

Never before in our history have we done this. In fact our former colleague, Bob Barr, who authored DOMA, said it is unnecessary and a dangerous precedent. I hope the House will reject it.

#### TAX CUTS

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

Mr. OWENS. Mr. Speaker, Democrats like tax cuts, too, but the Democratic Party's tax policies are targeted to do the most good for the majority of Americans. Working families will be the beneficiaries of the Democratic tax policy.

Republicans want tax cuts which give more to the have-mores. Tax cuts for the rich are luxury toys, but tax cuts for working families are absolute necessities.

Working families need more child care tax credits. Working families need tuition tax credits to help their children attend college and rise up the economic ladder.

Let the corporations pay more taxes if we need revenue for the war in Iraq or any other activity. Change the Federal rules for the way we charge for our assets, grazing land, mining rights or the sale and lease of the spectrum above us, which is owned by the American people.

Democrats want tax cuts, but we want tax cuts for working families.

#### COURT-STRIPPING LEGISLATION

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

Mr. PALLONE. Mr. Speaker, today, the House will attempt to do something it has never done before, strip our courts of hearing cases on the Defense of Marriage Act.

Eight years ago, I opposed DOMA because I felt it was a blatant act of discrimination against gays and lesbians. To this day, I believe Republicans forced the issue in 1996 because it was a Presidential year and they wanted to divide the country in a desperate search for votes.

It is 8 years later, and Republicans are at it again. Last week, they were embarrassed in the other body when they could not even muster a majority on a constitutional amendment banning gay marriage. Since that did not work, why not strip the courts of authority to hear cases regarding DOMA?

The court-stripping bill would, for the first time in our Nation's history, take from a group of Americans the right to appeal to our courts. It is also extremely dangerous in that it would lead to the possibility of Congress stripping other issues from judicial review in the future.

It is bad policy; but in an election year, Republicans simply do not care.

#### PROVIDING FOR CONSIDERATION OF H.R. 3313, MARRIAGE PROTECTION ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 734 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 734

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 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.

On Wednesday, the Committee on Rules did meet and grant a closed rule for H.R. 3313, the Marriage Protection Act of 2004. The rule provides 90 minutes of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

□ 1030

This bill seeks to utilize the constitutional authority of Congress to limit the jurisdiction of the Federal judiciary to hear cases which may arise as a result of the 1996 Defense of Marriage Act, otherwise known as DOMA. The bill reserves that authority to the States. The bill provides that no Federal court will have the jurisdiction to hear a case arising under DOMA's full faith and credit provision.

This provision in DOMA codified that no State would be required to give full faith and credit to a marriage license issued by another State if that relationship is between two people of the same sex. Long-standing Supreme Court precedent recognizes the power of Congress to limit the jurisdiction of courts that it creates.

In essence, the bill says no Federal court will have the opportunity to strike down DOMA's full faith and credit provision. The result of such a decision by the Federal courts would in effect invalidate the numerous Defense of Marriage Acts which have passed in

at least 38 States. This would mean that the citizens of States such as Michigan, California, Virginia, Texas, and Florida, who have their own statutes to define marriage as between one man and one woman, would have to recognize the marriage licenses issued to same sex couples by other States that allow that practice.

I believe the people of these States as well as the people of my home State of North Carolina should be able to defend and preserve the institution of marriage and that we today should support their efforts. This is the way it has been throughout civilization. It is our job to prevent unelected lifetime appointed Federal judges from striking down DOMA's protection for the States. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I rise in strong opposition to this rule and to the underlying bill. The Marriage Protection Act of 2004 is quite simply a mean-spirited, discriminatory and misguided distraction. It does not belong on the floor of the House of Representatives, not when there are so many important issues facing Congress and the American people.

Nearly 900 American soldiers have now been killed in Iraq, but the House is not talking about that today. Today the bipartisan 9/11 Commission issues its report on what happened and how to prevent it from happening again, but we are not talking about that on the House floor today.

This Republican leadership has failed to pass a budget, but we are not talking about that. Today we learn that, according to the GAO, the Pentagon has spent most of the \$65 billion that Congress approved for fighting the wars in Iraq and Afghanistan and is trying to find \$12.3 billion more from within the Department of Defense to make it through the end of the fiscal year. We should be talking about that.

We still do not have a transportation bill. The minimum wage has not been increased in years. Millions of Americans are unemployed and without health insurance. Homeland security needs are going unmet, but we are not talking about any of that in the House of Representatives today.

According to the New York Times, conservative activist and Republican adviser Paul Weyrich's solution to the bad news coming out of Iraq was to "change the subject" to gay marriage. I quote, "Ninety-nine percent of the President's base will unite behind him if he pushed the amendment," Mr. Weyrich said. "It will cause Mr. KERRY no end of problems." As for gay Republicans whose votes Mr. Bush might lose, Mr. Weyrich wrote, "Good riddance."