I probably perform more marriages than all of the other Members in this body, collected. When I perform a wedding in Los Angeles in August, it will push me over the 400 mark for my career as an ordained United Methodist pastor.

I am baffled over what is taking place on this floor. When Rome ruled the world, every now and then Roman soldiers had to go back to Rome and pledge loyalty to the Emperor. It was called sacramentum. In my tradition, the Christian tradition, we took that word to use as our word sacrament, our pledge of loyalty to God.

The generic marriage ceremony, which almost every denomination uses, begins by saying, marriage is an honorable estate instituted by God and signifies to all the uniting of this man and this woman in His church.

The point, Mr. Speaker, is that the domain of the church is the place where definitions should be made with regard to marriage. Every denomination has struggled or is struggling with this issue. The United Methodist Church voted last year not to allow same-sex marriages. The Episcopalian Church voted to do the same.

I resent a body of legislators telling me, a member of a denomination, that they will decide who can and who cannot get married. It is the responsibility of the church not the Government. If the Government is going to become involved in this sacrament, then why not communion? Why does the Congress not then begin to deal with how many times a month a church should do communion?

Friends, this is the saddest day for me since I have been here, because I can see clearly that this body is willing to trespass on the domain of God. Marriage is a holy institution. It was created by God. And we say in my tradition that Jesus ordained and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee, not on the floor of Congress.

The church controls this issue. If this body would like to move to have the civil marriages restricted, that is fine. People who want to go to the courthouse, or want to get married on a ship, that is fine. But in terms of the church, keep your hands out of the church.

The church is a sacred institution. I did not come to this floor to make enemies but to make a point. And my point is this. This is off base. This is wrong. I wish we had time to debate the theology of this issue, because I would do it with anybody in this place.

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I do not know that I could debate theology with the gentleman from Missouri, as an ordained minister, but I do know a little bit about the sacrament of marriage, Mr. Speaker, as one of about 200 Catholic Members of the United States Congress.

I think God has spoken very clearly, very clearly on this issue. And I would refer the gentleman to Holy Scripture, and what the word says in regard to marriage and the sanctity of marriage. I think it is pretty clear.

The gentleman wants to talk about the fact that this should be a church issue. I agree with you. I wish it were, if it were not for these activist Federal judges and these public officials. I will remind the gentleman from Missouri, the good Reverend, that they will be the one that would be performing these marriages and they would do it to a fare-thee-well.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the argument on the floor that somehow this is a church issue misses this point entirely. We are talking about the legal implications, and whether or not the Government of the United States can recognize a preferential status for marriage between one man and one woman.

Now, is this unprecedented? No, it is not. Read your American history. The State of Utah was not allowed to become a State until they recognized marriage as being only between one man and one woman. That had to do with whether you could have multiple partners.

This is a different aspect of that question, but essentially the legal basis is the same. And that is what we are talking about here. Those who wish to change this, as these activist judges do, carry the burden of arguing why we should change an institution which has stood the test of time for thousands of years.

There are reasons for this in terms of it being the most stable unit of society upon which our society has found itself in need. That is what we are talking about. It is not discrimination. It is allowing the existence of a definition of the most fundamental unit of society. That is it simply. We are not intruding in the province of churches.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, first of all I want to clarify something about the activist judges. Since 1953, since Eisenhower was sworn into office, there have been 23 Federal judges appointed to the U.S. Supreme Court. Of that amount, 17 have been Republicans, 6 have been Democrats. The Court today has 7 Republicans, and 2 Democrats.

I do not know who they are blaming. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I am a cosponsor of this amendment. And I rise today with some serious concerns. First, I am concerned about the use of faith and marriage to score political points. I am also concerned about the scope of the amendment.

First, I will talk about the amendment's scope. In my opinion, the amendment limits its ability to truly protect marriage. As written, the amendment defines marriage between a man and a woman. Sounds good, but I do not think that alone will be good enough to fully protect marriage.

Mr. Speaker, it is my belief that the amendment does not go far enough. If we truly want to protect marriage, we should look and do all the things we must to go after the evils that threaten each and everyone of our marriages. These are the evils of divorce, adultery and abuse.

The amount of divorce that has occurred in this country has become a threat to marriage. What do our children learn when they see their parents getting divorced left and right, only to remarry and get divorced again? What kind of example does it set?

This occurrence clearly undermine the values that are the foundation of every marriage. Of course I am speaking of the commonly recited tenet, ''Till death do us part.'' Marriage is for life. This amendment needs to include that basic tenet.

Therefore, Mr. Speaker, I think we should expand the scope of the amendment to outlaw divorce in this country. Going further, Mr. Speaker, I believe infidelity, adultery, is an evil that threatens the marriage and the heart

of every marriage, which is commitment.

How can we as a country allow adulterers to go unpunished and continue to make a mockery of marriage? Again, by doing so, what lessons are we teaching our children about marriage? I certainly think that it shows we are not serious about protecting the institution and this is why I think the amendment should outlaw adultery and make it a felony.

Additionally, Mr. Speaker, we must address spousal abuse and child abuse. Think of how many marriages end in divorce or permanent separation because one spouse is abusive. And, Mr. Speaker, I personally think child abuse may be the most despicable act one can commit.

This is why if we are truly serious about protecting marriage to the point where we will amend the Constitution, we should extend the punishment of abuse to prevent those who do such a heinous act from ever running for an elected position anywhere.

We should also prevent those who commit adultery or get a divorce from running for office. Mr. Speaker, this House must lead by example. If we want those watching on C–SPAN to actually believe we are serious about protecting marriage, then we should go after the other major threats to the institution, not just the threats that homosexuals may some day be allowed to marry in a State other than Massachusetts, and elected officials should certainly lead by example.

Now for my second concern, Mr. Speaker. As a person of faith who has been blessed with a wonderful marriage of 42 years, I am deeply troubled that some may be using this amendment to score political points with their base.

Why else would we be voting for an amendment that has no chance of becoming law since the Senate has already rejected it? Why else would we vote on an amendment that may not be necessary, when you consider that 45 States have enacted either constitutional or statutory bans on gay marriage? And other States, like my home State of Tennessee, have put such bans on the ballot in November.

Why, too, would Congressional Quarterly in their July 17, 2006 issue, report this amendment is a part of the legislative values agenda rolled out to rally the GOP base in the run-up to the November elections?

Just as one should not take the Lord's name in vain, I also believe a good value for folks is to never undermine religion or marriage by using them to score political points with the base in order to win elections.

In closing, Mr. Speaker, I think it is time for both parties to stop pandering to the bases that live on the political fringes and instead remember that there is one more true base: the American people. The people I represent would be more motivated if we could address the cost of $3 a gallon gasoline, and cut it in half, reduce the cost of health care for a family of four from $1,000 it currently costs for a family, increase the minimum wage from $5.15 to $7.25 an hour, address the illegal immigration, reduce budget deficits and balance our budget.

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Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

My good friend, the gentleman from Tennessee, decried politics, and then he started his remarks about politics. He talked about whether these judges were Republican judges and Democratic judges and gave numbers.

In response to him, we are blaming activist judges, whether they are Democratically appointed or Republican appointees, who are attempting by judicial fiat to redefine our constitutional definition of marriage which has stood for 223 years.

Mr. Speaker, I yield 1¼ minutes to my good friend from Texas, who has been married to his lovely wife for 37 years, Judge John Carter.

Mr. CARTER. Mr. Speaker, I want to thank my colleague from Georgia. We have now made 38.

Mr. Speaker, anywhere in the world today you can wake somebody up in the middle of the night, you pick them, and you say, excuse me, wake up just a second. What is a marriage? They will say a union between a man and a woman.

This is a confused world that we are trying to define here. The reality is marriage has always been a union between a man and a woman. Now, in China they might say a civil union. In Rome they might say a church union, but it has always been a union between a man and a woman.

In my faith, I believe it is part of God's plan for the future of mankind. The sacredness of a marriage is based, to this Nation, and, quite frankly, every Nation on Earth, it is how the base governing we have in our lives starts.

Mr. Speaker, that is why this should be a part of the United States Constitution. When activist judges would go try to change the real world, it is our job to step up and stand up for the moral values of this Nation.

This is why I support this rule, and I support the legislation and the constitutional amendment to follow.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I honor the long-term marriages of my colleagues, all, in this Congress, but this so-called Marriage Protection Amendment isn't about trying to reduce the divorce rate, or it is not about helping married couples work through their problems. This bill is about keeping two adults from making a life-long commitment to each other. With everything that is happening in this world, it seems like this should be the least of our worries.

Mr. Speaker, it is time for the majority party to quit intruding on our private lives and start working on the issues that really matter to the American people and to their families. The American public wants us to work together, to bring our soldiers home from Iraq, to address the rising cost of gas, to raise the minimum wage.

Faced with such important issues, amending the Constitution to decide what we should do in our private lives is nothing more than a cheap stunt.

Mr. GINGREY. Mr. Speaker, I proudly yield 2 minutes now to the gentleman from Kansas (Mr. RYUN), who has been married 37½ years.

Mr. RYUN of Kansas. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, House Joint Resolution 88, the Marriage Protection Amendment.

It is on behalf of the many families of the Second District of Kansas that I urge my colleagues to give our State legislators the opportunity to ratify the definition of marriage as a union between one man and one woman.

Mr. Speaker, we have reached a point in history where some have forgotten that it is the family, not the government, that is the fundamental building block of our society. This constitutional amendment would be entirely unnecessary were it not for the activist judges who are recklessly imposing their creative definitions of marriage upon citizens within their jurisdiction.

They have assailed the very anchor of family, the marriage between one man and one woman. It seems obvious to me and to 70 percent of Kansans who voted for a State constitutional amendment, that when we have strong families rooted in a marriage between one man and one woman, we give the next generation the best chance for the American Dream. When we have strong families, we have strong schools, stronger communities, and a stronger Nation.

Some would say that my beliefs are simplistic and old-fashioned. But the facts are in, and the facts say there are real consequences when society does not protect marriage and the family. But don't take my word for it. Just ask former President Clinton's own domestic policy adviser, Bill Galston, who wrote, from the standpoint of economic well-being and sound psychological development, the evidence indicates that the intact two-parent family is generally preferable to the available alternatives. It follows that a prime purpose of a sound family policy is to strengthen such families by promoting their formation and retarding their breakdown whenever possible.

Dr. Galston's research indicates what many of us, what we already know through studies, that kids are better off in an intact family that begins with a marriage between one man and one woman. I urge my colleagues to join me in supporting the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as I listen, I am struck anew by the ability of preprogrammed rhetoric to resist the facts. We have heard talk about activist judges, Federal judges. No Federal judge has been involved here. There is not a pending decision that is now in force by a single Federal judge. That doesn't stop people from invoking it, because facts are irrelevant to this kind of rhetoric.

In fact, this amendment is being described in ways that are not accurate. It is not an amendment to prevent judges, activist judges, pacifist judges, any kind of judges, from deciding. It is an amendment to prevent anybody from deciding.

In the State of Massachusetts, we have had same-sex marriage for over 2 years. None of the negative consequences that people have predicted came true.

In consequence, I believe the political community of Massachusetts is prepared to say, if two men love each other and are prepared to be committed to each other legally as well as emotionally, that is rather a good thing and we will say it's okay.

If the voters of Massachusetts, in a referendum in 2008, which we might have, were to ratify same-sex marriage, this amendment would cancel it out. It has nothing to do with activist judges. It has to do with a decision that says no State by any political process can make that decision. The legislature of California, not judges in California, voted to allow two women who love each other to be legally responsible for each other.

That, if it were to be ratified by a Governor after the next election, would be cancelled out. So this is not an amendment about activist judges. This is an amendment that says no State by whatever process, including a referendum, can make this decision.

Why? I also feel strengthened in my advocacy of a cause when people won't tell me their real arguments against it. I think this is motivated, frankly, by a dislike of those of us who are gay and lesbian on the part of those who are the main motivators.

You know, we are told don't take things personally, but I take this personally. I take it personally when people decide to take political batting practice with my life, when people decide that they would demonize, not just me, I am old, I am over it, but young people who are just starting out, who find themselves, for reasons they can't explain, attracted to someone of the same sex, and they are demonized in this House of Representatives as if they are a threat to marriage.

That is the biggest nonsensical statement of all. Yes, marriage between a man and woman who are in love is a good thing. How does allowing two men who love each other to become legally committed endanger these marriages of 37 or 38 years? Let me tell you the logical structure, or the illogical structure, of the argument on the other side.

People will remember the commercial for V8 juice years ago in which a cartoon character who was feeling poorly drank various juices to see if he or she could be energized. None of them worked. Tomato juice didn't work. Apple juice didn't work. Pineapple juice didn't work, and then someone gives him a V8. The cartoon character gets pumped up, literally, and steam comes out of his ears. He is literally now raring to go, because he had a V8.

He says to himself, wow, I could have had a V8. Note for the record, I just smacked myself in the forehead to represent what happened in the commercial. Now, that is apparently the logical structure of same-sex marriages. Apparently there were these 37-, 38-, 42-year-long marriages all over the place.

There are happily married men all over America, and they are content with their wives. They are heterosexual, and they feel this physical and emotional attraction to each other. Then they read in the paper that in the State of Massachusetts it is now possible for there to be a same-sex marriage.

How is a marriage endangered? Apparently, people happily married in Indiana, Nebraska, Kansas, and Mississippi read that we have had same-sex marriage quite successfully in Massachusetts, and they look in the mirror and they say, wow, I could have married a guy.

So, apparently, same-sex marriage is the V8 juice of America. And apparently there are people who fear that knowing that two men who love each other, want to be committed to each other, somehow will dissolve the bonds of matrimony between two heterosexuals, it is, of course, nonsense. I will do my friends the credit of acknowledging that they don't believe it. There is a political motive here. Now, there are people who are genuinely concerned that there would be negative social consequences.

I understand that. I have heard that every time we deal with discrimination, when we dealt with the Americans with Disabilities Act, with gender, with race, with ethnicity, with age. I understand their fears. We have had same-sex marriage in Massachusetts for over 2 years.

Thousands of loving men and women have been able to come together and express their commitment to each other, and no one, not even the most dedicated opponent, has been able to point to a single negative consequence.

So I understand the people who are afraid. We have disproven the fears, and what is left is only dislike of many of us. It simply is not appropriate to score political points by demonizing or seeking to minimize the lives of your fellow citizens.

Mr. GINGREY. Mr. Speaker, I have no other speakers on my side. While I am going to reserve the balance of my time for closing, I want to respond and give myself as much time as I might consume to the gentleman from Massachusetts, for whom, and whose intellect, I have a deep respect. I think he knows that.

Let me just say that Americans are a good and tolerant people. The people of this country believe in equality and freedom, and we respect the rights of individuals to conduct their personal lives as they see fit.

Reasonable people can differ in their views on homosexuality or its causes, consequences, and moral significance. Personally, I think it is a good thing that American citizens who happen to be gay are accorded more tolerance and respect today than was the case 50 years ago.

But I honestly believe that the issue facing us today is not the issue of homosexuality. Most fundamentally, the issue we face today is marriage, the meaning of marriage as an institution and how best to support it. I favor the Federal Marriage Amendment because I want to support the institutution of marriage and keep it strong.

This issue is not, in my humble opinion, about homosexuality.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. This is a question, and I appreciate the civil spirit in which he discusses it. Would the gentleman explain to me does how the fact that two women in Massachusetts who are allowed to be legally committed to each other in any way endanger or threaten marriages between heterosexuals elsewhere?

Mr. GINGREY. Well, in response to the gentleman, again, as I said, it is not an issue of same-sex union.

Mr. FRANK of Massachusetts. But how does it hurt?

Mr. GINGREY. And benefits that are afforded them by many States. The States certainly have the right to prescribe that in regard to issues of consanguinity and the age of consent and benefits for same-sex unions.

But they don't, in my opinion, have the right to redefine the definition of marriage.

Mr. FRANK of Massachusetts. How does it hurt? How does the existence of a same-sex marriage in any way threaten a happy heterosexual marriage?

Mr. GINGREY. Reclaiming my time, I think that the gentlewoman from Colorado and those of us who support this constitutional amendment feel that this is all about marriage that results, or potentially can result, in the procreation of children. This is what our Constitution has implied for 223 years and, indeed, what the word of God has implied for 2,000 years.

With that, I will continue to reserve the balance of my time for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time I have left.

The SPEAKER pro tempore (Mr. BONNER). The gentleman from Massachusetts has 1½ minutes.

Mr. McGOVERN. Mr. Speaker, I want to agree with my colleague from Georgia (Mr. GINGREY) when he says that the American people are a good and tolerant people. He is absolutely right. Unfortunately, that doesn't extend in terms of the tolerance part of it to a lot of Members of this Chamber.

I mean, we have listened to this debate for nearly an hour now, and we have heard the words from the other side, and they are words of exclusion, and even hate.

□ 1130

We have heard talk about family values. Well, hate is not a family value. Discrimination is not a family value. Exclusion and denying people's rights are not family values.

In Massachusetts, my home State, same-sex marriage is legal. It is legal. Gay couples can go to the town hall, city hall, fill out the forms, pay the application fee and legally get married; 8,000 couples have done so, and everything has stayed the same in Massachusetts. Life goes on.

But what you want to do here today with this amendment is not only prevent other States from acting as Massachusetts has done, but what you are saying to those 8,000 couples is that we want to affirmatively go and take away your rights; we want to null and void your legal rights.

That is shameful. It is insulting. It is discrimination. If your State wants to ban gay marriage, that is your State's right to do so, but the people of Massachusetts have a different opinion, and if the people of Massachusetts want to respect and honor same-sex marriages, that is our business. It should not be the business of the House of Representatives or the United States Senate to go in there and to go against and to void the will of the people of Massachusetts.

Mr. Speaker, this is all about politics here today. The Senate has already defeated this. This is appalling that we are here today. This is about gay-bashing. It is about winning political points. Quite frankly, this is disgraceful.

Mr. GINGREY. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I rise again in support of this rule and in full support of and recognition of the importance of this underlying amendment to our Constitution.

I appreciate each and every one of my colleagues who spoke during the debate on this rule. I fully recognize that many of us will have to simply, yet respectfully, as I said, disagree.

However, Mr. Speaker, I know that I stand today with the citizens of Georgia's 11th Congressional District, as well as the vast majority of Georgia and the Nation's citizens who continue to be outraged by the ability of a few judges to overturn our legal precedent and our traditional family values.

In 2004, the people of Georgia affirmed with a vote of 76 percent to 24 percent that marriage is an institution between one man and one woman, and I proudly count myself among that 76 percent.

I want to close this debate by reminding my colleagues that we have an opportunity today to stem the tide of this judicial activism and to restore the ability of the American people to establish policies that affect them and their lives through their elected Representatives.

Therefore, Mr. Speaker, I encourage my colleagues, please support this rule, and upon the conclusion of general debate, I ask my colleagues to affirm legal and historical precedent and defend our traditions about supporting the underlying amendment to restore the definition of marriage as a union between one man and one woman.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 918, I call up the joint resolution (H.J. Res. 88) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE —

''SECTION 1. This article may be cited as the 'Marriage Protection Amendment'.

''SECTION 2. Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''.

The SPEAKER pro tempore. Pursuant to House Resolution 918, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from New York (Mr. NADLER) each will control 45 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1996, the United States Congress passed DOMA, Defense of Marriage Act, and the idea behind that was that marriage would be recognized in this Nation as the union of one man and one woman. It was not the first time that the United States Congress had gotten involved in the definition of marriage. Indeed, Mr. LUNGREN had reminded us earlier today that the State of Utah and Arizona and I believe one other Western State, in order to join the Union, needed to define in their State constitution marriage as a union between one man and one woman in order to become States in the United States.

But unfortunately, since 1986, activist courts have eroded the intent of Congress, and so we come today on the House floor with H.J. Res. 88, which reads: ''Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''

The purpose of this is to say that no governmental entity, legislative, executive or judicial, shall be allowed to alter the definition of marriage from one man and one woman, and it also prevents Federal courts from construing the Constitution or a State constitution to change that definition as well.

This, indeed, is the desire of the American people at this point. A recent poll shows that 69 percent of Americans strongly agree that marriage should exist between one man and one woman. The State Constitution amendments on the States that have passed them, which now numbers 45, average by passing 71.5 percent. Forty-five States, Mr. Speaker, have enacted laws about this.

Why is this necessary, then, to come back to the floor if the States are handling it? The fact is that there are great and deliberate challenges to DOMA in the United States Constitution. We can go back to 1965. The Supreme Court in Griswold v. Connecticut discovered a constitutional right to contraceptive noted in marital privacy, and the Court in Roe v. Wade in 1973 decided that the right to reproductive privacy was applied to abortion, wholly outside the context of a marriage.

In 1996, the Court in Bowers v. Hardwick refused to create a right of sexual privacy for same-sex couples, but then, in 2003, the Court reversed itself in the Lawrence v. Texas case. In the Lawrence case, the Court claimed not to have gone so far as to establish a right to same-sex marriage, but then the State of Massachusetts and the Massachusetts Supreme Judicial Court prominently used the Lawrence decision just a few months later to do exactly that.

That is why we are here today, Mr. Speaker. This is not, as we have been charged, political pandering. This is not a frivolous exercise. Indeed, I certainly think this Congress, under the leadership of the Speaker and under the leadership of the President of the United States, has worked hard to address the issues of the day. We have worked hard in the war on terrorism.

We have worked hard in the situation in the Middle East. Indeed, as the President attended the G–8, the number one topic right now is, of course, Lebanon and Israel.

We have worked hard on balancing the budget. This House recently passed the line-item veto. This House has passed earmark reform. The Appropriations Committee, which has passed 10 out of its 11 appropriations bills, has reduced spending $4 billion by cutting out 95 different programs. We are engaged in addressing the fuel situation. We have passed tax reform which has created 5.3 million jobs since 2003.

We are very involved in the issues of today, and I will say to you that marriage is certainly one of the top-tier issues that it is the right and the obligation of the United States Congress to address, and again, not a battle that we have chosen to have but one that has been thrown back to us by the courts.

That is why we are here today, and we will have this debate, and I look forward to hearing from my friend from New York.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of marriage, in support of families, and in support of national unity. I rise against this proposed constitutional amendment, against the drumbeat of election-year political demagoguery.

This amendment does not belong in our Constitution. It is unworthy of our great Nation. The Senate could not even muster a simple majority to consider it, much less the requisite two-thirds to adopt it.

We have amended the Constitution only 27 times in our history, the first 10 of them, the Bill of Rights, in 1791. Constitutional amendments have always been used to enhance and expand the rights of citizens, not to restrict them.

The Bill of Rights, which was added in 1791, protected freedom of speech, freedom of religion, freedom of assembly, the right to be secure in our homes. Ten amendments protecting individual rights and liberties. We amended the Constitution to permanently wipe away the stain of slavery, to expand the right to vote, to expand the rights of citizenship and to allow for the direct election of senators.

Now we are being asked to amend the Constitution again, to single out a single group and to say to them for all time, you cannot even attempt to win the right to marry.

This amendment was introduced last month. We have never held hearings on it. The Judiciary Committee has never considered it. Never. Don't let anyone tell you that the Judiciary Committee considered it in 2003. We did not. That was a different amendment we considered.

But what is the Constitution between friends when there is an election coming up? From what precisely would this amendment protect marriage? From divorce? From adultery? No. Evidently, the threat to marriage is the fact that there are millions of people in this country who very much believe in marriage, who very much want to marry but who are not permitted to marry.

□ 1145

This amendment, contrary to what we have heard, doesn't block activist courts from allowing people of the same sex to marry. It would also prevent their fellow citizens from deciding democratically to permit them to do so, whether through the legislative process or even through a referendum of the people.

And why is it requisite on Congress to tell any State that the people of that State may not make up their minds for themselves on this question? Why is it necessary for the Federal Government to amend our Constitution to say to Massachusetts, which is going to hold a referendum on this subject in 2008, you may not do so because we have decided this for you?

Mr. Speaker, I have been searching in vain for some indication of what might happen to my marriage, or to the marriage of anyone in this room, if loving couples, including couples with custody of children, are permitted to enjoy the blessings of matrimony.

If there is a Member of this House who believes that his or her own marriage would be destroyed by someone else's same-sex marriage somewhere in America, I would welcome an explanation of what he or she thinks would happen to his or her marriage and why.

Are there any takers? Anyone here who wants to get up and say why they believe their marriage would be threatened if two other people are permitted to marry?

I didn't think so.

The overheated rhetoric we have been hearing is reminiscent of the bellicose fear-mongering that followed the Supreme Court's decision almost 40 years ago in Loving v. Virginia which struck down State prohibitions against interracial marriage. The Supreme Court had overstepped its authority, we were told. The Supreme Court had overridden the democratic will of the majority, the Supreme Court had signed a death warrant for all that is good and pure in this Nation. Fortunately, we survived as a Nation and we are better for that Supreme Court decision.

I believe firmly that in the not-too-distant future people will look back on these debates with the incredulity with which we now view the segregationist debates of years past. I think the public opinion polls are indicative: Opposition to gay marriage is a direct function of age. The older people are, the more set in the ways of the old discriminatory practices of this country they are, the more they oppose gay marriage. If you take a poll of people under 35 years old, 70 to 75 percent are in favor of allowing gay marriage. That is the trend for the future because demographics is destiny.

Mr. Speaker, this amendment actually does more than it purports to do. It would not only preempt any State law allowing people of the same gender to marry, even if that law was approved by the legislature or by referendum, it would preclude any State from extending medical visitation privileges or inheritance rights, for example, to same-sex couples. That is what ''the incidents thereof'' in the amendment means.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack in court domestic-partner benefits. So when they tell you this is only about marriage, don't believe it. No court has required that a marriage in one State be recognized in another, so don't believe anyone who tells you that this amendment is meant to protect your own State laws.

The Defense of Marriage Act which passed this Congress and which the President signed in 1996 says no State can impose its marriage laws on another.

There are many loving families, Mr. Speaker, who deserve the benefits and protections of the law. They don't live just in New York or San Francisco or Boston, they live in every one of the 435 congressional districts of this great country. They are not from outer space, they are not a public menace, and they do not threaten anyone. They are our neighbors, our coworkers, our friends, our siblings, our parents, and our children. They deserve to be treated fairly. They deserve the same rights as any other family.

I regret that this House is being so demeaned by this debate. It saddens me that this great institution would sink to these depths to have what we have already heard on this floor and to what we will hear that amounts to pure bigotry against a minority population, even on the eve of an election.

We know this amendment is not going anywhere. We know this is merely a political exercise. Shame on this House for playing politics with bigotry.

Mr. Speaker, I reserve the balance of my time.

Mr. KINGSTON. Mr. Speaker, I would just point out to my good friend from New York that 16 States have recently passed marriage protection amendments, and on an average they have passed by 71.5 percent.

Mr. Speaker, I yield such time as she may consume to the primary author of H.J. Res. 88, the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I thank Speaker HASTERT and Mr. Leader BOEHNER for bringing this bill to the floor. Letters and e-mails and phone calls continue to pour into my office urging me to continue in this effort. We know that polls show that the overwhelming majority of the American people support traditional marriage, marriage between a man and a woman.

The people have a right to know whether their elected Representatives agree with them about protecting traditional marriage.

I cannot think of a better good that this body may pursue than to promote and defend the idea that every child deserves both a father and a mother. Studies demonstrate the utmost importance of the presence of a child's biological parents in a child's happiness, health and future achievements. If we chip away at the institution which binds these parents and the family together, the institution of marriage, you begin to chip away at the future success of that child.

I would not want to negate the heroic job that many single parents do every day in providing the necessary support to a child's happiness. But today we are discussing what social policy is best for our children, and I am convinced that the best is found in promoting and defending traditional marriage.

Are there other important issues? Of course there are, but preserving the institution of marriage, which, as the Supreme Court said many years ago, is ''the foundation of the family and of society, without which there would be neither civilization nor progress,'' certainly warrants a few hours of our time. And even if there are other issues we need to address, as a former Member, one of my favorites, J.C. Watts said, ''Members of Congress are capable of walking and chewing gum at the same time.''

And where are those who say we are wasting time when we were renaming post offices and Federal buildings earlier this year? Mr. Speaker, if we have enough time to rename post offices and Federal buildings, surely we can spend one afternoon debating whether or not the traditional definition of marriage is worth preserving.

Others have asked why we need this amendment given that courts in New York, Georgia, and Nebraska have recently turned back challenges to traditional marriage. I just would like to say these decisions simply do not settle the issues. Cases in New Jersey and Washington, to name only two of many, remain pending.

Additionally, the Massachusetts Supreme Court's Goodridge decision legalizing same-sex marriage in that State continues to stand. Just last week, legislators in Massachusetts put off a measure to give the people the opportunity to decide this issue for themselves. While the Goodridge case remains on the books, court dockets all over the country will continue to be ensnarled with same-sex marriage litigation as opponents of traditional marriage continue to fight to expand their agenda to the rest of the country.

While recent court victories are not unimportant, the ultimate court test, the test in the United States Supreme Court, is still on the horizon. And legal experts agree at least four and probably five of the members of that court will act to overturn traditional marriage across America. That is why most legal experts expect DOMA to fall once a challenge finally reaches the high Court, which is why it would be the very height of foolishness to rely on the Supreme Court to protect marriage. Sadly, that august tribunal is part of the problem. Justice Scalia has already warned us that the Court's 2003 Lawrence decision was only the beginning of a road at the end of which is a radical redefinition of marriage at the hands of the Court.

Does anyone else see the irony in the opponents of this bill calling on us to wait until the Supreme Court rules before deciding this issue? Many of those who protested the loudest that DOMA was unconstitutional when it was enacted in 1996 are today the ones who say we ought to presume DOMA is constitutional until the high Court tells us otherwise.

The American people want us to settle this issue now. They don't want us to wait to see how much havoc the courts will wreak on the definition of marriage before we act to protect it.

Our marriage laws represent centuries of cumulative wisdom regarding the best way to address public concerns about property, inheritance, legal liability and raising children. The last matter is especially important because we now know beyond any reasonable doubt that children thrive best when they are raised in a traditional family. And statistically speaking, the further we go from this ideal, the more we can expect to see increases in measures as a whole host of social problems.

Again, this is not to say that children raised in nontraditional families will necessarily fall prey to these problems, but public policy is based on cumulative, not individual experience. Facts, as it has been said, are stubborn things. And one sad but stubborn fact is that the statistical dice are loaded against children who are raised without a father and a mother.

Some oppose the Marriage Protection Amendment on the grounds that the institution of marriage is already in trouble. Why be concerned, they say, about same-sex marriage when the divorce rate among couples in traditional marriages is so high? But can't you see this is a non sequitur? It is like saying to a doctor, The patient already has pneumonia, so why are you taking precautions to prevent him from getting a staph infection? Yes, traditional marriage has its problems, we all know that, and the high divorce rate is a national scandal. But far from undermining my point, this reinforces it. We are dismayed by the breakup of families because we know broken families lead to more and more children being deprived of the tremendous benefit of having both their mom and dad around to raise them.

Other opponents of this amendment argue that the existence of same-sex marriage in Massachusetts has not caused the earth to stop spinning on its axis, so they ask what is all this fuss about. After only 2 years of experience, it is absurd to suggest that we can even begin to guess how the redefinition of marriage in that State will ramify in the future. And the fact that same-sex marriages in Massachusetts do not directly affect my marriage or your marriage means nothing in regard to the public policy debate. The breakup of the family next door does not directly affect your marriage or my marriage either, but we all recognize that every family that comes apart is a tragedy, and that is why our laws have always sought to encourage, not undermine, traditional families.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, you are the Republican Party in America and what do you do? You have had control of the House of Representatives, you control the Supreme Court, you control the United States Senate, you control the White House. What are you going to do?

Seven million people in America are unemployed.

There are 46 million Americans that don't have health insurance.

The minimum wage hasn't been increased in nearly a decade. The gap between people who are wealthy and people who are poor is getting wider and wider.

We have a war in Iraq that has killed 2,500 Americans, 20,000 Americans have been seriously injured, and a policy going in the wrong direction.

You have a failed prescription drug plan, written by the prescription drug industry behind closed doors, that is confusing seniors. It is going to cost taxpayers $700 billion.

Gasoline is $3 a gallon at the pump.

□ 1200

Global warming is threatening our environment and our health. What are you going to do? Let's have a debate about gay marriage again on the floor of the House.

We are not going to debate an exit strategy in Iraq. We don't have a plan to lower the cost of gasoline. We don't have a plan to provide health care or to give American seniors the ability to buy prescription drugs at a low cost in bulk. Oh, no. Oh no, this is Tuesday in Washington in the House of Representatives, and we are going to debate gay marriage.

This debate is meant to do nothing more than get the American people to look at other issues, ignore gas prices, ignore the unemployment rate. Let's talk about gay marriage.

I am proud to be from Massachusetts and represent 8,000 couples who have been married. And let me tell you about one of the couples in my district, Bonnie Winokar and her partner Mary McCarthy. They have been together for 19 years. But for 17 of those years, Bonnie was unable to provide Mary with the health care benefits that she

was afforded as a high school math teacher. Two years ago they got married and now this happy couple has health insurance. They have coverage. They have family visitation and inheritance rights that every other married couple in America has.

I ask my colleagues, how do Bonnie and Mary threaten other marriages? I don't feel threatened by the 8,000 couples in Massachusetts who have been married. As a matter of fact, I want to tell you something. People in Massachusetts overwhelmingly now realize that approving gay marriage has not in any way negatively impacted heterosexual couples. That is why, overwhelmingly, people in Massachusetts support the SJC decision.

But we ought to keep clear and keep in mind that this debate today is not really about gay marriage. It is about the failure of this administration and this Congress to do the right thing by the American people.

Mr. KINGSTON. Mr. Speaker, I yield 3 minutes to the former attorney general of California, the distinguished DAN LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, where to begin? We have heard the argument that somehow we shouldn't bring constitutional amendments to the floor; we shouldn't amend the Constitution.

It is a very interesting argument when you realize there are two ways to amend the Constitution, one is the formal process that is contained in the Constitution itself, which we are embarking upon today, and the other one is by activist judges.

People don't like to hear that. They seem to say judges have the right to amend the Constitution, to give new meaning to the words of the Constitution, to actually give the opposite meaning to the words of the Constitution and we have to accept that forever, because if we do anything opposed to that, we are somehow changing the Constitution, even though we are following the exact requirements of the Constitution itself.

The second thing that is said is wait a second, no court has declared marriage to be unconstitutional in the traditional sense, so we should wait until that happens. In other words, if we take an anticipatory action, somehow we are unconstitutional.

How have we changed the terms of the debate when we are talking about a traditional definition of marriage that has stood the test of time for thousands of years, has been understood by every single one of our Founding Fathers at the time of the formation of this country, that somehow we are the ones that are upsetting the apple cart; when, in fact, it is those who wish to change this traditional definition in a radical way?

They say, well, the Federal Government should not be involved in it. And yet we pointed out historically the Federal Government has been involved in defining marriage, refusing to allow at least the State of Utah to become a State until they accepted that definition of marriage.

What we are talking about is changing the fundamental vision of marriage that is in our civil structure, a preferential treatment that is allowed under our laws for marriage, understood traditionally. And they say, well, we passed DOMA so you don't have to worry. Yet, many who are saying that argued on the floor of the House that DOMA was unconstitutional. Professor Lawrence Tribe has said it is unconstitutional. Many of the organizations who are against this particular amendment have argued in court that it is unconstitutional and believe it is only inevitable until they overturn it by way of their particular lawsuits brought against it.

So the question here is really, do you believe there is reason to maintain the traditional definition of marriage, allowing it to be the essential unit of our society, not that there aren't other units of society, but the essential unit of our society that has withstood the test of time? That is the simple question before us.

We never asked for this debate. This debate began with, yes, activist judges who said, wait a second, times have changed and, therefore, the traditional notion of marriage is out the window.

Why? Who said so? Because of what?

This is not a question of discrimination as some have argued on the other side, unless they are saying we are discriminating against bigamy and polygamy, because the United States has spoken, as I said before, in saying the traditional definition of marriage is enshrined in our institutions and in our law.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to urge my colleagues to oppose the Federal Marriage Amendment. The Republican leadership clearly doesn't get it. Our country is grappling with skyrocketing gas prices, wars in Iraq and Afghanistan, the constant threat of terrorism, concerns about pension security, and the rising cost of health care insurance.

But instead of addressing these priorities, what does the Republican leadership decide we need to focus on? Gay marriage, of course. As if passing the Federal Marriage Amendment would magically make all of our country's biggest challenges go away.

This resolution is not only a waste of time; it is completely unnecessary. The Senate has already rejected this amendment, so we know that even if the House passes this, the bill is not going anywhere.

Furthermore, 45 States already ban same-sex marriage, either by statute or by their State constitution.

Even more important, passage of this amendment would mark the first time that our Constitution has been amended to take rights away from people. Amending our Constitution to force States to discriminate against a targeted group of Americans would tarnish our history of protecting everybody's equal rights under the law.

I therefore strongly urge all of my colleagues to vote against the Federal Marriage Amendment.

Mr. KINGSTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, the proposed constitutional amendment before us today illustrates exactly why those who wrote the Constitution of the United States went to such extraordinary lengths to ensure that it was a long and arduous task to amend it.

The procedure to pass a constitutional amendment was designed specifically to compel the Nation and its leaders to carefully consider the significant and profound implications such a change could bring. This issue simply fails to meet the threshold of what the Framers called a ''great and extraordinary occasion.'' But of even greater significance is the issue of individual rights. This proposed amendment would be the first time we would amend that document to restrict human freedoms, rather than to protect and expand them.

Let's be honest. This bill has been brought to the House floor by the leadership solely because of election-year politics. The very process by which this bill comes up is an affront to this institution. Like previous attempts, it was not considered by any committee of the House, it was not brought to the floor by the chairman of that committee, rather it was brought by the leadership, who decided to take it upon themselves to do the work of the committees and their chairmen.

Moreover, this same legislation was considered in the Senate, where it didn't even receive a majority vote, much less the required two-thirds for a constitutional amendment. Why then are we rushing to judgment here today? What is the compelling reason to consider this now?

Sixteen States have passed constitutional amendments that would define marriage in their own States as being between a man and a woman. Others, including my own State, are considering such amendments this year. While I may disagree with the voters in my State or any State in adopting such an amendment to their constitution, that is their prerogative, and State constitutions are where they should be considered.

For better than 200 years, family law has been exclusively the domain of the States. That is where it should remain. Vice President CHENEY said exactly this, and I agree with him. The chief crafter of the Defense of Marriage Act of 1996, former Representative Bob

Barr, said as much, and I agree with him. Marriage and divorce, inheritance and adoption, child custody, these are matters correctly left to the States. It does not belong in the Constitution of the United States.

But that is the genius of our Federal system, to allow States to find solutions to issues such as family law which work uniquely for them. The States can pass their own laws, and many have. We should not be in the business of passing a constitutional amendment to make this point. And we certainly should not be tampering with the Constitution to address an ongoing societal dialogue on, admittedly, a very difficult subject.

Amending the Constitution is, thankfully, a difficult task. That cumbersome process has saved us from making ill-advised changes during these past 215 years. It will save us now from this ill-advised action.

We have not used the amending process to limit the rights of citizens. From the first amendment to the 14th, the original Framers and the Congress that followed have sought to expand, to protect the rights of citizens. This would be a unique amendment in that it takes away rights from one group while specifically conferring them upon another. Try to find another provision in the Constitution that does this. You will look in vain.

Mr. Speaker, this Congress and those after should be about protecting and expanding freedoms. This proposed amendment to our Constitution is about discrimination. It is about fear. It is unnecessary. It is unwarranted, and it should be soundly defeated.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in strong support of H.J. Res. 88, the Marriage Protection Amendment.

The debate before us today is about ensuring that the will of the people of the United States is protected.

My home State of South Carolina is one of 45 States that has already enacted laws defining marriage as a union between a man and a woman. Our message is clear: marriage matters, and it should be limited to that of a man and a woman.

So I stand here today wondering why we are faced with the fact that a handful of judges have taken it upon themselves to hand down rulings that redefine marriage for moms and dads and most importantly children across this Nation.

Mr. Speaker, some in this country, elected by no one, believe they have the right to supersede the wishes of my constituents and the constituents of other Members here today.

I urge my colleagues to join me today in supporting the Marriage Protection Amendment ensuring constituents' voices are heard.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished ranking Democrat on the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the Constitution Subcommittee, Mr. NADLER, for his fine work in this area. He hasn't had all that much to do because the bill never came to the Constitution Committee. We never had hearings. We never had a markup. We didn't even have supporters of this amendment yesterday at the Rules Committee which set the rules that allowed it to come to the floor today.

And so I am happy to join in opposition with a number of friends that I would like to indicate. First, the NAACP, which is in convention here in Washington this week, is strongly opposed to this amendment. So is the AFL–CIO and the American Civil Liberties Union, the Jewish Committee, the Human Rights Campaign, the National Council of La Raza, the National Urban League, Planned Parenthood, and countless religious organizations. They are all telling us to leave the Constitution alone.

The other consideration that I would bring to the Members' attention is the far-reaching scope of this amendment that has never been heard in the Judiciary Committee. Not only would it ban same-sex marriages, but it would also deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits.

Ladies and gentlemen, this amendment is divisive. It is unnecessary. It is constitutionally extreme. And I must point out that the amendment has already been debated in the other body and did not prevail. What we are doing, as has been widely recognized, is a political act. It is getting near election time. Let's whip up the forces of conservatism. Let's deal with this subject to energize the political base 4 months before the election.

□ 1215

Ladies and gentlemen, please, the amendment is unnecessary because our Constitution has been amended only 27 times in 219 years and to preserve our right to free speech was one of the objectives, to protect the right to assemble was another objective of a constitutional amendment, the right to vote was subject to constitutional amendment. The right to be free of discrimination was subject to constitutional amendment. They all ensured the integrity and continuity of our government.

So I urge a ''no'' vote on the Musgrave same-sex marriage amendment.

Mr. KINGSTON. Mr. Speaker, I want to point out that, in fact, under H.J. Res. 88, State legislatures can allow same-sex benefits in the unions.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in strong support of the marriage amendment and offer heartfelt thanks and congratulations to the gentlewoman from Colorado (Mrs. MUSGRAVE) for her principled, compassionate, and courageous leadership on this issue from her very first term in Congress.

Mr. Speaker, in the wake of ominous decisions by activist courts across the land, I come to the well today to defend that institution that forms the backbone of our society: traditional marriage. Like millions of Americans, I believe that marriage matters, that it was ordained by God, instituted among men, that it is the glue of the American family and the safest harbor to raise children.

I believe first, though, marriage should be protected, because it wasn't our idea. Several millennia ago the words were written that a man should leave his father and mother and cleave to his wife and the two shall become one flesh. It was not our idea; it was God's idea. And I say that unashamedly on the floor where the words ''In God We Trust'' appear above your chair, Mr. Speaker.

And let me say emphatically that this debate today is not about discrimination. I believe that if someone chooses another life-style than I have chosen, that that is their right in a free society. But tolerance does not require that we permit our courts to redefine an institution upon which our society depends. Marriage matters, according to the researchers. Harvard sociologist Pitirim Sorokin found that throughout history, societal collapse was always brought about following an advent of the deterioration of marriage and family.

And marriage matters to kids. As my Hoosier colleague and friend Vice President Dan Quayle first accurately observed, Mr. Speaker, marriage is the safest harbor to raise children. Sociologists tell us that children raised by married parents experience lower rates of premarital childbearing, illicit drug use, arrest, health, emotional and behavioral problems, school dropout rate, and poverty.

And marriage even matters to adults. A recent 5-year study in 1998 found that continuously married husbands and wives experience significantly better emotional health and less depression than people of other marital status.

Let us say ''yes'' very humbly today to the marriage as traditionally defined. Let us say ''no'' to activist courts bent on redefining it.

Marriage matters, Mr. Speaker. It was ordained by God, instituted in the law. It is the glue of the American family and the safest harbor to raise children. Let us put in that most sacred of documents an affirmation of that institution upon which our society demands.

I urge my colleagues to embrace H.J. Res. 88, the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker I yield 3½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Two years ago this May, people in Massachusetts, my home State, woke up thinking and talking about same-sex marriage like everyone else. You could not avoid it. It was on the cover of every newspaper. It was a national issue.

Now, since then, 9,000 gay and lesbian couples have been married in Massachusetts. And you know what the news flash is? The news flash is that there is not a news flash. The sky has not fallen. The tsunamis have not come. Everyone is going through their daily lives.

Mr. Speaker, the average American family does not wake up every morning worrying about same-sex marriage. Instead, they are worried about the price of gas that they have to put in their vehicle to take their kids to school. They worry about whether their kids are getting a decent education. They worry about health care. They worry about mortgage rates and whether they will ever be able to retire.

And if they are worried about any marriage, I would suggest it is their own. There are plenty of threats to marriage out there today. We are all aware of them. Trying to find time to spend with their families, the pressures of making ends meet, all the challenges that we all know exist. But what is not a threat is gay marriage.

In Massachusetts gay couples are not masterminding acts of terrorism. They are not cutting Medicaid. They are not putting a hole in the Medicare prescription drug program. They are not running up the Federal deficit. They are doing what everyone else does. They are getting through life.

Others have alluded to the constitutional issues. There are States everywhere, Mr. Speaker, that are addressing this through the constitutional means available to them as States, and that is fine. A recent ruling in Massachusetts from the Supreme Judicial Court that entered the famous decision that has provoked some controversy said that if the people of Massachusetts want to overrule the decision of the Massachusetts Supreme Judicial Court, they can via their own State constitutional mechanism. Let them do it if they want to. As others have said, this is an area that has been reserved continually through our jurisprudence to our States.

But, no, it is an election year. We know it is an election year and we know you have to do it. You have got to energize the base. But the American people are not stupid. They see through this. They know what is going to happen.

I remember when the President came to office pledging that he would be a uniter, not a divider. And what we are doing here today is divisive and dividing Americans. Let us experience a sense of tolerance.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, marriage has been under attack for years in America. Regardless of where we look, we have seen a gradual weakening of the institution that historically we have relied on to nurture America's kids.

And while marriage has taken a beating from divorce and other factors, the statistics still show that the best home for kids is still with a mom and dad who are married and love each other. That is the ideal we are talking about here: the best home for kids. By protecting marriage, this amendment promotes such an environment for our kids.

Statistics show children living with their mom and dad are safer, that they are less likely to be abused or neglected, that they have fewer health problems, that they engage in fewer risky behaviors than their peers, that they are more likely to do well in school, that they are better off economically, that they display increased ability to adapt to changing circumstances. Study after study shows us this, Mr. Speaker.

But most Americans do not need a scientific study to tell them that marriage is important for our children and our families. When given the chance to have their voices heard on this issue, they have overwhelmingly come down on the side of protecting marriage. Twenty States have now passed voter referendums to amend their constitution to protect marriage. Six more will have it on the ballot this November. Six more next year. There is a pattern here. Every time the people are actually given a chance to vote on this, they choose to protect marriage overwhelmingly. In more than half of the 20 States, they have amended their constitution with over 70 percent of the vote or more.

These numbers should tell us something, Mr. Speaker. They should tell us that people understand intuitively what studies show us empirically: Marriage is important, it is the foundation of the family and it is the safest harbor to raise children.

This amendment protects marriage from the whims of activist courts that would further undermine this institution by radically redefining its definition. It would see to it that the people have a say on an issue of fundamental importance to our Nation.

It is the right policy, Mr. Speaker, and I urge all my colleagues to support the Marriage Protection Amendment today.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this issue.

I have heard my friends on the other side talk about marriage being under attack. Well, I think it probably is in many sectors. Marriages are under strain today in terms of economics. There are social cross-currents. We see failed marriages. But it is not under attack by our gay and lesbian citizens.

The gay and lesbian citizens I know in my community are dealing with the everyday stresses of their lives, which are actually more difficult than most Americans. They are struggling against discrimination in the workplace. They are struggling against discrimination and in some cases violence directed towards gay and lesbian citizens. And every day gay and lesbian couples in long-term committed relationships, sometimes involving children, have to struggle with the fact that they are not afforded the protections and the resources to be able to deal with the everyday challenges like health care emergencies. That is what they are dealing with. They are not assaulting my marriage or anybody else's. They are trying to deal with a difficult hand that has been dealt to them.

The good news is that we are seeing the changes that are going to make a difference in the long run. The good news is that younger Americans wonder what bizarre episode we are involved with here. They are not peddling discrimination and hate. They have a much more positive and healthy attitude towards their neighbors, their friends, their relations, who happen to be gay and lesbian. The good news is that the States are trying to figure out ways to handle it.

The bad news is that Congress is not part of the solution but is instead pandering politically in something that has already been killed in the other Chamber, that has no chance of passage; going through a ritual that is actually setting us back.

I am confident that in the long run truth and justice is going to prevail. We are not going to be having any assaults on any heterosexual marriages, but we will be dealing with how we are going to provide the necessary protections for our gay and lesbian citizens. That day, sadly, is not today.

Mr. KINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I now yield 5 minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank Mr. NADLER for yielding the time.

At the beginning of every session of Congress, I raise my right hand and state the following oath: ''I, Tammy Baldwin, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

□ 1230

I have felt deep pride in our country and our democracy and particularly in the Constitution itself every time I have taken that oath. But if we were to pass this amendment, it would put a stain on our founding document.

In our democracy since its founding, a basic premise is that in a government by, for and of the people, the people must have the ability to petition their government for the redress of grievances. Americans who wanted women to have the right to vote petitioned their government. Americans who wanted an end to slavery petitioned their government. Americans who wanted an end to child labor petitioned their government. Americans who wanted to end segregation policies petitioned their government. Americans who wanted to protect our environment petitioned their government.

Our constitutional system, the checks and balances between the three coequal branches of government, was created to ensure protection of minority rights, and throughout history many groups of individuals have sought such protection from their government. Today, Americans who want the protection of marriage laws for their same-sex partnerships are in the process of petitioning their government.

The Constitution is for expanding rights, opportunities and aspirations. I want to see the day when I can protect my family, my life partner of 10 years, through the same laws and with the same obligations, responsibilities and rights as can straight Americans. These are my aspirations, both as an American and as a Member of Congress, to see the Constitution that I have sworn to support and protect illuminating a path to justice and equality for more and more Americans.

The amendment we are debating today would do just the opposite. Why would we amend the U.S. Constitution to say that one group of Americans, gay and lesbian Americans, can no longer petition their government for redress of grievances? A healthy and a vibrant debate on same-sex marriage is occurring throughout this Nation at this very time in break rooms, in dining rooms, in church basements. Don't cut it off. It is what democracy is all about.

One State in our Union allows same-sex marriages, several others have passed civil union protections for same-sex couples, and others still are silent on the issue or have passed laws or State constitutional amendments prohibiting same-sex marriage. This is what happens in a democracy when people petition their government for change.

But we also know that this really isn't about the substance. It is about politics. Why else would we be debating and voting on a measure that the Senate has already effectively killed?

You will get your rollcall vote, but shame on you for playing politics with people's families and their lives.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, today I proudly rise in support of House Joint Resolution 88, the Marriage Protection Amendment.

Today, Mr. Speaker, 45 out of 50 States have enacted laws defining marriage as a union between a man and a woman. That is 90 percent of the States, and these States contain 88 percent of the population.

In August 2004, the people of my home State of Missouri overwhelmingly voted by a majority of 71 to 29 percent to approve a State constitutional amendment protecting the traditional definition of marriage. Unfortunately, this sacred institution and the will of the people are under direct assault by an out-of-control judiciary branch. Radical judges on the supreme court of Massachusetts have already imposed same-sex marriage in that Commonwealth against the wishes of a majority of citizens, and I fear the activist State and Federal judges will soon impose same-sex marriage upon other jurisdictions in our Nation.

What that means is the people in my home State of Missouri may have legal recognition of same-sex marriage forced upon them, even though 71 percent of Missourians voted to adopt an amendment preventing such a practice.

Mr. Speaker, it is becoming increasingly apparent that our only recourse is to amend the Constitution of the United States. This is not a decision I take lightly, but we must act to defend the foundation of our society. Without such an amendment, people in Missouri, and many other States, will be disenfranchised by the courts.

Yes, Mr. Speaker, the Senate has dealt with this, and, no, this isn't a political issue. The reason that the Senate has dealt with this is exactly why the House needs to stand up and send a positive message to the American people about what is the best married environment to raise our children, and that is an environment that is a marriage between a man and a woman.

Mr. Speaker, this Congress as representatives of the American people has a duty to protect marriage from attack by the courts. I urge my colleagues to vote in favor of the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let's be very clear: this is not an attempt to restrain judges.

There have been two sources of opposition to same-sex marriage. A large number of people who bear those of us who are gay and lesbian no ill will have been opposed to it because they have heard that it would lead to social disruption. That is a common theme when we deal with issues involving particular groups in our society against whom there has been discrimination.

I invite people to go back and read the debates over the Americans with Disabilities Act to read what people like Pat Robertson said in opposition to it. I remember this debate 30 years ago in Massachusetts when we were talking about the Equal Rights Amendment. And so, yes, I understand that there are people who are opposed to same-sex marriage who do not in any way feel themselves prejudiced against gay men and lesbians, but who worry about the social consequences.

I think here we can point to the facts. We had full civil unions in Vermont in 2000. We have had same-sex marriage in Massachusetts for over 2 years. In no case is there the slightest evidence of social disruption. Let me say, though, that is one wing of the opposition.

There is another wing in the opposition, the people who are motivated by this, who really, frankly, dislike the fact that we exist; and disliking the fact that we exist individually, they are particularly distraught at the notion that we will associate with each other in various ways.

I want to address now the people who are worried about the social consequences, because I invite people to look at the evidence. There were no negatives.

But now let me go back to the point about the judges, because that is relevant to Massachusetts, and the points are linked. Because in Massachusetts what we have seen is that thousands of people have had their lives enriched by being able to love each other in a legally connected way, and it has been a good thing for them, and it has had zero negative consequences. I believe the political community in Massachusetts, through the elected legislature, maybe through a referendum, although I hope it doesn't come to that, will support this.

Be very clear: this amendment says that even if the people of Massachusetts, after 4 years of same-sex marriage being in existence, vote to ratify it by a majority, their vote does not count. This amendment cancels out a referendum.

In California, where the legislature voted for it, if a Governor should be elected in November who would sign that bill, this amendment says, no, legislature; no, Governor. We the Federal Government will decide. So it is not about restraining activist judges. It is about overruling any decision.

So then the question is, Why do it? Usually our view would be that if people are going to benefit from something, enjoy it, we would let that happen, in the absence of harm.

Now, clearly there is value to same-sex marriage. There are men and women, millions of us, who, for reasons we don't understand, nobody really does, in my judgment, feel an attraction to people of the same sex. What many of them have said is, you know what, we would like to have our love put into a legally connected context.

We want to be legally bound to each other, as we are emotionally and morally.

Who is that hurting? Well, we are told that it hurts marriage. And here is where the illogic comes in. People get up and say we have to be against letting two women marry because it is very important that men and women marry.

There is no connection. Nothing here threatens heterosexual marriage. It is just the most illogical argument I have ever heard. If two men are attracted to each other and want to live together legally, how does that endanger heterosexual marriage?

So the argument that we must ban same-sex marriage to protect heterosexual marriage literally makes no sense whatsoever. No one has shown me what the connection is. As a matter of fact, of course, people will have an example of people of the same sex living together, and if that somehow destabilizes heterosexual marriage, then it is going to happen.

If the gentleman wants me to yield, I would be glad to yield.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, what I would like to ask is this: Does the gentleman see any problem with society allowing preferential status in some ways to the traditional marriage between a man and a woman? Because that, to me, is what it really comes down to.

Mr. FRANK of Massachusetts. I would say to the gentleman this: no, I think we give preferential status to people who are married over people who aren't. What I don't see, what no one has argued, is how does allowing two men have that status interfere with the status. I assume you give a preferential status because you want to give people an incentive to marry. Okay, let's do that. Let's give people an incentive to marry.

But if you are a heterosexual strongly attracted to someone of the opposite sex and really not at all attracted to the idea of someone of your same sex, how does the existence of that undermine this?

Yes, I think we should give a preference to heterosexual marriage. We should incentivize it. How does the existence of same-sex marriage discourage or retard heterosexual marriage? Would anyone want to answer that for me?

Mr. KINGSTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, the debate before us today, as has been highlighted by people from both sides of the aisle, is about a definition of marriage. I think that the point that in the subtlest way has to be made clear, it is something that most Americans understand logically, and that is marriage is not about love; it is about a love that can bear children. There is a difference.

I love my parents. I love my family. I have friends that I love. But I love my wife and we are married. Marriage is a love that bears children and replenishes society along those lines.

I have been married personally for 31 years. We have six children and even a grandson. The children are doing well. One is a first lieutenant that just came back from Fallujah. The other two sons are over at the Naval Academy. I have two daughters that have not gone off to school yet.

All of those children, growing up with a mother and a father, have understood the first primitive concepts of government. They have understood what it is like to live under authority. They understand what it is like to work hard. They have learned to walk and to talk and to get along with each other and all of those things.

We also know that historically the people that are filling our prisons, the people who socially get in trouble a lot are statistically people who have not had the blessings of a loving mother and father and a stable home. It doesn't mean that people can't get in trouble when they come from that background, but statistically it is a lot easier for a child to grow up with the benefit of a loving home with a mother and a father.

So from a practical point of view, to preserve our civilization and society, it is important for us to preserve marriage. It is not just love; it is a love that produces children.

We ask ourselves, well, is this such a big debate? Really it shouldn't be. We have 45 States that have passed legislation saying a marriage is between a man and a woman. Also anybody who knows something about the history of the human race knows that there is no civilization which has condoned homosexual marriage widely and openly that has long survived.

It is for the practical reason that marriage is about bringing the next generation along, and it works best with one dad and one mom. That is what a great majority of Americans believe.

So it is sad that we have to basically tell our courts, because of their activist nature, the beliefs of such a great block of Americans.

I will conclude my comments by doing something that I don't know that I have done on the floor before, and that is to call attention to my colleague, the gentlewoman from Colorado, MARILYN MUSGRAVE, who has had the courage to do what seems so obvious, so obvious to at least 45 States' worth of Americans, to bring this amendment to the floor.

For her efforts to defend plain old traditional marriage, she has had millions of dollars thrown against her, and even a television ad that I have seen of some fat pink-dressed lady that is stealing jewelry off a corpse. She has had to put up with that.

I say to you, Congresswoman MUSGRAVE, we are proud of you, and we thank you for standing up for something that is so foundational to our society.

□ 1245

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished minority leader of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank Mr. NADLER for yielding and for his great leadership in defending the Constitution of the United States which is, of course, our oath of office.

Mr. Speaker, I also want to thank Mr. CONYERS, the gentleman from Michigan, for his leadership on this important issue, and to say to Congresswoman BALDWIN and to Congressman FRANK what an honor it is to serve with you in the Congress. It is a privilege to call you colleague.

Mr. Speaker, the crisis in the Middle East reminds us that it is our responsibility as a Congress to address the urgent priorities of the American people. Yet today it is painfully obvious that instead of tackling the challenges facing our Nation and our world, Republicans want to persist in their agenda to distract and to divide.

That is why the American people are demanding a new direction. That is why they say in great numbers that our country is going in the wrong direction. The challenges that our country face are too great for the Republican politics as usual. The constitutional amendment that we are debating today has been brought to this floor with full knowledge that it has no prospect for success either now or in the near future, the foreseeable future.

This is a partisan exercise by Republicans to divide the American people rather than forge consensus to solve our urgent problems. Our Constitution, which we all take an oath to support and defend, is an enduring and living document that has throughout our history expanded rights, not diminished them.

Though the Federal marriage amendment claims to protect marriage, it benefits no one and actually limits the rights of millions of Americans. In September, I am happy to say, my husband and I will be celebrating our 43rd wedding anniversary. I am a mother of five, we have five children and five grandchildren, expecting our sixth grandchild in October. And we certainly appreciate the value of family.

We see family in our community as a source of strength and a source of comfort to people. What constitutes that family is an individual and personal decision. But for all, it is a place where people find love, comfort and support. As we consider this amendment, we must understand we are talking about our fellow citizens, equal under the law, who are lesbian and gay, and what it means to them. They are members of our communities with dreams and aspirations, including their right to find comfort, love and support on equal terms.

They have every right and every expectation of any American that they are entitled to the very purposes for which this country was founded, that

we are all created equal by our Creator, and endowed with inalienable rights of life, liberty and the pursuit of happiness.

Let me tell you about two extraordinary constituents of mine, I have talked about them on the floor before. Phyllis Lyon and Del Martin, both in their eighties, and they have lived together for more than 50 years. They are grandparents, by the way, they are grandmothers. Their commitment, their love and their happiness are a source of strength to all who know them.

They are leaders in our community and are held in high esteem by all who know them. Why should they not have the full protection of the law to be able to share each other's health and bereavement benefits, to be able to share all of the protections and rights accruing to financial relationships, inheritance and immigration?

Why should Phyllis and Del and millions of gay and lesbian citizens not be treated equally and not be afforded the legal protections conferred by marriage? I will again vote against this amendment, as I have in the past, because it is counter to the noble ideas of liberty, freedom and equality for which this Nation stands.

This amendment defiles our cherished Constitution by saying that some members of our society are not equal under the law. This is blatant discrimination. It is wrong. It does not belong in our Constitution. It is contrary again to the noble purpose for which this Nation was founded, and it is contrary to the principle of ending discrimination, unifying our country, and fostering equality for all.

The American people demand that this Congress address their priorities: creation of jobs, creating a minimum wage that has not been raised in 9 years, gas prices that are over $3 a gallon, and the skyrocketing cost of higher education. That is what they want us to be doing here.

Mr. Speaker, let us strive to do the work of the American people. Let us strive to unite our country, take our country in a whole new direction, let us honor our Constitution, let us honor all of God's children and let us reject this amendment.

Mr. KINGSTON. Mr. Speaker, I yield 1½ minutes to the distinguished majority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the Marriage Protection Amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mr. Speaker, over the past few days some people have asked me, Why are we having this debate and this vote? I think this is an issue that the American people want their Representatives to debate and to vote on. And that is why it is part of the American Values Agenda that we released last month.

It has been front-page news all across the country, sparking intense debate amongst our fellow citizens. Many people that we represent believe the Congress needs to act. While 45 of the 50 States have either a State constitutional amendment or a statute that preserves the current definition of marriage, left-wing activist judges and officials at the local levels have struck down State laws protecting marriage.

The American people should decide this issue, not out-of-touch judges who are bent on redefining what marriage is for America's moms and dads. Poll after poll shows that the American people don't want marriage to be redefined by judges today and for our children tomorrow.

And protecting the institution of marriage safeguards, I believe, the American family. Studies show that children best flourish when one mom and one dad are there to raise them. And 30 years of social science evidence confirms that children respond best when their mom or dad are married and live at home. And that is why marriage and family law has emphasized the importance of marriage as the foundation of family, addressing the needs of children in the most positive way.

Mr. Speaker, I urge my colleagues to send a strong message to America's moms and dads rather than allowing judges to redefine marriage. I urge my colleagues to support the amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, how ironic that we consider this discriminatory, so-called marriage protection measure just one week after successfully renewing by a strong bipartisan margin a landmark piece of civil rights legislation, the Voting Rights Act.

The Voting Rights Act brought millions of Americans into the heart of American democracy. It has been a critical milestone in our Nation's ongoing quest to live up to the ideals of equality and freedom embodied in the Constitution. In contrast, today's legislation, if passed, would be a tragic step backwards. Amending the Constitution to limit the rights of a specific group amounts to government-sanctioned discrimination, and tramples on the prerogative of the State to define community values.

Regulation of marriage is historically a State-sanctioned enterprise. How hypocritical it is for those who often invoke States rights to claim this is a Federal issue. I believe I understand something about the cruel effects of discrimination on the individual and society at large.

You see, my father was a refugee from Nazi Germany. His medical school class was the last to graduate before the Nazi purges of Jewish students began. He and some of my family fled Germany a year later.

Mr. Speaker, one of the greatest joys of my life occurred recently. I became a grandmother for the first time.

I urge this House to carefully assess how our action today will impact future generations. And I wish for little Lucy a world in which prejudice and discrimination are mere footnotes in her high school history book. Vote ''no.''

Mr. KINGSTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, one of the things that I think we can probably agree on today is the opponents of this legislation have questioned why we are even here. Mr. Speaker, I agree with them on that and disagree with them on almost everything else, because it just baffles me, as we think about our Founding Fathers dreaming that we would ever stand here and have to debate the definition of marriage and whether or not that was between a man and a woman.

Earlier today I stood where you are now standing and I listened to some of the words that were used against this legislation. I wrote some of them down. And one of the words was ''hateful.'' And as I wrote that down, all I could think about is if you want a definition of hateful, look at the attacks that have been brought against the sponsor of this piece of legislation across the country for daring to bring it to the floor for debate. That defines hateful.

And then they raised the word ''unimportant.'' And they list all of the other things that they think are important. And that frightens me, because they do not recognize the difference and the importance of the connection between strong marriages in this country and the strength of our Nation.

And then they call it divisive. Divisive to dare to stand against activist judges who will try to redefine literally hundreds of years of historical sanctioning of the institution of marriage. And then they say it is intolerant.

They couch themselves with love, and all they want to do is have love. Well, Mr. Speaker, suppose you have a teacher who loves her 13-year-old student, and just says, all we want to do is love each other and be together. We would never think of sanctioning that. Suppose you have a situation where a husband came in and said I love three wives. Just let me love them. How is that harming society?

I think, Mr. Speaker, you could use every argument you hear on this floor today against this legislation to justify both of those two situations. But, Mr. Speaker, I think one of the things that bothers me most is when we hear the argument that we shouldn't try because this legislation just won't pass.

Well, Mr. Speaker, we try because we believe that values are still important in America. We try because we believe marriage between a man and a woman is a cornerstone of those values. We try

because we believe the only way to protect the rights of States to define marriage for themselves is to pass this amendment.

Mr. Speaker, I am proud to stand with those who support this legislation and those who understand that this historic relationship between a man and a woman is worth defending, even if we do not succeed.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN) for the purpose of making a unanimous consent request.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.J. Res. 88.

I believe that the institution of marriage should consist of one man and one woman and I voted for the 1996 Defense of Marriage Act, but I cannot support this bill.

The Defense of Marriage Act has never been challenged in the Supreme Court and it seems like we are putting the cart before the horse.

We should allow our system of checks and balances to work as it has for over 200 years. Our founding fathers created three branches of government to work independently, but equally.

In Texas, we already have a law that states that the institution of marriage is between one man and one woman. We also have a law that states that Texas does not have to recognize marriages that were performed outside of the state of Texas.

Even if other states decide to change their standards for issuing marriage licenses. It will not change how marriage licenses are issued in Texas.

The Defense of Marriage Act supports our state laws. Marriage is a state issue and it should remain so. When my wife and I married 36 years ago we went to our county courthouse, not our federal courthouse.

We do not seek marriage licenses from the federal government.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri.

Mr. CLEAVER. Mr. Speaker, in 1974, I was ordained as an elder in the United Methodist Church after having completed 3 years of seminary, 4 years of undergraduate work. I have been pastoring for 32 years. As of today, I have never, ever been asked to perform a wedding between same-sex partners. I do not even know of a minister who has ever been made that request.

And so I am not sure how significant this is, except for the fact that I am not here to defend anything except the church. We have people sitting in the gallery and people looking at this broadcast all across America. And the chances are really high that almost 100 percent of them have marriage licenses signed by a member of the clergy, and not a Member of Congress.

Marriage was ordained by God, and in all of the weddings the words are read, ''Marriage is an institution by God signifying the uniting of this man and this woman in holy matrimony''.

And then we go on to say that, in my tradition, ''Christ adorned and beautified marriage when he performed his first miracle at the wedding in Cana of Galilee.

□ 1300

Marriage is sacred. It is holy. It is an institution created by the church. Now, the United States Congress is going to trespass on the property of the church?

I am concerned that we have gone too far. Every judicatory or denomination in the world is debating this issue, and it should remain in that domain, not on the floor of Congress. I don't want Congress to approve or disapprove how we perform marriages in my church.

I sat on the front row in December, and I thought about Exodus: For 6 days, work is to be done, but the seventh day shall be your holy day, a sabbath of rest for the Lord. Whoever does any work on it must be put to death.

As I thought about that, we were sitting here on a Sunday morning debating the defense bill.

Mr. KINGSTON. Mr. Speaker, I wanted to point out to my friend from Missouri that in order to become States in the United States of America, Arizona and Utah had to change their own State constitutions to recognize marriage as a union between one man and one woman in order to do away with polygamy.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman and thank him for bringing this amendment to the floor and managing the time. I also would be remiss if I didn't acknowledge the leadership of my colleague from Colorado (Mrs. MUSGRAVE) on this issue. She has been a true champion, not only a champion inside this Chamber, but a champion for the values that I think a vast majority of Americans hold dear. For that she has paid what has already been recognized as a significant personal price. Again, I applaud her and I certainly admire her character and her tenacity.

Mr. Speaker, this debate seems to be framed by talking about what we are against. I think what we ought to be talking about, frankly, is what we are for. Too often in society, especially these days, it seems like we are against the very institutions that made this Nation great.

I see above your head, Mr. Speaker, the words ''in God we trust,'' and directly opposite you over my left shoulder is the medallion of the very first law giver, Moses. We all know where those laws came from, the very hand of God.

I think very often about the fact that we proudly profess that we are founded on Judeo-Christian principles. I think it is indisputable where those principles come from and what the origin of those principles is.

I believe that in the very beginning He created us, yes, all equal. The distinguished minority leader mentioned that a little bit ago, that we celebrate the fact that we were all created equal by our Creator, equal but different, and for a purpose. He showed us that purpose in the Garden of Eden, Adam and Eve. He showed us once again, and blessed that difference, at Cana, as my friend and colleague from Missouri just referenced, by Jesus performing his first miracle by blessing that wedding feast between a man and a woman.

I think there is a reason why marriage has always been such a sacred institution. I believe some things, some definitions in our society are absolute. Up isn't down, dark isn't daylight, black isn't white, fish isn't fowl, and marriage, since the beginning of time, as close as I can tell, has been between a man and a woman. If it was, indeed, good enough for our Creator, and it was indeed our Creator's plan, that we were created different for an absolute divine purpose, I think we best not be messing with His plan today.

It is important, I will disagree with my colleague from Missouri in this regard, it is very important that when a nation is, indeed, founded upon Judeo-Christian principles that we are willing to stand and define what we are for, lest we forget what we are about.

I strongly encourage the adoption of this amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong opposition to the constitutional amendment to prohibit same-sex marriage. If this amendment were to pass, it would mean the first time in history that the Constitution has been amended to include discrimination. I believe in marriage as a stabilizing force in our society, as a nurturing environment for our children, as a public expression of the most profound love and devotion of a commitment between two people to take responsibility for one another, in a legal and a personal sense, in sickness and in health.

The vast majority of marriages are, and, of course always will be, between one man and one woman. But the same virtues of couplehood apply to any loving adults.

Surely the 27-year relationship of my dear friends Michael and Roger does not threaten my marriage in any way. The loving family that Ann and Jackie expanded when they adopted David, giving him two adoring parents, is a good thing, regardless what anyone may say to the contrary, although they are free to say it.

But nothing in the Constitution should be established to exclude them from the rights that they deserve. There are so many pressing issues right now that are working, that undermine families.

Same-sex couples embrace the positive values of families. Let's spend our

limited time here as lawmakers helping all American families, and not discriminating against any.

Mr. KINGSTON. Mr. Speaker, I would point out that if this amendment does, in fact, make marriage, well, discriminate, and the opponents want to make marriage more inclusive, then is it not also true that we should and will broaden the definition of marriage, so that as Mr. FORBES from Virginia pointed out it is not merely a matter of one same-sex couple.

But why are we tripping over the word ''couple''? Why can't marriage be three people or four people? Why can't it be a combination, if that is what we are talking about.

I want to point that out to my friends, that this doesn't just end with being one definition or the other if you don't want to go with this definition.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to say amen to everything my colleagues who have just spoken before me, Mr. FORBES and Mr. BEAUPREZ, said. They made very eloquent arguments.

Mr. Speaker, if Members of the House vote as their States have voted on this amendment, the amendment will pass. Forty-five States have defined marriage as the union of a man and a woman. As a sociologist, I taught, and I believe, that marriage is the foundational institution of every culture. It is under attack by the courts. It needs to be defended in this way by defining it as the union of a man and a woman.

If it is going to be defined otherwise, it must be done by the legislatures and not by the courts. Today we are going to vote on a constitutional amendment to define marriage as the union of a man and a woman. This is about who is going to determine the definition, whether it is the courts or the legislative bodies.

The amendment is about how we are going to raise the next generation. How are they going to be raised? It is a fundamental issue for our families and for our future. It is an issue for the people. It is not an issue that the courts should resolve.

Those of us who support this amendment are doing so in an effort to let the people decide. We are making progress in America on defining marriage as the union of a man and a woman and will not stop until it is defined and protected as that union. Marriage is about our future. I continue to be struck by the opponents of this amendment, who say it is an effort to promote discrimination. The amendment is about promoting our future, our families, about how we raise the next generation and about allowing a definition of marriage that is as old as the creation of human beings.

Mr. Speaker, I ask my colleagues to support the Marriage Protection Amendment.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding and for his leadership. Of course, I stand in strong opposition to H.J. Res. 88.

This amendment seeks to enshrine, and it does seek to enshrine, discrimination into our Constitution. As an African American woman, and as a person of faith, there is no way that I can support discriminating against anybody. The history of our Nation has been a long process of bringing people of different backgrounds together.

This amendment would take everything that this Nation stands for as a beacon of hope, a land of opportunity, and a tolerant, democratic society and turn it all on its head. Government should not be in the business of discriminating against its people, pure and simple. Government should not get into the personal lives of individuals.

We must reject this, and it is a hateful and discriminatory amendment. It takes an extraordinary step that previous amendments have not taken. It bars States from granting pretty much any legal partnership such as civil unions or domestic partnerships.

Congress is supposed to work to promote a better life for all Americans. That means improving our Nation's education system, working to provide health care for the 47 million uninsured, ensuring that people have a roof over their heads.

We must see this amendment for what it is. It is clearly election-year pandering. It is an attempt to create a diversion from the real issues that this Congress should be dealing with.

This is clear election year pandering. This is simply an attempt to create a diversion from the real issues this Congress should be dealing with.

It's also an amendment once again enshrouded in an attempt to cloud the public's image of same-gender couples. They want to fill everyone's head with images of gay couples marching into churches and demanding marriage equality. This has nothing, nothing at all to do with churches and marriage.

The Republican Leadership wants to rile up the religious right with the idea that this has to do with an attempt to force religious institutions to sanctify same-sex couples.

Same-sex couples merely want the same rights that many take for granted; hospital visitation rights, health care benefits, inheritance rights, and joint tax-filing. These all come with civil ceremonies, through a license granted by a local county or city, not through an order signed by a church or any religious institution. We must make clear, this is about equal rights.

I urge my colleagues, and the public, to see this amendment for what it is really for. A mere political diversion tactic and an attempt to write hate into the Constitution.

Mr. KINGSTON. Mr. Speaker, I would invite the previous speaker, my friend, to watch one of the 527 ads that are being run against Mrs. MUSGRAVE. If she wants to see hateful speech, and one of the most hideous hateful acts that I have witnessed on any Member of Congress, I would invite anybody who is talking about hate to watch the ads that are run against our colleague for sponsorship of this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I will be voting for the amendment. I have got questions, though. Why now? Why this amendment? Why now?

No court has ordered the State of South Carolina to recognize a Massachusetts marriage. In fact, it is all within any given State. If a court had ordered South Carolina to recognize a Massachusetts marriage, this amendment would not be failing today on the House floor, as we all know it will. It would be passing with a significant margin.

I also have a question about why this amendment. Why not a federalism amendment? Why not an amendment that honors the 10th amendment to the Constitution that says that all powers not delegated to the Federal Government are reserved to the States?

As it is, this amendment is not what it should be. It should be a federalism amendment. It should be an amendment that says States have the prerogative to define marriage within their boundaries. As it is, we are providing a Federal definition of marriage, or attempting to do so, in this amendment that will fail.

I think it is also important to ask why this amendment, and to point out that no one should be under the misimpression that we are here mandating, let's say, a biblical definition of marriage. If we were, we would be directing the States only to grant divorces on the biblical basis of infidelity. But nobody is proposing such an amendment.

Why? Because we have avoided the dangers of a theocracy. I agree with what my colleague from Missouri said earlier, Mr. CLEAVER: this is the church's business. This is the synagogue's business. This is the business of the mosque to figure out what is marriage within their definition.

Now, when a State gets involved, it is really just about children and the result of divorce. Why now? Why this amendment? But yet the question is simply brought up, so we vote for it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say to my colleagues on the other side of the aisle, I do believe in the separation of church and State, as one asked the question that we should be talking about what we believe in.

□ 1315

I believe in the 10th amendment and its constitutional premise: ''The powers not delegated to the United States

by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

My good friend who just spoke from South Carolina made a very valid point, that we are now tampering with constitutional privileges that we have yielded to the States, and more importantly, the Bill of Rights and the Constitution have made it very clear that it is a document of enhancement, of affirmation of rights.

My concern is that we are now standing on the floor of this sacred body denying rights to human beings and Americans. We are denying the rights, the privacy rights, civil liberties rights. We are even going so far as to deny visitation rights at hospitals and the ability to mourn your loved one.

Might I say that this past week a dear, beloved friend of mine mourned his partner, mourned his partner, and all of the community came to acknowledge the leadership of his partner. Is his grief or his loss to be degraded on this floor, to be denied, to ask the question whether it was not a special and sacred relationship?

So I ask my colleagues, as we corrected the enslavement of those of us who came here first in the bottom of the belly of a slave boat with the 13th, 14th and 15th amendment, affirmation of rights, creating rights, not denying rights, I will not stand here on the floor today and accept the responsibility of denying rights. Might I say, the Senate, the other body, has already spoken. They could not get a simple majority. Why? It is wrong to deny rights to Americans.

I will not allow the flag to be desecrated by this amendment. Defeat this constitutional offering and bring back freedom to America.

Mr. Speaker, this resolution is the symbol of the misplaced priorities of the Republican leadership in the House. It is clear that this amendment is being addressed not for the policy involved but simply for floor debate. We have considered this issue in Congress before, and doing so again is simply a waste of taxpayers' money. This debate is ill-advised and will not help the American people. Issues we could be addressing here today are: the global war on terrorism we are fighting, from which we have been distracted by the war in Iraq, and a war that has resulted in a devastating toll on American lives and our budget; the crisis in the Middle East; increasing gas prices; a ballooning budget deficit of over $5 trillion that is choking our economy and crucial social service programs; and a health care system that is failing the millions of Americans that remain uninsured.

Why are we wasting time on the House floor, in our legislative offices and with our valuable staff to handle this imprudent amendment?

I oppose this bill because, for the first time in America's rich and long democratic history, the Constitution will be used not as a beacon of liberation but an instrument of deprivation. On the 230-year anniversary of our Constitution, let us not desecrate it by enacting this act. H.J. Res. 88, the ''Marriage Protection Amendment,'' proposes to impose the opinion of a minority of the members of this Congress on the lives of all Americans on matters that concern their personal lives, their family relations, and their very identity.

TENTH AMENDMENT

The 10th Amendment states: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' The individual states need to have the ability to differ with the Federal Government in an area that relates to what goes on in the homes of individuals.

EQUAL PROTECTION OF THE LAW

Gay and lesbian Americans are American citizens who pay taxes and protect our communities as fire fighters, police officers, and by serving in the military, and therefore desire the same rights and protections as other Americans.

Denying gay and lesbian couples the right to marry amounts to a federal taking—legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy. It should never be our job to restrict the rights of the American people—only to extend them. This amendment would write discrimination into our Constitution.

As Members of Congress with the authorities vested in us as a body, we have a responsibility to deal with issues that need attention. There is no emergent need relating to individual well-being, national security, or any other government interest that warrants a constitutional amendment for this purpose. This is a waste of the taxpayers' dollars. This Amendment takes away existing legal protections, under state and local laws, for committed, long-term couples, such as hospital visitation rights, inheritance rights, pension benefits, and health insurance coverage among others.

Under current law, marriage is a decision of the state. As marriage was initially tied to property rights, this has historically always been a local issue. The state gives us a marriage license, determines a couples' tax bracket and authorizes its divorce. It does not need additional control over the situation. Religious conceptions of marriage are sacrosanct and should remain so, but how a state decides to dole out hospital visitation rights or insurance benefits should be a matter of state law. As legal relationships change, laws adapt accordingly.

Matters of great importance, such as marriage, need to reflect the will of the people and be resolved within the democratic process. By having Congress give the states restrictions initially, we are denying them the chance to let their constituents decide what is best for them. We cannot use the Constitution as a bullhorn to dictate social policy from Washington.

Furthermore, any law determining who may or may not marry denies religious institutions the right to decide this amongst themselves and is therefore a denial of the religious freedoms that we treasure so dearly.

Leading civil rights and religious organizations across the Nation have expressed their opposition to this amendment. Among them are: the Anti-Defamation League; the Alliance of Baptists; the American Civil Liberties Union; the League of Women Voters of the United States; the American Jewish Committee; the NAACP; and many more.

I have here in my hand a letter to Representatives HASTERT and PELOSI, signed by over 2,500 members of the clergy in our Nation. They come from different faiths and backgrounds, and may disagree on many things, but they all oppose this amendment.

This proposed amendment will forever write discrimination into the U.S. Constitution rather than focusing on the crucial problems and challenges that affect the lives of all of us. It is nothing more than a political distraction for the country to divert attention from the overabundance of real problems and our tremendous lack of effective solutions.

VIOLATION OF PRIVACY

Our civil liberties are based upon the fundamental premise that each individual has a right to privacy, to be free from governmental interference in the most personal, private areas of one's life. Deciding when and whether to have children is one of those areas. Marriage is another.

In 1965 the Supreme Court ruled in Griswold v. Connecticut that a married couple had the right to use birth control. In doing so, the Court recognized a ''zone of privacy'' implicit in various provisions of the Constitution. Most recently, the Supreme Court struck down a law criminalizing sex between same-sex couples in Lawrence v. Texas based upon these same principles.

Indeed, Lawrence relied principally on Griswold, Eisenstadt and Roe v. Wade. Collectively, these decisions recognize the fundamental principle that the Constitution protects individuals' decisions about marriage, procreation, contraception and family relationships. The issues are inextricably linked—in law as well as policy.

THERE IS NO VALID NEED TO AMEND THE CONSTITUTION

Amending the Constitution is a radical act that should only be undertaken to address great public-policy needs. Since the adoption of the Bill of Rights, in 1791, the Constitution has been amended only 17 times. Moreover, the Constitution should be amended only to protect and expand, not limit, individual freedoms. By contrast, the Marriage Protection Amendment is an attempt to restrict liberties, and on a discriminatory basis.

DEFENSE OF MARRIAGE ACT ALREADY EXISTS

The Defense of Marriage Act, which President Bill Clinton signed into law in 1996, already exists and recognizes marriage as a heterosexual union for purposes of federal law only. DOMA was designed to provide individual states individual autonomy in deciding how to recognize marriage and other unions within their borders. This allowed legislators the latitude to decide how to deal with marriage rights themselves, while simultaneously stating that no state could force another to recognize marriage of same sex couples. For those who want to take a stance on marriage alone, DOMA should quell their fears. We do not need additional, far reaching legislation.

MPA WILL NOT CHANGE VIEWS ON SAME SEX MARRIAGE

The Federal government cannot use its influence to change people's minds about a social issue. It did not work in the 1920s when the 18th amendment declared alcohol to be illegal and it did not work in the 1960s when interracial marriage was still considered a crime. This amendment will not change the lives of those who want to live as a married couple; all it will do is take away their license to do so.

THIS WILL CLOG THE JUDICIAL SYSTEM

The MPA is a lawyer's dream and a judge's nightmare. The number of cases that will flood

the system will be outlandish. Does the MPA retroactively invalidate all marriages that have occurred in the interim? If a spouse has died, how does the retroactive annulment effect custody of the children, or property rights? There will be a litany of case law brought out to deal with these questions, and our judicial system will be filled with cases trying to sort out the lasting effects of the MPA.

THIS IS LIKELY TO FAIL

Amending the constitution is not a simple thing, and should be done with care and caution over a longer period of time. Our haste in this matter will be the tragic flaw of the MPA's journey. Recent polls show that a majority of people who oppose gay marriage also oppose amending the constitution to ban them. In addition, this amendment has already been considered in the Senate and was rejected.

MPA DOES NOT HELP FAMILIES

Many of my colleagues are arguing that the MPA is here to protect the family. Spending time and resources to amend the constitution to prevent gay marriages is not helping a single family. Divorce, abuse, unwed motherhood, and unemployment are doing far more harm to millions of families everywhere. To those who are taking up the cause to protect American families, perhaps your attention could be focused elsewhere on the problems which are truly plaguing them.

The vocal proponents of the MPA show their strong and willful hatred of the gay and lesbian community. This egregious amendment would enshrine discrimination against a specific group of citizens and intolerance of specific religious beliefs into our Nation's most sacred document. The fight for equality is uniquely woven into our Nation's history. From the suffrage movement, to the civil rights movement, to the gay rights movement, minorities in this country have worked tirelessly to achieve the equal rights guaranteed to all.

THE LEGAL INCIDENT OF MARRIAGE WARRANTS A LICENSE

Marriage provides a multitude of critical protections to same sex couples and their children. These legal incidents include rights related to: group insurance; victim's compensation; worker's compensation; durable powers of attorney; family leave benefits; and a joint tax return.

These benefits are necessary for families to function. If "marriage" is truly a license that extends rights, it should not be denied to one group of people—otherwise, this body will be guilty of legislating in violation of the Equal Protections Clause of the Constitution.

Mr. Speaker, again, I urge my colleagues to defeat this resolution.

Mr. KINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, if I could just respond to the question of federalism.

There is a mistake on this floor when people are talking about this being a violation of federalism. Federalism, properly understood, is a check on the power of the Federal Government by the State government and vice versa.

The reason why the federalism issue does not apply here is because marriage and the family is likewise an institution, although a private one, which provides a countervailing source of power vis-a-vis the government, and there are lot of arguments on the floor. It is too bad we do not have a lot more time to talk about it.

The simple question, though, is are we going to fundamentally change the definition of marriage, understood in this country since its founding, and allow a preferential status for marriage properly understood? That is what we are really talking about. It is not discrimination. It is the question of whether you allow the traditional form of marriage to be given preferential status.

Those that argue against this amendment do not want that to be the case anymore. They are the ones that are overturning history and overturning the way things have been done for several hundred years in this country and thousands of years in this culture.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Federalism is the division of power between the Federal Government and the States. Family law, marriage, divorce have always been a matter for the States. This amendment attempts to seize it for the Federal Government. That is a major change in federalism, whatever the gentleman from California may say.

It is most certainly an issue of federalism because the Federal Government has never before gotten into the definition of marriage or divorce or any of those things. It has always been left to the States until this amendment.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my friend from New York, and Mr. Speaker, I rise to oppose this resolution.

Mr. Speaker, this is not the grave crisis that a constitutional amendment demands. I will tell you what the grave crises are that we should be spending our time on.

North Korea tested a ballistic missile last week. We are still waiting for a strategy for success in Iraq. Gas prices are skyrocketing. War is erupting in the Middle East. And Congress wants the American people to believe that same-sex marriages are the gravest threat to their security.

We need to be focusing on issues of true security and safety for the American people and not on rhetorical devices that have no substantive meaning, because the other body already defeated it.

Mr. Speaker, I spent all morning this morning at the National Defense University participating in a military exercise with respect to Iran's development of nuclear weapons. I spent my time trying to figure out how we are going to protect the American people from that threat, and then I come to the floor of the House, and we waste time debating how we are going to protect the American people from same-sex marriages when we cannot even amend the Constitution in this session of Congress.

If we spent more time trying to hunt down Osama bin Laden and less time trying to hunt down people in marriages that we find objectionable, we would all be safer.

Now, I have a deep respect for my colleagues on the other side of the aisle and on the other side of this issue, but I would suggest that the American people want us focused on real security and real safety.

Mr. KINGSTON. Mr. Speaker, if I can ask the gentleman from New York, I have one more speaker. Then we are ready to close.

Mr. NADLER. I will yield to Ms. JACKSON-LEE for a unanimous consent request, and then you have your speaker, and I will close for my side and you close for yours. Let me ask how much time we have left at this point.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from New York (Mr. NADLER) has 3 minutes remaining. The gentleman from Georgia (Mr. KINGSTON) has 4¼ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I insert into the RECORD at this point the Clergy for Fairness, Religious Leaders Opposed to the Federal Marriage Amendment, that shows the standing of the religious community of America. It is entitled: "We, the People."

CLERGY FOR FAIRNESS,
Washington, DC, July 7, 2006.

Rep. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.
Rep NANCY PELOSI,
House Minority Leader,
Washington, DC.

DEAR REP. HASTERT AND REP. PELOSI: As clergy from a broad spectrum of religious traditions we hold diverse views regarding marriage. However, we are united in our opposition to amending the U.S. Constitution to define marriage.

The Marriage Protection Amendment raises alarming constitutional concerns. We do not favor using the constitutional amendment process to resolve the divisive issues of the moment. Loading down the Constitution with such amendments weakens the enormous influence it holds as the key document that binds our nation together.

We are concerned that the Marriage Protection Amendment would mark the first time in history that an amendment to the Constitution would restrict the civil rights of an entire group of Americans. Misusing our nation's most cherished document for this purpose would tarnish our proud tradition of expanding citizens' rights by Constitutional amendment, a tradition long supported by America's faith communities. These concerns alone merit rejection of the Marriage Protection Amendment.

We also share a serious concern that the proposed Marriage Protection Amendment would infringe on religious liberty.

Thoughtful people of faith can and do disagree on the issue of marriage. America's many religious traditions reflect this diversity of opinion, as do we who sign this letter.

But we respect the right of each religious group to decide, based on its own religious teachings, whether or not to sanction marriage of same-sex couples. It is surely not the federal government's role to prefer one religious definition of marriage over another, much less to codify such a preference in the Constitution. To the contrary: the great contribution of our Constitution is to ensure religious liberty for all.

Some argue that a constitutional amendment is necessary to ensure that clergy and faith groups will never be forced to recognize marriages of same-sex couples against their will. This argument is unfounded. Such coercion is already expressly forbidden by the First Amendment's ''establishment'' clause, its guarantee of the right to ''free exercise'' of religion, and the Supreme Court's doctrine of religious autonomy that is rooted in both religion clauses. These, and only these, are all the protection of religious autonomy—and of religious marriage—our nation needs.

Our nation's founders adopted the First Amendment precisely because they understood the dangers of allowing government to have control over religious doctrine and decisions. It is this commitment to religious freedom that has allowed religious practice and pluralism to flourish in America as nowhere else. If this freedom is to be maintained, we must respect the rights of faith communities to apply their own religious teachings and values to the issue of same-sex relationships. It is surely not the business of politicians to assert control over the doctrine and practice of our faith communities.

The Marriage Protection Amendment would dignify discrimination and undermine religious liberty. America's religious communities do not support this amendment. As leaders of these communities, we urge you to vote against any attempt to pass this Amendment.

Respectfully,

Rev. Richard K. Heacock, Jr., United Methodist, Fairbanks, AK.

Rev. Janice A. Hotze, Episcopal, St. Michael and All Angels, Haines, AK.

Rev. Dale Kelley, Christian Church (Disciples of Christ), Unalaska, AK.

Rev. Robert Thomas, Jr., Episcopal, St. Peter's, Seward, AK.

Rev. Diana Jordan Allende, Unitarian Universalist, Auburn UU Fellowship, Auburn, AL.

Rabbi Jeffrey Ballon, Jewish, Bnai Shalom, Huntsville, AL.

The Rev. James Creasy, Episcopal, Opelika, AL.

Rev. Peter M. Horn, Episcopal, Vestavia Hills, AL.

Mr. Steven T. Karnes, Jewish, Kingdom Of Yahwey Assembly, Phenix City, AL.

Rev. Ruth B. LaMonte, Episcopal, Trinity Church, Birmingham, AL.

Rev. Lynette Lanphere, Episcopalian, Leeds, AL.

Rev. Elizabeth L. O'Neill, Presbyterian, Immanuel PCUSA, Montgomery, AL.

Rev. Marjorie F. Ragona, Metropolitan Community Churches, Bethel, Birmingham, AL.

Rev. Mary C. Robert, Episcopal, All Saints, Mobile, AL.

Rev. Alice I. Syltie, Unitarian Universalist, UU Church of Huntsville Alabama, Huntsville, AL.

Rev. Jack Zylman, Unitarian Universalist Church of Birmingham, Birmingham, AL.

Pastor Robert Anderson, Lutheran, Hot Springs Village, AR.

Rev. Alma T. Beck, Episcopal, St. Michael's Episcopal Church, Little Rock, AR.

Rev. Sharon M. Coote, Christian Church (Disciples of Christ), Pulaski Heights Christian Church, Little Rock, AR.

Rev. Stephen J. Copley, Mr. United Methodist Church, North Little Rock, AR.

Rev. Gerald G. Crawford, II, Episcopal, St. Mark's, Crossett, AR.

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Rev. Dr. Raymond Hearn, Presbyterian, Hot Springs Village, AR.

Rev. Robert Klein, Unitarian Universalist, Unitarian Universalist Church of Little Rock, Little Rock, AR.

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Rev. Betty Grace McCollum, Unitarian Universalist, Emerson, AR.

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Rev. Donna L. Rountree, Christian Church (Disciples of Christ), Scott, AR.

Rev. Anne Russ, PCUSA, Grace Presbyterian, Little Rock, AR.

Rev. Dan R. Thornhill, Christian Church (Disciples of Christ), Parkview Christian Church (Disciples of Christ), Little Rock, AR.

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Rev. Leslie S. Argueta-Vogel, Presbyterian (USA), Phoenix, AZ.

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The Rev. Robert Harvey, Episcopal, Tucson, AZ.

Rev. William H. Jacobs, Disciples of Christ, First Christian Church of Mesa, AZ, Tempe, AZ.

Rev. Dawn E. Keller, ELCA, Tucson, AZ.

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Rev. John Anderson, Presbyterian, San Francisco, CA.

Rev. Charlotte L. Asher, United Church of Christ, Redwood City, Redwood City, CA.

Rev. Joy Atkinson, Unitarian Universalist, Berkeley, CA.

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Rev. Susan Bergmans, Episcopal, San Pablo, CA.

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Rev. Nancy S. DeNero, UCC, Mount Hollywood Congregational UCC, Pasadena, CA.
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Rev. H. James Hopkins, American Baptist, Lakeshore Avenue Baptist Church, Oakland, CA.
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Rev. Thomas B. Hubbard, Episcopal, Claremont, CA.
Rev. Joan G. Huff, Presbyterian Church (USA), 7th Avenue Presbyterian Church, San Francisco, CA.
Rev. Bill Hutchinson, United Church of Christ, Sonoma, CA.
Rev. Scott T. Imler, United Methodist Church, Crescent Heights UMC, West Hollywood, CA.
Rev. Rebecca Irelan, United Methodist, Novato UMC, Novato, CA.
Rev. Steve C. Islander, United Methodist, Estero Bay UMC, Atascadero, CA.
Rabbi Steven Jacobs, Jewish, Woodland Hills, CA.
Rev. Mark J. Jaufmann, Ecumenical Catholic, St. Andrew & St. Paul Ecumenical Catholic, Community, Woodland Hills, CA.
Rev. Bryan Jessup, Unitarian Universalist, Fresno California, Fresno, CA.
Rev. Beth A. Johnson, Unitarian Universalist, Palomar Unitarian Universalist Fellowship, Vista, CA.
Rev. Jay E. Johnson, PhD, Episcopal, Church of the Good Shepherd, Berkeley, Richmond, CA.
Rev. Kevin A. Johnson, UCC and Methodist, Bloom in the Desert Ministries, Palm Springs, CA.
Rev. Allan B. Jones, United Methodist, Christ Church United Methodist, Santa Rosa, CA.
Rev. Nancy Palmer Jones, Unitarian Universalist, First Unitarian Church of San Jose, San Jose, CA.
Rev. Robert Angus Jones, Methodist, Oakland, CA.
Rev. Sally J. Juarez, PCUSA, Oakland, CA.
Rabbi Yoel Kahn, Jewish, JCCSF, San Francisco, CA,
Rev. Sheila M. Kane, United Methodist, Riverside, CA.
Evan Kent, Jewish, Temple Isaiah, Los Angeles, CA.
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Rev. Peter Laarman, United Church of Christ, Los Angeles, CA.
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Rabbi Howard Laibson, Jewish, Seal Beach, CA.
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Rev. Joseph A. Lane, Episcopal, Good Shepherd Episcopal Church, Belmont, CA.
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Rev. John L Levy, Religious Science, Palm Springs, CA.
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Rev. Steven E Meineke, UCC, Solana Beach, CA.
Rabbi Norman Mendel, Jewish, San Luis Obispo, CA.
Rev. Barbara Meyers, Unitarian Universalist, Mission Peak Unitarian Universalist Congregation, Fremont, CA.
Rev. Eleanor Meyers, United Church of Christ, Claremont, CA.
Rev. Ralph Midtlyng, ELCA, All Saints Ev. Lutheran, Granada Hills, CA.
Rev. Rosamonde Miller, Gnostic, Palo Alto, CA.
Rev. John S Millspaugh, Unitarian Universalist, Tapestry, a Unitarian Universalist Congregation, Mission Viejo, CA.
Rev. Clair E Mitchell, United Methodist, Westwood—LA, CA, Los Angeles, CA.
Rev. Dr. Rick Mitchell, Disciples of Christ, Concord, CA.
Rev. Douglas J. Monroe, United Methodist, 1st UMC of Napa, Napa, CA.
Rev. Richard O. Moore, United Church of Christ, Claremont, CA.
Rev. Ronald S. Moore, Lutheran, San Leandro, CA.
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Rev. Kathleen France O'Leary, United Methodist, Arcata UMC, McKinleyville, CA.
Rev. G. Kathleen Owens, Unitarian Universalist, Pasadena, CA.
Rev. Susan Parsley, Christian, Disciples of Christ, San Francisco, CA.
Rev. Larry Patten, United Methodist, Wesley United Methodist, Fresno, CA.
Rev. Fhyre Phoenix, Universal Life Church, Arcata, CA.
Rev. Giovanna Piazza, Ecumenical Catholic, Sophia Spirit, Santa Ana, CA.
Rev. Gayle Pickrell, United Methodist, Christ Church UMC, Santa Rosa, CA.
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Rabbi John Rosove, Judaism, Temple Israel of Hollywood, Los Angeles, CA.
Rev. Kathleen D. Ross Bradford, Episcopal, St. Alban's, Antioch, CA.
Rev. Carol S. Rudisill, Unitarian Universalist, Sierra Madre, CA.
Rev. Dr. Victoria Rue, Roman Catholic, Watsonville, CA.
Rev. Diane B. Russell, Religious Science, Bonita, Chula Vista, CA.
Rev. Susan L. Russell, Episcopal, All Saints Church, Pasadena, Pasadena, CA.
Rev. Kenneth Ryan-King, Episcopalian, San Jorge, Oakland, CA.
Rev. Franklin D. Sablan, United Methodist, Wilshire UMC, Los Angeles, CA.
Rabbi Joseph Baruch Sacks, Conservative Judaism, Congregation Beth Shalom of Corona, Los Angeles, CA.
Rev. Katherine Salinaro, Episcopal, Hercules, CA.
Rev. Blythe Sawyer, UCC, UCC Petaluma, Petaluma, CA.
Rev. Maxine S. Schiltz, Religious Science, Lancaster, CA.
Rev. David F. Schlicher, UCC, College Community Congregational Church UCC, Fresno, CA.
Rev. Rick Schlosser, United Methodist, Clearlake Oaks Community UMC, Sacramento, CA.
Rev. Kathryn M. Schreiber, UCC, United Church of Hayward, UCC, Hayward, CA.
Rev. Craig Scott, Unitarian Universalist, Berkeley, CA.
Rabbi Judith A. Seid, Jewish, Tri-Valley Cultural Jews-CSJO, Pleasanton, CA.
Rabbi Richard Shapiro, Jewish-Reform, Temple Sinai, Rancho Mirage, CA.
Rev. Andy Shelton, Community of Christ, Novato, CA.
Rabbi John M. Sherwood, Jewish, Temple Beth Torah, Oxnard, CA.
Rev. John L. Shriver, Presbyterian, Walnut Creek, CA.
Rev. Linda Siddall, Religious Science, San Mateo, CA.
Rev. Grace H. Simons, Unitarian Universalist, UU Fellowship of Stanislaus County, Modesto, CA.
Fr. Duane Lynn Sisson, Episcopalian, St. Giles, Oakland, CA.
Rev. David A. Smiley, Disciples of Christ, San Luis Obispo, CA.
Rev. Channing Smith, Episcopal, Transfiguration Episcopal Church, Belmont, CA.
Fr. Richard L. Smith, Ph.D., Episcopal, St. John the Evangelist, San Francisco, CA.
Rev. Stanley A. Smith, Protestant, Carmel, CA.
Rev. Dr. Ronald Sparks, United Church of Christ, Community Church, California City, CA.
The Rev. Jeffrey Spencer, United Church of Christ, Niles Congregational UCC, Fremont, CA.
Rev. Terry C. Springstead, Mar Thoma Orthodox Catholic Church, Ridgecrest, CA.
Rev. Betty R. Stapleford, Unitarian Universalist, Conejo Valley UU Fellowship, Thousand Oaks, CA.
Rabbi David E. S. Stein, Jewish, Redondo Beach, CA.
Rabbi Stephen Julius Stein, Jewish, Wilshire Boulevd Temple, Los Angeles, CA.
Rabbi Gershon Steinberg-Caudill, Jewish, Ohr Shekinah Havurah, El Cerrito, CA.
Rabbi Ronald Stern, Jewish, Stephen S. Wise Temple, Los Angeles, CA.
Rev. Robert Stewart, Presbyterian (USA), San Francisco, CA.
The Rev. B.J. Stiles, United Methodist, Cal-Nev UMC Conference, San Francisco, CA.
Rev. Jerald Stinson, United Church of Christ, First Congregational Church of Long Beach, CA, Long Beach, CA.
Rev. Janine C. Stock, Independent Catholic, All Saints Parish, Carlsbad, CA.
Rev. Roger D. Straw, United Church of Christ, Benicia, CA.
Rev. Susan M. Strouse, Lutheran, First United Lutheran, Berkeley, CA.
Rev. Rexford J. Styzens, Unitarian Universalist, Long Beach, CA.
Rev. Gerald V. Summers, United Methodist, Chico, CA.
Rev. Neil A. Tadken, Episcopal, St. James' Church, L.A., West Hollywood, CA.
Msr. Suzanne Tavernetti, Episcopal, King City, CA.
Rev. Richard E. Taylor, Ph.D., American Baptist, Eureka, CA.
Rev. Wendy J. Taylor, United Church of Christ, San Mateo, CA.
Rev. Neil G. Thomas, Metropolitan Community Churches, Metropolitan Community Church Los Angeles, West Hollywood, CA.
Rev. Janelle L. Tibbetts, PCUSA, Burbank, CA.
Rev. Harold A. Tillinghast, United Methodist, Eureka, CA.
Rev. Dr. Lynn Ungat, Unitarian Universalist, Church of the Larger Fellowship, Castro Valley, CA.
Rev. Valerie A. Valle, Ph.D., Episcopalian, St. Alban's, Brentwood, Brentwood, CA.
Rev. Clyde Vaughn, United Methodist, Aptos, California, Aptos, CA.
Rev. Felix C. Villanueva, UCC, UCC La Mesa, La Mesa, CA.
Rev. Joseph Walters, Christian Church (Disciples of Christ), First Christian Church, Fremont, CA.
Rev. Mary Walton, United Methodist Church, Long Beach, CA.
Rabbi Martin Weiner, Reform Judaism, Sherith Israel, San Francisco, CA.
Rev. S. Kay Wellington, UCC, Benicia Community, Concord, CA.
Rev. Faith Whitmore, United Methodist, St. Mark's UMC, Sacramento, CA.
Rev. Bets Wienecke, Unitarian Universalist, Carpinteria, CA.
Rev. Ned Wight, Unitarian Universalist, La Mesa, CA.
Rev. Karen L. Wiklund, Universal Life Church, Lompoc, CA.
Rev. Warren R. Wilcox, United Church of Christ, Grover Beach, CA.
Rev. Lee E. Williamson, United Methodist, California-Nevada Conference, Hayward, CA.
Rev. Dr. Kimberly Willis, United-Methodist, Bakersfield, CA.
Rev. Paul D. Wolkovits, Roman Catholic, Los Angeles, CA.
Rev. Mark Zangrando, Catholic, Jesuit, West Hollywood, CA.
Rev. Oberon Zell, Church of All Worlds, Cotati, CA.
Rev. David Zollars, Presbyterian, Comm. Pres. Pittsburg, Pittsburg, CA.
Rabbi Laurie Coskey, Reform Judaism, San Diego, CA.
Pastor Janice Adams, Presbyterian, Calvary Presbyterian, Bayfield, CO.
Rev. George C. Anastos, United Church of Christ, First Plymouth Congregational Church, Englewood, CO.

Rev. Richard Baer, Buddhist, The Open Circle, Littleton, CO.

Rabbi Eliot Baskin, Jewish, Har Shalom, Greenwood Village, CO.

Rev. Bonnie L. Benda, United Methodist, Cameron, Denver, CO.

Rev. Sharon A. Benton, Christian, Plymouth Congregational Church, Fort Collins, CO.

Rev. John P. Blinn, United Methodist, Pueblo, CO.

Rev. Nelson Bock, Lutheran (ELCA), Our Savior's Lutheran, Denver, Denver CO.

Rev. Rebecca Booher, Interfaith/Unitarian Universalist, UU Church of Pueblo, Pueblo, CO.

Rabbi Stephen Booth-Nadav, Reconstructionist/Jewish, Bnai Havurah:CJRF, Denver, CO.

Rev. Betty J. Bradford, United Methodist, Denver, CO.

Rev. Patrick Bruns, United Methodist, Brentwood United Methodist Church, Denver, CO.

Rev. Russell V. Butler, United Methodist, Arvada United Methodist, Arvada, CO.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I might consume.

(Mr. KINGSTON asked and was given permission to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I also will submit into the RECORD at this point some groups who want to go on the record as being in support of this.

COALITIONS FOR AMERICA,
Washington, DC, July 17, 2006.

DEAR REPRESENTATIVE, I want you to know that I am in fu11 support of your efforts and appreciate your leadership role in helping to defend traditional marriage by sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman.

As a conservative, amending the Constitution is not something I or others should take lightly, but with the continuous assault from the left on traditional marriage ''day in and day out'' it is an issue that must be addressed, I believe, by amending the Constitution.

Sincerely,

PAUL M. WEYRICH,
National Chairman.

POSITION STATEMENT OF FOCUS ON THE FAMILY ON THE MARRIAGE PROTECTION AMENDMENT, H.J. RES. 88

Marriage is a sacred, legal, and social union ordained by God to be a lifelong exclusive relationship between one man and one woman. Focus on the Family holds this institution in the highest esteem, and strongly opposes any legal sanction of marriage counterfeits, such as the legalization of same-sex ''marriage.'' History, nature, social science, anthropology, religion, and theology all coalesce in vigorous support of traditional marriage as it has always been understood: a lifelong union of male and female for the purpose of creating stable families.

The Marriage Protection Amendment is necessary to protect the institution of marriage. To date, three courts have overturned state marriage protection amendments and in one state—Massachusetts—judicial fiat has forced the state to issue same-sex ''marriage'' licenses. Currently, ten states face challenges to their marriage protection laws. Just one such lawsuit needs to reach the Supreme Court before marriage is redefined for all Americans.

A plethora of federal and state law including tax law, employment law, social security, wills and estates, depend on a foundational definition of marriage for proper application. Without a national definition of marriage upheld in the Constitution, consistent administration of law will soon be impossible.

Due to the foundational importance of marriage in American society it must be defined nationally. The only question is, Who will define marriage? Will it be tyrannical judges acting through the courts to write a radical new definition of marriage or the American people, acting through their elected legislators to pass a Marriage Protection Amendment? We believe the people should decide.

Focus on the Family calls on all Members of Congress to cosponsor and vote in support of the Marriage Protection Amendment, H.J. Res. 88.

CENTER FOR RECLAIMING AMERICA FOR CHRIST,
Fort Lauderdale, FL, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR MRS. MUSGRAVE: We firmly believe that marriage is more than a private emotional relationship. It is for the common good of society that marriage remains exclusively the union of a man and a woman.

We agree that the Constitutional amendment process is a fair and democratic way of putting this important question back in the hands of the American people rather than in the hands of a number of unelected judges, whose bias leads them to redefine marriage contrary to its basic meaning and structure.

Respectfully submitted,

Dr. GARY L. CASS,
Executive Director,
Center for Reclaiming America.

AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS,
Chattanooga, TN, July 14, 2006.

DEAR CONGRESSMAN: Multiple studies have shown that children are healthier when they have both a mom and a dad married to each other. Risks such as physical abuse, verbal abuse, and poverty decrease when children live in a family with a mother and a father. To intentionally increase a child's risk of abuse by depriving him/her of a natural family structure is unconscionable. A federal marriage amendment will protect this family structure, and thereby protect the institution that is foundational to our strong society.

Despite the overwhelming support of Americans for the protection of marriage, a few judges are taking liberties to change the definition of marriage through the courts. As President Bush said, ''After more than two centuries of American Jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization.'' The Founders did not intend for the Judiciary to overrule the will of the people by judicial fiat, especially when that will extends to preserving a sacred and essential institution of our society.

The American Association of Christian Schools urges you to join your colleagues in supporting and voting for a Federal Constitutional Amendment that protects marriage.

Yours for the children,

KEITH WIEBE,
President.

AMERICAN VALUES,
Arlington, VA.

DEAR REPRESENTATIVE MUSGRAVE: Thank you for your leadership in defense of traditional marriage and for sponsoring House Joint Resolution 88, a constitutional amendment to define marriage as the union of one man and one woman. While conservatives believe amending the Constitution should never be taken lightly, the Constitution's framers created an amendment process for a reason. Sometimes we must address issues that affect us all, and marriage is just such an issue.

I was encouraged to learn recently that New York's highest court upheld the legislature's right to pass laws protecting marriage, based largely on ''. . . the undisputed assumption that marriage is important to the welfare of children.'' As the court stated, ''. . . The Legislature could rationally believe that it is better, other things being equal, for children to grow up with both a mother and a father. Intuition and experience suggest that a child benefits from having before his or her eyes, every day, living models of what both a man and woman are like.''

Today, the Eighth Circuit Court of Appeals re-instated Nebraska's popularly-enacted marriage protection amendment based on the recognition that marriage is ''rationally related to legitimate state interests.'' While this decision is good news, it also means that this case might be headed to the United States Supreme Court, which raises the stakes in the upcoming vote on House Joint Resolution 88.

I am hopeful that the House of Representatives will follow the lead of the American people and respond decisively to the threat posed by judicial activists to redefine traditional marriage. I look forward to working with you in the future on this important issue.

Sincerely,

GARY L. BAUER.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 14, 2006.

Hon. MARILYN MUSGRAVE,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MUSGRAVE: Recently Alabama, by the approval of 81 percent of the people, became the 20th state to affirm a state constitutional amendment on marriage. A total of 45 states have now passed amendments or laws prohibiting same-sex marriage. Clearly, Americans do not want to see this most basic institution open to any arrangement other than that of one man and one woman.

Unfortunately, recent court decisions have demonstrated that state constitutional amendments can be struck down at the whim of an overreaching judge. Last year, a federal judge struck down Nebraska's state marriage amendment—despite its passage by over 70 percent of voters in 2000—and more recently, a Georgia court deemed the state's marriage amendment unconstitutional—in the wake of 76 percent of voters favoring the amendment in 2004. Fortunately, the Georgia ruling has been overturned, but that case still serves as a reminder that an amendment to the U.S. Constitution is the only sure means to safeguard marriage from radical judges.

Respectfully,

RICHARD D. LAND,
President.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the marriage protection amendment, and I want to thank Congresswoman MUSGRAVE for her bravery and leadership on this critical issue.

Marriage is an honored institution in this country, and voters have consistently voiced their support for protecting traditional marriage. Many

State legislatures have already taken action and laws have been passed to establish marriage as the union of one man and one woman.

Unfortunately, we have seen activist courts taking the legislative power away from elected officials and reversing important laws and, in particular, marriage protections. Recent court decisions are threatening traditional marriage, and I might add that there are groups in this country who have made that their agenda. They want to redefine the institution of marriage in the United States, and they do not want to do it through the political process, but they want to do it through the courts; and that is why we are here today having this debate.

Our goal is to preserve the most basic fundamental unit of our society, of every society on the planet, the family. It has been consistently proven that children benefit the most from being raised in a home with a father and a mother present. Some people argue that traditional marriages and families are failing anyway and they are not worth protecting. I say if children are benefiting from traditional families, we always must fight. It is always worth protecting.

This is why I stand today, urging my colleagues to support this important amendment. This issue will not go away, and that is about protecting the clergy so that they can marry men and women and not be forced by courts to do something other than what they want to do.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there have been a number of points made in this debate today with doubtful validity. We are told we should pass this amendment to protect marriage. But against what threat? If Henry and Steve want to get married, maybe that is a good idea, maybe it is a bad idea, but it does not threaten the marriage of anyone else, of any man or woman who wants to get married. It does not affect them in any way. Divorce is a threat. Some of our other threats are threats, but gay marriage is not a threat to a straight marriage.

We are told we have to protect children, but children are already in the custody of straight people, of gay people, of gay couples, of individuals. If we want to protect children, we should give a legal basis to the partnership of the two people who have custody of them. Now, we are not saying that it might not be preferable to have a traditional custody arrangement, maybe it is, but this does not affect that in any way.

Nor do we say because we want to protect children that we prohibit elderly couples from getting married or sterile couples from getting married because procreation is the purpose of marriage. So this is a red herring.

We had a whole religious discussion. The fact is churches can define marriage in their point of view, any way they want. We are not telling a church you must consider this couple married from a religious point of view. We are not telling the church how to define the sacrament. We are talking about civil marriage, and churches can do what they want and regard as married whom they want, but we are talking about what the government recognizes.

We are also told that this is to protect marriage, but the amendment talks about not only marriage by, but the incidents thereof, to clearly prohibit specific rights that a State may choose to give to a gay couple, the right of inheritance, a right of visitation when one is sick in the hospital. Why should we tell the States they cannot do that at their wisdom?

We are told always by the other side of the aisle that we should protect the rights of States, but as I said a few moments ago, family law, the marriage law, divorce law, visitation law, child custody law have always been a matter for the States. Why are we preempting those State laws?

We are told we are preempting unelected judges, that that amendment is an amendment to the Constitution of the United States, that it would preempt not just judges elected or appointed. It would preempt the State legislative action; it would preempt action by the people in a referendum. That is not democratic, with a small D.

This, Mr. Speaker, is a political stunt. It is a political stunt at the expense of a minority, of an unpopular minority. That is all it is. We know it is not going to pass. We know the Senate already rejected it. So this is just a political stunt.

I appeal to my colleagues, vote ''no'' on this amendment. Leave family law where it always has been, with the State, and do not desecrate our Constitution, do not desecrate our most sacred document, our civil religion, by inserting it into an amendment to deny a basic right to an unpopular group just because we want to make a political point at the expense of that unpopular group in an election year.

Make no mistake, that is what this amendment is. That is all it is. It does not protect marriage. It does not protect children. It just makes a political point at the expense of an unpopular group, and we should not desecrate our Constitution by so doing.

Mr. Speaker, I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I rise to close and I just want to split the time between Mr. MURPHY and Mrs. MUSGRAVE.

I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. I thank the Speaker and the Members on this as I speak in favor of this amendment.

As a person who has spent my career as a child psychologist and have dealt with many children who have struggled with many problems in families, I have seen families ripped apart by so many things that sometimes law has tried to deal with. Instead, I think over the years we have cut the strength of marriage and relationships by the law and weakened the institution. We have tried to deal with relationships with no-fault divorce, with child custody, with so many other avenues; and it has not helped.

What I do say is, yes, children may be resilient and they have been able to deal with all sorts of difficulties they have faced, but the bottom line is this: I believe very strongly children need a mother and a father in the home. They need strong relationships with men and women both, and they are the ones that I believe are part of what is preserved in this amendment and why I believe we need to support this, if anything, for the sake of those children who need this kind of support in their lifetime.

□ 1330

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 1½ minutes.

Mrs. MUSGRAVE. Mr. Speaker, I just want to say to Mr. NADLER, your statements about hospital visits and those things, that was a misstatement. That is not what this amendment does. There are State legislatures that have the authority to handle all of the benefits that you have talked about, and that is what the amendment clearly states.

I would just like to say, we can look at places like the Netherlands, where since 1997 they have had registered partnership, and gay marriage since 2001. In effect, that is probably the best place to look at what gay marriage has done. The out-of-wedlock births have escalated. The divorce rate is escalating. In fact, many people in Scandinavia don't think that marriage is even relevant today.

I would say today if marriage can mean anything, eventually marriage will mean nothing.

Within the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interest of children, it is obviously a matter of public concern. Children depend on society to create institutions to keep them from chaos. That is why we have the obligation to give special support and encouragement to an institution that is necessary to the well-being of children.

I urge my colleagues to support public policy that strengthens marriage and vote in favor of this amendment.

Marriage is for Children:

1a) In setting up the institution of marriage, society offers special support and encouragement to the men and women who together make children. Because marriage is deeply implicated in the interests of children, it is a matter of public concern. Children are helpless. They depend upon adults. Over and above their parents, children depend upon society to create institutions that keep them from chaos. Children cannot articulate their needs. Children cannot vote. Yet children are society.

They are us, and they are our future. That is why society has the right to give special support and encouragement to an institution that is necessary to the well being of children—even if that means special benefits for some, and not for others. Single people are denied the benefits of married couples, for example. But this is permitted because married parenthood is essential to society. The law has always permitted the state to give special support to critical institutions, if those institutions serve a compelling interest of society. Marriage is exactly such an institution. Marriage is designed to maximize the chances that each child will be provided with a mother and a father, in a stable family setting, during the years when children are too young to fend for themselves. To redefine marriage in such a way as to remove its essential connection to parenthood is to take away its very purpose.

(1b) Only a man and a woman have the power between them to create children. Marriage as an institution helps to turn the love of a man and a woman into an instrument for the nurture and protection of children. If we redefine fathers, mothers, and parenthood out of marriage, then this precious institution will be lost.

The European Experience With Gay Marriage:

Can it be a coincidence that Scandinavia, the region with the highest out-of-wedlock birthrates in the world, was the very first place to recognize same-sex unions? Marriage was already in serious decline in Sweden and Norway when same-sex partnerships arrived, and since that time marital decline in those countries has advanced still further. But the clearest example of the effect of same-sex marriage is the Netherlands, where they have had registered partnerships since 1997 and full gay marriage since 2001. In the Netherlands, out-of-wedlock birthrates were low until the arrival of registered partnerships and gay marriage. But since the advent of registered partnerships and same-sex marriage, the out-of-wedlock birthrate has risen faster and longer in the Netherlands than in any other west European country.

(1a) What is marriage? Marriage is society's way of supporting the men and women who together make children. Children can't fend for themselves. That's why the public has always taken an interest in marriage. By supporting the institution of marriage, the state encourages the rearing of children under the secure care of a mother and father. But what would happen if we said marriage doesn't have anything to do with mothers, fathers, and children? What would happen if we said marriage is really just about a couple of adults who love each other—whether they're men and women or not?

Well, just look at Scandinavia and Holland. Over in Scandinavia they've had various forms of same-sex partnership nearly two decades. And they've had gay marriage in Holland for several years. But marriage in Scandinavia is dying, and marriage in Holland is growing progressively weaker every year. A majority of children in Sweden and Norway are now born out-of-wedlock. In some parts of Norway, as many as eighty percent of first-born children and two-thirds of subsequent children are now born out-of-wedlock. True, much of that decline took place even before same-sex partnerships came into effect. But in both Sweden and Norway, marriage continued to decline following the introduction of same-sex partnerships. Can it be a coincidence that the region of the world where marriage has traditionally been weakest was the first place to experiment with something like same-sex marriage?

The negative effects of gay marriage on marriage are even clearer in the Netherlands. Prior to the introduction of registered partnerships and later gay marriage, Holland was known for having one of the lowest out-of-wedlock birthrates in Northern Europe. Yet out-of-wedlock birthrates have been rising at an unusually rapid rate in the Netherlands ever since registered partnerships, and then formal gay marriage, were established.

In the last decade, no other West European country has seen its out-of-wedlock birthrate rise as fast as Holland's. And there were no other major legal or social changes during the last decade that might explain Holland's rising out-of-wedlock birthrate in some other way. So it looks very likely that registered partnerships and same-sex marriage have helped to hasten the unusually rapid decline of marriage in the Netherlands.

Gay marriage has helped send a message to parents in Scandinavia and Holland that being married doesn't have much of anything to do with being a parent. Nowadays, a lot of parents in Scandinavia and Holland put off getting married until after they've had a child or two, if they don't break up first—which many do. Increasingly, parents in these countries don't get married at all anymore. If marriage is disappearing in the parts of the world that have had something like gay marriage longer than anywhere else, I don't want to take a chance on gay marriage here.

1b) Marriage is not meant solely, or even mainly, for husbands and wives. Marriage exists as a public institution because children need mothers and fathers. Once marriage is treated as a mere celebration of the love of two adults, there is no reason for it to necessarily happen before children are born instead of after. And if marriage could just as well happen after children are born, it doesn't really need to happen at all. European parents have increasingly stopped marrying because they no longer think of marriage as an institution meant to bind children to mothers and fathers. Gay marriage helps Europeans to see it that way, making them consider marriage nothing more than the expression of mutual affection between two adults. But this view translates into marrying long after children are born—if parents don't break up first. It means rising rates of family dissolution. That's what's happening in Europe. Do we want it to happen in America? That the family is the bedrock of society is more than just a cliche. In Scandinavia, where they've had de facto gay marriage for some time, marriage is dying, and a huge welfare state has taken over for parents. If the family goes here in America, then we will either have the social chaos of more crime and fatherless kids, or we will have to vastly expand our welfare state. So this issue touches on the deepest problems of governance. America's system of limited government works because the family does what the state does not. Weaken the family, and government is bound to expand to take its place. That is exactly what's happened in Scandinavia.

Responding to Critics of the Scandinavia/Holland argument:

(1) I know some folks have said that same-sex partnerships haven't had any bad effects on marriage in Europe, but I don't find their arguments convincing.

(a) For one thing, some of these folks actually deny that Europe's high out-of-wedlock birthrates are a problem at all. That's just not true. In Europe, cohabiting parents break up at two-to-three times the rate of married parents. That level of family instability is very bad for children. So the European experience actually proves that it's better when parents get married.

(b) Some folks say that marriage was in trouble in Scandinavia even before same-sex partnerships came along. Well, that's true, although in most parts of Scandinavia marriage continued to decline after same-sex partnerships came along. We all know that marriage has been in trouble for some time in America, and in many other countries, for a wide variety of reasons. But if you want to see a clear case where marriage was relatively strong, and only went into serious decline after the introduction of same-sex partnerships, just look at Holland. (See 1a in the previous section for more on Holland.)

(c) Some folks claim that the Dutch example isn't a problem because out-of-wedlock birthrates have been rising almost as rapidly in Eastern Europe as in Holland. But the decline of marriage in Eastern Europe is rooted in the economic chaos that followed the collapse of communism. The amazing thing is that a prosperous Western European country like The Netherlands is experiencing the same sort of marital decline we're seeing in countries recovering from the collapse of their entire social system.

(d) Some folks say that out-of-wedlock birthrates in Sweden haven't gone up all that much since registered partnerships came along in 1994. But they're not counting from 1987, when Sweden introduced the very first same-sex partnerships in the world. Just because these first same-sex partnerships didn't include all the rights of marriage doesn't mean that they weren't a huge legal and symbolic step. Amazingly, in 1987, at the very same time that Sweden introduced the first same-sex partnerships in the world, Sweden also granted just about all the rights of marriage to unmarried heterosexual couples. So from 1987 on, Sweden's parliament sent out a powerful message that married parenthood isn't important. Same-sex partnerships were part of that message from the start.

(e) Some folks say that marriage in Denmark hasn't suffered since they adopted same-sex partnerships in 1989. Well, it's true that the Danish out-of-wedlock birthrate hasn't risen since they adopted same-sex partnerships, like it has in Sweden, Norway, and Holland. But that's a bit misleading. Actually, the rate of unmarried parenthood has increased among young people in Denmark, who are adopting the same practice of cohabiting parenthood favored in other Scandinavian countries. But the increased rate of unmarried parenthood among young Danes has been temporarily offset by marriages among older Danes.

You see, there are virtually no housewives left in Denmark. The need to support the huge Danish welfare state forces nearly all Danish women to work. And it was only in the late 1980's and 1990's that Denmark created a parental leave policy and other changes that allowed large numbers of women to take time off of work to become mothers. That policy

change unleashed huge pent-up demand among Danish women to have children, and that led to a temporary increase in the marriage rate among older Danes. But all that time, younger Danes have been taking up the practice of unmarried parenthood that is already so popular in the rest of Scandinavia.

The Slippery Slope to Polygamy, Polyamory (Group Marriage) and Parental Cohabitation:

(1) Once we say that same-sex couples can marry, it's going to be impossible to deny that right to polygamists and believers in group marriage. After all, gay marriage is being advocated on grounds of relationship equality. So if all relationships are equal, why is group marriage forbidden? And don't think it can't happen here. We already know that there are thousands of practicing polygamists in some Western states. But did you also know that there are groups of ''polyamorists'' all over the country? Just go to the Internet and run a google search on the word ''polyamory.'' The polyamorists have already had one court case trying to gain recognition for a marriage of a woman and two men. They're just waiting for gay marriage to pass to begin agitating for legalized group marriage. And after granting gay marriage on equal protection grounds, how is a court going to deny them? There are plenty of polyamorists out there, but the problem goes further than that. We now have an advocacy group called the ''Alternatives to Marriage Project'' which supports polyamory and other innovations like parental cohabitation. The Alternatives to Marriage Project is frequently quoted in the mainstream media. And believe it or not, the most powerful faction of family law scholars in our law schools favors legal recognition of both polyamory and parental cohabitation. There are even law review articles out now advocating both. And the influential American Law Institute has even come out with proposals which would grant nearly equal legal recognition to cohabiting and married parents. If we allow marriage to be radically redefined now, we will not be able to stop these further changes.

(2) Now I know that some folks scoff at the claim that same-sex marriage could lead to polygamy. But just look at what's happened around the world in the past year or so. In Sweden, which passed the first same-sex partnership plan in the world, we've had a serious proposals floated by parties on the left to abolish marriage and legalize multi-partner unions. In the Netherlands, the first country in the world to have full and formal same-sex marriage, a man and two bisexual women signed a triple cohabitation contract. When a conservative political party asked the Dutch government to withdraw recognition from that contract, the government refused. In fact, the Dutch Justice Minister said it was actually a good thing that the law was beginning to provide support for multi-partner relationships. In Canada, two out of four reports commissioned by the last government recommended the decriminalization and regulation of polygamy. True, the revelation of those reports helped Canada's Conservative Party win the last election. But the fact remains that many of Canada's legal elites want to see the abolition of traditional marriage and official recognition for multi-partner unions.

And of course, in America we've got ''Big Love,'' a popular television show on HBO about polygamy. Even a year ago, no-one would have believed it if someone had said we'd soon have a television show with polygamists as heroes. But it's happened. And next week the BRAVO Channel is going to run a sympathetic documentary about a relationship between a woman and two bisexual men. It's called ''Three of Hearts,'' and it's already played in movie theaters across the country.

The truth is, this is only the beginning. Advocates for multi-partner unions are out there, but many of them are waiting for same-sex marriage to be legalized before they make their move to gain public acceptance. Newsweek has already said that ''polygamy activists are emerging in the wake of the gay marriage movement.'' Well, just wait till gay marriage is actually legalized. If that happens, you can bet we'll see plenty more movies and television shows along the lines of ''Big Love'' and ''Three of Hearts.'' The people on the so-called ''cutting edge'' of culture in Europe and Canada have already made it clear that multi-partner unions are their next crusade, and it's happening in America even as we speak. The only way to put a stop to it is to define marriage as the union of a man and a woman.

The Threat to Religious Freedom:

(1) It's becoming increasingly apparent that gay marriage poses a significant threat to religious liberty. Scholars on both the left and right agree that same-sex marriage has raised the specter of a massive and protracted battle over religious freedom. In states that adopt same-sex marriage, religious liberty is clearly going to lose. Gay marriage proponents argue that sexual orientation is like race, and that opponents of same-sex marriage are therefore like bigots who oppose interracial marriage. Once same-sex marriage becomes law, that understanding is likely to be controlling. Legal same-sex marriage will be taken by courts as proof that a ''public policy'' in support of same-sex marriage exists.

So in states with same-sex marriage, religiously affiliated schools, adoption agencies, psychological clinics, social workers, marital counselors, etc. will be forced to choose between going out of business and violating their own deeply held beliefs. If a religious social service agency refuses to offer counseling designed to preserve the marriage of a same-sex couple, it could lose its tax-exempt status. Religious schools would either have to tolerate conduct they believed to be sinful, or face a cut-off of federal funds. It's already happening, as we've seen with the recent withdrawal of Boston's Catholic Charities from the adoption business.

Free speech could also be under threat, as sexual-harassment-in-the-workplace principles are used by nervous corporate lawyers to draw speech prohibitions on the marriage issue. Fear of litigation will breed self-censorship. One expert predicts ''a concerted effort to take same-sex marriage from a negative right to be free of state interference to a positive entitlement to assistance by others.''

Some folks say the answer to this problem is special exemptions from the law for religious conscience. But conscience exemptions would be very difficult to enact. And in Europe, which has tried this in places, conscience exemptions are breaking down and failing to provide protection for the traditionally religious.

The lesson in all this is clear. There's a lot more at stake in the battle over same-sex marriage than the marriage issue itself, important as that is. The very ability of religiously affiliated organizations to exist and operate is under threat.

Mr. HOLT. Mr. Speaker, I rise today to oppose the Federal Marriage Amendment, H.J. Res. 88.

Just a few yards down the hall from where we are debating this discriminatory constitutional amendment today, in the Rotunda of this great Capitol, stands a bust of Dr. Martin Luther King, Jr. Every time I walk through the Rotunda, I remember Dr. King's struggle and what his life meant for me and for all Americans. For too long, the inalienable constitutional rights of all Americans were denied to many of our neighbors. As the leader of the civil rights movement, Dr. King helped secure equal rights for all Americans regardless of the color of their skin.

One of the things that Dr. King fought against were the anti-miscegenation laws that existed at some point in 49 states. These laws prohibited interracial marriage and they were still in effect in sixteen states when the Supreme Court ruled them unconstitutional in 1967 because they denied the liberty of American citizens. Legal bans on interracial marriage were defended with all the kinds of arguments used by proponents of bans on same sex marriage: They would say that interracial marriages are contrary to the laws of God or contrary to centuries of social tradition or harmful to the institution of marriage or harmful to children. Would any Member of this body now defend those bans? Those bans were discriminatory and took away the rights of American citizens—in short they were what the Constitution was designed to prohibit. No one longs for anti-miscegenation laws today. We as a nation have learned from our mistakes.

Or have we?

We remember Dr. King for what he stood for, not just for who he was. As he said, ''man is man because he is free to operate within the framework of his destiny. He is free to deliberate, to make decisions, and to choose between alternatives. He is distinguished from animals by his freedom to do evil or to do good and to walk the high road of beauty or tread the low road of ugly degeneracy.''

Today, I ask, will we do evil or will we do good? Will we keep the spirit of the Founding Fathers alive? Will we respect and honor the foundations of our constitutional government or will we chart a new course and, in the name of protecting an institution that is under no threat, shred the very premise of our Constitution.

Our Constitution is the source of our freedom in this great country. For almost 220 years, the Constitution—mankind's greatest invention—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights. The inherent wisdom of the Constitution is that it doesn't espouse a single viewpoint or ideology. Rather it protects all individuals as equal under the law.

In more than 200 years, the Constitution has been amended on only 27 occasions. With the exception of Prohibition—which was later repealed—these amendments have affirmed and expanded individual freedoms and rights. Yet, this proposed amendment threatens to lead us in a dangerous new direction. This amendment would restrict freedoms, and codify discrimination into our guiding charter.

We must think deeply about the ramifications of allowing such an amendment to be ratified. It would create a group of second-

class citizens who lack equal rights due to the private, personal choices they and their loved one have made. It would also transfer to the federal government the right to recognize marriages, a power that had previously been retained by the States.

This amendment is not only discriminatory and inhumane, it is also illogical. How does this actually protect marriage? What is it exactly about same sex marriage that is putting heterosexual marriage at risk? Do the proponents of the ban on same sex marriages want to annul all childless marriages or require all newlyweds to promise to have children? Do the proponents of this ban think for a moment that the marriage of loving people of the same sex are the case of America's high divorce rate among heterosexuals. It seems to me that other factors than this are responsible for the high divorce rate.

I certainly agree that the institution of marriage and a cohesive family unit are vital to the health of our communities and the success of our society. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance our communities. In fact, it divides our communities, and shows contempt to a minority population. Throughout history, we have only moved forward when our society has come together to build a more perfect union, not intentionally divide American against American.

No one should be denied the opportunity to choose his or her life partner. It is a basic human right. It is a deeply personal decision. Attacking gay couples who want to share lifelong obligations and responsibilities undermines the spirit of community that this amendment purports to strengthen.

In 50 years will we build a statue to honor the great advances for our society that this amendment provided, as we do for the life of Dr. King? No. In the long shadow of history, this amendment and the philosophy behind it will be remembered alongside anti-miscegenation laws as offending the spirit of America and our founding principles.

I hope that my colleagues will recognize the tremendous cost this amendment will have for our freedoms and I respectfully urge them to oppose it.

Mr. TERRY. Mr. Speaker, I rise in support of H.J. Res. 88, the Marriage Protection Amendment.

Last Friday, the 8th Circuit Court of Appeals upheld the Nebraska constitutional amendment protecting marriage between one man and one woman, and affirming the legal protections and benefits reserved to this fundamental union. The amendment was approved by an overwhelming 70 percent majority in 2000.

Nationwide, 45 states have defined marriage as the union of one man and one woman or expressly prohibited same-sex marriage. Twenty states approved constitutional amendments upholding marriage; six states will vote on an amendment in November; and eight states are considering sending constitutional amendments to voters in 2006 or 2008. The 16 states that approved constitutional amendments since 2004 did so by an average 72 percent voter majority.

Even voters in Massachusetts—the first state to have its supreme court unilaterally declare same-sex marriage as constitutional—may have the opportunity to uphold marriage. The state's high court ruled last week that legislative efforts to put a same-sex marriage ban on the 2008 ballot could move forward. Recent court rulings in New York, Tennessee and Georgia have also upheld marriage rights.

The Federal Marriage Protection Amendment under consideration today would prohibit any governmental entity—whether in the legislative, executive or judicial branch at all levels of government—from altering the definition of marriage. It does not discriminate against homosexuals; it upholds and recognizes the importance of marriage between a man and a woman for the well-being of children and society at large.

Mr. Speaker, the American people want the Marriage Protection Amendment to be approved. Their will is clearly reflected through the overwhelming majorities voting for marriage protection initiatives in the states. We have a responsibility to children and families nationwide to send a clear message today that marriage will be upheld and protected. We also have a sacred duty to future generations to preserve marriage as the fundamental building block of society.

I urge my colleagues to join me in supporting H.J. Res. 88 today.

Mr. SHAYS. Mr. Speaker, today we are debating a Constitutional amendment drafted not to protect my marriage or my family—I see no reasonable way to argue it would—but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy.

I believed back in 1996, when I voted for the Defense of Marriage Act, and I still believe today, the decision about whether to recognize gay marriage should be left to the states.

I can't help but wonder . . . Why are we doing this? What are we so afraid of?

Gay men and women pass through our lives every day. There are wonderful teachers and leaders and role models who happen to be gay and sometimes we don't even know they're gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in High School 40 years ago. I learned years later he was gay and that he had commuted from Connecticut to Washington, DC, every weekend in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day, she told us she too had found the love of her life. We were eager to meet the boyfriend she was so madly in love with, but we soon learned her love was not a he, but a she.

Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress, when I worked with a magnificent young man named Carl Brown.

He became my friend and he gave me another gay face to know. Carl has since passed away, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United Staets—which established our government, grants us free speech and gives all citizens the right to vote—should not be dishonored by this effort to write indiscrimination.

I am sensitive to some of my colleague's concerns about potential biblical and social implications of legalizing same-size marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set—or reject—such policy. That debate should happened in our state legislatures.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, the House is voting to put it back in.

I can recall just a few short years ago that there were laws inscribed in some State constitutions saying that blacks and whites could not marry. We changed that.

Today, we look back on those days, and we laugh. There will come a time when generations yet unborn will look back on this Congress, look back on this debate, and laugh at us. This is not a good day in America. This is a sad day in the House of the people.

This is unbelievable. It is unreal. I thought as a Nation and as a people we had moved so far down the road toward one family, one House, one America. To pass this legislation would be a step backward.

The institution of marriage is not begging this Congress for protection. No one is running through the halls of Congress. No one is running around this building saying protect us.

Whose marriage is threatened? Whose marriage is in danger if two people, in the privacy of their own hearts, decide they want to be committed to each other? Whose marriage is threatened? Whose marriage is in danger if we decide to recognize the dignity, the worth and humanity of all human beings?

The Constitution is a sacred document. It defines who we are as a nation and as a people. Over the years, we have tried to make it more and more inclusive. We cannot turn back. We do not want to go back. We want to go forward. Today it is gay marriage; tomorrow it will be something else.

Forget about the politics; vote your conscience. Vote with your heart, vote with your soul, vote with your gut. Do what is right and defeat this amendment.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 88, the so-called Marriage Protection Amendment, which proposes an amendment to the U.S. Constitution to ban same-sex couples from getting married or receiving any of the rights of marriage.

The right-wing political machine is churning out divisive legislation at a record pace as we get close to the election, but this is a particular low point. We can all have a good laugh at the pandering Republican majority when they claim that banning flag burning will make us more patriotic or that school prayer will prevent teenage pregnancy, but this proposal would, for the first time ever, target a specific group of Americans in our most sacred document, and permanently ban them from having equal rights under the law.

The proposed amendment not only bans marriage, but any of the ''legal incidents thereof,'' meaning that the proponents think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partner in the

hospital. I vehemently oppose this discrimination.

Oh, and I forgot to mention that this amendment has already failed once in the House and twice in the Senate, so today's vote is all a terrible waste of time. What we should be doing is passing legislation to address real problems in America today. Rather than insult a group of people as deserving of protection under law as any other, Congress should work to reduce domestic violence, provide high quality childcare to all families, and make the minimum wage a living wage. These actions would actually prevent divorce in America and strengthen our families.

Citizens of the United States are guaranteed equal treatment under the law, even if voters in red states don't like them. I urge my colleagues to vote against this nonsense.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 88, the so called Federal Marriage Amendment. This bill would turn over 200 years of State jurisprudence on its head, attempting to Federalize marriage.

This resolution is another attempt to mandate one definition of marriage upon the States. I ask my colleagues if we take away this right from the States, what's next? Where does it stop? Take away local decisions for education or child custody issues. Between the consideration of this bill and the court stripping bills that we will take up this week, it leads me to believe, Mr. Speaker, this is just another cynical political ploy by the majority during an election year.

Like Vice President CHENEY and former Representative Bob Barr, I believe the voters of each State should decide for themselves who can and cannot marry. It has always been a State function. It should remain so. To take away that right of the State to decide this issue, we endanger basic principles of the Federal system in which we live. As our Constitution so eloquently states in the Tenth Amendment of our Federal Constitution, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

Mr. Speaker, amendment of our Constitution has happened only 17 times since the Bill of Rights was passed. Some of those amendments do not look so good today. Many of those not adopted now look worse. We should not lightly tamper with the perfection, beauty and majesty of our great Constitution.

There have been no Committee hearings, no time to look at different amendment proposals, and no opportunity to have the important deliberations that should take place when amending the Constitution. We have heard nothing from our concerned citizens and from our Constitutional scholars.

The issue before us today is not whether you are for or against gay marriage. It is whether or not we should Federalize marriage and take away the right of the States to define marriage.

Now Mr. Speaker, I supported the Defense of Marriage Act and continue to do so. At this point, the Defense of Marriage Act remains the law of the land. It works. Nothing yet threatens this law. Nothing more needs to be done on this matter.

Those proposing this amendment rely on hypothetical dangers to try and push through a dramatic, but mischievous change to our Constitution. I am opposed to taking away the right of each State to have its citizenry decide how to define marriage. It seems to me too many people are meddling in this matter for political reasons. Let the States continue to decide sound public policy on this subject.

We must never rush to amend our Constitution. Mr. Speaker, I oppose this bill and ask for my colleagues to vote against this iniquitous, politically inspired, and destructive legislation.

The Constitution is not a laundry list to be amended on whim or caprice. It is a great, noble and living document, not to be trivialized by amendments which are unnecessary. This amendment is for useless political purposes and should be defeated as an affront to our great and majestic Constitution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as a proud husband and father, I value family above all else and strongly support the traditional family: the union of a man and a woman. This union is the cornerstone of our society, and plays a vital and unique role in our children's lives and in our communities.

Today, we considered H.J. Res. 88, The Marriage Protection Amendment. This legislation seeks to alter the United States Constitution—the bedrock of democracy and the basis of our Republic for 217 years—to define marriage as the union between one man and one woman. The U.S. Constitution embodies the federalist principles this country was founded on and should be held to the highest standard. It should only be altered in the most extreme circumstances. I believe opening this document to allow such a narrow definition could lead to unintended consequences in the near and far future. Our commitment to federalist principles and to this great Republic must supersede all debates of the day.

Furthermore, I strongly believe that one of the most important powers reserved to the States as a result of the 10th Amendment is the act of regulating marriage and family law. This right of States to self-determination has protected and sustained our Republic for more than 200 years.

While serving in the Florida Senate in 1997, I voted to support a statute stating that marriage is the union of one man and one woman. This statute became State law and was in response to action taken by the U.S. Congress to ensure the right of the States to define marriage.

In 1996, the U.S. Congress passed the Defense of Marriage Act, DOMA, which was subsequently signed into law. DOMA provides each State the discretion to determine whether to recognize a same-sex marriage license issued by another State. I strongly support DOMA because it protects the right of States to self-determination.

On July 22, 2004, I supported the Protection of Marriage Act which would have permitted States to reject same-sex marriages from other States without interference by Federal courts.

Since the passage of DOMA, 45 states, such as Florida, have banned gay marriage by statute or in their Constitutions, and numerous court decisions have upheld these laws. Where judicial activism has threatened traditional marriage, the people have acted to protect it, such as in the State of Massachusetts, where a ballot initiative is being circulated to overturn a court ruling allowing for same-sex marriage.

Moreover, it is my belief that the U.S. Supreme Court will ensure that States' rights and the institution of traditional marriage are upheld. Additionally, as a result of past Supreme Court decisions, exemptions have been made to the ''Full Faith and Credit Clause'' that apply to DOMA. If the Supreme Court, at any point in the future, did attempt to redefine marriage as something other than the union between one man and one woman, I want to be clear that I would determine it an extreme circumstance and would at that time advocate a Constitutional Amendment.

Congress must be diligent in its efforts not to overstep and impede on more than two centuries of a successful Republic without absolute necessity. I strongly believe that marriage should only be the union between one man and one woman, but I do not believe that the threshold for constitutional change has been reached.

Mr. KIND. Mr. Speaker, I rise to express my disappointment that this body has brought the Marriage Protection Act to the Floor at a time when American families are dealing with skyrocketing health costs, rising gas prices, and loved ones who are serving the Nation overseas. Mr. Speaker, is the matter before us today truly the most important subject for Congress to debate?

This is not to say that I believe the issue of gay marriage to be unworthy of discussion. I understand that some people firmly regard gay marriage as a civil right while others find it antithetical to their religious or moral beliefs. Reasonable people can disagree on this issue, and it is a subject which our country must continue to discuss. In America, however, the authority to grant legal status to a marriage has been a function reserved for the States, and different States have different laws regarding issues ranging from blood-testing to waiting periods before marriage.

Some, including the proponents of this bill, will argue that an amendment to the U.S. Constitution is necessary to keep one State from forcing another to accept same-sex marriages. In fact, this is not necessary because of the 1996 Defense of Marriage Law, which provides that States, U.S. territories, or Indian tribes do not have to recognize same-sex marriages granted by other States. Further, the Act defines marriage, for the purpose of Federal benefits and rules, as the legal union between one man and one woman. Therefore, the Wisconsin law which recognizes marriage as a relationship between a husband and wife is protected.

Mr. Speaker, when it comes to amending the United States Constitution, I am very conservative. Like Republican Senator CHUCK HAGEL, conservative columnist George F. Will, and the Republican author of the Defense of Marriage Act, Bob Barr, I am opposed to amending the Constitution for the purpose of outlawing gay marriage. In its 215-year history, the Constitution has been amended only 27 times, and we must not add amendments limiting rights rather than expanding them.

DICK CHENEY has stated ''With respect to my views on the issue, I stated those during the course of the 2000 campaign, that I thought when it came to the question of whether or not some sort of legal status or legal sanction were granted to a same-sex relationship that that was a matter best left to the States. That was my view then. That's my view now.'' (Scripps Howard News Service, January 9, 2004). As recently as August, 2004, Vice President DICK CHENEY, speaking

of gay marriage, affirmed that, ''marriage has historically been a relationship that has been handled by the States.'' Like Vice President CHENEY, I do not believe the U.S. Congress needs to intrude on this State issue. Because of my great respect for the Constitution, and for the Federal nature of the government which the document dictates, I oppose this resolution, and I urge my colleagues on both sides of the aisle to do the same. Because of illness, I was unable to cast my vote on today's amendment; had I been able to, I would have voted ''no.''

Mr. UDALL of Colorado. Mr. Speaker, I cannot support changing the Constitution along the lines of this proposal—so I will not vote for this resolution.

Under our federal system, there are many matters where the states have broad latitude to shape their laws and policies in ways their residents think fit, subject to the U.S. Constitution's provisions protecting individual rights. And one of those areas has been family law, including the regulation of marriage and divorce. But this amendment would change that.

Adoption of this amendment would for the first time impose a constitutional restriction on the ability of a state to define marriage. And it would do so in a way that would restrict, not protect, individual rights that now are protected in at least some states. I think this is not necessary or appropriate.

Some of the resolution's supporters say it is needed so a state whose laws ban same-sex marriages or civil unions will not be forced to recognize such marriages or unions established under another state's laws.

They say this could happen because Article IV of the Constitution requires each state to give full faith and credit to another state's public acts, records, and judicial proceedings. But my understanding is that this part of the Constitution has never been construed to require states to recognize the validity of all marriages of people from other states.

Instead, over the years various states have refused to recognize some out-of-state marriages—and the ''full faith and credit'' clause has not been used to force them to do otherwise—because marriages are not judgments but civil contracts that a state may choose to recognize as a matter of comity, not as a constitutional requirement.

As if this were not enough, in 1996 Congress passed and President Clinton signed into law the Defense of Marriage Act. That law says ''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.''

Not everyone supported that bill at the time. But it did pass, and now that law is on the books and has not been successfully challenged.

Given this history, I am not convinced that this constitutional amendment is necessary to prevent the full faith and credit clause being used to compel a state to recognize a same-sex marriage.

Moreover, when you focus on the language of the proposed amendment it becomes clear that protecting states is not its real purpose.

That purpose could be achieved by an amendment to the full faith and credit clause—perhaps by putting language along the lines of the Defense of Marriage Act into the constitution itself. But that is not what is being proposed here.

Instead, this amendment would restrict states, by establishing a single definition of marriage—the only definition that any state could recognize.

And, unlike other constitutional amendments, it would not protect individuals either. It would write into the Constitution a new limit on what legal rights they could hope to have protected by a state or the federal government.

If adopted, this amendment would restrict individual liberties instead of expanding them. So, I think it is clear the real purpose of this amendment is to lay a foundation for discrimination against some Americans on the basis of their sexual orientation. In good conscience, I cannot support that.

Mr. Speaker, no proposed constitutional amendment should be taken lightly. On the contrary, I think such proposals require very careful scrutiny and should not be adopted unless we are convinced that a change in our fundamental law is essential.

I do not think this resolution meets that test, and so I will vote against it.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.J. Res. 88, the Marriage Protection Amendment. Passage of this resolution will not protect marriage, and I am concerned it will create the opposite effect of what its proponents seek to accomplish.

Let me first state that I believe that marriage is a sacred union between one man and one woman. I strongly support the federal Defense of Marriage Act (DOMA) passed by Congress and signed into law in 1996.

Second, marriage is an issue that our Founding Fathers wisely left to the states. The Tenth Amendment to the Constitution states, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

No Congress ever has seen fit to amend the Constitution to address any issue related to marriage. No Constitutional Amendment was needed to ban polygamy or bigamy, nor was a Constitutional Amendment needed to set a uniform age of majority to ban child marriages.

So why do proponents argue that we must take this unprecedented step now to ban same-sex marriages?

They claim that without the Amendment, states will be forced to recognize same-sex marriages performed in other states. Yet the Defense of Marriage Act not only prohibits federal recognition of same-sex marriages, it allows individual states to refuse to recognize such unions performed in other states. And in the nearly 10 years that have passed since its enactment, DOMA never has been invalidated in any court in the country. The authors of DOMA took the greatest pains to write a law that is constitutional and will withstand judicial challenges.

Proponents also claim that amending the Constitution is the only way to prevent so-called activist judges from legislating matters of same-sex marriage. Yet amending the Constitution to address marriage could invite federal judicial review not only of marriage, but of divorce, child custody, inheritance, adoption, and other issues of family law. Not only would this violate the principles of federalism, it would create very bad public policy.

Mr. Speaker, no legislature in the country has established same-sex marriage in statute. In fact, 45 states, including Illinois, have adopted laws limiting marriage to one man and one woman.

I urge my colleagues to have faith in our system of government, keep marriage out of the Constitution, and allow the states to continue to exercise what is best left to them.

Mr. HERGER. Mr. Speaker, I rise in strong support of House Joint Resolution 88. Most Americans believe that marriage should be defined as the legal union of one man and one woman. But as we have seen in the past several years, attacks on marriage by unelected and unaccountable judges threaten to destroy this long-standing and widely accepted institution. I firmly believe that activist judges should not be able to overturn the marriage laws of almost every state based on bizarre legal theories. Although I believe we must be extremely careful in amending the Constitution, this is a critically important issue for our country. We must place the vital institution of marriage beyond the reach of activist courts.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to H.J. Res. 88.

Instead of spending time working on the issues that really matter to the American people, we are here debating a proposed amendment that would write discrimination into the Constitution.

We do this even after the Senate failed to pass a similar amendment.

So let's be clear, regardless of what the vote is today, this amendment is going nowhere.

This makes our time on this even more pointless.

What this debate really is about is dividing our country and riling up the base for a Republican party increasingly concerned about their election prospects this November.

And the Republican leadership is willing to trample on our Constitution in order to do so and no issue is worth paying such a price.

Instead of debating discrimination and dividing our country, why don't we spend our time working to make health care more affordable, work to lower gas prices and achieve energy independence, raise the minimum wage, cut the cost of college or work to ensure our hard-working constituents a dignified retirement?

Why is it that my Republican colleagues who talk so much about family values refuse to allow our families to earn a livable wage, refuse to fix the prescription drug program and turn their backs on our children by raising the interest rate on all student loans?

We must resist this divisive use of this House to score a few political points. We must reject this effort.

We need real leadership that will bring our country towards a new direction.

There is a new direction that our country must go in that will help American families and address the issues that impact them every single day.

Mr. MEEK of Florida. Mr. Speaker, I rise to voice my strong opposition to H.J. Res. 88, a proposed Constitutional amendment that would prohibit same sex marriages. This proposed amendment is not directed at any real problem, other than the apparent need of the Republican leadership to gin up political support for their candidates.

It is sad that the Republican leadership is not as interested as they say they are in protecting the institution of marriage as they are

in waging a campaign to divide and distract the American people from the real issues that need to be addressed. The Nation is at war in Iraq; we face crises in Iran, North Korea and Lebanon; the federal deficit is soaring out of control as more and more U.S. debt is controlled by countries like China; energy costs continue to rise and Americans wait for Congress to act to increase the minimum wage. The Republican response: wasting hours of debate on an unnecessary Constitutional amendment that had already been defeated in the Senate.

Studies have consistently shown that financial hardship is the biggest obstacle to heterosexual marriage, yet the Republican leadership has done precious little to help address the financial hardship faced by American families.

American families need job security; better child care options; national flextime policies that allow more young parents to work from home and to be with their families; better public schools; federal policies to make sure college is affordable; housing policies that promote the construction of homes that working families can afford; and health care so that no child has to go without the medical and dental treatment he or she needs.

Instead, today, we vote on an effort to single out one group of Americans, in a pointless, partisan move that does nothing to address the major challenges facing our Nation—education, the economy, energy, homeland security and the war in Iraq.

For over 200 years, our Constitution has defined our Nation and protected individual rights. It is a document of empowerment, not limitation. While the Constitution has been amended, it has been done so only to protect and expand individual liberty, not to deny it.

Americans see this amendment for what it is: a partisan waste of time, and that is why we need a new direction in Washington that would prioritize the needs of every-day working people.

Mr. Speaker, I oppose this resolution, and I call on my colleagues to join me in defeating it.

Mr. VAN HOLLEN. Mr. Speaker, I oppose this constitutional amendment to ban gay marriage. The legislation before us today is nothing more than an attempt by the Republican leadership to exploit a wedge issue that panders to their political base and diverts attention from their abysmal record of non-accomplishment and rubberstamping the incompetence of the Bush Administration.

As we get closer to the end of this Congress, we should be addressing the urgent needs of the American people—the war in Iraq, affordable health care, a sensible energy policy, quality education for our children, retirement security, and a sound and fair fiscal policy.

Whatever one's view is on same sex marriage, amending the Constitution is not the place to address this issue. The laws governing marriage fall under the domain of the states and that is where this issue should be addressed. Amendments to the Constitution have historically expanded, not diminished, the rights and liberties of the American people. We should not use the Constitution as a political tool to divide us. The American people will see through the motivations behind this amendment—to distract the American people from the failed record of the Republican leadership in the Congress.

Mr. Speaker, I urge my colleagues to work to unite the American people, address the real issues facing our Nation, and reject this amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 918, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KINGSTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 187, answered ''present'' 1, not voting 9, as follows:

[Roll No. 378]

YEAS—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—9

Brown (OH)
Davis (IL)
Evans
Hinojosa
Johnson, Sam
Kind
McKinney
Northup
Strickland

□ 1400

So (two-thirds of those voting having not responded in the affirmative) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, during rollcall vote No. 378 on July 18th I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. BROWN of Ohio. Mr. Speaker, regarding the Federal marriage amendment, I was detained coming in from the airport, missed the vote by 4 minutes, and would have voted ''nay'' on the Federal marriage amendment, rollcall 378.

Mr. STRICKLAND. Mr. Speaker, on rollcall 378, which I missed as a result of my being detained at the airport, I indicate for the RECORD that I would have voted ''nay'' had I been here for that vote.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained in meetings downtown with my constituents. Had I been present, I would have voted "nay" on rollcall 378 because I continue to believe the issue of what constitutes a marriage should be left to the states to determine. I also believe that we should not set a precedent by amending the constitution in a way that narrows the rights of individuals.

GENERAL LEAVE

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 88.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SENSE OF CONGRESS REGARDING WELFARE REFORMS

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 438) expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The Clerk read as follows:

H. CON. RES. 438

Whereas the Temporary Assistance for Needy Families (TANF) program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty;

Whereas there has been a dramatic increase in the employment of current and former welfare recipients;

Whereas the percentage of working recipients reached an all-time high in fiscal year 1999 and held steady in fiscal years 2000 and 2001;

Whereas, in fiscal year 2004, 32 percent of adult recipients were counted as meeting TANF work participation requirements, significantly above pre-reform levels;

Whereas earnings for welfare recipients remaining on the rolls also have increased significantly, as have earnings for female-headed households;

Whereas single mothers, on average, earned $13.50 per hour in 2004, almost three times the minimum wage;

Whereas the increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or current welfare recipients;

Whereas welfare dependency has plummeted;

Whereas, as of September 2005, 1,887,855 families, including 4,443,170 individuals, were receiving TANF assistance, and accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 56 percent and 61 percent, respectively, since the enactment of the TANF program;

Whereas, since the enactment of welfare reform, the number of children in the United States has grown from 69,000,000 in 1995 to 73,000,000 in 2004, which is an increase of 4,000,000, yet 1,400,000 fewer children were living in poverty in 2004 than in 1995—a 14 percent decline in overall child poverty;

Whereas the poverty rates for African-American and Hispanic children also have declined remarkably—20 percent and 28 percent, respectively, since 1995;

Whereas, as a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment;

Whereas the birth rate to teenagers declined 30 percent from its high in 1991 to 2004. The 2004 teenage birth rate of 41.2 per 1,000 women aged 15 through 19 is the lowest recorded birth rate for teenagers since 1940;

Whereas, during the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such declines also have spanned age, racial, and ethnic groups;

Whereas there has been success in lowering the birth rate for both younger and older teens;

Whereas the birth rate for those aged 15 through 17 declined 43 percent since 1991, the rate for those aged 18 and 19 declined 26 percent, and the rate for African American teens—until recently the highest—declined the most—falling 47 percent from 1991 through 2004;

Whereas, since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to over $22,000,000,000 in fiscal year 2004;

Whereas the number of paternities established or acknowledged in fiscal year 2003—over 1,600,000—includes an almost 300 percent increase in paternities established through in-hospital acknowledgement programs promoted by the 1996 welfare reforms, and there were almost 915,000 paternities established this way in 2004 compared to 324,652 in 1996;

Whereas child support collections were made in nearly 8,100,000 cases in fiscal year 2004, significantly more than the almost 4,000,000 cases in which a collection was made in 1996;

Whereas the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment, and to encourage the formation of 2-parent families;

Whereas annual Federal funding for under the new TANF block grant program have been held constant at the all-time highs set in 1995, despite unprecedented welfare caseload declines and despite the fact that States may spend as little as 75 percent as much as they spent spending under the prior AFDC program;

Whereas total welfare and child care funds available per family increased over 130 percent between 1995 and 2004, from $6,934 to $16,185;

Whereas child care expenditures have quadrupled under welfare reform, rising from $3,000,000,000 in 1995 to $12,000,000,000 in 2004;

Whereas, under the TANF program, States have enjoyed significant new flexibility in making policy choices and investment decisions best suited to the needs of their citizens;

Whereas, despite all of these successes, there is still progress to be made;

Whereas significant numbers of welfare recipients still are not engaged in employment-related activities;

Whereas, while all States have met the overall work participation rates required by law, in an average month, only 41 percent of all TANF families with an adult participated in work activities for even a single hour that was countable toward the State's work participation rate;

Whereas, in 2002, 34 percent of all births in the United States were to unmarried women;

Whereas, despite recent progress in reducing teen pregnancy in general, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically to 80 percent in 2002 from 30 percent in 1970;

Whereas the negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented;

Whereas the negative consequences include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, teen parenthood, and decreased likelihood of having an intact marriage during adulthood, and these outcomes result despite the often heroic struggles of mostly single mothers to care for their families;

Whereas there has been a dramatic rise in cohabitation as marriages have declined;

Whereas an estimated 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood;

Whereas children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families;

Whereas children who live apart from their biological fathers are, on average, more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal