marriage. This is one institution, even though imperfect, that has withstood the test of time and has proven to bring a sense of stability to society for time immemorial.

The institution of marriage is designed for children, not for adult love. Adults can love in many ways—between brother and sister, between grandparents, uncles, aunts, between friends and loved ones. But marriage is for children. I am so saddened that we have forgotten that. And I am even more saddened that marriage is drifting further and further from what it is supposed to be all about—children. Adults seem to care more and more about one thing, themselves. This is one of the reasons why 50% of marriages wind up in divorce. We must strengthen marriage—not weaken it. And I fear that, if we start to abolish marriage laws in our nation, we will go further down the path of teaching people that marriage does not matter for the well-being of children, it only matters for the pleasure of adults.

I am not here because I want to be here. There are many problems in my community, and I should be there working on them, not here far away in Washington, D.C. But I have flown all the way here from California, because I need to be here, to defend the most basic institution of society for the good of all, on behalf of my community. Because without marriage, we have no hope of solving the other problems we are facing back home.

I live every day in the front-lines of Urban America, where the ills of society are magnified greatly. People like myself, who provide a service to our community, are often the ones that have to ''pick up the pieces'' when marriages and families fall. In my 30 years of counseling, I have often dealt with grown children that still harbor hurts and deep seated frustrations because they did not have a mother and a father.

I know that there are good people trying to raise children without a mother and a father. Perhaps it is the single parent. Or the grandparent or aunt and uncle. Or the foster parent. They do their best, and we admire and respect them for that. But at the same time, we want the very best for children—and that is a mother and father, and an institution that encourages people to give children both a mother and father.

I want to say something about civil rights and discrimination. My people know something about discrimination. The institution of marriage was not created to discriminate against people. It was created to protect children and to give them the best home possible—a home with a mother and father.

Some people talk about interracial marriage. Laws forbidding interracial marriage are about racism. Laws protecting traditional marriage are about children.

To us in the Hispanic community, marriage is more than a sexual relationship. It is a nurturing, caring and loving relationship between a man and a woman that is to remain intact ''until death do us part.'' Children are born into this loving relationship with a great sense of anticipation. We love our children and we love children as you can tell by the numbers!

Marriage between a man and a woman is the standard. A child is like a twig that is planted in the soil of our society that requires two poles to have the best chance of growing strong and healthy. Those two poles, if you will, are the parents, Dad and Mom. Very different and at a times even opposites but necessary for a balanced form of living.

Furthermore, marriage is a moral and spiritual incubator for future generations. Our children learn from their parents not only how to make a living but more importantly, how to live their life. This is not readily learned by a simple form of transference of knowledge but rather through the experience of daily living. Children learn from observation. As the home goes, so goes society.

I believe that we need to send a positive message to our children and their children. That we cared enough about the most basic institution of our society, marriage between a man and a woman, that we passed a Constitutional Amendment to preserve it for future generations. This is not, and must not be, about party politics. This must be seen as our struggle as a social family to bring stability to a divided house.

The President is right when he said that, ''On a matter of such importance, the voice of the people must be heard . . . if we are to prevent the meaning of marriage from being changed forever, our nation must enact a Constitutional Amendment to protect marriage in America.''

Thank you very much.

Mr. CONYERS. Mr. Speaker, I am very pleased to begin this discussion with the members of the Committee on the Judiciary and others that are joining us asking for time. Before I recognize the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, I yield myself such time as I may consume.

Mr. Speaker, I merely want to begin our discussion by observing how unnecessary consideration of this matter is at this point. No one in the Chamber is unaware of the fact that the obvious ploy by some is to play upon the worst fears of our citizens, who are deep into an election year, to deal extensively with a subject, a constitutional amendment, which every Member on this floor knows is going nowhere. The reason? Because it has already been defeated by the other body. The only conceivable point of this amendment is to energize the conservative political base.

Well, we are not buying into that, Mr. Speaker. We know that this is the reason that it is being done, because our distinguished majority leader only recently told us that we could not take up the assault weapons ban because we did not have the votes to pass it.

Well, do we have the votes to pass this amendment, a two-thirds requirement, while we are here on the floor less than 45 days before the election? I think that we know the answer to that.

We know that the States are fully capable of dealing with the issue of the same-sex relationship on their own. Our Nation has a long tradition of leaving questions relating to civil marriage to the States, and for more than 228 years the States have dealt with these issues, with marriage age limits, with miscegenation and divorce. Let us leave it with the States.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 801, further proceedings on H.J. Res. 106 will be postponed.

DIRECTING CLERK TO MAKE CHANGE IN ENGROSSMENT OF H.R. 5183, SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART V

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the change in the engrossment of H.R. 5183 that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the change.

The Clerk read as follows:

In subsection (l)(1) that is proposed to be added at the end of section 1101 of the Transportation Act of the 21st Century by section 2(d) of the bill (H.R. 5183), strike ''$21,311,774,667'' and insert ''$22,685,936,000''.

The SPEAKER pro tempore. Without objection, the change is agreed to.

There was no objection.

MARRIAGE PROTECTION AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 801, proceedings will now resume on the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Texas (Mr. DELAY) had 68 minutes remaining and the gentleman from Michigan (Mr. CONYERS) had 72 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me time, and I want to thank the gentlewoman from Colorado (Mrs. MUSGRAVE) for having the courage to bring this forth.

Our Constitution is one of our country's most sacred documents. It is the fulfillment of the promises made in the Declaration of Independence, and it is the backbone of our system of government. It identifies our rights as citizens, the roles and responsibilities of each branch of government, and identifies the limits that prevent government overreaching. It also ensures that our system of government remains a democratic system, whereby the people, through their elected Representatives and officials, make laws. This means a form of government under which laws are passed by the duly elected Representatives of the people, not by judges.

Amending our Constitution is the most democratic process in our Federal system of government, requiring two-thirds of each House of Congress and three-quarters of the State legislatures in order to pass a constitutional amendment. But it has been done and should only be done when principles for governing and for existing in society need to be stated.

The best example of this is the Bill of Rights. The first ten amendments were added to the Constitution to ensure that principles that were so important, that were fundamental for governing and living, were explicitly referenced in the Constitution in advance of any adverse judicial ruling.

We find ourselves in a similar situation today. There should be no disagreement that traditional marriage, as defined throughout our history, is under attack by liberal activists and rogue judges. The only real question at hand is how to protect this important cornerstone of our society.

This issue was first raised with me when I became chairman of the Subcommittee on the Constitution in the 107th Congress. At that time I clearly stated my preference to consider all possible legislative options before pursuing a constitutional amendment. I also felt that we should wait to learn the results of ongoing litigation. My hope had been that the courts would not attempt to alter our social fabric and, instead, leave the issue where it belongs, before Congress and the State legislatures. Obviously, that has not been the case.

In response to judicial decisions and the attempt by elected officials in several communities to approve same-sex marriages in violation of their own State laws, I called for a series of hearings to consider different options for maintaining marriage as a union between a man and a woman. During those hearings, we heard from many experts that provided us with extensive information on legal and social issues. Perhaps most important to this debate we reviewed the status of DOMA, the Defense of Marriage Act, and the consequences that would result from a judge striking down that important legislation.

DOMA's status is at risk. Judge Robert Bork, for example, one of the witnesses, stated in testimony before the Subcommittee on the Constitution during the hearing on the amendment, ''I think DOMA is absolutely a dead letter constitutionally; not because it would be under the original Constitution, but because it is the way this Supreme Court is behaving.''

Professor Lawrence Tribe of Harvard Law School has stated, ''Same-sex marriage is bound to follow. It is only a question of time.''

□ 1400

As a result, our national definition of marriage and the important role that marriage plays in our society more than likely will be changed forever, and it will not be for the better. Once that change is made and forced on every State in our Union, it will be virtually impossible to reverse.

Mr. Speaker, marriage is an institution, not a right. The hearings confirm this. Congress is obligated to support the means that best protect this institution that has been a part of our history. The marriage protection amendment states as follows: ''Marriage in the United States shall consist solely of a 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.'' That is what it states.

The first sentence of this amendment ensures that a common definition of marriage, that between a man and a woman, exists for the entire Nation. This will preclude attempts by the judiciary or State legislatures to determine otherwise.

The second sentence will prevent the courts from interpreting the Federal Constitution or State constitution to require a legislative body or an executive agency to enact or recognize marriage and its benefits on a civil union or domestic partnership. The second sentence also ensures that State legislatures are able to define for themselves the status of civil unions and domestic partnerships and the resulting benefits.

One way or another, we know that the Constitution will be amended. The question is, is it done the appropriate way, or is it done by unelected, activist judges?

Mr. CONYERS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has in this Congress found himself busier than almost every other subcommittee that we have. We have a long history of court-stripping attempts, constitutional amendments that were of high dubious legal question, and he has worked tirelessly with a staff I think that is second to none on our committee.

Mr. NADLER. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and I thank him for those kind words.

Mr. Speaker, today the drumbeat of political demagoguery has reached its crescendo as the House prepared to consider an amendment to the U.S. Constitution banning marriage between persons of the same gender. This amendment does not belong in our Constitution. It is unworthy of this great Nation, and 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. Constitutional amendments have been used to enhance and expand the rights of citizens, not to take them away.

The Constitution was amended to add the Bill of Rights, protecting freedom of religion, freedom of speech, freedom of assembly, the right to be secure in our homes; 10 amendments for protection of individual rights and liberties. We amended the Constitution to wipe away permanently the stain of slavery, to expand the right to vote, to expand the right of citizenship, to allow for the direct election of Senators, and to allow for the income tax.

Now we are being asked to amend the Constitution again to single out a single unpopular group and say permanently, you cannot even attempt to convince the legislature of your State to give you the right to marry. We have certainly never amended the Constitution on the mere speculation that a court might rule a law unconstitutional. No court has struck down as unconstitutional the Defense of Marriage Act that we passed 8 years ago. There is not even a case pending before any appellate court in this country today. There has not been a single trial-level court decision holding the Defense of Marriage Act unconstitutional; and yet we are told this necessity is imposed upon us. We must protect marriage now. What an imaginary threat.

In fact, the amendment before us is a new version of the amendment. It was not introduced until the end of last week. Although this issue has been the subject of four hearings before the Committee on the Judiciary, this proposed amendment and its potential impact on State marriage laws, historically a right of the States, has not.

When the sponsor of the amendment appeared before the Subcommittee on the Constitution, she was not prepared to comment on a similar version or any version other than the one she had introduced, which is not the one today before us.

The Committee on the Judiciary has not marked up this amendment, either in subcommittee or full committee, although the designation of the oak tree as the national tree has merited such careful deliberation. That is a first. My Republican friends, as amendment-happy as they are, have never previously skipped over committee consideration to bring a just-introduced constitutional amendment to the floor. But I understand them. What is the Constitution between friends? Why should we consider it carefully?

As the ranking member of the Subcommittee on the Constitution, I am normally called upon to explain proposed constitutional amendments. Explaining this one requires some extra effort. From what, precisely, would the so-called marriage protection amendment protect marriage? From no-fault divorce? From legalized fornication? From the failure of States to incarcerate adulterers, perhaps? No. Evidently, the threat to marriage, so-called, is the fact that there are thousands of people in this country who very much believe in marriage, who very much want to marry, who may not marry under the laws of the various States of this country, but whose fellow citizens may conceivably one day permit them to do so; and that we must prevent.

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 who have had children for years, 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 destabilized or destroyed by a same-sex marriage somewhere in America, I would welcome an explanation as to what you think would happen to your marriage and why. Any takers?

The overheated rhetoric we have been hearing is reminiscent of the bellicose fearmongering that followed the Supreme Court's 1967 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 have survived as a Nation; and we are the better for it.

In the not-too-distant future, people will look back on these debates with the same incredulity we now view the segregationist debates of years past.

This amendment does more than it purports to do. It would preempt any State law or legislature from passing a law allowing people of the same gender to marry, even if that law was approved by the legislature or, for that matter, by referendum of the people. This is not to protect the States; this is to protect a notion against the democratic will of the majority of the people in the States. Read the first sentence: any such marriage would be unconstitutional.

Proponents of this amendment have already tried to use a similar prohibition against same-sex marriage to attack domestic partner benefits in courts. So do not tell me this is only about marriage. I do not believe it. It says nothing in this amendment about recognition of marriages from one State to another. If you want to allow democratic majorities to have their way within their own borders, this amendment will do the exact opposite.

There are many loving families who deserve the benefits and protections of the law. They do not live just in New York or San Francisco or Boston. They live in every one of the 435 congressional districts in the United States. 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 to have the rights of 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 even on the eve of an election. We know this is not going anywhere. We know it is merely a political exercise. Shame on this House for playing politics with bigotry.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Committee on the Judiciary.

Mr. FEENEY. Mr. Speaker, I thank the distinguished majority leader for his leadership on this issue, especially, along with the gentlewoman from Colorado (Mrs. MUSGRAVE) and her brave leadership.

Mr. Speaker, the fact of the matter is, the Constitution is going to be amended. Either radical, unelected judges are going to amend the Constitution from the bench to redefine the traditional view of marriage, or the people's Representatives here in this House and across in the other body are going to act to amend the Constitution to preserve the traditional, historic definition of marriage. I notice that none of the opponents yet of this amendment have said that he or she will do whatever it takes to defend marriage when the time comes, but the action is unnecessary. If they are willing to commit to do whatever it takes to defend marriage, that is another matter; but that is not what they are saying.

Mr. Speaker, we have already seen the Massachusetts Supreme Court undo over 400 years of history in Massachusetts, undo a Constitution which is older than the United States Constitution, and find some new right. In doing so, in establishing same-sex marriage, what the Massachusetts court did is to belittle the traditional definition of marriage and all of the States that actually believe that. They said that there was no logical reason to preserve the benefits of a marriage between a man and a woman.

Even the liberal Washington Post Editorial Board was shocked by the Massachusetts judge's decision, stating in their editorial, ''We are skeptical that American society will come to formally recognize gay relationships as a result of judicial fiats.'' That is exactly what we are here to prevent, the judicial fiat that will undo the traditional definition of marriage which has protected and been the building block of this country forever. None of the States, not one of the State legislatures has ever tried to redefine marriage, but we have had courts in Vermont, in Hawaii, and in Massachusetts now attempt to do that very thing.

What we are here to do is to remind people that under the fourth article to the United States Constitution full faith and credit clause, when one State establishes a marriage as something other than a man and a woman, eventually all other 49 States will be forced, despite DOMA, which we have heard is going to be struck as unconstitutional, both liberal and conservative scholars agree, 49 States will have the definition that Massachusetts has imposed by the bench on their people imposed on us unless we act today.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH), a gentleman who has followed the civil rights struggle and the struggle for women in this country for many years.

Mr. KUCINICH. Mr. Speaker, the 14th amendment of the U.S. Constitution guarantees the same rights to all people under the law, all people. It is what keeps us a United States. We call ourselves one Nation under God. Surely we know from the Bible that a city, a house, or a nation divided against itself cannot stand.

This amendment divides our Nation. This amendment creates two classes of people based on sexual orientation. It creates a second-class citizenship. In America, every individual is entitled to equal protection of the law. We could not remain a United States, half slave, half free. We could not remain a United States if a woman's right to vote or to choice were denied, and we cannot remain united if our brothers and sisters are denied equal protection of the law because of their sexual orientation.

In America, we work to eradicate discrimination. In America, we work to create a more just and equal society. In America, our Constitution should further that goal. In America, our Constitution should give rights, not take them away. In America, we must continue to fight for equality and justice. Here we must always be the land of the free, the home of the brave, where the rights of all people are protected, regardless of race, color, creed, or sexual orientation.

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

This is not about discrimination. It is about marriage and judicial activism, but the timing is really important. I would just quote, since we are doing a lot of quoting around here, Paul Kates, director of Public Education for the American Civil Liberties Union's Lesbian and Gay Rights project, who said, ''Once more States agree with Massachusetts. We think it is more likely that we will win in the Federal courts,'' in which case same-sex marriage policies can be imposed across multiple States and even nationwide. It is a concerted strategy to go this route.

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

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

Mr. HAYWORTH. Mr. Speaker, I rise in support of this amendment, and I would like to highlight two basic principles in support of the amendment.

The first is this, and everyone should understand this, including my friend, the gentleman from Ohio who preceded me in the well of this House. Same-sex couples have the right to live as they choose, but neither they nor a handful of activist judges have the right to redefine marriage for our entire Nation.

□ 1415

The second point again goes with what my friend from Ohio said and I take issue with. Marriage is not about

excluding a group of people. Marriage is about what is best for our children and our society.

To the first principle, I wish this were not an issue that needed at long last constitutional protection via an amendment, but unfortunately, activist lawyers and judges have been working across our Nation to undermine marriage and impose a new national marriage standard without a public debate. Thousands of same-sex couples from at least 46 States have received marriage licenses in California and Oregon, then return to their home States. This is a national issue, and regardless of the months on the calendar and the so-called political season, the American people have a right to know where their representatives stand.

Mr. Speaker, to those who believe that marriage protection and that this marriage protection amendment is discriminatory, I would ask them this: Do my colleagues truly believe that marriage, the traditional and foundational union between a man and a woman, is discrimination? Mr. Speaker, once we start treating a child's need for a mother and father as discrimination, it becomes impossible for the institution of marriage to do its work. If it is discriminatory to restrict marriage to a man and a woman, then why not have three parents or four or more? Even groups of single people are now protesting that their exclusion from the benefits of marriage is discriminatory.

Now to the second point. Marriage is not about exclusion. It is about inclusion and an inclusive foundation for children and society. Whether a couple is a man and a woman has everything to do with the meaning of marriage. Marriage encourages the men and women who together create life to unite in a bond for the protection of children. That is not discrimination. It is the building block on which our society is based.

Now, Mr. Speaker, failed marriages between individuals does not mean that the institution of marriage itself is failing, but Mr. Speaker, we will fail in our responsibilities to our Nation if we fail to neglect and fail to protect this basic institution in our society.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 7 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), from the Committee on the Judiciary, a very distinguished lawyer in her third term who has served with us from the time she arrived here.

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

Ms. BALDWIN. Mr. Speaker, amending the Constitution is a radical action which should only be undertaken when absolutely necessary. Preemptively amending the Constitution to prevent something that has yet to happen is a dangerous principle that this Congress should not endorse. We must always remember what President Calvin Coolidge once said, ''The Constitution is the sole source and guaranty of national freedom.''

Mr. Speaker, our Constitution has been amended only 17 times since the Bill of Rights, and with the exception of prohibition, which was promptly repealed, the amendments to our Constitution have always been used to secure greater rights and liberties for the American penal system. We have amended the Constitution to make our union more perfect, to ensure all Americans are free to secure the blessings of liberty, that all Americans may achieve the American dream of life, liberty and the pursuit of happiness. Never in our history have we used our most sacred governing document to deny the rights of any group of Americans, nor should we do so today.

This debate today is not simply a theoretical debate. It has a real impact on millions of Americans. I believe that the institution of marriage enhances our social fabric in many positive ways. I think we all agree that loving, supportive marriages provide strong environments for raising children.

Children with two-parent families who are actively engaged in their lives typically have greater financial and emotional stability during the time they grow up than those who are able to only rely on a single parent.

Marriage's role in protecting children is about providing sustenance. It is about teaching. It is about sharing cultures and beliefs. It is about transmitting a family's values. It is about providing love and emotional support. These are all important components of marriage, and none of them are exclusive to a couple consisting of a man and a woman.

Marriage laws in the United States provide important rights, responsibilities, privileges and obligations. In each State, literally thousands of rights, responsibilities, privileges and obligations are conferred upon the receipt of a State marriage license. Likewise, there are more than 1,000 Federal rights that benefit married persons, among them: the right to make decisions on a spouse's behalf in a medical emergency; the right to take the benefits of the Family Medical and Leave Act for an ill spouse or ill parent of a spouse; the right to petition for spouses to immigrate; the right to assume parenting rights for children who are brought in to a family through birth, adoption, surrogacy or other means; family-related Social Security benefits, income and estate tax benefits, disability benefits, family-related military and veterans benefits and other important benefits; the right to inherit property from a spouse in the absence of a will; the right to purchase continued health coverage for a spouse after the loss of a job.

When making this point, many times I have heard opponents say that these rights can be obtained in other ways besides marriage. Some of them can, at a cost, with enough legal help, but many cannot.

I want to return briefly to the role of marriage in protecting children because, contrary to the opponents of same-sex marriage and civil unions, I believe that this is a powerful argument in favor of marriage recognition for same-sex relationships. There are over 1 million children being raised in gay and lesbian families in the United States. These children do not have the same legal protections as children of opposite-sex married couples have, and their parents have significantly increased financial burdens in providing for them.

The rights of gay and lesbian and transgendered Americans have been at the center of a national debate for the past decade and more. Attitudes have changed dramatically, as more and more Americans have discovered that their friends, their neighbors, their coworkers, family members are gay or lesbian and that they are just like other Americans, with the same hopes, dreams, fears, the same challenges. I believe our country has taken major steps forward toward the American ideal that all people are created equal.

Mr. Speaker, change is never easy. Some people push for change with all their might, while others struggle to maintain the status quo. Most of the others are somewhere in between, trying to apply their competing values to assess the merits of change. Our political leaders can try to facilitate this debate and discussion and work towards consensus or they can exploit those tensions and fears to divide America.

I firmly believe that too many of our leaders have decided to use this issue to polarize Americans in order to win this election, and this is wrong. Today, we must reject this attempt to use the Constitution of the United States simply as a wedge issue to win an election.

Bringing this issue to the forefront now, five weeks before the election, with no chance to pass it in this House, accomplishes only one thing. It distracts the American people from the urgent issues and immediate policy decisions that are at the heart of this election.

Each hour this Congress spends on a constitutional amendment that will divide America, we are not working to help provide health care to the 45 million Americans who have no health insurance. Each hour this Congress spends on a constitutional amendment that will divide America, we are not working to help the millions of unemployed and underemployed Americans.

These must be our priorities, not writing discrimination into the Constitution of the United States.

I implore my colleagues to vote ''no.''

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address this issue.

Is it a blatant attempt by Republicans to score political points in a political season? I am sorry, but it was

not the Republicans who brought up the Massachusetts Supreme Court decision on May 17. We have very little influence in that particular matter.

From my friends on the other side of the aisle who declare to us that amending the Constitution is just the extension of rights, I would remind them that the Dred Scott decision that said that slavery is correct and proper for these United States was, in fact, turned around in a very similar situation that we are facing today.

A Supreme Court is positioning itself to declare a certain thing which is in opposition to the will of the majority of the people, and we are simply going to turn that around with a constitutional amendment, the same as the Thirteenth Amendment turned around the Dred Scott decision of the Supreme Court.

Now for the discussion about what this is really about. Once we leave the discussion of what is right for children as the heart of the discussion, we begin to get confused about what is right. When we talk about the fact that there are loving, gay couples who would like to raise their children, we seem to depart from the facts because only one out of three lesbians living in the same household are actually raising children, and among gay men, only one out of five.

This issue is not about the right to raise children. This issue is about their rights to redefine marriage for the entire Nation, and I will disagree with my friends on the other side of the aisle that it is worth fighting for right now. It is worth fighting for in this House, and it is worth fighting for on the streets of America so that we have this national public discussion to determine what is most effective for our children.

If we want examples, we can look to Scandinavia where more than 60 percent now of the children are born out of wedlock, just a few short years after they have taken the same step that we are taking here.

This discussion is about what is right for children. It has nothing to do with what is right for adults. How can we say that the rights of adults to choose their desire is more important than what is necessary to correctly and properly raise our children? What is right for our children is a discussion.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN) who has been of immeasurable assistance on constitutional questions in our committee.

Ms. LOFGREN. Madam Speaker, the Republican leadership has put us on notice that Congress will probably adjourn next week until after the November elections. We should have done so much more this year. Yet, this week, Republican leaders have decided to bring to the floor a constitutional amendment banning gay marriage and a bill to repeal gun laws in the District of Columbia. Are these really the most important issues facing the Nation?

Earlier this month, the Republican leader, the gentleman from Texas (Mr. DELAY), said that he would not allow a vote to continue the assault weapons ban because it did not have the votes. When asked about scheduling a vote, he said the following, ''If the President asked me, it would still be no . . . because we don't have the votes to pass an assault weapons ban, and it will expire Monday and that's that.''

Despite the overwhelming support of Americans everywhere, he let the assault weapons ban expire.

Apparently, the gentleman from Texas (Mr. DELAY) only brings things to a vote when he has the votes. But wait, this week the gentleman from Texas (Mr. DELAY) has taken a different position on what he brings to the floor.

In Roll Call, he acknowledged he does not have the votes to pass the marriage amendment. This amendment will not pass the House, and it did not even a get a simple majority in the Senate earlier this year. This amendment is going nowhere.

Let us be clear. The only reason this bill is being considered today is to score political points a month before the election. I am not surprised in the least that the Republicans would put politics before solutions. What is shocking is that we would waste time on these political games when they have accomplished so very little this year.

Earlier this month, the CBO released its update and confirmed that the 2004 deficit will be the largest in history, $422 billion. This $818 billion deterioration from the $397 billion surplus that they inherited when President Bush took office is just a shame.

□ 1430

And what have the Republicans done to bring the deficit under control? Absolutely nothing. As a result of their policies, and for the third time in 3 years, Republicans need to increase the debt limit once again. What have Republicans done about this, the national debt? Nothing. The list goes on and on.

The Republicans never passed a 2004 budget. The fiscal year ends tomorrow, yet we have only done one of our 13 appropriation bills. The 9/11 Commission report was released in July. It has been 71 days, and the House and Senate have still not voted on its recommendations.

We have not passed a transportation reauthorization bill since January 2001. We have lost 1.7 million private-sector jobs. And for the third year in a row, the number of Americans without health insurance has gone up. Medicare premiums are as high as they have ever been. We have more people in poverty this year than we did when Bush assumed the Presidency.

The Republicans control the White House, they control the House of Representatives, and they control the Senate. They control everything in Washington. Despite all these advantages, all of this power, they have no accomplishments. All they can do is play political games to hide their truly abysmal record and hope that the American people do not notice.

The House Republicans have controlled Congress for a decade. On January 4, 1995, the day I was first sworn in, moments before being sworn in, then Speaker Newt Gingrich told the Members of the House that we were hired to do a job, and we have to start today to prove we will do it. Well, the Republicans have had 10 years, and just look at the dismal record. They have proven they just cannot do this job. It is time for a change. House Democrats are ready to get to work.

Mr. DELAY. Mr. Speaker, may I inquire as to the time on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. DELAY) has 55 minutes remaining and the gentleman from Michigan (Mr. CONYERS) has 53 minutes remaining.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), a former judge.

Mr. CARTER. Mr. Speaker, today, we gather in this honorable chamber, and as we gather, there is an attack taking place on the basic building blocks of our society, the traditional family. Since the dawn of civilization, a family has consisted of a union between a man and a woman. In a civilized society, that union has historically been joined through a legal process we call marriage.

Mr. Speaker, you can go anywhere on this earth or here in the United States and wake somebody up from a dead sleep and ask them to define marriage, and they will tell you that it is a union between a man and a woman. Yet, today, we are dealing with living with a court ruling by the Supreme Judicial Court of Massachusetts which tosses aside the history of traditional marriage.

This judicial activism, better called social engineering, flies in the face of legal precedent, and as The Washington Post shockingly stated, ''is done by judicial fiat.'' Not a single State of the 50 States in this union have any legislation or a constitutional amendment which changes the definition of marriage. This assault on traditional marriage continues as legal challenges are joined in most all the States of this Nation.

Mr. Speaker, I have had the dubious distinction of having presided over the dissolution of 20,000 marriages in my career of public service. I would venture to say that is more than anyone else in this House. I have listened to thousands of hours of testimony about the damage that can be done by the breakup of marriage to the children of our Nation. It is a shame that we have to go through this attack on marriage, but to add a further attack on marriage by redefining the definition of marriage would be an abomination to our children.

For those who say, let the States choose, I would point out that the

amendment will be required to pass three-fourths of the States, so it is up for debate in the States of this union. The Bill of Rights amendments were ratified precisely to make sure that fundamental principles were explicitly laid out in our constitution. The marriage protection amendment would explicitly protect the institution of marriage before the courts so that we will not be socially engineered out of our rights as American citizens and to destroy traditional marriage.

Mr. CONYERS. Mr. Speaker, 4½ minutes to the gentleman from New York (Mr. WEINER), the honorable Member who serves on the Committee on the Judiciary with great skill and distinction.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, I wanted to ask the previous speaker, who said he had presided over the dissolution of 20,000 marriages, I just wonder, in how many of those was the cause of the dissolution some gay relationship?

I mean, I am prepared to own up when I am at fault. Am I responsible, as a gay man, for any of those 20,000 dissolutions? The gentleman said there were 20,000 dissolutions. Would he tell us in how many of those 20,000 dissolutions was the existence of a gay marriage or gay civil union the cause?

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

Mr. WEINER. I yield to the gentleman from Texas for a response.

Mr. CARTER. About a half a dozen. But that was not the issue I was talking about.

Mr. FRANK of Massachusetts. A half a dozen out of 20,000.

Mr. CARTER. If I have the floor, and I might speak, my point was the damage that the dissolution of marriage causes to the children of this marriage. I said nothing about gay marriages in my speech whatsoever.

Mr. FRANK of Massachusetts. I apologize. If the gentleman would continue to yield briefly.

Mr. WEINER. I continue to yield to the gentleman from Massachusetts, Mr. Speaker.

Mr. FRANK of Massachusetts. I apologize for assuming that the gentleman was referring to gay marriage. This is a debate about gay marriage. So when the gentleman talked about the dissolution of 20,000 marriages, I made, apparently, the incorrect inference that there was some relationship between what the gentleman was saying and the subject under suggestion. I withdraw the inference.

Mr. CARTER. Mr. Speaker, if the gentleman will continue to yield.

Mr. WEINER. Mr. Speaker, I am going to reclaim my time, since the gentleman is not referring to gay marriage, and that is what this very important debate is about.

Mr. Speaker, I have heard a great deal on this floor about the message we send our children, and we have different interpretations about what this debate means to our children. One thing I would urge my colleagues on the other side not to do is not to tell your children you are being conservative by supporting this. Conservative values, as I understand them, means not taking government and sticking it into every relationship and into every corner of someone's personal life, like you seek to do with a woman's right to reproductive freedom and like you seek to do with the most intimate of relationships today.

Certainly, do not tell them that you are passing laws in this body to protect them. That you should not tell the children when you have passed laws to weaken water standards, weaken clean-air standards and to underfund education. So when you are talking to your children, do not tell them that.

Certainly, do not tell them that you are being consistent, because many of the folks on the floor here are the strongest supporters of the Defense of Marriage Act, yet in the Committee on the Judiciary and on this floor over and over, when challenged as to its constitutionality, say, oh, absolutely; absolutely, it is constitutional. It has not even been struck down and already you are running away from your interpretation of DOMA. So do not tell them you are being consistent.

And certainly, do not tell them that you are being honest, because if you were being honest, you would not lie to them and tell them that you are doing anything to amend the Constitution today. The Senate has already defeated this. If you are going to be honest with them, you are going to have to tell them what you are doing is simply posturing. So, certainly, do not tell them you are being honest.

What you are doing is teaching them to hate. You are teaching them that the Constitution is the place you remove rights, not protect them. That, I think, has been a consistent theme of this year's session. So, perhaps, in that case, you are being consistent in using the Constitution that way.

And I have to tell my colleagues, there are so many people who hang their heads today when talking about their grandparents who served in this august body. They hang their heads when they talk about their grandfather who stood up on the floor of the well and argued in favor of slavery. They are embarrassed by that.

There are so many who hang their head when they talk about their grandfather who served in this august body and fought for denying the rights of women. They are embarrassed by that.

Why is it that you think your grandchildren will not some day grow up and be telling their children about granddad or grandmom and have to be embarrassed about this debate; have to be embarrassed and ashamed by the idea that you, their grandparents, God willing, they are able to tell the story and how embarrassed they will be? Will they be embarrassed like those who have to talk about their grandparents who voted to support slavery or voted in support of rounding up Americans and putting them in internment camps?

I hope that that is not the case. If you are concerned about what you will tell your grandkids, be more concerned about what they will tell their grandkids about you.

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume to just mention that we are talking about marriage. I know some think this is a debate or a constitutional amendment on gay marriage and same-sex marriage. No, we are talking about marriage and the definition of marriage. That is what this debate is about.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I am not embarrassed to say I stand here on behalf of tens of thousands of families in the Eighth Congressional District in strong support of the marriage protection amendment.

I believe the institution of marriage is a sacred union. It predates Congress and the constitution. Marriage is not simply a legal contract. For all its flaws, it is a covenant that truly binds individuals and families to each other and has, for centuries, provided social stability, not only for our country but for our culture.

Marriage matters. It matters to the American people. It matters to our children, and it matters to our Nation's future. Because strong families foster strong morals and a strong Nation to go with it.

As for those who say this is no business of Congress, I strongly disagree. Our Founding Fathers and mothers may never have imagined this debate today, but they created the thoughtful process for the American people to decide such matters of importance.

And make no mistake, the definition of marriage will be defined. The only question today we are debating is by whom, the unelected justices of the Federal courts or the American people? So you decide, who do you trust to decide this nation-changing decision? I have faith in the American people.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Oakland, California (Ms. LEE), who replaced our good colleague Ron Dellums, an activist in domestic and international matters.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding me this time and for his tireless efforts on behalf of civil liberties and civil rights for all Americans.

This is a very mean-spirited and divisive constitutional amendment, and it is just plain wrong. It would take everything this Nation stands for, as a beacon of hope, as a land of opportunity and a tolerant Democratic society, and really just turn it all on its head. Government should not be in the business of passing constitutional

amendments to discriminate against anyone.

In an election year, with so much at stake, this amendment is clearly a ploy to divide the country's focus from the real issues, and I say, do not be fooled. There are far more important issues facing our Nation this year that this administration and Republican-controlled Congress refuse to debate and which have far greater impact on our country than this issue of a constitutional amendment.

In my district, the Ninth Congressional District of California, six members of the clergy, six members of the African-American clergy, led by a great religious leader, the Reverend J. Alfred Smith, Sr., Senior Pastor of the Allen Temple Baptist Church, addressed this very issue. In this open letter, published in the Oakland Tribune, they characterized the intent of this amendment to disrupt the peace and good will of many in both the secular and religious communities.

They continued, ''whatever your personal opinion is regarding same-sex marriages, ask yourself this litany of questions.'' They said: ''Can America survive if she continues unilateral warmaking in a time that calls for international peace-seeking collaboration?'' ''Can the American common people, whom we serve as clergy, survive the diminishing resources for public education and health care?'' They ask the question: ''Can the American image survive the rejection of global treaties and environmental controls?'' They said: ''Is it liberty and justice for all Americans when preferential treatment is given to the wealthy and select corporations?''

Mr. Speaker, the answer to all of these questions is no. So I strongly urge my colleagues to vote ''no'' on this cynical and divisive attempt to legitimize discrimination in our most important secular, mind you, our most important secular, not religious, document, the Constitution.

Mr. Speaker, I submit for the RECORD the open letter published in the Oakland Tribune, which I earlier referred to:

HERE WE STAND

In a democracy each citizen is given freedom of speech. No one is to be condemned for being Democratic or Republican, conservative, moderate, or liberal. Most recently, twenty African American Clergy exercised freedom of speech at a press conference. These ministers stated that they were working to elect President George W. Bush for a second term of office as President. These Pastors spoke not for their Churches but they as individuals exercised their American privilege and democratic right as citizens.

As a result of their exercise of free speech, conflict and controversy have disrupted the peace and goodwill of many in both the secular and religious communities. There are those who believe that there would have been no hatred and hostility if those Ministers would have not stated that their reasons for supporting electing Mr. Bush to a second term was not tied to the divisive issue of same sex marriages. The AIDS activists responded to the press conference by saying the Ministers have harmed future funding for the fight against the spread of AIDS.

We are calling all of us to relate to each other with mutual respect for each other so as to allow us to differ logically and humanely on the issues. A Caring and compassionate number of African American clergy do not support President George W. Bush for re-election, but they support traditional family values while promoting ministries to decrease and spread of AIDS. These Pastors teach and preach against racism, sexism, ageism, classism, and homophobia. No one can place all African American Ministers into a single theological, ideological or political camp.

We encourage you to investigate the larger and more far reaching implications of the upcoming presidential race. In addition to whatever your personal opinion is regarding same sex marriages, ask yourself this litany of questions. Can America survive if she continues unilateral war making in a time that calls for international peace-seeking collaboration? Can the economic infrastructure of city, county, state and the nation survive continuous lavish investment in the military? Can the American common people whom we serve as clergy persons survive the diminishing of resources for public education and health care? Can the American image survive our rejection of global treaties and environmental controls? Is it liberty and justice for all Americans when preferential treatment is given to the wealthy and select corporations? Should not all Americans seek an administration that will protect our freedoms against punitive patriot legislation while defending America from our enemies? Last, but not least, we do not give our souls to any imperfect human made political system. When the Kingdom of God comes, we do not believe it will arrive on the wings of Air Force One. We are committed to the principles of compassion, courage, and critical thinking in leading a People whose purpose driven lives elevate principles of ethics far above the perils of political expediency.

Bishop Bob Jackson, Acts Full Gospel; Bishop Ernestine Reems, Center of Hope; Reverend Joseph Smith, Pastor, Good Hope Baptist Church and President, Bay Cities; Baptist Minister's Union; Reverend Lloyd Farr, Pastor, New Bethel Missionary Baptist Church, and President, Baptist Minister's Union; Dr. Frank Pinkard, Pastor, Evergreen Baptist Church; Dr. J. Alfred Smith, Sr., Senior Pastor, Allen Temple Baptist Church.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I appreciate the opportunity to rise today in support of the marriage protection amendment, which is before the House today. Over the past several years, the traditional family has been under attack. The survival of the American family is of crucial importance because it serves as the backbone to our Nation as the primary protector and educator of our children.

Studies overwhelmingly suggest that children have a greater chance at success in life when a mother and a father are both present in the home. It is true that the recognition of the family unit has been traditionally a State issue. In fact, in my home State of Georgia, we will have a direct voice this November 2. In Georgia, we will vote yea or nay on a constitutional amendment banning so-called same-sex marriages.

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However, with the recent onslaught against the traditional family in the courts, I believe it is now time for the Federal Government to act decisively as well.

Mr. Speaker, 44 out of 50 United States have already enacted laws that identify marriage as a union of a man and a woman, mother and father. Yet activist judges who look to enforce their own personal views continue to strike down laws passed by State legislatures and approved by our constituents. In fact, over 60 percent of the American people agree we need a Federal constitutional amendment. The citizens of the United States, our constituents, want us to support traditional marriage between one man and one woman. They do not want a court to decide the definition of marriage.

Therefore, if we do not pass a constitutional amendment on the Federal level, federally appointed judges will make their own definition without a single vote by the American people or their representatives. I believe this body has an important decision to make, a decision that is obviously a major concern to the majority of the American public.

To illustrate this, as of this morning, over 2,600 constituents from Georgia's 11th Congressional District have written to me in favor of this amendment. They have voiced their concerns to me, and I believe they are right, and I strongly urge Congress to pass the marriage protection amendment.

As far as the gentleman from the other side of the aisle who questioned what our grandchildren will think of their grandparents some day, my four grandchildren will say thank God their granddad stood up for their moms and dads for the passage of this constitutional amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would admonish guests in the gallery that they are here as guests of the House, and are not to show approval or disapproval for remarks on the floor.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who has worked on civil rights and constitutional matters with great skill ever since she has come to this Congress

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for his continued service to America.

I thought I would take just a moment to move this debate to the document which we are attempting to amend, and that is the Constitution. As I arrived on the floor of the House, I was listening to one of the speakers mention that the concept of marriage is embedded in the Constitution of the United States. I took a moment, as I

listened and reflected on the various voices that have been raised, because this is a constitutional debate that heretofore would take numbers of days because we would be serious about amending the Constitution.

But I came upon article IV that talks about full faith and credit shall be given in each State by the public acts, records, and the judicial proceedings of every other State, and so I do not understand the argument that is being made by my friends on the other side of the aisle, and I take issue in that because there will be different voices raised from both sides of the aisle. This is a constitutional question. This is a debate for all America, no matter what political hat one may be wearing.

But I come upon the first amendment that clearly distinguishes and says that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I stand before Members to respect and acknowledge the faith community and the definitions they may give to unions of human beings and people in the United States. But I again remind my colleagues that this again is a secular Nation. Embedded in the Constitution is our right to freedom of religion, but it indicates very specifically that we are to designate no particular religion for this Nation.

As a southerner coming from the State of Texas, I stand before you with great jeopardy because the predominant individuals in my community do speak as others have already spoken; however, I would be incensed if anyone was to define the gentlewoman from Texas (Ms. JACKSON-LEE) or any of us who hold this Constitution dear, as someone who would fall over to the comfort zone where you would be patted on the back and praised and given all kinds of accolades because you decided to stand against a justice system that allows people to be human and dignified and equal in this country. I refuse to do that.

I might offer to Members that I spent some time finding myself on the wrong side of the majority of the people of the United States of America. The good news is that those of us who have done that wake up every morning feeling good because we have slept well. The impeachment we went through in 1998, I am reminded of that room when everybody thought this was the way we should go, and I frankly believed, as many of my colleagues who joined us believed, that the Constitution at the time must prevail.

So let me share some words during a very difficult time in America, and that was the civil rights movement first, but the Civil War in the 1800s when this country was divided both in terms of individual family members and States. It was a time when people were trying to find some way to preserve the Union. Daniel Webster stood on the floor of the United States Senate and stated, ''Mr. President, I wish to speak today not as a Massachusetts man, not as a northern man, but as an American and a Member of the Senate of the United States. I speak today for the preservation of the Union.''

So I speak today for the preservation of the Constitution of the United States of America. It troubles me that even though we can find ways to divide over many, many issues, it troubles me that we do not embrace the respect and the understanding of the freedom of the religion.

I also offer to say that Daniel Webster made it very clear that we must work in order to preserve not only this Union, and he said ''Instead of dwelling in those caverns of darkness, let us enjoy the fresh air of liberty and union.''

Let us enjoy the fresh air of liberty and the understanding that this constitutional document would protect any American who would fall on the minority side of a cause. If it is not you today, it may be you tomorrow.

For us to have a constitutional amendment that takes this document and make mockery of it, it has served us well. There is not a page or line or sentence in this document that undermines the human dignity of anyone. I welcome the clergy, and I would go to pray and sit with them and discuss with them their beliefs as I respect them, as I respect all of our beliefs. But who are we as a Nation if we are promoting democracy in the very bottom of the insurgency of Iraq and Baghdad, and we would stand today to deny the constitutional understanding that says we all are created equal. This document stands to the living testament that whoever you are in this Nation, you have freedom under this Constitution.

Mr. Speaker, I ask my colleagues to defeat this amendment because it is unjust and it is not befitting of these United States of America and those of us who desire to preserve the Union and the Constitution, realize that this amendment does not promote freedom of religion or the sanctity of our Constitution.

Mr. Speaker, this resolution is the symbol of misplaced priorities. As my colleague from California eloquently enunciated during a Judiciary Committee markup of the ''9/11 Recommendations Implementation Act,'' H.R. 10 yesterday, it is unfathomable that we rushed through the consideration of that very important legislation so that we could debate this unnecessary proposal. Whether same-sex unions negatively affect our traditional notions of marriage will not make a difference to the families of 9/11 victims. Our first responders will not get the needed funding to prepare for imminent attacks as a result of swift passage of the Federal Marriage Amendment. This debate is ridiculous and will not help the American people.

I oppose this bill. H.J. Res. 106, the ''Federal Marriage Amendment,'' proposes to assert Congress' opinion on the lives of all Americans on matters that concern their personal lives, their family relations, and their very identity.

This Constitutional amendment is not necessary and therefore should not be transmitted to the Committee of the Whole with a rule that restricts the voices of the members who function as one of the few voices that the Nation will have on its future.

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.'' This amendment was the basis of the doctrine of states' rights that became the antebellum rallying cry of the southern states, which sought to restrict the ever-growing powers of the federal government. The principle of states' rights and state sovereignty eventually led the southern states to secede from the central government that they believed had failed to honor the covenant that had originally bound the states together.

In this case, 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.

FULL FAITH AND CREDIT

In 1887 the court told us that ''Without doubt the constitutional requirement, Art. IV, § 1, that 'full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State,' implies that the public acts of every State shall be given the same effect by the courts of another State that they have by law and usage at home.'' *Chicago & Alton R.R.* v. *Wiggins Ferry Co.,* 119 U.S. 615, 622 (1887).

The proposal in H.J. Res. 106 will overturn Wiggins Ferry, and all other supreme court jurisprudence that have pronounced what the Framers of the U.S. Constitution intended in drafting Article IV, § 1.

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 engage in a union equals a federal taking—legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy.

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 taxpayer's 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.

We are fighting global war on terrorism, we are still recovering from the greatest attack on American soil and we are working to create alliances around the world. We have men and women overseas who are giving their lives to see freedom in Iraq. We have troops in Afghanistan that are still trying to set up a functioning democracy in Kabul. Why are we wasting time on the house floor, in our legislative offices and with our valuable staff to handle this ludicrous 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. At a time of record high unemployment, diminishing job prospects, a ballooning budget deficit that is choking our economy and crucial social service programs, a public school system that is in great need of attention and a health care system that is failing over 43 million Americans that remain uninsured over the past 3 years. This discriminatory constitutional amendment 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 Federal Marriage 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.

FMA 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 with 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 FMA is a lawyer's dream and a judge's nightmare. The number of cases that will flood the system will be outlandish. Does the FMA retroactively invalidate all marriages that have occurred in the interim? If a spouse has died, how does the retroactive annulment affect custody of the children, or property rights? There will be a litany of case law brought to deal with these questions, and our judicial system will be filled with cases trying to sort out the lasting effects of the FMA.

THIS IS LIKELY TO FAIL

Amending the constitution is not a simple thing, and should be done with care and caution over a long period of time. Our haste in this matter will be the tragic flaw of FMA's journey. Recent polls show that a majority of people who oppose gay marriage also oppose amending the constitution to ban them. Even if the Bush administration can whip enough votes to pass this through both chambers, it is highly unlikely that 35 states would approve it.

FMA DOES NOT HELP FAMILIES

Many of my colleagues are arguing that FMA 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 FMA 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.

THE LEGAL INCIDENT OF MARRIAGE WARRANTS A LICENSE

There are a multitude of critical protections needed for 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. Legal status 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, and I urge this body to preserve the Constitution for the document of equality that it is—vote "no."

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in strong support of the marriage protection amendment. This bill could also be called the family protection amendment. It could be called the child protection amendment because it is the best environment for our children's future. It is one that arises out of a marriage between one man and one woman.

It is unfortunate that we have come to this point where Congress must step up and amend the United States Constitution in order to protect marriage in our country. However, the circumstances presented to us today leave us no choice but to do so. I want to ensure that the citizens of our Nation make this decision directly through their elected officials and their vote, and not by unelected Federal judges. I want my fellow Texans, not a Federal court, to decide what marriage is in our State.

In 2003, the Texas legislature passed a law defining marriage as a union between a man and a woman. The 1996 Defense of Marriage Act does not compel Texas to recognize same-sex marriages authorized by other States, and I support that law. However, the law does not keep same-sex couples with marriage licenses issued in other States from moving to Texas and suing to have their union recognized as a marriage in Texas.

Would a Federal court or a Supreme Court uphold DOMA in this case? We do not know that. But what we do know based on recent history, the indication is that it is a safe bet that appointed judges and not the American people may make that decision. The situation I just described is not an imagined one. It is a reality in 11 States that are currently facing legal challenges in their States. Judges in these cases, not the people, will be able to define marriage. Mr. Speaker, this is not how our system of government was designed to work.

To date, people across 44 States have spoken. They have sent the message that they believe marriage should consist of a union of a man and a woman. This represents 88 percent of our States.

Mr. Speaker, in closing, it is not just what I am saying, but the children also know what the definition of marriage is.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), a longtime civil rights and human rights advocate.

Mr. HOYER. Mr. Speaker, let me say that I support the traditional definition of marriage as a union between a man and a woman. I voted for the Defense of Marriage Act in 1996, but I believe, like Vice President CHENEY, that this is an issue that should be regulated by the States, as it has been throughout the history of this great Nation.

In fact, Mr. Speaker, the chair of the House Republican Policy Committee, the gentleman from California (Mr. COX) stated on Tuesday in the Wall Street Journal and I quote, ''The Federal marriage amendment would do more harm than good were it to be enshrined in our charter.'' That is the statement of the chairman of their policy committee.

Through their legislatures and courts, the States have proven quite capable of determining the legal definition of marriage. I believe the proper venue to consider decisions affecting this issue is in State courts and legislatures, and yes, with the people of the individual States. Thus, I oppose this constitutional amendment which is, at its core, based on intolerance and is a patently obvious effort to energize a part of the Republican Party's base and inflame the passions of others.

None of us should ignore the Republican majority's real intent here today. This constitutional amendment represents the perfect marriage of raw political cynicism and distraction. Everyone in this Chamber understands that this amendment is not going to pass. In fact, the gentleman from California (Mr. COX) said again in the Wall Street Journal, ''The Federal marriage amendment is more symbol than substance given the near impossibility of a two-thirds vote.''

Even the majority leader himself acknowledged as much this week, telling Congress Daily, ''I think it is really important to put Members on the record, particularly before an election.'' Orval Faubus would have agreed with that; George Wallace would have agreed with that; Lester Maddox would have agreed with that.

The majority leader's decision to move this amendment to the floor just 7 months after stating that it was unlikely to be considered this year is more than ironic, it is patently political. The purpose in bringing this amendment to the floor today, just 4 weeks before the election, is to create the fodder for a demagogic political ad that appeals to voters' worst fears and prejudices rather than, as we should do, to their best instincts.

Finally, Mr. Speaker, given that this amendment is not going to pass, it is nothing short of amazing and irresponsible that we are spending time debating this issue on the floor today.

□ 1500

Again as our colleague from California (Mr. COX) pointed out, there have been more than 130 amendments to the Constitution proposed in our history regarding marriage. The gentleman from California pointed out not one of those amendments has ever been voted on in either House because the leadership in those houses over those years thought those 130 amendments did not belong on the floor. How sad it is that we do not have that kind of leadership today.

At midnight tonight, my colleagues, the new fiscal year begins. How many of 13 must-pass appropriation bills have passed? One. Mr. Speaker, the Republican majority's legislative malfeasance is on full display today. The appropriations process is in meltdown. This Republican Congress has failed to enact a budget, failed to enact intelligence reform, failed to enact energy reform, failed to enact the reauthorization of the highway bill, failed to enact the reauthorization of the Higher Education Act. The list goes on and on. Yet with all that outstanding legislation, with all of America's business bottled up and pending, we consider a constitutional amendment that the chairman of the policy committee on the Republican side says will not pass. How patently political today is.

Mr. Speaker, this Republican majority has failed. The American people deserve better. I urge my colleagues to vote against this amendment.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank our majority leader for his leadership on this issue. It is an honor for me to stand here with my colleagues today to protect marriage. To my colleagues who oppose this amendment, they want to argue that marriage is a right that should be extended to relationships beyond those of one man and one woman. They want to claim that the effort to protect marriage is about discrimination.

Mr. Speaker, I have a statement I want to enter into the RECORD. It is from one of Boston's most respected African American leaders, Reverend Richard Richardson of the St. Paul African Methodist Episcopal Church, standing in support of marriage, working to help protect marriage.

The statement is as follows:

''As an African-American, I know something about discrimination. . . . The traditional institution of marriage is not discrimination. And I find it offensive to call it that. Marriage was not created to oppress people. It was created for children. It boggles my mind that people would compare the traditional institution of marriage to slavery. From what I can tell, every U.S. Senator—both Democrat and Republican—who has talked about marriage has said that they support traditional marriage laws and oppose what the Massachusetts court did. Are they all guilty of discrimination?''

Mr. Speaker, there is an emotional appeal to their arguments, but we are not here to legislate on emotion, and this is not comparable to the civil rights movement. We are here today, Mr. Speaker, because logic, because reason, because experience tell us that marriage is something that is worth preserving and protecting. Despite what some of my colleagues will say, we are not here for malicious purposes. We are here to ensure that our marriage laws protect an institution that is part of the bedrock fiber of our society.

To determine whether or not a law is discriminatory, you have got to have an understanding about something of the purposes of that law. Is Social Security age discrimination because only people of retirement age are affected by that? Of course not. Similarly, common sense, experience, and social science will tell us that the purposes of our marriage laws are neither ugly nor invidious.

Marriage is a social institution. Individuals freely decide to enter marriage, but they do not have a right to redefine its basic nature because they disagree with our shared American understanding of what marriage is. They do not have that right any more than an individual can privately redefine the meaning of other basic social terms like ''property'' or ''democracy'' or ''church'' or ''corporation.''

A vote for this amendment is a vote to preserve and protect an institution that is critical to the well-being of American families and children. Mr. Speaker, today we are going to stand with a basic element of our society. We have an obligation to preserve it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK), a distinguished member of the Committee on the Judiciary now on leave.

Mr. FRANK of Massachusetts. Mr. Speaker, consistently proponents of this amendment have tried to hide what it does. Yes, there is a question about what one State could be compelled to do by the Federal courts to respect another. If that were the problem, an amendment could come forward aimed narrowly at that. I would not support it. But an amendment that said the full faith and credit clause does not apply could have come forward. This amendment goes far beyond that. But the proponents of it apparently understand how indefensible it is in the very democratic terms which they use, and therefore they conceal it from the people, speaker after speaker after speaker.

I hope the majority leader will tell us why he will not be straightforward about this element of it and here is what it is: this does not simply say that judges cannot decide the question. And it does not say that one State cannot compel another. It also says, and its major impact, if it were to pass, would be to say to the voters of Massachusetts, no matter what you say in a referendum, no matter how you, the democratic electorate of Massachusetts, choose to define marriage, we the Federal Government overrule you.

What justification have you for that? You say the people of Texas, the people

of Tennessee want to decide. Why not the people of Massachusetts? Why did you not draft an amendment that would have honored the right of a State's electorate to make a decision? Our legislature is now in charge of this issue. The legislature will decide and the referendum will decide; and this amendment undeniably, but silently, says that no matter what any State does, it will be overruled. Vermont's civil union law originally came from the courts, but it has since been accepted by the political electorate. There have been votes in Vermont over this. Elections. This would also be overturned.

But now let me turn to the merits. We heard one gentleman say that he was not talking about same-sex marriage. He just noted that he had presided over the dissolution of 20,000 marriages. I am a gay man and I have presided over the dissolution of none. So I guess I do not feel quite as guilty about assaulting marriage as some of you would like me to feel. I am sorry Rush Limbaugh has been divorced three times, but it ain't my fault; and it is not the fault of any of my friends. That is the issue.

We are not assaulting marriage. Since when is it an assault on something for people to say, you know what, we have been excluded from this institution. We are also human beings and we feel love. We feel it in a way different than you. We feel it for someone of the same sex, male or female. And we look at your institution of marriage, and we see the joy it brings. We see the stability it brings to society. How does it hurt you if we share in it? That is the core issue I have not heard understood. What is it about the fact that two women in love in Massachusetts want to be legally as well as morally responsible for each other and live together and keep their home? Why is that an assault on you?

What a case of blaming the victim. You are defending yourselves against two loving people whose failure is to love each other and to want not simply to be free floating but to be committed? What is it you are protecting yourselves against? How do we threaten you? What about the love of two men so disturbs you that it would dissolve marriages? There are apparently, what, men and women happily married all over the country and they will learn that in Massachusetts the legislature allowed same-sex marriage to continue and they will get a divorce, they will call the gentleman from Texas and he can make it 20,001.

The gentleman from Texas, the majority leader, says this is not about gay marriage. Yes. And God didn't make little green apples and it don't rain in Indianapolis in the summertime. This is a political effort and it comes up a month before the election when it has been an issue since May of this year at least and before, a month before the election, an amendment that has no chance to pass, demonizes same-sex couples.

I say demonize for this reason. You say, we do not have anything against these people. Then why do you change my love into a weapon? Why if I have the same feelings that you do towards another human being does that somehow become the only weapon of mass destruction you have ever been able to find?

I urge the House to turn this down, let the people of Massachusetts make their own choices, and let loving men and loving women live in peace.

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

I have the utmost respect for the gentleman from Massachusetts. I respect his feelings. No one is attacking his feelings or his relationships. There are many loving relationships between adults. But, Mr. Speaker, what we are saying and what this amendment is about is children, having children, raising children, and the ideal of marriage between one man and one woman raising those children.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, one thing that both sides of the aisle, I think, can agree on today is that we should not be here today debating this amendment. I was thinking as I was sitting here, if we could go back in time to the days when they were laying the very foundation of this building that we are in today and we could ask the individuals laying that foundation, people walking the streets in D.C., what is the definition in America of marriage, they would have looked at us in bewilderment and they would have said without question, it is the relationship between one man and one woman.

Mr. Speaker, if I had dared to tell them that there would come a day when I would stand in this Chamber and people would point their finger at me and they would yell and they would scream and they would call me names because I dared to stand up here to defend that definition of marriage, they would have been just awestruck.

Mr. Speaker, our friends on the other side of the aisle always talk about representing the people in this country; but when their definition of marriage was challenged, 78 percent of them in Louisiana stood up and said that they believed that marriage should be between a man and a woman; 71 percent of them stood up in Missouri; 70 percent in Nebraska; 69 percent in Hawaii; 61 percent in California.

Mr. Speaker, what we are facing today is an assault by a few individuals on that basic traditional definition of marriage between a man and a woman. The problem we had is that when this Congress stood up with the people in this country and said we want to protect that definition for you and they passed the Defense of Marriage Act, they realized that that act is currently under attack in Nebraska alone where 70 percent of the voters amended the Nebraska constitution to define marriage as the union of one man and one woman, that is being attacked and trying to be overturned now.

Mr. Speaker, before our subcommittees we have heard testimony after testimony by leading scholars of the courts that tell us that when that act comes before the courts, it will be declared unconstitutional, not because that was the original Constitution but because of the way a few handful of judges are interpreting that Constitution today.

Mr. Speaker, the question for us is very simple. There are some of our friends who say that the protection of marriage is not worth amending the Constitution. I think it is worth that, Mr. Speaker; and I hope we will pass this amendment so we can stand with all the people across this country who believe very strongly that marriage should be between a man and a woman for the protection of the children in that marriage.

Mr. CONYERS. Mr. Speaker, I am pleased now to reach across the aisle and yield 3½ minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

Mr. KOLBE. I yield to the gentleman from New York.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, the distinguished majority leader said that this amendment is about protecting children. With all due respect, it has nothing to do with protecting children. Gay people, lesbian people raise children today. They have children. They raise them. The laws of many States permit them to adopt children and they do. What this amendment is aimed at doing is aimed at preventing any State from bringing some stability to the lives of those children by allowing their lesbian or gay couples who have legal custody of those children, who are raising those children, to be able to get married. And this amendment says never mind what the electorate says, never mind what the legislature says, we do no want those parents to be able to be married.

So do not tell us this is about protecting children. Whatever it is about, it is not about that.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his comments. I thank the gentleman from Michigan for yielding me this time. I wish I could seek time from my side of the aisle to speak today for basic human rights.

□ 1515

Unfortunately, the misguided effort to enshrine family law into the Constitution of the United States comes from this side of the aisle. So I am grateful to the minority for yielding me this time.

Mr. Speaker, the very process by which this bill is brought before us today is an affront to this institution. It was not considered by any committee of the House. It is not brought to the floor by the chairman of that

committee. Rather, it is brought by the Republican leadership, who decided to take upon themselves to do the work of the committees and their chairmen. Moreover, this very same legislation was considered in the Senate and did not even achieve 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?

Eleven States have proposed constitutional amendments on the ballot this November which would define marriage in their own States as being between a man and a woman. While I might disagree with the actions of the voters in my State or any State considering such an amendment to their constitution, that is their prerogative. For better than 200 years, family law has exclusively been the domain of the States. And 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 in 1996, former Representative Bob Barr, has said as much. And I agree with him. Marriage and divorce, inheritance and adoption, child custody, these are matters which correctly belong with our States. It certainly does not belong in the Constitution of the United States.

Many of the States considering amendments to their own constitutions would permit their legislatures to enact provisions for civil unions between two people of the same sex. This amendment would prohibit that. 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.

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 from ourselves again this day.

Never in our history have we used the amending process to limit the rights of citizens. From the first amendment to the fourteenth, the framers and the Congresses which followed have sought to expand and protect the rights of citizens. This would be a unique amendment in that it takes away rights from one group while specifically conferring it upon another. Try to find another provision in the Constitution that does this. They will look in vain.

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

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

Mr. Speaker, we have been here before. Abortion was up to the States, and it was supposed to be up to the States. Unfortunately, those who wanted more abortions in the States and the States were not doing what they wanted had a concerted strategy to use the courts to get abortion. And they worked over the years, went to the Supreme Court, and they got their abortions. And we have abortions.

The same thing is happening now on marriage. They are trying to get marriage redefined in this country, so we know that we will end up in the Supreme Court.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, I am glad that Congress has moved this important legislation to the floor of the House for a vote today. My office has received literally thousands of letters and e-mails, personal visits and phone calls from constituents urging me to support the institution of traditional marriage. And I want them to know today that I have heard them.

I realize that reasonable men can differ on whether to allow nontraditional marriages in the United States. But I am clear on this issue because the values I share with the people of the Second Congressional District of Georgia are deeply held for God, country, work, and family. Moreover, these families' values are those of the traditional family based in our Judeo-Christian principles. That is why I have cosponsored and will vote for this important constitutional amendment, H.J. Res. 106, in order to protect the institution of marriage by defining marriage in the United States as the union between a man and a woman.

I also voted for the Defense of Marriage Act in 1996, which prohibits federal recognition of same-sex marriages and allows individual States to refuse to recognize such marriages.

Mr. Speaker, only by having a uniform definition of marriage established in the Constitution and interpreted by the federal courts can this most basic unit of society be protected.

God, country, work, family, marriage between one man and one woman, to these we must pledge our sacred honor.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), who has worked with us on civil rights, human rights and international issues throughout her career.

Ms. WOOLSEY. Mr. Speaker, here we go again. With all the important legislation we should be working on with just 1 week left in our session, we are writing discrimination into the Constitution for the first time in our country's history.

Whether one supports or opposes gay marriages, there is no reason to threaten the democratic values set forth in our Constitution. Not now, not ever.

Of course, Republicans are getting a lot of political mileage out of this debate today from their right-wing fundamental supporters. And they get a lot of mileage out of being on the side of what we they call ''family values.'' They have offered programs like their Marriage Initiative, where $1.5 billion has been funded to help the poor acquire interpersonal and conflict management skills to promote and strengthen marriage.

The people I talk with, however, do not want the government to be their family therapist. They do not want the government to be in their bedroom. They want a government that helps create good jobs with good benefits, flexible workplaces, universal health coverage, affordable child care, safe after-school programs and much more. They know what real family values are.

And let me read a letter I just received from a family that knows about family values. The woman writing, her name is Casey. She is from Santa Rosa, California. She writes: ''I was in a very long relationship with my partner until her death on April 17, 2000. Although I wanted very badly to, we could not legally marry, and my partner refused to marry me until our marriage would be legal. Hence, we were never able to marry even though we raised two children, who, by the way, are both heterosexual.

''Shortly after her terminal diagnosis after 18 months of a valiant fight against cancer, she asked me to marry her brother. This would accomplish three goals: I would be afforded health insurance through his work. As I have several debilitating chronic conditions, it is vital that I have health coverage.'' Second, ''if and when he becomes ill from his HIV or Hepatitis C, he will have someone to care for him.'' And, third, ''our youngest child would have two parents for the rest of her childhood, another 3 years.

''Three weeks to the day after her brother and I were married, the love of my life died in my arms at the age of 37. If we had been allowed to marry, we would have felt that we were full citizens in our State and in our country. As it was, she died a second-class citizen. Please do not let any more Americans die as second-class citizens. Sincerely Casey McChesney.''

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. BERMAN).

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

Mr. BERMAN. Mr. Speaker, I rise in opposition to the so-called Marriage Protection Amendment.

During the Civil Rights movement there was great public turmoil over whether or not white and black children should go to the same schools; whether people of different races should eat in the same areas of restaurants, drink from the same water fountains, sleep in the same hotels; even whether consenting adults of different races should be allowed to marry each other. After years of struggle and public discourse, the minority went to our country's highest court and to its elected representatives in Congress, and at long last, in their quest for equality, our government realized that Black Americans are Americans.

Today, only 40 years later, these questions seem preposterous. To children learning about

that time in school, it seem unreal. Listening to the debate today, I have to wonder if we will ever learn from the lessons of our history. Today we're talking about an amendment to the Constitution—the document that assures all Americans that they are equal. We're asked to amend the Constitution in a way that will say all Americans are equal, except for this one group. What we're really talking about today is one question. Are Gay and Lesbian Americans, Americans?

I hear those who support this amendment saying we have to amend the Constitution to protect us from activist judges who are not upholding the notions of family that existed when the country was founded. If the authors of this amendment had served in Congress during the Civil Rights movement, we could have heard them argue to defend segregation with an ''Education Protection Amendment'' after the Supreme Court's activist decision in the Brown v. Board decision. After the Loving v. Virginia decision they would have reacted to the judicial activism with a ''Racial Purity Protection Amendment.''

I don't believe that the proponents of this amendment, or for that matter the majority of the American people, truly believe that a gay couple living down the street in a committed relationship is a threat to their own marriages or to other marriages in their community. I don't think they really believe it because such a belief would be completely nonsensical.

The proponents of this amendment argue that two women who fall in love and want to marry will eventually be the downfall of all families in the United States. They say it will lead to the breakdown of the family. I want the people in favor of this amendment to look at the more than one million children of gay and lesbian parents in this country today one million children of gay and lesbian parents in this country today and tell them that you're here fighting to protect the rest of the country from their family.

The Members who support this amendment claim they want to protect marriage. Open your eyes and look around. There are plenty of threats to marriages today—adultery, divorce, just the challenge of two adults making it through life's struggle together. Two people falling in love is not a threat to marriage—it's the basis of marriage.

If the other side were sincere about wanting to protect marriage, we'd have an amendment on the floor today constitutionally banning divorce. If they really wanted to protect children from the dangers of being raised without a father and mother, we'd be banning single parenthood. But we aren't.

Each Member of this Congress took a vow to defend the Constitution when we took office. The Marriage Protection Act would defile our Constitution, and we should uphold our duty today by opposing it.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the majority leader for yielding me this time.

A lot has been said about this Constitution. I will just take my colleagues to article I, section 1. It says ''All legislative powers herein granted shall be vested in a Congress.'' That is what the courts have taken over from us, legislative powers.

So I want to say this about families: There is only one institution that is as old as humanity itself. There is only one institution that we know is right for raising children. There is only one institution that we know is best to teach our children our values of faith, our moral values; only one proven institution to transfer our work ethic to the next generation. There is only one institution that transfers all that we are as a people to our children and grandchildren and only one relationship between people that ensures the survival of the human race.

All of human history, all that we were, all that we are and all that we are ever going to be is built upon one institution, the cornerstone of civilization. And that institution, Mr. Speaker, is marriage.

Mr. Speaker, we owe too much to our Creator, too much to posterity and too much to our children to throw away marriage, redefine marriage for no more reason than to demonstrate tolerance.

The active effort on the part of four unelected Massachusetts judges to impose same-sex marriage on all of America without the consent of the people is judicial tyranny. And if we believe in ourselves, and we do, and if we believe the Constitution is a sacred covenant that provides the best hope for all of humanity, then we have no other alternative but to amend the Constitution to protect our posterity from those who would forever alter or abolish our way of life and to do so without thought given to the price that would be paid by all future generations.

We cannot put the Genie or the Gina or the Jimmy or the Joey back in the bottle. If same-sex marriage were something that was an experiment that, if it did not pan out, we could simply change it back, I would not be so emphatic here today. Mr. Speaker, we will not get a ''do-over'' on marriage. We will not get a second chance to get it right again; not in this country, not in this civilization and not in this generation of man.

I support the constitutional amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary and subcommittee chairman.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Texas, majority leader, for yielding me this time.

Mr. Speaker, however we feel about the subject of marriage, we can still support the Marriage Protection Amendment. That is because judicial activism in America has reached a crisis.

Judges routinely overrule the will of the people, invent so-called rights and ignore traditional values. Recently, judges have even changed the definition of marriage. Most Americans simply do not want judges to dictate a new kind of marriage that is so different from the one that has served so many so well for so long. They want to protect marriage as we know it.

Eleven States have proposed to alter their constitutions or statutes to protect traditional marriage through ballot initiatives. Five States have already done so, with an average of over 70 percent of the voters wanting to protect marriage.

To prevent judges from overruling these popular initiatives, we must pass the Marriage Protection Amendment. Either we act in Congress or a few judges will redefine marriage and impose their personal views on the country.

The constitutional amendment process is an integral part of our democratic system, requiring approval from two-thirds of each House of Congress and three-quarters of the States by votes of their State legislatures. Passing a constitutional amendment places this debate back where it belongs, and that is with the American people. It is the American people and their representatives who should determine how marriage is defined. That is why we should support the Marriage Protection Amendment.

Finally, Mr. Speaker, I want to say, we have heard two arguments time and time again today by the opposition that they have used to cite to oppose the Marriage Protection Amendment. The first is some variation of ''all people are created equal,'' that somehow this is about equal rights. But, Mr. Speaker, just because all people are created equal does not mean that all kinds of marriages are equal, just like it does not mean that all kinds of flags are equal or all kinds of governments are equal.

The second argument we have heard today over and over again is that somehow this is a political issue being used to win elections. I do not mind that argument, Mr. Speaker, because that concedes that a majority of the American people agree with us that we want to protect marriage as we know it.

□ 1530

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

Mr. AKIN. Mr. Speaker, I am pleased to rise today in support of the Marriage Protection Amendment.

There have been references to the Constitution. Mine starts out ''we the people,'' not ''we the judges.'' We did not ask for this debate. It has been brought on us by activist judges who have chosen to ignore the will of the people and instead redefine marriage for all Americans.

Sociologists, psychologists, and other experts can give us all sorts of technical explanations, but we all know from experience that kids are best off when they have a mom and a dad.

And kids is what this debate is all about. It is not about civil rights or the rights of same-sex couples. Same-sex couples are free to live as they choose. This amendment does not

change that. Instead, this amendment simply defines what marriage is, the union of one man and one woman.

Now, some have used the word ''discrimination'' or ''discriminating.'' You know, 342 Members of this House, along with the President, signed the Defense of Marriage Act. Does that mean they were discriminating? How about the 70 percent of the voters in of my State of Missouri or 80 percent in the State of Louisiana? Are they discriminating? I think not.

Activist judges are trying to institutionalize a lie that marriage is just about big people relationships, but they forget the little people, the whole generation of kids who will struggle with this terrible precedent.

We do not have to look very far to see the results of family deterioration. Whole cities have suffered terrible poverty and crime because the model of traditional families has been weakened. Should we now stand idly by while a mere handful of activist judges seek to institutionalize the lie that marriage is disconnected from child rearing?

It has been tried before. It has been tried in the Netherlands, and the result is a tremendous increase in the number of little children who are born without any families.

The other night I went to a dinner, there was a 16-year-old little girl, and she said that ever since she could remember being alive she had only one wish: She wished that she had a family.

Do you know what it is like to be lonely, to be really lonely, to have no mom and to have no dad? Do you realize what you miss when you do not have a family, about the love and the affection? When you wake up in a bed and dream at night and there is someone there to give you a hug? The self-sacrifice and self-discipline and grace, forgiveness, all these things that families teach us?

I remember when I was a little kid trying to learn to ride a bicycle. I finally got it going and ran it smack into a bush. I was all bruised and scratched and in tears; and my dad, my big strong dad, came over and he picked it up and he said to me, ''It is time to get back and try again.'' See, those are the kinds of things that moms and dads provide.

So this thing is about the little people. It is whether kids are going to have a mom and a dad. The real discrimination here is by activist judges who are trying to deny children the advantages of a simple family. If this Congress does not act, then it is a gross dereliction of duty if we do not protect our children and protect our marriages.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the majority leader for yielding me time.

Mr. Speaker, I rise in strong support of the Marriage Protection Amendment. This amendment is about recognizing a simple, important, and fundamental truth, and that is just that the marriage of one man and one woman is a unique, special and, in fact, an indispensable relationship that deserves the special recognition we have given it for millennia.

We have got many kinds of important relationships in life. We all know those. Siblings, friends, cousins, in-laws, neighbors, there are lots of important relationships. But only one relationship, the marriage of one man and one woman, can provide the optimal environment for raising children. And that is why the family with a married husband and wife at the center has always been the most important building block of society. And that is why we are here today, to ensure that that unique and vital and important relationship be recognized, preserved, and protected.

Let me reaffirm something that the majority leader said earlier. The fact is the definition of marriage is going to be written at the Federal level. The question here today is whether that is going to be done by nine men and women wearing black robes or whether it is going to be done by the American people through their elected Representatives in Congress and the 50 States through a very democratic process. Put me squarely on the side of those who believe that the American people should make this decision.

We in Congress have stood by and watched the courts usurp more and more power from the American people for decades, and I think we have abrogated our responsibility to the American people by tolerating judicial activists for too long. It is finally time to draw the line and let the American people affirm the definition of marriage by passing this amendment.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of the Marriage Protection Amendment. I am proud to be counted among the cosponsors of this constitutional amendment this afternoon.

In the history of our country, I do not believe anyone has ever said that our system of democracy would be easy. Our Constitution was designed to set us on a path, but it also gave us the ability to change that path when it became necessary. Our Founding Fathers wanted to ensure that we took that process very seriously. They set the bar very high.

Today, many of us here in this body believe that the time has come to change paths, and many people in our country agree. It is time that their voices are heard in this debate.

Today on the floor we have heard a litany of questions about why we are considering this issue. Yes, there are important bills that need to be considered: health care, homeland security, education, jobs. All of them need to be addressed, and no one would argue with that.

But how could anyone say that protecting marriage and the future of the American family is not a top priority? Marriage and the family is the very foundation of our society. It is the activist judges in Massachusetts and Oregon that have compelled the Congress to act, not the other way around.

Mr. Speaker, I urge my colleagues to support this legislation this afternoon as we support the marriage between a man and a woman.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, why are we standing here today, wasting taxpayer dollars in an attempt to, for the first time in our history, amend our Constitution to deny a specific group equal rights? Why do we not leave it to the States, as our Constitution provides?

Frankly, I fail to understand why gay marriage threatens my wife's and my 24 years of marriage, or anybody else's marriage, or why it would undermine the Republic.

Gay and lesbian Americans want their secular government to legally recognize their committed relationships. They want their secular government to provide equal benefits in tax law, access to health care, Social Security, and death benefits. They want the same benefits as other Americans.

Some of my friends on the other side of the aisle are being disingenuous by saying they simply only want to define the institution of marriage. If that is their only motive, then why do they also oppose domestic partnerships and civil unions, which would give gays and lesbians the same rights as other Americans?

Why are we even dealing with this now? The Senate has defeated it. Could it be an attempt to divert attention from the failings of the Congress to do its work on appropriations and transportation; to divert attention from the war in Iraq, from a poor economy or from skyrocketing deficits; to force a blatantly political vote in this House; to whip up a frenzy in a specific group of voters one month before an election?

Let us stop playing political games. Vote down this amendment. We should not be dealing with something that is best being left to the States.

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

Mr. PITTS. Mr. Speaker, marriage is a universal human institution. It always has been in all societies. But marriage in the United States has been under attack in recent years. And the future of marriage really does matter.

Regardless of where we look, we have seen a gradual weakening of the institution of family that historically we have relied on to raise 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 a dad who are married.

This debate is really about what is best for our children. Children living with their mom and dad are safer, children living with their mom and dad are less likely to be abused or neglected, and children living with their mom and dad have fewer health problems and engage in fewer risky behaviors than their peers. These children are more likely to do well in school. They are better off economically and display increased ability to adapt to changing circumstances than peers not living with their mom and dad.

Data shows children who do not have the benefit of mom and dad have unique challenges they would not face if their parents were married and living at home.

And do not try to tell me that people who believe children need moms and dads are bigots. Do not try to tell me that people who believe in moral absolutes are guilty of moral bigotry. We are here to protect our kids. We are here because marriage is healthy for our children.

When marriage ceases to be seen as a means to bring people together for the sake of children, marriage suffers; and when marriage suffers, children pay the price.

Marriage is important because kids need a mom and a dad. History shows that when one aspect of marriage is damaged, the entire institution suffers.

We need to protect marriage by passing this amendment.

Mr. CONYERS. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), the leader of the equal rights amendment.

Mrs. MALONEY. Mr. Speaker, the Constitution of the United States is the single greatest foundation of law in history. It serves as a model for democracies around the world. Therefore, we should approach amending it with great caution and reverence.

For 215 years the U.S. Constitution has protected the rights of the American people; the right to assemble, the right to worship, the right to speak freely, and we ought to pass a constitutional amendment that gives equal rights to women. Instead, today we are debating a constitutional amendment that would curtail a right. Our predecessors tried this once in the 20th century. Fourteen years later they had to unamend the Constitution by rolling back prohibition.

Our Constitution is silent on marriage, and that is good, because the American people's definition of what is an acceptable marriage has evolved over the years. A marriage once signified that a woman had no legal identity apart from her husband. Within the last 100 years, over a dozen States prohibited marriages between those of a European and Asian decent, and the Supreme Court overruled laws barring interracial marriage less than four decades ago.

No constitutional amendment stood in the way of those changes. Laws governing families and marriage have always been determined by State governments. Dozens of States are already dealing with this issue. It is federalism in action. Many of this constitutional amendment's supporters have preached the virtues of federalism on other issues. You cannot be a federalist except when federalism is inconvenient.

This is not governing on principle, it is practicing the politics of expedience and divisiveness right before a major election, and we should know better than to play politics with the United States Constitution.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time. More to the point, I thank the majority leader, the gentleman from Texas (Mr. DELAY), for his extraordinary moral courage in leading this critical issue to the floor of this Congress and leading the debate today.

I also congratulate the original author of this legislation (Mrs. MUSGRAVE), who even as a freshman has left already an indelible imprint on the national debate in this legislation.

I rise today in support of the Marriage Protection Act because I believe, as the overwhelming majority of the American people have ever believed, that marriage matters; that it was ordained by God, established in the law; that it is the glue of the American family and the safest harbor to raise children.

We have heard again and again throughout this afternoon that marriage is under attack by judicial advocates. But I rise today to say that marriage matters to children. And we need not look to the theoretical. Marriage in Scandinavia and in Holland is dying since the advent of same-sex marriage over the last decade in those countries.

□ 1545

As a result, a majority of children in Sweden and Norway are now born out of wedlock. In some parts of Norway, as many as 80 percent of first-born children and two-thirds of subsequent children are now born out of wedlock. And we know ever since my colleague from Indiana, Dan Quayle, first said it, marriage matters to children. Children born out of wedlock have statistically been proven to be more than twice as likely to be poor, to give birth outside of marriage themselves, to have behavioral or psychological problems, and fall into every form of social malady that besets our children.

Marriage matters to children.

I rise today to say against this extraordinary phalanx of legal attacks in virtually every jurisdiction of the country that I commend the leadership of this Congress and, to no less extent, the President of the United States of America for saying that marriage matters enough to find space in the Supreme Court of our land to defend it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a distinguished lawyer in her own right.

Ms. DEGETTE. Mr. Speaker, one of the most glaringly absurd aspects of this debate is that marriage has never been and should not be now a Federal issue. Marriage is quintessentially a State issue. States have always had the ability to determine what constitutes marriage and the protections that it affords the will of the citizens.

Not only does this proposed amendment turn the notion of Federalism on its head, though. It is antithetical to the spirit of our Constitution. This amendment would enshrine discrimination in our Constitution and be the only amendment that actually takes away a group's rights. It would not only take away the right to marriage, but also the right to provide basic fundamental rights, such as the right to visit a partner or child in the hospital.

And to those who say it will help children, I have this question: Why should we not instead ban divorce? Approximately 1 million children, the product of heterosexual marriages, are living in single-parent homes in this country. Fifty percent of heterosexual marriages will end in divorce. If a State allowed same-sex marriage, I do not think it would affect my own heterosexual marriage. We are proud of the fact that this body represents America.

So I would ask those who are divorced or those who have committed adultery, search in your soul and ask yourself, are you really ready to stand here today, today in this body, and cast the first stone?

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I want everyone to keep in mind in the midst of this debate that a primary benefit of marriage is that it provides children with a mother and father from whom they can learn and be protected. What we are talking about today is whether or not we as a Nation will work to reaffirm an institution that provides profound benefits for children.

It is correct that there are millions of men and women in this country who bravely raise children as single parents, and I applaud them for that. But there is an ideal for our children. Social science and everyday experiences teach us that children raised without the presence of both a mother and a father experience more poverty, more substance abuse, a higher rate of educational failure, and much more. Given the importance of marriage in the presence of a mother and father for our children's general welfare, this institution must remain strong.

As a wife and a mother of two sons, I know the importance of children having both a mother and father. When our boys were growing up, my presence was important and irreplaceable. Studies have shown that young men raised by both a mother and father have more positive attitudes toward women, children, and family life. This is exceedingly important, as our society benefits when boys grow up to be men who take raising children seriously. My husband also played an equally important role in the lives of our boys, the role of father, a role that I could never play.

It is true the future of marriage as a strong institution goes far beyond whether or not the Constitution is amended to reaffirm the definition of marriage as the union of one man and one woman. This does not mean that the Marriage Protection Amendment is unimportant. As a society, we will have no hope of strengthening the bonds of marriage without a unified, national definition of marriage that promotes the ideal for our children, that of being raised by both a mother and a father.

As an original cosponsor of this amendment for the last 3 years, I stand in strong support of the Marriage Protection Amendment, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK) for the purpose of making a unanimousconsent request.

(Mr. FRANK of Massachusetts asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, I insert into the RECORD answers I gave to the Committee on the Judiciary and some further material which rebut the preposterous conclusion of Stanley Krutz, which was quoted here, that somehow, same-sex marriage resulted in a decline in heterosexual marriages elsewhere.

JUDICIARY COMMITTEE, CONSTITUTION SUBCOMMITTEE,
Rayburn House Office Building,
Washington, DC.

Answers to the questions from Jerrold Nadler:

When I was asked about Stanley Kurtz's research by Congresswoman Hart at the hearing, I had not read any of his work. I now have and I can say that I believe his interpretation is entirely without intellectual merit.

As I recall Ms. Hart's question, she asked me to accept Mr. Kurtz's factual assertion that a recognition of same-sex marriage had been followed in various European countries by a decline in heterosexual marriage, and asked if I could think of any possible explanation other than that the former had caused the latter.

I was reluctant to answer the question before reading the data lest I be validating premises and assumptions which I would later find to be invalid. This turns out to be the case. In fact, Mr. Kurtz does not himself argue that same-sex marriage recognition preceded a decline in heterosexual marriage. In every country he discusses, and his selection is surprisingly sparse, a point to which I'll return, a decline in heterosexual marriage and childrearing in heterosexual marriages preceded by a significant period of years any recognition of same-sex marriages.

But even on the narrow—and inaccurate—statement of Mr. Kurtz's position that Ms. Hart put forward, the alternative explanation to the assertion that same-sex marriage causes a deterioration in heterosexual marriage is a simple one: They may both be effects of the same or similar social causes. Indeed, as Ms. Hart put the question to me, it can serve as a dictionary example of the logical fallacy known as ''post hoc ergo propterhoc.'' That is, the fallacy that believes that if something happened after something else, it must necessarily have been caused by it.

The key point again to stress is that Mr. Kurtz himself does not argue that same-sex marriage recognition preceded the deterioration in opposite-sex marriage.

In fact, Mr. Kurtz himself argues essentially that the primary relationship of same-sex marriage and a decline in heterosexual marriage is that they are both cause by the same set of social phenomena. A fundamental flaw in his reasoning of course is that he does virtually no analysis of any of the European countries in which there has not been some form of recognition of same-sex relationships. In other words, there is zero comparative analysis in his work. Have significant deteriorations in the incidence of heterosexual marriages happened in other European countries which have not in fact recognized same-sex relationships. The answer is almost certainly yes but we will never know that from reading Mr. Kurtz, who carefully avoids even posing that question, obviously lest his hypothesis be endangered. He does refer to England as a country where there has been a significant deterioration in the number of heterosexual marriages, but fails to note that this undercuts his argument about the relationship between this and recognizing same-sex relationships since England had not done that at the time of his analysis.

The second point to be stressed is that Mr. Kurtz is not talking about same-sex marriage in most cases, but rather of various forms of recognition of same-sex relationships, akin to domestic partnerships or civil unions. This is relevant because some of those who questioned me who are supporters of a Constitutional amendment asserted that they were talking only about the unique nature of marriage, and seemed to think that Mr. Kurtz supported them. Of course he does not since he conflates marriage and other forms of recognition throughout his analysis. Thus, the distinction that one Constitutional amendment draws between marriage and other forms of same-sex relationships does not appear to be at all supported by Mr. Kurtz's analysis.

I have read both his testimony and his article in the Weekly Standard carefully and I am unable to find any coherent argument that says that recognizing same-sex relationships reinforced—he does not claim that they are the primary cause—a decline in heterosexual marriage. His exact statement is ''there is good reason to believe that same-sex marriage and marriage-like same-sex registered partnerships are both an effect and a reinforcing cause of the Scandinavian trend towards unmarried parenthood.'' The primary cause of the ''marital decline in Scandinavia'' according to Mr. Kurtz, incidentally, are ''contraception, abortion, women in the workforce, cultural individualism, secularism and the welfare state.'' That is, all of these have by Mr. Kurtz's own analysis more of a responsibility for the decline of heterosexual marriage and same-sex-marriage. This of course reinforces my earlier point—namely that Mr. Kurtz scrupulously in his analysis avoids looking at the statistics in countries which have not recognized same-sex marriage, since virtually all of them in Western Europe are affected by these other factors. And it does appear that to Mr. Kurtz, even if we abolish same-sex relationship recognition, we would have to ban or severely restrict contraception, abortion, women in the workforce, cultural individualism, secularism and the welfare state if we were to save marriage. I recognize that there are members of the Judiciary Committee who are attracted by the notion of restricting some or all of these, and I commend their discretion in not being more explicit about this wish.

When it comes to causality, the only effort to establish a causal relationship-between recognizing same-sex unions and the decline in heterosexual marriage comes in his testimony when Mr. Kurtz says that ''same-sex partnerships in Scandinavia have furthered the cultural separation of marriage and parenthood in at least two ways.'' He then says that ''first, the debate over same-sex partnerships has split the Norwegian Church,'' and he argues that this weakening of the traditionals within the Norwegian Lutheran Church is a cause of an increase in same-sex relationships. I have tried very hard to find the second causal factor but a very close reading of the text produces no second. So we are left with one assertion of causality—namely that the fact that ''clergy who preach against homosexual behavior are banned'' from preaching in parts of Norway means that their advocacy of heterosexual marriage is no longer heard. This reinforces my view that whatever is or is not happening in Scandinavia in this regard has virtually no relevance to the United States.

I am aware of no religious denomination that has banned clergy from the pulpit if they are against same-sex marriages. There are some denominations that allow this to be performed, but there should be no analogy between the United States, where the great majority of religious groups do not recognize same-sex marriages, and Mr. Kurtz's view of parts of Norway where virtually all clergy who oppose same-sex marriage are banned. To be explicit, if the causality that links a recognition of same-sex relationships to a decline in heterosexual marriage rests entirely on the fact that anti-same-sex relationship clergy are being marginalized and in some cases silenced, it has no relevance to the United States where nothing of that sort has happened or is likely to happen.

This leads me to my final point—namely that reading Mr. Kurtz makes it even clearer than it was to me before that the most relevant experience to draw on in predicting what impact recognizing same-sex relationships will have on American society comes from Vermont. Some have argued that the Vermont experience is not relevant because it has only been in effect for four years or so. But Mr. Kurtz himself has an important section in his testimony on the Netherlands, where ''formal same-sex marriage . . . took effect in 2001,'' and ''marriage-like registered partnerships'' dates from 1998. In other words, the Vermont experience is roughly comparable in time to that of the Netherlands, and if Mr. Kurtz is right in judging an impact based on the Netherlands, Vermont should be equally relevant from the chronological standpoint—and, as a part of the United States, far more relevant culturally.

We have one set of experiences with legal recognition of same-sex relationships in the United States—that of Vermont. It shows none of the negative effects that opponents of same-sex marriage have predicted. Mr. Kurtz advances a correlation in the contin-

ued decline of marriage in various European countries—where that decline long predated any recognition of same-sex relationships—and the recognition of same-sex relationships. But he carefully confines his analysis only to those countries where same-sex relationships have been recognized, so we have no way of telling whether or not the decline in marriage that he attributes to same-sex relationships has been equally great in countries where there is no such recognition. And the only specific causal point he advances is that this silencing or intimidation of Norwegian Lutheran clergy who oppose same-sex marriage has diminished their ability to preach in favor of heterosexual marriage. I am very certain in my view that the experience in Vermont is far more relevant to gauging the impact of a recognition of same-sex relationships in the United States than is the experience in a couple of Norwegian counties where the clergy opposed to same-sex relationships have been silenced.

BARNEY FRANK.

WILL PROVIDING MARRIAGE RIGHTS TO SAME-SEX COUPLES UNDERMINE HETEROSEXUAL MARRIAGE?

Since the November 2003 court ruling allowing same-sex couples to marry in Massachusetts, a new debate on expanding the right to marry has exploded across the United States. While the debate involves many issues, one particularly controversial question is whether heterosexual people would change their marriage behavior if same-sex couples were given the same marital rights and obligations.

As a way to understand what might happen, some writers have looked to the experience of those Scandinavian countries that have pioneered giving a marriage-like status to gay and lesbian couples. Denmark adopted such a ''registered partnership'' law in 1989, Norway in 1993, Sweden in 1994, and Iceland in 1996. Same-sex couples who register as partners in those countries receive most of the rights and responsibilities of marriage. Since then, three other countries (France, Germany, and Finland) have also created a new status for same-sex couples, and two (the Netherlands and Belgium) opened marriage to same-sex couples.

What can we learn from the experience of these countries about how giving gay couples the right to marry affects heterosexual marriage patterns? On the one hand, the fact that Danish marriage rates increased slightly after the passage of partner recognition laws has led some observers to conclude that gay couples are saving the institution of marriage.

On the other hand, Stanley Kurtz of the Hoover Institution claims that allowing gay couples to marry or have marital rights has undermined the institution of marriage in Scandinavia and the Netherlands. This second argument has been widely reprinted and quoted around the country. However, the claim that giving marital rights to gay couples will undermine heterosexual marriage is based on the consistent misuse and misinterpretation of data.

The argument that same-sex partnerships undermine heterosexual marriage rests on four claims:

1. In the European countries that allow same-sex couples to register as partners, marriage and parenthood have become separated, and married parenthood has become a minority occurrence.

2. The separation of marriage and parenthood in those countries is disastrous for children because of higher rates of break-up among cohabitors.

3. Allowing gay marriage accelerates the separation of parenthood and marriage.

4. If the U.S. allows gay couples to marry, heterosexual people in the U.S. will adopt European-style family dynamics.

In fact, none of these claims fits the actual evidence of the Scandinavian and Dutch experience and the U.S. context. A closer look at the data reveals a very different picture:

Divorce rates have not risen since the passage of partnership laws, and marriage rates have remained stable or actually increased.

The majority of parents are married. The average Scandinavian child spends more than 80% of his or her youth living with both parents—more time than the average American child.

Non-marital birth rates have not risen faster in Scandinavia or the Netherlands since the passage of partnership laws. Although there has been a long-term trend toward the separation of sex, reproduction, and marriage in the industrialized west, this trend is unrelated to the legal recognition of same-sex couples. Non-marital birth rates changed just as much in countries without partnership laws as in countries that legally recognize same-sex couples' partnerships.

MARRIED PARENTS ARE STILL THE MAJORITY IN SCANDINAVIA

Marriage and child-bearing have become less directly connected over time in many European countries, including Scandinavia. But as we shall see, this separation hardly qualifies as the death of marriage, and it cannot be blamed on the passage of same-sex partner laws.

In fact, Denmark's longterm decline in marriage rates turned around in the early 1980's, and the upward trend has continued since the 1989 passage of the registered partner law. Now the Danish heterosexual marriage rates are now the highest they have been since the early 1970's. The most recent marriage rates in Sweden, Norway, and Iceland are also higher today than they were in the years before the partnership laws were passed. The slight dip in marriage rates in the Netherlands since 2001 is the result of a recession-induced cutback on weddings, according to Dutch demographers, and the actual number of marriages has gone up and down in the last few years, even before the legalization of same-sex marriage.

No research suggests that recognizing same-sex couples' relationships caused the increase in marriage rates. But heterosexual couples in those countries were clearly not deterred from marrying by the legalization of same-sex couples' rights.

Divorce rates also show no evidence of harm to heterosexual marriage from partnership laws. Scandinavian divorce rates have not changed much in Scandinavia in the last two decades. Danish demographers have even found that marriages in the early 1990's appear to be more stable than those in the 1980's.

Cohabitation rates are indeed on the rise, though, as is the likelihood that an unmarried cohabiting couple will have children. In Denmark, the number of cohabiting couples with children rose by 25% in the 1990s. Roughly half of all births in Norway, Sweden, and Denmark, and almost 2/3 in Iceland, are to parents who are not married. From these figures, Kurtz concludes that ''married parenthood has become a minority phenomenon.''

In fact, however, the majority of families with children in Scandinavia and the Netherlands are still headed by married parents. In 2000, for instance, 78% of Danish couples with children were married couples. If we also include single parent families in the calculation, almost two-thirds of families with children were headed by a married couple. In Norway, 77% of couples with children are married, and 61% of all families with children are headed by married parents. And 75% of Dutch families with children include married couples. By comparison, 72% of families with children are headed by married couples in the United States.

How can this fact coexist with high non-marital birth rates and cohabitation rates? The main reason is that in Scandinavia and the Netherlands most cohabiting couples marry after they start having children. In Sweden, for instance, 70% of cohabiters marry after the birth of the first child, most of them within five years. In the Netherlands, while 30% of children are born outside of marriage, only 21% of children under one live with unmarried parents, and by age five, only 11% live with unmarried parents. As a result, high rates of married couple parenting and rising marriage rates in Scandinavia are not incompatible with high non-marital birth rates.

THE IMPACT ON CHILDREN

Kurtz claims that the rise in nonmarital births will hurt children since unmarried couples are more likely to break-up than married couples. And it is true that unmarried cohabiters' unions are more likely to dissolve in Scandinavia than are marriages, even when children are present. But when cohabiting parents marry in Scandinavian countries, as most eventually do, they are not more likely to divorce than are couples who were married when they had their children.

As a result, children in Scandinavian countries still spend most of their lives with their parents living together. In fact, they spend more time than kids in the U.S. do! Gunnar Andersson has calculated how much time the average child spent living with both parents in the same household in the 1980's, the most recent period that allows comparisons across countries. Of the countries he examines, the lowest average is in the United States, where the time spent with both parents is 67%. The highest is in Italy, where it is 97%. In Sweden the average is 81%, in Norway it is 89%, and in Finland it is 88%. In other words, combining the time that parents are cohabiting and married demonstrates that children are spending the vast majority of their young lives with their parents in the Scandinavian countries.

DID GAY MARRIAGE WIDEN THE SPLIT BETWEEN PARENTHOOD AND MARRIAGE?

No one would argue that marriage plays the same role in Scandinavia and in other parts of Europe that it once did. And to his credit, Kurtz himself recognizes that changes in marriage in Scandinavia were in many ways cause rather than effect of the legal recognition extended to gay couples. Kurtz acknowledges that high rates of cohabitation and the changing role of marriage in Scandinavia probably made it more likely that those countries would be the innovators in giving marriage-like rights to gay people. The decline of religious practice and belief, the rise of the welfare state, advances in contraception and abortion, and the improving economic status of women—all long-term trends in Scandinavia and the Netherlands—probably contributed both to the rise in cohabitation and to the equalizing of rights for gay and lesbian people.

In a recent study, I compared the cohabitation rates (and other variables) in the nine countries that recognize same-sex partners with other European and North American countries that do not. Cohabitation rates were higher in the partner recognition countries before the passage of same-sex partner

laws. Since higher cohabitation rates came first, it would be inappropriate to blame partnership laws for more cohabitation.

But Kurtz also makes the subtler claim that registered partnerships ''further undermined the institution'' (his emphasis) and that ''gay marriage has widened the separation'' between marriage and parenthood. In other words, things were already bad but gay marriage made it worse.

However, this argument does not hold up, either, since the nonmarital birth rate began rising in the 1970's, long before any legal recognition of same-sex couples, and it has actually slowed down in Scandinavia in recent years. From 1970 to 1980, the Danish nonmarital birth rate tripled, rising from 11% to 33%. It rose again in the following decade, but by a much smaller amount, to 46% in 1990, before ending its climb. Denmark's nonmarital birth rate did not increase at all when the Danish partnership law was passed in 1989. In fact, it actually decreased a bit after that date!

Norway's big surge in non-marital births also occurred well before the passage of its registered partnership law in 1993. In the 1980's, the percentage of births to unmarried parents rose from 16% to 39%. In first half of the 1990's, the nonmarital birth rate rose more slowly, leveling off at 50% in the mid-1990s.

Kurtz argues that the main impact of partner registration laws in Norway was to discourage couples from marrying after the birth of their first child. But the data on second, third, and later babies born to unmarried parents tell the same story as the overall trend. In 1985, 10% of second and later babies had unmarried parents, a number that tripled to 31% by 1993. From 1994 to 2003, though, the number only rose to 41% where it appears to be leveling off. If the partnership law had ''further'' encouraged nonmarital births of first or later children, these rates should have increased faster after 1993, but in fact the increase slowed down (for second and later births) or stopped (for first births).

The Netherlands show a slightly different pattern, but here, too, there is no correlation between recognition of same-sex partnerships and rising rates of non-marital births. Despite high rates of cohabitation, the Dutch have traditionally been much less likely than Scandinavians to have babies before marriage, with fewer than one in ten births to unmarried parents until 1988. Kurtz argues that legal recognition for same-sex couples kicked Holland into the Scandinavian league with respect to nonmarital parenting. It is true that the Dutch nonmarital birth rate has been rising steadily since the 1980's, and sometime in the early 1990's the nonmarital birth rate started increasing at a somewhat faster rate. But that acceleration began well before the Netherlands implemented registered partnerships in 1998 and gave same-sex couples the right to marry in 2001.

Another helpful perspective is to compare the trends of countries that have a partner registration law with those that do not. I recognizing gay couples contributed to the increase in nonmarital births, then we should see a bigger change in countries with those laws than in countries without them. Data from Eurostat shows that in the 1990's, the eight countries that recognized registered partners at some point in that decade saw an increase in the average nonmarital birth rate from 36% in 1991 to 44% in 2000, for an eight percentage point increase. In the EU countries (plus Switzerland) that didn't recognize partners, the average rate rose from 15% to 23%—also an eight percentage point increase. The change in rates was exactly the same, demonstrating that partner registration laws did not cause the nonmarital birth rate trends.

Even if we distinguish two kinds of countries—separating out those like the Netherlands with traditionally low nonmarital birth rates from those like Norway with traditionally high rates—we see that there is no connection between partnership recognition and the growth in nonmarital births. The same rapid rise in nonmarital births that that we see in the Netherlands in the 1990s also occurred in other European countries that initially had low nonmarital birth rates. Nonmarital birth rates have soared in in Ireland, Luxembourg, Hungary, Lithuania, and several other eastern European countries—all countries that do not allow same-sex couples to marry or register.

Only one piece of evidence supports Kurtz's argument that partnership created a new wedge between parenthood and marriage, and that piece of evidence directly contradicts Kurtz's ideas about the cause of such a separation. Contrary to what many observers believe, Scandinavian parliaments did not give same-sex couples the exact same rights as heterosexual couples. Quite deliberately, the various Scandinavian parliaments chose to provide legal ties for same-sex couples through a special new legal relationship, not by the simpler path of extending the right to marry to same-sex couples. And the parliaments denied same-sex couples the right to adopt children (including their nonbiological children raised from birth) or to gain access to reproductive technologies. Thus Scandinavian governments did create a wedge between marriage and reproduction, but they did so by design and they did so only for same-sex couples. Despite some loosening of those prohibitions over time, registered partners who want to have children still face legal hurdles that heterosexual married couples do not.

THE IMPACT OF GAY MARRIAGE IN THE U.S.

In the end, the Scandinavian and Dutch experience suggests that there is little reason to worry that heterosexual people will flee marriage if gay and lesbian couples get the same rights. This conclusion is even stronger when looking at the United States, where couples have many more tangible incentives to marry. Scholars of social welfare programs have noted that the U.S. relies heavily on the labor market and families to provide income and support for individuals. In the United States, unlike Scandinavia, marriage is often the only route to survivor coverage in pensions and social security, and many people have access to health care only through their spouse's employment. Scandinavian states, on the other hand, are much more financially supportive of families and individuals, regardless of their family or marital status.

The lack of support alternatives plus the tangible benefits of marriage all lead to one conclusion: if and when same-sex couples are allowed to marry, heterosexual couples will continue to marry in the United States.

CONCLUSION

Overall, there is no evidence that giving partnership rights to same-sex couples had any impact on heterosexual marriage in Scandinavian countries and the Netherlands. Marriage rates, divorce rates, and nonmarital birth rates have been changing in Scandinavia, Europe, and the United States for the past thirty years. But those changes have occurred in all countries, regardless of whether or not they adopted same-sex partnership laws, and these trends were underway well before the passage of laws that gave same-sex couples rights.

Furthermore, the legal and cultural context in the United States gives many more incentives for heterosexual couples to marry than in Europe, and those incentives will still exist even if same-sex couples can marry. Giving same-sex couples marriage or marriage-like rights has not undermined heterosexual marriage in Europe, and it is not likely to do so in the United States.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank our ranking member for yielding me this time.

Mr. Speaker, I oppose this constitutional amendment because it would write discrimination against gays and lesbians into our Nation's Constitution. This amendment not only prevents gays and lesbians from marrying; it also restricts civil unions. Over the last couple of years, polls in New Jersey have shown the majority of the State's residents strongly support civil unions.

This amendment is nothing more than red meat for the conservative right 1 month before an election. They know it is not going anywhere. The Senate could not even get a simple majority to bring an amendment to the floor. Here in the House, the majority leader, the gentleman from Texas (Mr. DELAY), recently admitted that he did not believe the amendment would pass. Yet here we are today spending 2½ hours debating an amendment that we all know is going nowhere.

There was a lot of talk on the Republican side today about the Founding Fathers. Well, since our Nation's infancy, family law has been left to the States. It was our Founding Fathers' belief that issues of intense local concern should be debated and resolved at the local level. We should keep it that way and defeat this amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I am here to speak in favor of the Marriage Protection Amendment, in favor of limiting marriage to the union of a man and a woman, in favor of the overwhelming opinion of the American people, and against the unelected judges that want to reshape our country, even if they destroy democracy in the process.

Families and children deserve the protection of the Marriage Protection Amendment; the best home for kids is one with a mom and a dad. Single parents work valiantly to raise their children, but it is a struggle whenever a child does not have both a mom and a dad at home.

Our laws should recognize and promote stability in our homes.

But when judges usurp the work of legislators, when they twist State and Federal constitutions, as they have on this issue, then they are attacking more than marriage. They are attacking the principles of democracy and undermining our republican form of government. They are attacking the people's ability to govern ourselves. No wonder it is hard to raise children to

respect and obey the law when our judges do not.

Those who do not respect the law should never be appointed as judges, and judges who do not respect the law should be impeached.

But today, we have the opportunity to stand up, both for marriage and for the people's right to govern themselves. It is sad that a constitutional amendment is necessary; but without it, we will be under endless assault by those who want to destroy traditional marriage even if they destroy the rule of law in the process.

Even if you do not respect the institution of marriage, I hope the Members of this body will respect the principle of government of the people, for the people, and by the people. This amendment preserves what has always been the law of this land, and it preserves the principle of government by elected representatives, not by unelected activist judges. I urge every Member to vote for the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, as some of my colleagues have said, this is about protecting our children.

Do my colleagues know what I want my children to be protected from? From Osama bin Laden. We still do not know whether he is dead or alive. From the anthrax mailer, whom we still have not found. From the 6 million containers that come into our country every year, of which only 5 percent are inspected. From missiles that are being developed in Iran. From missiles that are being developed in North Korea. I want to protect children of parents who today are fighting in Iraq and Afghanistan, some of whom still do not have the protective gear that they need.

Mr. Speaker, I will go home tonight and say to my two children, thank God, we have kept you safe from same-sex marriages; but we have not kept you safe from other threats in the world.

Mr. Speaker, some of us want to make the world safe for democracy; others want to make this world safe for hypocrisy. This resolution is not an act of Congress. It is an act of hypocrisy. It is divisive and should be defeated.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in full support of this body's effort to preserve the sacred institution of marriage.

Children are best served when they are raised and influenced by a mom and a dad, and marriage must continue to be the institution to best raise children and not simply for the desires of adults.

Mr. Speaker, I am the youngest of four boys who feel we were blessed to have a mom that we could look to for her loving and nurturing ways, and a dad to be there, well, when boys will be boys, to know that we had a dad.

And now I am a dad today with a wife and two young girls of my own, two young girls who are blessed to know that they can look to their mom when they need a mom, and they know that they can look to have a dad there when they need a male influence in their lives.

Marriage exists for the well-being of children. It is the only institution that gives kids a mom and a dad. Where do grownups get the right to give their own desires higher priority?

If we redefine marriage, it will harm everyone, especially the children. It will legally repudiate the idea that marriage has anything to do with a family, and will legally embrace the idea that marriage is just an arrangement for the convenience of the grownups.

Now, I am here today to support what is best for the kids. The ideal situation for a child is to grow up with a mom and a dad in a loving, committed marriage. Mothers are better able to provide certain lessons than fathers can, and fathers in turn can provide role models in ways that moms simply cannot.

I think it is time that we rip away all the rhetoric that we have heard and know that this debate comes down to this: it is a choice of being what is in the best interests of our children over the choice of what is in the best interests of a select few adults. The choice is clear. I urge all Members to support our children by supporting the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. INSLEE), a very distinguished supporter of civil rights and human rights.

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

Mr. INSLEE. Mr. Speaker, have my colleagues ever noticed how reverential, how worshipful people are when they go over to the archives and they file in front of the Constitution? Have my colleagues seen what is in their eyes? Absolute worship of the U.S. Constitution. I think there is one reason for that, because they understand the Constitution does not belong just to us; it belongs to the ages. They realize for that reason they want us to be cautious and conservative about locking into the Constitution something for a fluid America. There are some lessons in history that show that is the right attitude.

In 1912, Jack Johnson, an African American heavyweight boxing champion, had the temerity to marry a white woman. That offended the vast majority of Americans at the time. And as a result, a Congressman came down to this Chamber, and he introduced a constitutional amendment to make it illegal for States to allow an African American to marry a white person. And Congressman Seaborn Anderson Roddenbery stood where I am standing and said in 1912: ''Intermarriage between whites and blacks is repulsive and averse to every sentiment of pure American spirit. It is abhorrent and repugnant to the very principles of a pure Saxon government.''

Now that statement seems a bit unbelievable in 2004, but it was the majority opinion in 1912.

Now, I am not suggesting that these issues are equivalent, but I am suggesting that we ought to be real slow before we put discrimination to prevent States to make their own decisions about employment and retirement benefits for themselves into the Constitution. Where would this country have been if majority sentiment had prevailed in 1912 and discrimination had been put permanently in the United States Constitution?

But there is a more commonsense reason for rejecting this amendment. Anybody who is thinking about voting for this amendment, I would ask you to come down to the well and look at the five words that are carved on the rostrum of the House of Representatives.

□ 1600

There are five words that are carved here, and of all the words that we could have chosen to carve on to the rostrum, do my colleagues know what those five words are? Union, liberty, peace, justice, and the fifth one may surprise some of my colleagues.

The fifth value is tolerance. Tolerance is the value that was selected to put on here, and tolerance is as American as apple pie. Tolerance is carved into the rostrum of the U.S. House of Representatives and intolerance should not be carved into the U.S. Constitution.

Reject this injury to the Constitution. Reject this amendment.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the marriage protection amendment. It is sad even having this debate. Amending the Constitution, we all agree, should only be considered in the rarest of circumstances. However, we are being forced to.

What makes America strong is the American family. What makes American families strong is marriage.

This bill reinforces what marriage has meant since our country's founding. Simply stated, marriage consists of one man and one woman.

The primary responsibility of marriage in the family is parenting. Children need a father. They need a mother for healthy and proper development. Men and women were created to complement each other, and that is most obvious in successful parenting.

Congress cannot allow unelected judges to redefine marriage and the American family, and that is why we

are here today. We have got to put the decision about marriage back into the hands of the American people.

The people of Texas have spoken loud and clear. Texas passed a law which recognizes marriage between a man and a woman, regardless of what the other States might do. Citizens of the Lone Star State do not want people from other States telling them how to live, and they definitely do not want some judge telling them what marriage is.

Back home, we have a popular slogan, ''Don't mess with Texas.'' Well, I have got one for this debate, ''Don't mess with marriage.''

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong opposition to this proposed constitutional amendment. As lawmakers, our responsibility is to preserve the rights and dignity of all Americans. That leaves me to oppose this constitutional amendment that would ban gay marriage.

I support the right of a State or local jurisdiction to give gay and lesbian couples equal marriage rights under the law. This proposal is an unnecessary and divisive attack on the gay and lesbian community. It would dictate that communities deny the equal provision of rights, benefits and responsibilities of partnership for gay and lesbian couples.

This is an unparalleled attempt to force discrimination against a group of Americans. It is antithetical to other constitutional amendments that expand rights for women and African-Americans.

Mr. Speaker, the Constitution exists to protect our rights, not to take them away. This amendment would be the first, and only, amendment to set aside one group of Americans, giving them fewer rights than other Americans. Additionally, it would strip them of rights currently given them by several States.

Gay and lesbian couples deserve to have their commitment honored with the same rights to insurance, health care authority and visitation, adoption and other benefits granted to committed couples.

I thought the days of enshrining discrimination in our laws were long behind us. A century ago, women were unable to file for divorce and could not have owned property. What if we had enshrined that discrimination for all time? Within the last 40 years, interracial marriages were outlawed. Imagine if that had been formalized in the Constitution.

This complete disregard for human rights is not necessary to protect religious freedom in our country either. No church or other house of worship is required to marry couples of the same gender.

The role of the Federal Government in defining the institution of marriage has historically been a limited one, deferring to States and religious organizations. So this is a cruel and callous attempt to disenfranchise a group of Americans for political gain. It calls for the discrimination of a group in a document almost exclusively devoted to protecting and expanding the rights of Americans.

I urge my colleagues to reject this amendment and this attempt to insert bigotry into our Constitution.

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

I would just point out that I have here hundreds of letters from Hispanic pastors, churches, leaders, civil rights leaders; African-Americans, civil rights leaders, pastors, from all over the country. They do not say that the marriage protection amendment is discrimination. In fact, they say just the opposite: It is discriminating to undermine the definition of marriage by judicial fiat.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the majority leader for the time.

Mr. Speaker, I rise today because my constituents are fearful that appointed judges will destroy the institution of marriage. I share their fear and speak with them today in strong support of H.J. Res. 106, the Marriage Protection Amendment, and I thank my friend the gentlewoman from Colorado (Mrs. MUSGRAVE) for her outstanding leadership on this critical issue.

Marriage has always been and will always be a covenant between one man and one woman. Marriage is a fundamental building block of society, and it is special. It has been from the beginning of time about procreation and the rearing of children.

I wish that this fight here today was not necessary, and we did not ask for it, but because a handful of activist judges launched an all-out attack on the bedrock of Western civilization, the people of the eighth district of North Carolina, in a completely bipartisan way, have overwhelmingly asked me to stand here today and defend our Constitution and to protect marriage.

Mr. Speaker, I believe in the Constitution. I have read it and studied it. We do not amend this lightly, but with activist judges writing law from the bench with their so-called interpretations, I can think of no better reason nor venue for the American people to be heard on whether the institution of marriage will stand or fall.

Do not be fooled. Same-sex marriage and this debate is not about hospital visitation rights, joint bank accounts or inheritance rights. It is about marriage and children.

Marriage between one man and one woman is associated with a broad array of positive outcomes.

Americans have spoken clearly, and it is not about politics. It is about their desire to protect marriage from unelected judges who are appointed for life. I urge my colleagues to stand with nearly 2,000 of my constituents who have contacted my office over the past few months and protect the institution of marriage.

Mr. Speaker, I represent folks from both sides of the aisle in the eighth district of North Carolina. They do not see it as an issue for one political party. They want to defend our institution of marriage.

Mr. Speaker, I appreciate the time. I urge my colleagues to stand and protect marriage today.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for the time.

I am standing here as living proof. I live in a district. I have been married for 30 years. I have two wonderful children. I now have the honor of representing, I do not know how many, married gay couples, and not once, not once has my wife and I had a discussion now that we have to split up because we have gay couples living near us. Not once have I had a single discussion by a single constituent who said, you know what, I am not going to get married because we can have gay marriage. Not once have I had a single child come to see me and say, oh, my God, save me, save me from having gay couples next door.

Yet I have had people, heterosexual couples, come to me and try to help them bring children from around the world so that they can enjoy the company and the love that they can share with children. I know gay couples, both married and not married gay couples, who are raising children. Some of those children are theirs. Some of those children are adopted. Some of those children are the children of their family members who have passed away.

I am not aware of any that are somehow being twisted; society is coming to an end. I am living proof; you will be okay. We will survive this, and all that will happen is that a few people, a few of all of our constituents, will have some joy in their life.

I am not threatened. My wife is not threatened. My children are not threatened. My world is not threatened, and it will not be. It is not threatened in Canada.

As a few points of information, these judicial activists, these terrible, horrendous people who have the audacity to interpret the Constitution of Massachusetts, happen to be appointed by Republican governors. Terrible.

As a final point of information, the people of Massachusetts will most likely have the opportunity to vote on this in a few years. Let them speak as well.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman for the time and rise in support of the Marriage Protection Amendment.

There, again, needs to be the general statement that gays and lesbians have a right to live as they choose, and I will work to support that right, but they do not have the right to define marriage for all of us.

As far as the question of bigotry and civil rights, 60 percent of African-Americans oppose same-sex marriage. Are they bigots? I do not think so.

Shelby Steele, an African-American scholar, said properly, ''Gay marriage is simply not a civil rights issue. It is not a struggle for freedom. It is a struggle of already free people for complete social acceptance. Black leaders . . . have distanced themselves from the gay marriage issue.''

We have had a little lecture on tolerance, and yet it is the side of the people who are arguing against this marriage act who have called death threats in to the original sponsor. It is those people who e-mail daily hateful comments. I wonder where the question of tolerance is at this point when someone dares to differ with them.

There is a question of, who gets harmed from same-sex marriage? When we approve same-sex marriage, we are going to be required to teach that it is okay. In fact, it is going to be wrong to teach against it. If we think that that is not going to happen, look at what has happened to the Boy Scouts of America who dared to take a stance. The all-out assault on the institution of the Boy Scouts of America has been unending, trying to get them to change their stance, simply saying, we want to teach our values.

Religious groups like Catholic Charities or Salvation Army may lose their non-profit status and other facilities unless they endorse gay marriage. Is that what we want? Do we want common, decent, God-fearing people to be declared as bigots, to be declared as speakers of hate speech?

That is where this discussion is going, Mr. Speaker. I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Speaker, no one has been closer in this Congress to Dr. Martin Luther King than he has, and I proudly yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague for yielding me the time.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentlewoman from California.

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

For those of my colleagues who are so worried about unelected judges making the decision of marriage, I want to remind them; it was unelected judges that picked their President.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, we want 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.

For one who faced death, who was beaten and left bloody and unconscious at the Greyhound bus station in Montgomery, Alabama, in May of 1961; for one who had a concussion at the bridge in Selma on March 7, 1965, demonstrating, trying to end discrimination, segregation and separation, this is not the way.

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.

□ 1615

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. DELAY. Mr. Speaker, I yield myself such time as I may consume to say that there were people running around the halls screaming ''protect marriage.'' In fact, there were 50 African American pastors trying to meet with the Congressional Black Caucus, who refused to meet with them. So I am going to bring up one letter out of hundreds of thousands of letters that I have from particular pastors.

From this particular pastor, Dr. Creflo A. Dollar of the World Changes Ministries at College Park, Georgia, and I will not read the letter, but I will quote him, because he says that this is not a civil rights issue. This is an African American pastor from an African American church. Dr. Dollar says, ''This is not a civil rights issue, as many would have you believe, and attempts to frame it as such are an insult to the millions of Americans who have been the victims of actual discrimination in the past.''

Mr. Speaker, I submit for the RECORD Dr. Dollar's letter.

It is a privilege for me to voice my enthusiastic support for the Federal Marriage Protection Amendment currently pending before Congress. The institution of marriage is a fundamental building block of the American way of life, and we are here today to say that it must not be allowed to be redefined or reconstituted. The American family is under attack—we are in the middle of a character crisis that threatens the very foundations of our society—and our message this morning is clear. There is only one kind of marriage, and that is between a man and a woman. Any attempt to deviate from that standard by any means—be it legislative, judicial or executive—is equivalent to spiritual treason. The sacred covenant of marriage was created by God Himself and is not subject to interpretation by anyone.

Our support for this amendment should not be viewed as homophobic, exclusionary or discriminatory. The ministries represented here today extend the love of God to all people, including those who exemplify lifestyles that we don't agree with, and our doors are open to everyone. To attempt to categorize our collective stance in any other way is both irresponsible and inaccurate. This is not a Civil rights issue, as many would have you believe, and attempts to frame it as such are an insult to the millions of Americans who have been the victims of actual discrimination in the past. Part of what makes America the greatest country in the world is the freedoms that our citizens enjoy to make whatever religious, social, professional and lifestyle choices they desire, within the reasonable boundaries of a civil society. However, for America to redefine herself for every movement that comes along would weaken who we are as a nation, not to mention the profound negative impact such a change would have on our children. We speak as one voice for the millions of Americans in our congregations and all over the country who can all be heard making the same plea today—please don't begin a process of de-stabilizing the United States of America by changing the rules for all of us in order to accommodate a few of us. For mainstream Americans, this issue is not negotiable.

We urge the members of Congress to approve this amendment and to do it swiftly. Part of the responsibility of an elected official is to represent the best interests of his or her constituency, and we affirm today that the Federal Marriage Protection Amendment is the right thing to do for America. We wholeheartedly support President Bush and his stance on this vital issue. We must seize this opportunity to make a lasting statement to all who would alter the fundamental institution on which our society is based. I shudder to think about the America my grandchildren will inherit tomorrow, if we don't take decisive action to protect our heritage today. We are confident that the members of Congress will stand up for what is right, and not allow themselves to be bullied by a noisy minority. Our future as a nation hangs in the balance. Thank you and God bless you . . .

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I stand before you today on behalf of the over 100,000 married couples in Wyoming in defense of traditional marriage. I do not judge those who have chosen a different life-style than I have chosen, but marriage is an institution cherished by the American people, as shown by the 44 States that have enacted laws defining marriage as between a man and a

woman. This same institution is now under attack in our courtrooms, an assault we can defend only by passing the Marriage Protection Amendment.

In the marriage debate, we have a case of political correctness going too far and costing too much. As we all work to be an inclusive society, we simply cannot forget the time-honored family values, the bedrock of our culture that have made America what it is today. These are the values that gave the early homesteaders in Wyoming the strength to brave the vast plains and the harsh winters. And these same values help today's families face newfound challenges in a modern society.

Tradition gives our children roots, a base of strength from which to operate when facing politically correct pressures to abandon their values, whether it be God, their country, or, yes, even marriage.

We know in our hearts what is right. We know logically and we know personally that marriage is a union between a man and a woman, and we need to protect the traditional family structure.

Mr. Speaker, I ask everyone's support in favor of the Marriage Protection Amendment.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to set the record straight here. Some of these so-called black ministers and so-called civil rights leaders never supported civil rights. They never marched for one day. They never put their bodies on the line for the cause of civil rights.

Coretta Scott King, the widow of Martin Luther King, Jr. is opposed to this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the very courageous gentleman from Connecticut (Mr. SHAYS), a distinguished member of this body.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time. 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 cannot help but wonder why are we doing this. What are we so afraid of? Gay men and women pass through our lives every day. They are wonderful teachers and leaders and role models who happen to be gay. And sometimes we do not even know they are gay.

I would not be a Member of Congress today if it were not 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, D.C., 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 way 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 helped make me a better person in the process.

The Constitution of the United States, 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 into the Constitution discrimination.

I am sensitive to some of my colleagues' concerns about potential biblical and social implications of legalizing same-sex 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 happen in our State legislatures.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE) to answer the gentleman from Connecticut's question about what is the harm, and his other question being why the harm of redefining marriage to include other lifestyles.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in the wake of, I think, a very important question by my friend and colleague, the gentleman from Connecticut (Mr. SHAYS): What are we afraid of? And the gentleman from Connecticut knows that I admire him and have great affection for him and the integrity with which he does his work, but I would like to answer that.

My colleague, we are afraid of the decline of marriage. We are afraid that what has happened in the last 15 years in the Netherlands since the advent of same-sex marriage is going to happen in America, and that our children and our society will be harmed as a result. As Dan Quayle first said on the national stage some 14 years ago, we know that marriage matters to children. Children born outside of wedlock are more than two times more likely to fall into every form of social malady that besets our kids.

The experience in the Netherlands is undeniable. Since the advent of same-sex marriage in the Netherlands and in Holland, the decline of marriage has been from 95,000 to 82,000. As Dutch academics wrote in their newspapers there recently: ''Over the past 15 years, the number of marriages has declined substantially. The same period also witnessed a spectacular rise in the number of out-of-wedlock births. In 1989, one in 10 children were born out of wedlock, roughly 11 percent; by 2003 that number had risen to almost one in three children.''

That is what we are afraid of, Mr. Speaker. We are afraid of the decline of marriage and the attendant harm to the American family that will undeniably follow. Marriage matters. And we come into this hallowed place today to stand by that institution knowing that we are informed by our core values that it matters and that it is central to our society, but also knowing the experience of our neighbors in Europe has been that when we change the definition of marriage, we begin the decline and ultimately the abolition of marriage as we know it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the previous remarks are drawn from the research of a man named Stanley Kurtz, research that is of a very low level of intellectual activity. It would make some of the debate here today seem scintillating.

In fact, I have submitted information that makes it very clear that as far as the Netherlands are concerned, the trends involved predate same-sex marriage. As a matter of fact, there were same-sex civil unions first, then same-sex marriage. What has happened in the Netherlands predates that. The main author himself states that these are probably effects of the same cause.

Now, let us look to the United States. Vermont has had full civil unions, which most of the Members over there disagree with, since 2001, with zero, no negative effects, the same period of time as the Netherlands has had.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, the men and women targeted by this constitutional amendment are Americans, loved and respected by their parents, grandparents, sisters, brothers, children and grandchildren, neighbors, friends, coworkers, and this Member of Congress. Collectively, we believe in

equal justice and strive to defeat discrimination and absolutely reject the State-sponsored hatred before the Congress today.

The Constitution belongs to all Americans to protect and extend equality and justice for all. Our constitution must never be soiled by this type of bigotry and hate-filled amendment.

My faith teaches me to believe in a loving God, and it is in this spirit that I proudly stand with millions of Americans, and especially with my gay and lesbian friends, neighbors, colleagues, constituents, and coworkers to oppose this constitutional amendment.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the majority leader for yielding me this time, and I want to make a correction for the record.

The gentleman from Massachusetts was talking about the predating the same-sex marriage. Well, in fact, when same-sex marriage was approved in the Netherlands, the rate of births out of wedlock doubled. So that information was incorrect.

Mr. Speaker, I rise in support of the Marriage Protection Amendment. It is becoming increasingly common to see activist judges legislating from the bench on this important issue. Today, a handful of judges are poised to destroy the traditional marriage definition, which is the cornerstone of civilization itself.

The institution of a husband and wife, of mother and father, have served our society well; and it is this foundation that makes our families and communities strong. Passage of this amendment today is overwhelmingly supported by the citizens of this country. Nearly three-fourths of Americans believe that marriage should be a union between one man and one woman.

Today, 44 States have enacted laws that define marriage as between a man and a woman; and without action today, the will of the American people will be ignored with the strike of a gavel by a few activist judges.

To ensure the will of the American people is done today, I urge my colleagues to vote ''yes'' on this amendment.

Mr. CONYERS. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I would just ask the gentleman from Pennsylvania, before he leaves, because he is so certain about the Netherlands, and I will yield him my remaining time, when does he believe that same-sex marriages began in the Netherlands and what was the rate? What is the date?

Would the gentleman from Pennsylvania answer me? When did the same-sex marriages start in the Netherlands?

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman from Massachusetts has expired.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield to the gentleman from Indiana.

Mr. FRANK of Massachusetts. Well, you made the statement. You do not know?

Mr. SHUSTER. 1989.

Mr. FRANK of Massachusetts. No, they started in 2001.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SHUSTER. That is what the facts show.

The SPEAKER pro tempore. The gentlemen will suspend.

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. The gentleman gets the date wrong. He said since 1989. Same-sex marriage started in the Netherlands in 2001.

When Members are giving statistics, they ought to know what they mean.

□ 1630

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, when the other body defeated this amendment early this summer, someone one of the Senators on the majority, said gay marriage is ''the greatest threat to America as we know it.'' Coming from New York City, I think America saw what the greatest threat to this country is on September 11, 2001. But instead of capturing those responsible for that event, Osama bin Laden, Mullah Omar, and the al Qaeda network, instead of passing a homeland security bill here in the House, instead of reforming our national intelligence system to prevent another 9/11, we are here talking about an issue that the Senate has already defeated; and because they have defeated it, it will not come up again. This is purely political machinations.

This Congress and this President are pushing for a constitutional amendment to limit the rights of particular Americans. Why are they doing that? The answer is easy but it is still awful; because today in America, it is still okay to hate gays and lesbians in this country. Gays and lesbians represent the last minority group in this country that it is still publicly acceptable to hate. This legislation has no place in this body. It demeans the body, our Constitution, and the values of this country.

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

Mr. Speaker, the gentleman obviously has not been watching the debate because no one has said anything about hate or the quotes the gentleman stated in this body. This is about marriage.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the gentleman from Georgia said what he wanted to do, he wanted to establish a homosexual marriage as a fundamental constitutional right that the Federal Government would have to not only secure but to protect. That is what he wants to do. When he does that, here is why we are opposed to that. When he does that, he undermines, he not just expands marriage, he alters it to the core. He totally severs it from its whole purpose, and that is the relationship between a man, a woman, and a child.

Marriage is one of the most fundamental institutions of a civil society. That would simply cripple it. We are not talking about expanding a right, extending rights or benefits. We are talking about destroying an institution which has preserved and protected us.

Our decision today will define us as a Nation. It will define us as a people. It will be a predictor of our future and where our future would be. The only responsible thing for us to do today is to defend the institution of marriage and send this amendment to the States for ratification.

A concerted legal and political effort, lead by activist judges, is attempting to affirm homosexual marriage as a fundamental civil right that the Federal Government has a constitutional obligation to secure and protect.

In doing so, they are undermining one of the most basic and sacred institutions that exist in an orderly, stable civil society—marriage.

What is happening is not a slight change in degree that merely extends benefit or rights to a larger class, but a substantive change in the essence of the institution. It does not expand marriage; it alters its core meaning, for to redefine marriage so that it is not intrinsically related to the relationship between fathers, mothers, and children would sever the institution from its nature and its purposes.

In response, the most important and responsible step Congress can take to reserve marriage is to send a constitutional amendment that protects the institution of marriage to the States for ratification.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, we have heard this afternoon about children and activist judges, because that is how the focus groups suggest this debate should be framed.

My children have been raised around people in committed same-sex marriages, relationships in some cases which have included children. They, and most of us, have seen neighbors, relatives, and friends in dysfunctional heterosexual marriages. It is not their sexual orientation, it is people's behavior. My children and most American young people know that marriage is not under attack, and activist judges do not prevent citizens in States from making their own decisions, like we will in Oregon in November.

It is shameful to play politics with the personal lives of millions of Americans who are not just gay, but elderly, and for whatever reason are not married but are in a committed relationship. Luckily, because my children and the vast majority of America's youth disagree with the world view of the

supporters of this amendment, it will not only fail today, but it certainly does not represent the future.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have an obligation to the people of America to settle this debate over whether a handful of political activists are allowed to use the Federal courts to impose their moral view on the unwilling majority of the country.

The overwhelming majority of the people of the 12th Congressional District of Georgia oppose legalized same-sex marriage. They do not want to play semantic games about the issue.

The people in my district and State believe that legal marriage, and the benefits associated with the institution, should be reserved for those whom the benefits were intended, the union of a man and a woman, period.

Georgia has placed a referendum for a State constitutional amendment to that effect on this November's ballot lot. That is how it should be. As a Georgia voter, I will support the amendment with my vote, as will the majority of my State.

The Federal amendment we consider today will allow those State decisions to determine this issue, as they have since our Nation's founding, rather than allowing a small minority to dictate their opinions on an unwilling majority.

We need to speak plainly here today. A vote against this legislation is a vote for legalized same-sex marriage to be forced on an unwilling America. Such a calamity would not just be morally reprehensible to the majority of Americans, it would provide a chilling precedent for undermining our system of self-government. We will pay for inaction on this issue with the loss of government by the people on all issues.

I urge my friends on both sides of the aisle to support the amendment to restore the protections of the Constitution and self rule.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, in a few minutes this body is going to vote on this amendment. There will be women voting as well as men. There will be the grandsons and granddaughters of slaves; and, yes, there will be several gay people voting because in our diversity, we are representative of this great society.

But there is one thing we all have in common, we are here to fulfill the spirit of our Constitution. That is a sacred, generous document whose purpose was to protect and to expand the individual rights and liberties of its citizens. It was never intended to be a mean-spirited tool to punish people who happen not to be in the majority. To legalize committed, caring relationships between people who love each other is consistent with the spirit of that Constitution. This amendment is not, and that is why it should be defeated.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of House Resolution 106. Today, public support for protecting marriage is strong. Forty-four States have enacted laws that provide that marriage shall consist of a union between a man and a woman. These States constitute more than 75 percent of States required to approve a constitutional amendment and they include 86 percent of the U.S. population.

Today, Federal courts are being used by activist judges to redefine marriage for the American people, completely apart from public debate among those that the American people have elected to represent them.

More than 200 years of American law and thousands of years of human experience should not be arbitrarily changed by a handful of unelected judges. The issue of marriage is too important to be decided by judicial fiat.

Our society relies on strong family structure. As trends challenge the family, we need to do all we can to strengthen it and oppose trends that weaken this ideal. Redefining marriage hurts our children because it hurts the institution we rely on to raise our children. We certainly do not want judges changing the definition of marriage for us today and for our children tomorrow.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, there are many reasons to oppose this bill: It is a diversion from the urgent issues facing our Nation; that today's vote is a cheap election-year tactic of the Republican leadership to rally its right-wing base; and that we should respect States rights on the principles of federalism, which Republicans continue to ignore to suit their political purpose.

Mr. Speaker, each of these concerns is a compelling reason to oppose this measure, but I want to make this perfectly clear: This bill should be defeated because it is wrong, it is discriminatory, and it is unAmerican.

Mr. Speaker, how can we export democracy across the globe when we are abandoning its fundamental principles here at home? Writing discrimination into our Constitution will do nothing to protect marriage, but it will taint this sacred document and sacrifice State rights based on certain ideological beliefs, and I urge my colleagues to defeat this mean-spirited, misguided bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, the Marriage Protection Amendment would not prevent any State from enacting civil union laws, but would protect marriage in all 50 States.

Recently, I went to a friend, Mr. Sage Brown, who is a distinguished attorney and civil rights leader in Savannah, Georgia. Indeed, he is featured at the Gilbert Civil Rights Museum as a man who was on the frontlines of integration and did so much for the African American community. I asked him, Is this a civil rights-type issue, to which he said no, the relationship of marriage is the most sacred building block of our society. Marriage is sacred and protected and has nothing to do with violating our civil rights.

If we change the definition of marriage to be more inclusive, then is it logical to argue that we should broaden the definition so we do not exclude anybody? If marriage violated the civil rights of two men or two women who wanted to be married to each other, then it would also violate the civil rights of a polygamist, somebody else who wants to have a different marriage than that between a man and a woman.

Mr. Brown raised a number of good points which I am going to submit for the RECORD. I wish there was more time to have debate on it, but I wanted to bring up something from his point of view.

Mr. Speaker, the Marriage Protection Amendment would not prevent States from enacting civil union laws but would protect marriage in all 50 States. It would state that "marriage in the United States shall consist only of the union of a man and a woman." When I hear my distinguished colleagues from the other side say that marriage should be redefined because it is discriminatory, I respectfully disagree. Moreover, I believe that a great majority of Americans disagree.

I've spoken with many minority men and women in my district who have experienced civil rights abuses first hand. Recently, I spoke with Mr. Sage Brown, a distinguished African American civil rights leader from my district who said and I quote:

> The relationship of marriage is a most sacred building block of our society. Marriage is sacred and protected and has nothing to do with violating our civil rights. It is not a question of whether or not a person can enter into a relationship such as a civil union. Our country was formed by a group of people who were persecuted for believing certain fundamental things. They looked at their creator in terms of the defining foundation for our families . . . and this foundation included the marriage of a man and a woman. The installation of marriage was wholly designed for the production, reproduction and propagation of the family.

Our marriage laws—defining marriage as the union of a man and a woman—were designed to be a blessing to children and society. There is a certain element of complementarity between men and women that is biological by nature.

If marriage violated the civil rights of two men and two women who want to be married, then it also violates the civil rights of polygamists, and of single adults who want to marry themselves. If our distinguished colleagues believe it is a civil rights issue, then do they also believe it discriminates against people who believe in polygamy. Does it also discriminate against three men who want to marry? What about four women? What about

single people who don't want to marry another person? Should they be excluded?

If we change the definition of marriage to be more inclusive, then it is logical to argue that we should broaden the definition so that won't exclude anyone.

Marriage is an institution fits in perfect harmony with the laws of nature; whereas systems of slavery and segregation were designed to brutally oppress people and thereby violated the laws of nature. By contrast, marriage is designed to help children by keeping their mothers and fathers together. Slavery and segregation were meant to exploit and degrade. There is a fundamental difference.

Skin color has nothing to do with marriage. That's why it's wrong to forbid interracial marriage and that's why overturning these laws was a legitimate civil rights issue. But whether a couple is a man and a woman has everything to do with the meaning of marriage. Marriage encourages the men and women who together create life to unite in a bond for the protection of children. That is not discrimination. It is the building block on which society is based.

Marriege was not created to place people in bondage. It was created for having children, and to propagate the human race from one generation to the next.

The union of a man and woman is the most enduring human institution—which has been around since the origin of mankind. It is honored and encouraged in all cultures and by every religious faith.

Ages of experience have taught humanity that the commitment of a husband and wife to love and to serve one another promotes the welfare of children and the stability of society. Marriage cannot be severed from its cultural, religious and natural roots without weakening the good influence of society. Government, by recognizing and protecting marriage, serves the interests of all.

Moreover, it would prevent the judicial chaos we are beginning to see with recent rulings whereas gay couples are suing in States that do not recognize same sex marriage. Recently, Oregon conducted over 3,000 same sex marriages consisting of couples who live in over 30 States.

Lawless local officials have ignored the law and issued same-sex licenses in California, New Jersey, New York, New Mexico, Oregon and Washington. This issue is Federal, not State or local. The States' rights issue is meaningless if judges are the ultimate rulers.

We are headed for a proliferation of court cases in all 50 States if we do not act now.

So far, 44 States, or 88 percent of the States, have enacted laws providing that marriage shall consist of a union between a man and a woman. Only 75 percent of the States are required to approve a constitutional amendment.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, 2½ hours for a debate on amending the Constitution. It is so important that we contemplate that ministers, rabbis, priests can marry anybody they choose to. They can deny marriage to the opposite sex. But the reality is what about amending the Constitution to guarantee quality education to every child in this country; what about amending the Constitution to guarantee health care to every person in this country; what about amending the Constitution so that our colleagues around here could not spend this time talking about a moral issue instead of giving people jobs and giving them an opportunity to protect marriage? Marriages fall apart because people do not have work.

What about amending the Constitution so we can guarantee all kinds of rights to all people? Give me a break.

Mr. Speaker, I rise in strong opposition to H.J. Res. 106, the constitutional amendment on same sex marriage.

African-American voters are deeply divided on the issue of gay marriage and increasingly suspicious of Republican motives around the issue. Currently, 46 percent favor the amendment, while 46 percent oppose. Gay marriage should not be used as a wedge issue to divide any community, especially the African-American community. And guess what? In a June Gallup poll, issues related to the gay community were cited by 2 percent as the most important problem facing the U.S.—compared to other issues, such as the war in Iraq which was cited by 27 percent of the public.

The current administration's policies have devastated our communities. With unemployment in the African-American community double the national average, crime on the rise, and working families struggling to feed and keep their families together, we can't afford to lose focus and be bamboozled by Republicans who want to change the subject. Mr. Speaker, as of September 24 the gross Federal debt is $7.348 trillion. I submit to you that we cannot afford a whole host of things.

The American public wants Congress to focus on real issues facing our Nation—the economy, health care, protecting our homeland and education. To date, Congress has approved only 1 of 13 appropriations bills, despite the fact that a new fiscal year begins tomorrow.

We must focus our energy on good jobs—3 million lost in the last 3 years; better education; improved healthcare since 41 million don't have it; sound transportation funding; and turning around our communities—not about gay marriage.

Mr. Speaker, the administration has indeed captured the Nation's religious leaders on this issue because it does mirror concepts in various scriptures of their religious doctrines. Notwithstanding, it is precisely for that reason that we, in this august body, must resist the temptation to have the State engage in a religious battle. Separation of church and state is the basic principle of this Nation and it exempts us from this unnecessary action. Separation of church and state gives ministers, rabbis, imams, priests, reverends—you get my drift—the freedom to practice their faith and choose to marry, or more importantly not marry, any two people before them.

In these times of spreading war and hate, people of faith must reject politicians who say they are acting out of faith: But are they really? When one wears the cloak of one's faith on your sleeve, it almost automatically calls in question your motives. People who talk about right, justice, compassion and religion are in fact using those sentiments to contradict or undo the very teachings of their faith.

Mr. Speaker, this is not compassionate; it is not tolerant; it is not charitable; it is not inclusive. This is nothing short of divisive and political. Instead of dividing us, our leaders should make redemption, understanding and love the foundation of their policies because we are all sinners.

I believe it's time to start bringing people together to work on the real issues of faith and moral commitment that confront our communities like poverty and homelessness instead of changing the Constitution to deny equal rights to the gay community.

With record high unemployment, crime on the rise, and working families struggling to keep their families together, it's time to bring people together to turn our communities around.

We need to focus on real policies.

Amending the Constitution is the most far-reaching step that legislators can take in governing the citizens of this country, and it is my belief that the Constitution should be the instrument that protects and guarantees the rights of individuals; it should not be used to limit the rights of individuals. The defeat of this legislation is tantamount to the preservation of human rights in this country.

Mr. Speaker, I vehemently oppose H.J. Res. 106 and I will continue to do so until it is defeated.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI) to close.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time, our distinguished ranking member on the Committee on the Judiciary. I thank him for his leadership in promoting freedom in our country and protecting our civil liberties.

Mr. Speaker, I have been married for over 41 years. I want to hear some applause for that. I am glad to see my Republican colleagues appreciate that wonderful accomplishment. I certainly respect the institution of marriage. As the mother of five and the grandmother of five, I appreciate the value of family.

□ 1645

My husband and I value family in our community as a source of strength to our country and a source of comfort to the people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. As for me, I agree with Vice President CHENEY when he said, ''With respect to the question of relationships, my general view is that freedom means freedom for everyone. People ought to be free to enter into any kind of relationship they want to.'' That would be Vice President DICK CHENEY, August 24, 2004.

Mr. Speaker, in the closing days of this Congress, we should be addressing the urgent needs of the American people, to be secure against the clear and present danger of terrorism, to protect our men and women in uniform whose lives are in the battle in Iraq, and to bring economic prosperity and health care to the American people. Instead, we are meeting here today about tarnishing our cherished Constitution

with an amendment that purports to protect marriage but is one that benefits no one and actually limits the rights of millions of Americans.

Our Constitution, to which we all take an oath of office, is an enduring and living document that throughout our history expanded rights, not diminished them, to live up to the ideals of our Founding Fathers, that all are created equal and endowed by their Creator with inalienable rights to life, liberty and the pursuit of happiness. As that great defender of the Constitution, the late Congresswoman Barbara Jordan whose legacy graces this House, noted, ''We promised liberty, freedom and equality to everyone. No one was to be excluded from the blessings of liberty.''

As a result, this Nation abolished slavery, established equal protection under the law, extended the right to vote to women and ended the poll tax. Today, we consider an amendment that runs counter to that inclusiveness that underlies our history: one Nation under God, indivisible; and e pluribus unum, from many, one; and in the words of the Constitution, to form a more perfect Union.

This amendment has been brought with the full knowledge that it failed in the other body with no prospects of success, either now or in the foreseeable future, in this body. This is a partisan exercise to distract the American people from the Republicans' record of failure. And it is unworthy of a party that claims to be associated with President Lincoln, one of the greatest Presidents of the United States.

The consideration of this amendment does not call upon the better angels of our nature that President Lincoln spoke of in his first inaugural address. It calls upon the worst impulses of politics by attempting to enshrine discrimination into the Constitution and to single out a group of American citizens. And it is unworthy of a party that claims to be associated with President Lincoln once again who said in his second inaugural address, which I consider to be Lincoln's greatest speech, ''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the Nation's wounds.''

This amendment is malicious and is not charitable toward anyone. It is motivated by animus towards lesbians and gays. It is a sad moment that those clinging to power want to use to divide the American people for what they perceive to be an electoral advantage. I will vote against this amendment because it is counter to the noble ideals of our Nation.

On substance, the amendment is far reaching to deny all matters of rights, even beyond marriage. The proponents have disingenuously claimed that this amendment would not preclude civil unions or domestic partnerships. At the same time, organizations supporting this amendment are now using similarly worded State laws to challenge recognition of domestic partnerships in several States. And we know these organizations, which the Republican leadership is beholden to, will not stop there. Because this amendment is not limited to governmental action and would apply to all private contracts, existing rights enjoyed by same-sex couples, such as hospital visitation, inheritance rights and health care benefits would be at risk if this amendment were to pass. This amendment is dangerous, and it does not belong in our Constitution.

Throughout our careers, many of us in Congress on both sides of the aisle have fought against discrimination in every form and sought to bring people together. I will vote again against this amendment because again it is counter to the noble ideals of our Nation and of the principle of ending discrimination and unifying our country. Whatever one's view of same-sex marriage, and I know that that is a difficult issue for some, I understand that, amending the Constitution is not the place to address this issue. Let us not defile our Constitution with an amendment designed to demean a group of American citizens. Let us not use our Constitution as a political tool to divide us. We are a better country than that and that is why this amendment will fail today.

The American people will see through the motivations behind this amendment. It is to distract the American people from the record of failure of this Republican Congress, a record that has been, according to editorials today, marked by ''shambling to the end of one of the lightest workloads in decades without a hint of embarrassment'' and ''failing at the most demanding obligations of government.''

Mr. Speaker, let us strive to unite people, to seek the best in ourselves, and to attend to the grave and great issues now before us. Let us honor our Constitution, let us honor our children, let us honor all God's children. Let us follow our better angels and reject this amendment.

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

Mr. Speaker, I know some wanted to pick a fight here today, trying to get us to talk about same-sex marriage, about homosexuality and all those kinds of things. We did not talk about them because that is not what this is about. What this is about is the family and the definition of family, so I will define it for you: a family is a man and a woman that can create children. Peter and Paul cannot create children. Mary and Jane cannot create children. It is about regenerating and re-energizing our population by being able to create children.

But more than that, it is about responsibility. A family is a man and a woman that can create children and rear them. It is how we create communities. It is how we transfer our values to our children, because if you destroy marriage and people do not get married, several things happen: first of all, men are let off the hook. Men can have the sex but not the responsibility of raising the children. That has happened in our society and societies in Europe and others. If you take away the responsibility, why should a man get married? But if he has a commitment with the woman, the mother of his child, then he realizes the responsibility of trying to raise that child. He also provides something more than Mary and Jane can provide. Mary and Jane can be great mothers and there are many of them that are great mothers. Peter and Paul can be great fathers. But Peter and Paul cannot be a mother. And Mary and Jane cannot be a father. The reason that one man and one woman is necessary to rear children is so that they can receive the benefits that a man can give them and that a woman can give them. They can see the commitment between a man and a woman, the trust that is committed between the two, the love. But more important than that, it is how that man and that woman transfer their values to their children.

It is also how each family can transfer its values by families coming together as communities and transferring those values to those communities. So when you ask the question, what harm is it, the harm is if nobody gets married and they are having children out of wedlock, which has already been said, children born out of wedlock are more likely to have all the maladies of societal ills, whether it be quicker on drugs, dropouts. We know. Every social ill can come down on these children. If that happens, then we are not transferring our values to communities and from communities to States. Our values as a Nation start with one man, one woman having children. That is what is at stake here. That is what is harmful.

You say, well, I am married. I am married for 37 years. I am very proud to be married. I have a daughter and a grandson. The point is that these breakups of marriage, and it is showing in the Netherlands and in Scandinavia, it is showing right here with all the pressures against marriage over the last 40 or 50 years, whether it be welfare or divorce. Divorce is a pressure against marriage. And when we take the responsibility for a marriage and do no-fault divorces, you are undermining marriage and making it easy to undermine marriage.

All the results of that we have seen. The welfare system was a great experiment. What we saw was fathers not marrying the mothers of their children, just having many children by many mothers and not responsible for raising these children, leaving these children to mothers and grandmothers and aunts to raise. And then we see the deterioration of their lives because they are raising themselves because their mothers and aunts and grandmothers have to work in order to raise

them to pay for the family, so they are raising themselves, no values, nothing. Gangs form because of that. Gangs become the substitute for families. Everybody knows that. If you get busted by a gang or mugged by a gang, that is the result of undermining marriage.

That is the problem. It is nothing about same-sex marriage, or single moms or any other kind of marriage. Those are wonderful. There are wonderful families being raised by gay people. There are wonderful families by single moms. But they are not the ideal. The ideal is established in our Constitution and in our society. We want the ideal.

So when the Massachusetts Supreme Court redefines marriage based upon not law, based on thin air, because we have these activist judges coming in to impose their definition of marriage on our society, we get a little concerned, because we have seen it before.

We did not stand up before and there have been 45 million children killed, unborn children killed, because we did not stand up to activist judges responding to a strategy of using the courts to legislate. Every leader of the groups that are opposing this legislation has announced to the world that they are going to take this to the U.S. Supreme Court. They are already doing it. There are 11 court cases right now. Nebraska has been overturned, Washington State, Massachusetts. There is a huge, huge effort in every State in this Union, even though 44 States in this Union have protected the definition of marriage.

They are after those State constitutions; and when they get at those, or using the full faith and credit clause, they can go to the Federal courts and then it begins. Then DOMA comes down. Then the United States Supreme Court, who has already signaled that they are going to, through Lawrence v. Texas, redefine marriage in this country, will amend the Constitution and redefine marriage.

We are starting the effort today. Yes, it may not pass today. I wish it would. It may not pass today. This is only the beginning, I am telling you, because this Nation will protect marriage.

□ 1700

This Nation knows, this Nation knows, that, if you destroy marriage as the definition of one man and one woman creating children so that we can transfer our values to those children and they can be raised in an ideal home, this country will go down.

So, believe me, everybody in this country is going to know how you voted today. And they are going to know how you stood on the fundamental protection of marriage and the definition of marriage. And we will take it from here, and we will be back. And we will be back. And we will be back. We will never give up. We will protect marriage in this country.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this amendment.

I am opposed to a constitutional amendment that would discriminate against any American. In more than 200 years of American history, the U.S. Constitution has been amended only 17 times since the Bill of Rights—and in each instance, it was to extend the rights and liberties of the American people, not restrict them.

The Federal Marriage Amendment could deny gay and lesbian couples and their children basic rights, protections, and benefits like hospital visitations and inheritance. It could also overturn civil unions and domestic partnership rights already enacted by some state and local governments. This amendment runs counter to my strong belief that all people should be entitled to equal protection under the law, regardless of ethnicity, gender, religion, or sexual orientation.

I urge my colleagues to let this debate unfold where it should: in our homes, in our synagogues and churches, in our courts, and in our hearts. I urge my colleagues to vote against this amendment.

Mr. MARKEY. Mr. Speaker, oil prices are approaching $50 a barrel, more than 1,000 young American men and women dead in Iraq, 6,000 wounded.

What are we debating here on the floor of Congress? We are talking up a bill to inject discrimination into the Constitution of the United States of America. Apparently, the Republican Congress believes that the fact that some States want to recognize the loving relationships of gay and lesbian couples is such a threat to our country that they are prepared to take the extreme measure of amending the Constitution.

Conservative activist Paul Weyrich shed some light on the current thinking in Republican circles which explains why this bill is really on the floor today. Here is what Mr. Weyrich had to say:

> The President has bet the farm on Iraq. Right or wrong, he has done it. Even if you disagree with the decision, you have to admire the President for putting it on the line and staying the course despite overwhelmingly bad news for months now.
>
> Therefore, Iraq will be an unavoidable topic of discussion in this campaign. The problem is that events in Iraq are out of the control of the President.

Mr. Weyrich writes, "There is only one alternative to this situation: Change the subject." He dismisses the option of taking up oil prices or the economy. Apparently, even he does not think those are winners for the President.

"No," he concludes, "what I have in mind to change the subject is a winner for the President. The Federal Marriage Amendment." The gay marriage issue, he gleefully advises, "will cause Senator KERRY no end of problems."

So that is what it is really all about. Republican leaders in Washington are running scared. They look at the polls on Iraq, on the economy, on jobs and they fear that the voters are going to rise up in November and toss them out of office, and as a result they bring up a resolution to alter the most sacred document in the land.

The Constitution was written to ensure that all Americans are treated equally. This provision will undermine that principle and tarnish the Constitution. I believe that any State should have the right, if it so chooses, to grant same-sex couples or unmarried couples the same legal rights as those conferred to heterosexual couples. This is the same policy supported by Vice President DICK CHENEY who stated during the 2000 Presidential election that same-sex marriages should remain a State issue and the Federal Government should recognize those State laws.

Vote "no" on this bill. It is a disgrace against the United States Constitution.

Mr. WEXLER. Mr. Speaker, this amendment would not only ban same-sex marriages but also civil unions, and I cannot support such a divisive and extreme measure. A majority of Americans rightfully recognize that same-sex couples who are committed to a lifelong relationship should enjoy all of the civil benefits that come with marriage. Being able to make medical decisions for an incapacitated partner, inherit property without large tax penalties and receive Social Security survivor benefits are examples of the civil aspect of marriage that are denied to same sex couples but are wholly unrelated to religious concerns.

Not only does this amendment completely disregard these basic liberties but it actually erodes the religious freedom upon which our great nation was founded. I am not alone in this grave concern. A coalition of 25 national religious groups—from the American Jewish Committee to the Alliance of Baptists, from the Episcopal Church to the Conference of American Rabbis—all believe that this amendment does more to erode religious freedom than preserve it.

An amendment restricting marriage to certain couples would be the first time in history that rights were denied solely to one group of Americans. Mandating discrimination in the Constitution would set a terrible precedent. Everyone in America should be concerned about who will be next.

Mr. MCDERMOTT. Mr. Speaker, today shame looms over this body. Today you place legislation before us to amend the Constitution to ensure that same sex marriages can never occur in any State in this country.

This legislation is all about politics. You know that you do not have the votes to pass this proposal. You have said so publicly. This proposal already failed in the Senate earlier this year. You know you do not have the time to spend on this proposal: the new fiscal year begins tomorrow and the Republican leadership has only managed to get 1 of 13 required appropriations bills passed. But you're going to make time for one reason: to get material for TV commercials.

You want TV commercials to run against Democrats. You think that they'll go nicely alongside the Republican National Committee's mailings saying Democrats want to ban the Bible and the ads that say that decorated war veterans are un-American traitors if they oppose the policies of the present occupant of the White House.

This vote is about hurting Democrats running for reelection. You want to hurt those of us opposed to amending the Constitution to deny gays and lesbians the rights that the rest of us enjoy, but the real hurt is unleashed on some of our nation's families: the millions of gay couples and lesbian couples, and their children.

People on both sides of this issue have sincere and deep feelings that deserve to be taken seriously. But today's vote mocks their concerns: they think you are out here on the floor to discuss who will be allowed to be a family in America, when you are really out here to work on who will be a Member of Congress after the election.

Today's vote is about Republicans toying with the emotions of a nation that genuinely

cares about commitment, about families, and about the institution of marriage. To the Republicans, our Nation's emotions—our fear and our worries—are to be employed and manipulated for their reelection campaigns.

The House of Representatives's rules are governed by the Jefferson Manual, and the majority has the right under our rules to bring this measure to the floor. But Jefferson's greatest manual was the Declaration of Independence, which reads in part, ''We hold these truths to be self-evident, that all men 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.'' Exactly how that part of our Nation's creed will play out as our citizens grapple with notions of domestic partnerships, civil unions and same sex marriages is yet to be seen. It will certainly not be decided today.

Nowhere in the Declaration does it say that these rights are only for white, heterosexual men.

Jefferson opened the doors of liberty to all of us, Mr. Speaker. It's a disgrace that this body is using Jefferson rules to attempt to undo Jefferson's and the Western World's most profound achievement—acknowledge that we are all equal.

Mrs. BONO. Mr. Speaker, I rise today in opposition of H.J. Res. 106, ''the Marriage Protection Amendment,'' which would amend the United States Constitution, regarding the issue of gay marriage. As someone who has consistently revered the United States Constitution, I am very cautious of any efforts to amend this precious document and hold a high standard on what is worthy of this extensive process.

H.J. Res. 106 defines marriage within the United States as ''the union of a man and a woman,'' and I believe in this core philosophy. However, it is imperative that we preserve the integrity of the United States Constitution and do not dilute it with our political agendas and preferences. Although I do not support gay marriage, I do not feel that this issue renders the need to amend the United States Constitution. Neither would I support an amendment to the constitution that would give gay couples the right to be married.

Moreover, if enacted, the Marriage Protection Amendment would severely limit State rights. It precludes States from granting marital status or the ''legal incidents thereof'' to unmarried couples. The Federal Government should respect the rights of individual States, and should not be in the business of deciding whether States may grant the benefits of marriage to unmarried couples. It is the prerogative of States to make their own decision on whether to take on the burden of providing such benefits.

For all these reasons, I oppose this constitutional amendment.

Mrs. DAVIS of California. Mr. Speaker, I am disappointed that we are here today to debate this amendment.

As a strong supporter of civil rights protections, I am extremely concerned about the devastating implications of this legislation.

I am concerned because I believe that every individual deserves to be treated with respect, and our Nation's laws should be used to promote civil rights, not limit them.

In addition, the United States Constitution should be modified only in the most rare and necessary of circumstances, and those circumstances simply do not exist here today.

Amending this sacred document that has governed us for centuries has only been done 17 times in our Nation's history—and those changes have served to protect our rights as Americans.

Now is not the time to depart from that tradition by threatening the basic principle of equal treatment under the law.

And speaking of tradition, Mr. Speaker, we have heard a lot today about the value we should place only upon ''traditional'' marriage.

I would ask those who support this amendment so strongly to talk to the countless special needs children of this country, who have been adopted by caring and nurturing same-sex couples, what ''traditional'' means to them.

Although special needs children are a special gift to this world and to any family, it is often same-sex couples who are most willing to welcome these children into their homes.

If not for these couples, many of these children would never experience the value of a loving, stable home and the unconditional support of a family.

I am willing to venture that if any one of us asked any one of these special needs children if they would prefer two mothers—or two fathers—or no family at all, that choice would be simple.

And that is because there is no exact formula for creating a loving family. The only thing you need for certain is love.

Are we really challenging whether or not that love can exist in a home with two mothers or two fathers? I certainly hope not.

Mr. Speaker, we are still trying to bring peace and stability to Iraq and are losing more and more American lives in this process every day. Our economy is struggling under a $400 billion deficit. And we have a long way to go to get American workers back into meaningful work and to continue improving the education of our children.

It is regrettable that we have decided to overlook these pressing national needs to take up an amendment that I believe threatens healthy American families in our country today.

If it is truly our hope to protect the best interests of our children, we will join together to oppose this dangerous and unnecessary amendment.

Mr. VAN HOLLEN. Mr. Speaker, the question facing this Congress today is simple and straightforward. Should we amend the Constitution of this great Nation to restrict the rights and limit the freedoms of citizens of the United States. Our Constitution has been used to protect the rights of the minority against the sometimes discriminatory impulses of the majority. We must not today write discrimination into the very Constitution that has stood as a bulwark against discrimination. We must not enshrine injustice into a document meant to serve justice.

I don't often agree with Vice President CHENEY, but on this issue he is right. This issue should be left to our State legislatures.

This Nation confronts many pressing challenges—the war on terrorism, jobs and the economy, and the many other issues that demand our attention. We should not be spending our time on a divisive, politically motivated issue that responds to a non-existent problem.

Mr. HOLT. Mr. Speaker, I rise to express my strong opposition to H.J. Res. 106, the Marriage Protection Amendment.

Fredom. Equality. Inalienable rights. These notions are so enshrined in our national psyche that it becomes easy to think that they are just words, that we have attained these ideals, that there is no need for action, that all the battles for freedom and against discrimination have been fought and won.

But measures like the one we are considering today bring us back to reality and remind us how far we must go to achieve acceptance and fully equality under the law. Some in this Nation refuse to view this amendment as a blight on our democracy or as a measure that is in direct opposition to the ideals put forth by our Founders. They ignore that this amendment denies a minority population certain basic freedoms and continue to purport that our Nation's values and the institution of marriage is being threatened.

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. I strongly support initiatives such as TANF, which assist families and better our communities. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance or communities. In fact, it divides our communities, and sends a message of hate and contempt to a minority population and informs them that their government considers them to be second class citizens.

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. Throughout history, we have only moved forward when society has distinguished between traditional values and valueless traditions. Attacking gay couples who want to share lifelong obligations and responsibilities undermines the spirit of love and commitment and sends the wrong message to society.

In addition to the misguided policy of legislating a sensitive moral issue, this amendment is a misuse of the Constitution. The Constitution has been amended only 27 times in its more than 200 years. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function. The amendment that we are considering today opposes this spirit of progress and reverses our movement towards extinguishing institutional discrimination that has harmed minority populations throughout our history.

I hope my colleagues will consider the cost this amendment will have on our democracy and more importantly the message it sends to those that are being judged by their government. I urge my colleagues to vote against this amendment.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to H.J. Res. 106, the Marriage Protection Amendment under consideration by the House, and stand in support of the Constitution.

My opposition to this amendment is based on my fundamental support for the Constitution, which has been amended only 17 times to broaden as opposed to limiting the rights of Americans. When I took my oath of office, I committed to uphold the Constitution. Today's debate and consideration of this bill is a concerted and direct assault on the beloved Constitution. We are in effect debating and voting

on a bill that will do absolutely nothing to promote the institution of marriage. Our deliberation will not ensure that our most precious resource, children, the fruit of marriages between men and women, will be protected by passing this legislation.

Our efforts today are nothing more than a symbolic act that will not result in any appreciable change in current law. The Republican majority knows that this House will not pass this measure with the two-thirds majority vote necessary for it to be enacted. Previously, the Senate defeated a similar measure. Finally, there is absolutely no change that three-quarters of the states would pass a law to support amending the Constitution on this subject.

A federal amendment would intrude on the jurisdiction of state courts to establish rules for marriage. States rights are the philosophical and procedural cornerstone of the judicial framework utilized by state courts. If we pass this amendment in the House, we will be undermining the authority of state courts, and enabling the federal government to override the jurisdiction of those states.

This measure will not ensure that marriage couples will protect our children from abuse or ensure that marriages between men and women will endure and not end in divorce. It is for the reasons outlined, that I cast a no vote against this amendment, and a vote to continue to support the Constitution.

Mr. ORTIZ. Mr. Speaker, I rise in support of the ''Marriage Protection'' Constitutional amendment.

In the past, I have supported legislation that defines marriage, and keeps the control of the institution of marriage within each State in the Union. I don't believe in gay marriage, and supported the Federal statute Congress passed in 1996 making sure one State does not have to accept a marriage license not issued in their State.

Amending the Constitution is a grave matter, given it's only been amended 27 times in the history of this Republic, actually, 17 times excluding the Bill of Rights, the first 10 amendments to the Constitution were adopted along with the original Constitution.

I am opposed to amending the Constitution generally, and remain concerned about the repercussions of opening up our precious founding document to amendments about social issues.

But I have heard from thousands of my constituents in south Texas who believe the matter of marriage raises to the importance of including this definition as the 28th Amendment of the Constitution. I have heard the voices of south Texans on this matter.

We can never legislate the way people are born or the way they will live their lives. But we can make a statement today on the importance of marriage by passing this amendment and urging the Senate and three-fifths of the States to do the same.

I urge my colleagues to support the amendment as well.

Mr. HOSTETTLER. Mr. Speaker, I rise in opposition to this proposed Amendment to the Constitution of the United States.

Marriage is designed to be between a man and a woman, period. It is not for two women, nor for two men. It was for this reason that I authored the Marriage Protection Act, which passed in the House in July.

Nevertheless, I cannot in good conscience support this amendment.

I have two primary concerns.

The first is the potential this amendment has to federalize domestic relations law, that is the law of families, parents, custody, etc., all of which are now handled in the States.

Let me say at the outset that I am not among those who believe that marriage cannot be defined in our Constitution under principles of federalism.

But I am deeply concerned that we may unintentionally be doing far more than simply defining marriage.

By setting forth marriage in the Constitution will we also set forth the basis upon which some future Federal court claims the ability to enter into all forms of domestic relations law now reserved to the States? I say it is very plausible.

In fact, I thought it so plausible that I offered an amendment in the Committee on Rules this week to address this issue. My amendment would have added the following new section to all text:

> Nothing in this amendment grants any new legislative authority to the Congress of the United States or any new judicial power to the Supreme Court of the United States or any court created by Congress.

This amendment was not made in order.

Without some limitation, I fear a future where the entire realm of domestic relations law, be it marriage, divorce, child custody, paternity determination, adoption—you name it—will become fair game for a future Supreme Court.

Without some limitation on Federal power to assume all family law, I simply cannot support the present text.

The second problem with the current amendment arises out of my concern over the nature of marriage and what we are truly trying to protect in this amendment.

The supporters of this amendment contend that they have three goals: prohibit same-sex marriage; stop courts from granting the benefits of marriage to same-sex couples; and, allow State legislatures to enact civil unions or domestic partnerships if they so desire.

Regarding the second goal, that is prohibiting the courts from granting the incidents of marriage to unmarried couples, presumably those in civil unions or domestic partnerships, I contend that here they have simply failed.

They have failed because in introducing H.J. Res. 106, they have only restricted the courts from improperly construing State or Federal constitutions.

Unlike the original H.J. Res. 56, they have dropped the requirement that courts refrain from construing State or Federal law in the granting of the incidents of marriage to same-sex couples.

Hence, under this amendment any court, for any reason short of a constitutional one, may simply grant the incidents of marriage to unmarried couples and this amendment will not stop them.

At this point, one might say, shouldn't we match our amendment to that voted upon in the Senate in July? I say why? That amendment did not even obtain a majority of votes for cloture. My friends, it is dead.

As I said, the authors of this Amendment had three goals concerning the incidents of marriage. The third goal was to allow, yes allow, the legislatures in the States to enact civil unions or domestic partnership laws.

I ask those of you from California or Vermont what this Amendment does for you? The answer is nothing. Your domestic partner law in California and your civil union law in Vermont are unaffected.

This Amendment may actually, by restricting the courts' ability to grant the incidents of marriage but remaining silent as to the legislatures, provide a constitutional basis for civil unions. I cannot support this result.

I offered amendments to the Committee on Rules to address both these issues. Again, my amendments were not made in order.

I have not yet addressed the first goal of this amendment, that is to protect marriage.

I suppose that to the extent that marriage is not a mere word, I will concede that the authors met their goal.

But is the goal sufficient?

Let me conclude.

Simply protecting the term ''marriage'' is not enough. Marriage by any name is marriage, whether we call it ''civil unions,'' ''domestic partnerships'' or any other label that may be conjured up.

Marriage is too important to be only about semantics.

We must also be cognizant that while we may today be talking about same-sex marriage, someday in the future we may be laying the groundwork for all marriage issues to become federal.

I submit that given the makeup of the House this Amendment cannot pass. I suggest that if we really care about marriage, that we focus on the other constitutional tools that our founders gave to Congress. Let us remove the federal courts' jurisdiction in this area. Let us cut off the funding of the enforcement of unconstitutional decisions.

All of these means are sufficient to control the judiciary. In fact, by specifically addressing the power of the courts to construe constitutions we are actually giving support to the myth that the courts are already the final arbiters of the constitutions.

We must now allow this to happen. I respectfully urge my colleagues to consider what they are doing here today, including all of the ramifications of this Amendment.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise tonight to oppose this blatant attempt to hijack the Constitution of the United States for political gains.

On July 12, 1996 this House of Representatives voted for, and I supported the Defense of Marriage Act. On September 21, 1996 this bill became the Law of the Land as Public Law 104–199.

The Defense of Marriage Act states that ''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 fro such relationship''.

I do not support a constitutional amendment to prohibit gay marriage. Historically, amendments to the Constitution have been utilized as a tool to protect or defend the rights and liberties of American citizens. Two prominent examples include the 13th Amendment abolishing slavery and the 19th Amendment giving women the right to vote.

Marriage has historically been in the domain of the States to regulate.

There is no Federal marriage certificate or license needed to be married; however, the

State determines how and when a license is necessary.

I am opposed to this Amendment. I do not feel that the Constitution of the United States should ever be used to limit the rights of citizens. States currently have jurisdiction over marriage, and can outlaw the act of same sex marriage if they choose.

This amendment does nothing to improve the major problems facing marriages today, particularly the Nation's extremely high divorce rate, 50 percent.

The reasons for this vote are politically motivated. At a time when 12 of the 13 appropriations bills, a budget, and transportation funding for the states have not been passed, why are we spending valuable floor time on a bill that has already failed in the Senate?

Do not support this amendment and let us get back to the people's business.

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 constitution's provisions that protect the rights of individual citizens.

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 by at least some state constitutions.

In my opinion, this is neither necessary nor 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 not required states to recognize the validity of all marriages of people from other states. In fact, 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 validate marriages 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 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 thinks this was a good thing for Congress to do—I myself am not sure that it was. But the fact is that this 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. 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 this.

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 there 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.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the proposed amendment to the Constitution of the United States that would enshrine discrimination in one of our Nation's founding documents and insinuate the Federal government into an area of law and policy that has traditionally been left to the States.

Since the Bill of Rights was adopted, the Constitution has been amended only 17 times. That demonstrates the profoundly conservative approach the American people and their representatives in Congress have taken to changing the Constitution. Polls show that that approach continues today. Even among those who oppose gay marriage, a majority oppose using a constitutional amendment to ban it.

For my part, I believe that a committed couple, regardless of gender, should have the right to participate in a state-recognized marriage or civil union and to enjoy the rights and responsibilities conveyed by that legal relationship. It is in our society's interest that committed couples, whether in ''traditional'' or same-sex unions, be not only allowed but encouraged to form households, have families, and contribute to the health and stability of their neighborhoods and communities.

What religious bodies choose to recognize, sanction, or bless as marriage should be entirely up to them.

There are much more important issues we could be spending this time on. The American people have much higher priorities than this—the misguided effort to bring democracy to Iraq; the faltering economy; the loss of good jobs; the half-hearted, underfunded war on terrorism; the high price of gas; the millions of Americans without health insurance; and so on.

Mr. Speaker, this waste of an afternoon in an effort to pollute our Constitution with language requiring discrimination against a particular group of people, in violation of basic principles of federalism, is just wrong, and I urge my colleagues to show they share my disdain for this charade by voting ''no.''

Mr. OXLEY. Mr. Speaker, today, I stand in support of H.J. Res. 106, the Marriage Protection Amendment. I believe there are strong cultural, historic, and societal reasons for reaffirming the definition of marriage. For centuries, our society has been built upon the tradition that marriage consists of one man and one woman. The institution of marriage is not one made to discriminate, but was created to advocate an ideal home for children. This enduring and cherished institution is the healthiest way to raise strong families. We have to ask ourselves why we would want to change the institution of marriage after it has served human civilization so well over the course of time.

My home state of Ohio has spoken very strongly on this. The state legislature has passed its own Defense of Marriage Act, and I have received hundreds of letters on the issue from my constituents in the Fourth District. I believe there is a strong majority consensus in Ohio for the traditional definition of marriage. It now appears that proponents have received enough signatures through petitions to put this issue on the ballot on Election Day.

I do not take amending the U.S. Constitution lightly. But because of the decision made by activist judges in states like Massachusetts, there is no assurance that existing federal and state defense of marriage acts can remain intact. The American people deserve to be heard through their elected representatives, and that is why it is proper for the House to pass the Marriage Protection Amendment.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong opposition to H.J. Res. 106 before the House of Representatives today.

The Constitution has never been amended to mandate discrimination. It is historically served to expand liberty and equality. This proposed constitutional amendment, if passed, would set a precedent at odds with the values and freedoms upon which the nation was founded. Further, it is an attack on the United States Constitution and the system of government that has made this country so great and has served us so well. Supporters of this resolution complain loudly about the decisions of ''unelected judges,'' but it is important to remember that those very unelected judges are a key part of our system of government—it is how the authors of the Constitution saw fit to protect the rights of minorities.

By trying to amend the Constitution, conservatives are trying to cut off the emerging national debate on same-sex marriage. Amending the Constitution has only been done 27 times before in our history. It is something that is traditionally done only when there are no other options, but the country has only just begun to try to work through this issue.

Even for people who, like myself, believe that marriage is between a man and a woman, this measure does nothing to strengthen or protect those bonds. It seems to me that if a threat exists to marriage, it is that too many of them fail. For every two marriages that occurred in the 1990s, one ended in divorce.

The stresses on marriages today are great, but they don't have to do with the jurisdiction of the federal courts. This bill does nothing to deal with problems like affordable housing, quality education and training, daycare for young children, high costs of gasoline, electricity and food, high unemployment rates and underemployment, and the lack of health care coverage and other benefits that place severe strains on many families.

Today, the very nature of the typical American family is changing. Just as families headed by only one adult were rare only a few decades ago but are common today, non-traditional couples are now a widespread fact of American society. Nearly 200 Fortune-500 companies and numerous municipalities and organizations have already recognized this fact on their own and provide benefits to same sex couples. In addition, several municipalities have adopted local ordinances prohibiting discrimination based on sexual orientation in housing and employment.

This proposed constitutional amendment is heavy-handed and unnecessary. The companion amendment in the United States Senate not only failed to meet the required two-thirds vote for adoption, but it failed to even receive a simple majority of the membership, failing 48–50. At best, it is bad policy that does not get to the core of the problems that face American families today. At worst, it is a ruinous attack at the very foundation of this great country—A Constitution that protects the rights of the individual over the tyranny of the majority.

No matter one's individual beliefs, there can be no excuse to putting limitations on one person's rights for another person's beliefs in a document under which we all live—the Constitution of the United States of America. I hope that my colleagues will join me in opposing this ill-advised, unnecessary, and bad precedent-setting amendment.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.J. Res. 106, 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 have passed this House, 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. This bill was filed only last Friday, rushed through the Rules Committee on Tuesday night, and voted on today.

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.

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.

Mr. PAUL. Mr. Speaker, while I oppose federal efforts to redefine marriage as something other than a union between one man and one woman, I do not believe a constitutional amendment is either a necessary or proper way to defend marriage.

While marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. In fact, the institution of marriage most likely pre-dates the institution of government! Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil society. Many people associate their wedding day with completing the rituals and other requirements of their faith, thus being joined in the eyes of their church and their creator, not with receiving their marriage license, thus being joined in the eyes of the state.

If I were in Congress in 1996, I would have voted for the Defense of Marriage Act, which used Congress's constitutional authority to define what official state documents other states have to recognize under the Full Faith and Credit Clause, to ensure that no state would be forced to recognize a ''same sex'' marriage license issued in another state. This Congress, I was an original cosponsor of the Marriage Protection Act. H.R. 3313, that removes challenges to the Defense of Marriage Act from federal courts' jurisdiction. If I were a member of the Texas legislature, I would do all I could to oppose any attempt by rogue judges to impose a new definition of marriage on the people of my state.

Having studied this issue and consulted with leading legal scholars, including an attorney who helped defend the Boy Scouts against attempts to force the organization to allow gay men to serve as scoutmasters, I am convinced that both the Defense or Marriage Act and the Marriage Protection Act can survive legal challenges and ensure that no state is forced by a federal court's or another state's actions to recognize same sex marriage. Therefore, while I am sympathetic to those who feel only a constitutional amendment will sufficiently address this issue, I respectfully disagree. I am also concerned that the proposed amendment, by telling the people of the individual states how their state constitutions are to be interpreted, is a major usurpation of the states' power. The division of power between the federal government and the states is one of the virtues of the American political system. Altering that balance endangers self-government and individual liberty. However, if federal judges wrongly interfere and attempt to compel a state to recognize the marriage licenses of another state, that would be proper time for me to consider new legislative or constitutional approaches.

Conservatives, in particular, should be leery of anything that increases federal power, since centralized government power is traditionally the enemy of conservative values. I agree with the assessment of former Congressman Bob Barr, who authored the Defense of Marriage Act:

''The very fact that the FMA [Federal Marriage Amendment] was introduced said that conservatives believed it was okay to amend the Constitution to take power from the states and give it to Washington. That is hardly a basic principle of conservatism as we used to know it. It is entirely likely the left will boomerang that assertion into a future proposed amendment that would weaken gun rights or mandate income redistribution.''

Passing a constitutional amendment is a long, drawn-out process. The fact that the marriage amendment already failed to gather the necessary two-thirds support in the Senate means that, even if two-thirds of House members support the amendment, it will not be sent to states for ratification this year. Even if the amendment gathers the necessary two-thirds support in both Houses of Congress, it still must go through the time-consuming process of state ratification. This process requires three-quarters of the states' legislatures to approve the amendment before it can become effective. Those who believe that immediate action to protect the traditional definition of marriage is necessary should consider that the Equal Rights Amendment easily passed both Houses of Congress and was quickly ratified by a number of states. Yet, that amendment remains unratified today. Proponents of this marriage amendment should also consider that efforts to amend the Constitution to address flag burning and require the federal government to balance the budget have been ongoing for years, without any success.

Ironically, social engineers who wish to use federal government power to redefine marriage will be able to point to the defense of traditional marriage through a constitutional amendment as proof that they have the legitimate authority to redefine marriage. I am unwilling either to cede to the federal courts the authority to redefine marriage or to deny a state's ability to preserve the traditional definition of marriage. Instead, I believe it is time for Congress and state legislatures to reassert their authority as a co-equal branch of government by refusing to enforce judicial usurpations of power.

In contrast to a constitutional amendment, the Marriage Protection Act requires only a majority vote of both Houses of Congress and the President's signature to become law. The bill has already passed the House of Representatives; at least 51 Senators would vote for it; and the President would sign this legislation given his commitment to protecting the traditional definition of marriage. Therefore, those who believe Congress needs to take immediate action to protect marriage this year should be focusing on passing the Marriage Protection Act.

Because of the dangers to liberty and traditional values posed by the unexpected consequences of amending the Constitution to strip power from the states and the people and further empower Washington, I cannot in good conscience support the marriage amendment to the United States Constitution. Instead, I plan to continue to work to enact the Marriage Protection Act and protect each state's right not to be forced to recognize a same sex marriage.

Mr. KIND. Mr. Speaker, I rise to express my disappointment that this body has brought the Federal Marriage Protection to the Floor at a time when only one of the thirteen appropriations bills has been passed into law and other important legislation, such as the transportation reauthorization bill and intelligence reform have not yet become law.

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 New 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 will vote against this resolution, and I urge my colleagues on both sides of the aisle to do the same.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 106, a constitutional amendment regarding marriage.

I personally believe that marriage is the union of a man and a woman. In 1996, I voted in favor of the Defense of Marriage Act (DOMA), which became law with President Clinton's signature. The Act defined marriage for federal purposes as a legal union between one man and one woman. The bill also protected states from being compelled to honor another state's law or judicial proceeding that recognizes marriage between persons of the same sex. DOMA is current federal law.

I am therefore puzzled as to why the House leadership has chosen to schedule this matter for a vote in such a hasty manner, without the benefit of a markup in the Judiciary Committee, just one month before Election Day. In July of this year, the Senate rejected this amendment by a vote of 48–50, short of even a majority vote, and much less than the two-thirds vote required to send the amendment to the states for ratification.

This amendment is unnecessary. DOMA is the law of the land which both defines marriage at the federal level and protects states from having to change their own definitions of marriage by recognizing other states' same-sex marriage licenses. DOMA has never been invalidated by any court, and many states have properly used DOMA to refuse to recognize same-sex marriages performed in other states. The decision of the citizens of Massachusetts to authorize same-sex marriages in their state in no way requires the citizens of the state of Maryland to do so.

I am also concerned about the unnecessarily broad scope of the amendment, which states that Federal or State constitutions shall not be construed "to require that marriage *or the legal incidents thereof* be conferred upon any union other than the union of a man and woman." (emphasis supplied). Many State, county and local governments currently provide either domestic partner benefits or civil union benefits to gays and lesbians in their jurisdictions. Such benefits include visiting each other in the hospital, sharing health insurance plans, and rights of inheritance. These benefits—again, decided by local governments and citizens—could be called into question by this Federal constitutional amendment if they are considered "legal incidents" of marriage. As compared to a Federal statute, a constitutional amendment limits the ability of Congress to make future changes.

The first sentence of the amendment does not even require State action, which means that private parties—such as religious institutions and private businesses—could be bound by the Federal Government's definition of "marriage." The amendment could therefore call into question the benefits that many companies provide to same-sex partners. I note that a broad array of both civil rights, religious, and business organizations are opposed to the amendment.

Finally, Congress should only adopt a constitutional amendment as a matter of last resort when a statutory approach is ineffective. In this case, that standard has not been met. We have only amended our Constitution seventeen times since the adoption of the Bill of Rights in 1791.

I have consistently supported legislation to protect the civil rights of all Americans, regardless of their sexual orientation. For example, I believe that Congress should make it illegal to terminate an employee solely on the basis of sexual orientation. I believe this amendment is inconsistent with the civil rights currently enjoyed by many gays and lesbians as a result of State and local laws. This constitutional amendment could inadvertently sanction discrimination based on sexual orientation beyond the legal status of marriage.

Mr. CRANE. Mr. Speaker, the institution of marriage is a sacred union between a man and a woman, and with God and the community. That is why I voted for and strongly supported the 1996 Defense of Marriage Act (DOMA), which was passed by Congress by an overwhelming bipartisan margin and signed into law by President Clinton. The Defense of Marriage Act defines marriage as being between one man and one woman, and also provides that no State shall be required to accept a same-sex marriage license granted in another State.

Opponents of this amendment say we are voting too early on this amendment. They say that traditional marriage is protected by DOMA. However, I know that unless this amendment passes, State and Federal judges will overturn laws protecting traditional marriage after this year's election, just as I know tonight the sun will set.

Left-wing activists in at least twelve other States have filed lawsuits like the one that imposed same-sex marriage in Massachusetts. Without a constitutional amendment, judges and local officials will continue to attempt to redefine marriages in their States. A handful of judges are doing the work of a liberal few and forcing us to act to protect what should be a settled matter of law. These judges can strike down the Defense of Marriage Act just as four judges in Massachusetts did earlier this year.

The only way to ensure that the people's voice to be heard is an amendment to the Constitution—the only law a court cannot overturn. The future of marriage in America should be decided through the democratic constitutional amendment process. By passing the Marriage Protection Amendment, the American people will have the final say on marriage in the United States, not a group of judges.

Mr. Speaker, I urge my colleagues to trust the judgment of the American people and allow them to make the final decision on marriage by voting for the Marriage Protection Amendment.

Mr. DELAHUNT. Mr. Speaker, here's the choice. On one hand, a rich constitutional tradition. On the other hand, the politics of divisiveness. What a despicable choice it is.

With just days left before hitting the campaign trail, this Congress sets a remarkable record today. Since January of this year, the Republicans had the House in session for 93

days. Fewer days than any other single Session since 1948.

The Republicans control the House, the Senate and the White House. Here's the tally: No votes on energy reform. No action on the assault weapons ban. No criminal justice reform. No Homeland Security bill. And no action on minimum wage and unemployment benefits.

We can't pass a budget. Only one of 13 annual appropriations bills got done on time this year. And in Iraq, the violence continues. Yesterday, a car bomb explosion killed over 30 people—injuring over 100. We have lost over one thousand American soldiers in this war.

So which of these enormous challenges do we take on today? None of them. Instead, we're debating a constitutional amendment on marriage that is not going anywhere—it has already failed miserably in the Senate. We are just going through the motions here. The Majority is placating its base. For partisan advantage and with total disregard for our constitutional history and the core conservative value of federalism and defense to the State.

Just last month the Vice President said: ''people ought to be able to be free.'' Well, Mr. Vice President, to my surprise, we actually agree on something. People should be free to love who they want. And free to marry who they love. And live in a state where they have equal rights and opportunities, and equal access to government.

But State rights are under attack—from the self-styled conservatives no less, the same folks who are crusading to preempt State gun safety laws, get rid of consumer protection provisions, to eliminate fair lending laws. Why not abolish the 10th Amendment too?

I agree with our former colleague Bob Barr—one of the stronget supporters of States' rights ever to serve in this body. There are three reasons why a constitutional amendment is the wrong choice.

First, marriage is a state issue. Each state should be able to decide on its own how to define marriage for its citizens. Federalism means state sovereignty. We hear a lot of talk about my home state. Let me tell you something—Massachusetts is not forcing other states to take up this issue. Marriage is a matter that has always been left to the states. And each state should be allowed to address this issue in its own due course.

Second, once we start messing with the Constitution, where will it end? With this precedent, the Republicans show a willingness to change the Constitution for ideology. What's next? A Constitutional Amendment on tax cuts? Corporate welfare? The draft?

Finally, Federal constitutional amendment on marriage is unnecessary, irresponsible and irrational. It is wrong.

The House Majority is pitting the Constitution against a craven political calculus. This is election year pandering at its worst. This is a meaningless and demeaning gesture, and insult to those holding sincere beliefs on this issue, all at the expense of our constitutional heritage.

I urge my colleagues to reject this despicable posturing.

Mr. RANGEL. Mr. Speaker, I rise in opposition to H.J. Res. 106, the Marriage Protection Amendment.

This amendment should be more rightfully called the Republican Incumbency Protection Amendment. Like the bill we debated on this floor yesterday to abrogate gun laws in the District of Columbia, this amendment is nothing more than an election year wedge issue. Already defeated in the Senate last July, it is another attempt to create a campaign issue to use against Democrats. It is a shame that the People's House should be diminished in this way.

Even more so, this is an affront to our great Constitution. It reverses the constitutional tradition of protecting individual freedoms by attempting to limit those rights to millions of people. This is a cynical and dangerous violation of everything we have come to expect from that great document. This is no time to start rolling back freedom.

What a great contradiction we are witnessing today at that party, which professes the sanctity of individual rights and privacy of the individual, seeks a blanket intrusion into the lives of a group of people under the guise of protecting marriage, the most private of institutions.

While it was President Bush who initiated this bill with his call for a Constitutional amendment last February, I would hope that some members of his party would agree with the position of Vice President CHENEY that this issue should be left to the states and not enshrined in our national constitution.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 106, 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 new low. They 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. This proposed amendment not only bans marriage, but any of the ''legal incidents thereof,'' meaning that the supporter of this amendment think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partners in the hospital.

It's one thing for the Republicans to claim that banning flag burning will make us more patriotic or to propose a balanced budget amendment when they're running the highest deficits in history, but to play their political games with millions of Americans is beneath contempt. Apparently, there are a lot of things the supporters of this amendment don't understand about our government:

The Constitution has always defined the limitations of government and liberties of people, not the other way around.

Citizens of the United States are guaranteed equal treatment under the law, even if they aren't popular.

For people who choose a religion, there are two separate marriages: a civil contract and a religious ceremony. That religious ceremony has nothing to do with our laws. A church can marry whomever it wants and refuse to marry whomever it wants. For example, Churches in Massachusetts don't have to marry gay people even though the State does.

The civil contract part of marriage is enforced by a set of laws that affect property, children, health care and other responsibilities and rights. In the U.S. we are required by the Constitution to divorce these laws from any religious influence.

Passing this amendment would take us down a dangerous path of trying to make civil and religious marriage one in the same. If we're going to bring our civil marriage system in line with religious marriage, then we also need to pass an amendment banning Catholics from getting divorced.

The fact that Massachusetts is marrying same-sex couples doesn't mean that other States have to do the same. Already, 44 States have specifically banned gay marriage, and the Constitution guarantees their right to set their own policies on State issues.

Constitutional amendments have to be passed by two-thirds of both the House and Senate before being submitted to the States for ratification. This amendment has already failed in the Senate, so today's vote is all a cynical, hateful political game.

Mr. HOEKSTRA. Mr. Speaker, I rise in support of the Marriage Protection Amendment and urge my colleagues to vote in favor of this important legislation.

Marriage as the union of one man and one woman is our most basic and fundamental social institution. It is so central to the well-being of our society that, until recently, it was difficult to imagine that marriage itself would need explicit constitutional protection.

However, recent court rulings and the actions of some local officials have forced the debate upon us. In an ongoing effort to redefine marriage for all of American society, the judgment of the American people is in danger of being overruled by a handful of activist judges.

The Marriage Protection Amendment will protect marriage as the union of one man and one woman and ensure that the democratic process is followed on questions relating to this fundamental social institution.

Some will question the need for a constitutional amendment, but let's be realistic. The U.S. Constitution will be changed whether the Marriage Protection Amendment is approved or not.

Either activist judges will impose a new definition of marriage on the entire country, or the American people, through their elected representatives, will have the opportunity to determine what marriage will be.

There is a broad consensus among the American people that marriage is uniquely and essentially the union of one man and one woman. Congress needs to act today and give voice to the majority of Americans who want traditional marriage protected.

The record is clear. Whenever the American people have had the opportunity to vote directly on the issue, they have overwhelmingly voted in favor of traditional marriage.

The state of marriage and the American family is a matter of crucial importance, and I trust the judgment of the American people on this matter.

The future of marriage should be decided by the American people, not by activist courts. Vote in favor of the Marriage Protection Act, protect traditional marriage and ensure that the American people will have a say in the future of marriage.

Mr. MEEHAN. Mr. Speaker, I rise in strong opposition to the Federal Marriage Amendment.

Today in America: 8 million people are out of work—2.7 million have exhausted their unemployment benefits; 45 million people don't have access to health care; our classrooms

are underfunded by $25 billion; gasoline prices have reached $50 per barrel one-third of the intercepts from al Qaeda have not been translated into English; and, more than 1,000 Americans have been killed in a foreign quagmire with no end in sight.

It's time for bold and honest leadership, and for all Americans to unite in confronting these urgent challenges. Yet with precious few days left in the legislative session, the leadership in Congress has decided that our time is best spent trying to divide Americans for political reasons. And the device they are using to divide us is the most sacred document of all—the Constitution of the United States.

The Constitution has always united Americans behind a shared set of ideals. In our history, the Constitution has been amended only to protect and expand our rights. Since the Bill of Rights, our Nation has passed constitutional amendments to abolish slavery, to give all Americans equal protection under the laws, and to extend the right to vote to former slaves, women, and young Americans.

Never in our history has a constitutional amendment been used to take rights away. The Federal Marriage Amendment destroys that tradition simply to pander to the political base of the Republican Party 5 weeks before an election. This amendment has little to do with defending the institution of marriage.

With the strains on today's families and the incidence of divorce and broken homes, I fail to see how we strengthen the institution of marriage by forever excluding couples willing to enter into a lifelong commitment.

Our society encourages and values a commitment to long-term monogamous relationships—and we honor that commitment through the legal institution of marriage.

Same-sex couples are not asking for special rights or special favors. They are asking for the opportunity to make a commitment to one another—to share in a conservative institution and the rights and responsibilities it entails.

I understand that this is an issue where good people may disagree, and where many diverse faith traditions are brought to bear. But let's be clear—if we leave the Constitution intact, every church, every community, and every State will still be free to define marriage as they choose.

There is simply no Federal issue here and no need for a Federal solution. The Supreme Judicial Court of my State of Massachusetts has found that our State law violates our State constitution. It's a State matter, and we are handling it in Massachusetts.

I have confidence in the people of Massachusetts that we will arrive at a solution based on our laws and our values. The outcome will have no effect on the laws of other States.

My Republican colleagues have decried heavy-handed solutions from Washington and defended States' rights. Vice President CHENEY has asserted that this is an issue for the States to decide. So did Texas Governor George Bush before he came to Washington and flip-flopped.

I would plead with my colleagues who pride themselves as ardent defenders of States' rights and local control—we don't need Federal interference in Massachusetts.

We should be honest with our constituents that the Federal Marriage Amendment on the House floor today has no chance of passage. It has already been rejected by the Senate.

Today's vote is nothing more than a transparent political gimmick. It's a shameful assault on millions of hard-working, law-abiding Americans.

And it's a shameless attempt to divide all Americans at a time when unity is needed like never before.

I urge my colleagues to protect the Constitution, not degrade it for political reasons. Vote ''no'' on the Federal Marriage Amendment.

Mr. STEARNS. Mr. Speaker, I rise today in support of the rule and this amendment.

We did not seek this debate, but it was thrust upon us. A handful of judicial activists have sought to change the traditional definition of marriage through judicial decree.

Supporters of same-sex marriage are vocal, tireless, and well-funded. They are eager to attack the traditional meaning of marriage through whatever court is willing to listen. They are determined to force this revolutionary and destructive view of marriage down the American people's throats.

But there is hope for the millions of Americans who value the traditional definition of marriage. Their hope is the democratic process and this amendment. Supporters of same-sex marriage cannot win through the democratic process. Again and again, when the issue has been put forth in the court of public opinion, they have lost miserably.

Mr. Speaker, this vote today is what our democracy is all about. The response of my constituents and Americans throughout the country has been overwhelming and impressive. The vast majority of Americans have risen to the defense of traditional marriage. Today, the voice of the American people will be heard.

Ms. HARMAN. Mr. Speaker, September 13 was an important date for Congress. It marked the expiration of the decade-old Assault Weapons Ban. Police Chiefs across the country strongly encouraged the extension of this ban. President Bush even announced he would sign an extension if Congress presented him with the opportunity. Unfortunately, the Republican leadership did not deem the ban fit for a vote.

Instead, Congress squanders valuable time voting on matters that either have no bearing on the real work at hand or are designed as divisive wedge issues.

Just yesterday the House voted to repeal the District of Columbia's 28-year-old assault weapons ban and to prohibit the DC Government from enacting such laws in the future.

That was yesterday, Mr. Speaker. Today, the House, in another profile in courage, will devote valuable time to one of the most divisive of wedge issues—a vote on a constitutional amendment to ban gay marriage.

Are these the most pressing issues of the day for Congress? For the American people? Of course not. Al Qaeda will not stop at the borders of Washington, DC, in fear of our newly armed city, but tourists and other visitors might. And DC residents, Members of Congress and their families will be at greater risk.

Nor will our ports, railways, airports, and other critical infrastructure be more secure because we waste time on what is certain to be a failed Federal effort to ban gay marriage.

States have long regulated marriage and I do not believe that America has suffered from this practice. I believe State legislatures and courts are the proper arbiters of questions of community values. On this issue there is bipartisan agreement. Indeed, four of the featured speakers at the recent Republican convention oppose this amendment, including Vice President CHENEY and California Governor Schwarzenegger.

We have traditionally amended the Constitution to grant a broader range of rights to Americans. Why, in the 21st century, are we breaking from this 200-year-old tradition? In my view, the Constitution should be amended rarely, dispassionately, and only in the interest of codifying or expanding rights and liberties. This proposed amendment fails to meet that test, is divisive, and distracts from more urgent priorities.

If America is hit by terrorists again, I fear that history will look back at us with a scathing and sorrowful eye. There will be anger at our misplaced priorities, and sadness that we fell victim to the passions of those whose vision for America's future is clouded by fear and intolerance.

I oppose H.J. Res. 106 and urge my colleagues on both sides of the aisle to oppose it. We need to put this shameful vote behind us and focus on problems that all Americans agree need to be addressed, such as jobs, health care and, most of all, national security.

Ms. ROS-LEHTINEN. Mr. Speaker, although I will not be present when the House convenes on Thursday, September 30, 2004, for consideration of the H.J. Res 106, the Marriage Protection Amendment. I oppose it, just like Vice President DICK CHENEY, because it undermines the principles of federalism espoused by most Republicans and interferes with the rights of States that have been recognized since the founding of our country.

Furthermore, we should not change the Constitution for the purpose of singling out one group for discrimination. A constitutional marriage amendment is also unnecessary given that the Defense of Marriage Act already defines marriage as a union between one man and one woman.

Finally, the argument that the Marriage Protection Amendment is needed to stop activist judges and courts from forcing the American people to accept gay marriage is unfounded, a fact evidenced by the numerous marriage-related bills—both in favor of and against same-sex marriage—currently pending in more than two dozen State legislatures around the country.

That is why, if I were present, during the vote for H.J. Res. 106, I would have voted against the Marriage Protection Amendment. In light of the fact that the first Presidential Debate is being held in my congressional district on Thursday, I must remain in Florida.

Mr. HONDA. Mr. Speaker, I rise today in strong opposition to H.J. Res. 106, the so-called Marriage Protection Amendment. This measure seeks to amend the United States Constitution and define marriage as the union between a man and a woman, denying gays and lesbians the right to marriage and the legal benefits that come with it.

In the 200-year history of this great Nation, our Constitution has been amended a mere 17 times since our Founders drafted the original 10 amendments.

This amendment would be the first ever to strip a specific group of constitutional rights, directly contravening our history of expanding civil rights and liberties to the previously disenfranchised.

This amendment appeals to many Americans' deeply held belief that marriage is a religious covenant only between a man and a woman.

But marriage is also a legal contract, and the fundamental principal of equal protection dictates that all citizens have access to the benefits of such contracts.

The legal right to marry—be it man-to-woman or same-sex—is and must remain separate from the religious one.

This amendment will exclude some Americans from the full range of human experience to which they are entitled under the full protection of the law. Therefore, I believe that this measure must be defeated.

Mr. VITTER. Mr. Speaker, today I rise in support of the constitutional amendment to protect marriage as between one man and one woman. This is a very important issue for congress to address, and I am glad to have been part of the movement to bring this legislation to the House floor.

Marriage is a core institution of societies throughout the world and throughout history. It's something that has provided permanence and stability for our very social structure. Today, statistics clearly show that couples who are married are happier and better off economically, and that children who are raised in homes with a traditional, two-person married couple are better off. The societal benefits to protecting and promoting traditional marriage are, in fact, numerous.

In my home state of Louisiana, we voted just recently on a statewide constitutional amendment to define marriage in the traditional sense as between one man and one woman. The amendment passed with 78 percent, which clearly shows that an overwhelming majority of Louisianians want to see this legislation passed today.

Some opponents of this measure claim that states should decide. I strongly believe in letting states decide issues for themselves, and Congress tried this approach in 1996 with the Defense of Marriage Act. It passed and was signed into law, but today that law, and with it the clear will of the American people, is being chiseled away by opponents.

States—and more importantly, the people—will soon have their rights to decide this issue taken from them, by judges from some other part of the country. Not one state has decided by either popular referendum or legislative action to agree to anything other than marriage as between a man and a woman.

So I encourage and implore my colleagues today to support and vote for this measure, so that our states and our citizens can decide these matters for themselves.

Mr SOUDER. Mr. Speaker, this afternoon, during debate on the Marriage Protection Amendment, the Minority Leader referenced the "Party of Lincoln" and it support for the freedom of all people, including slaves. She made reference to Lincoln and his party in an effort to criticize the Republican Party for its stand in support of marriage as solely between one man and one woman.

Mr. Speaker, I'd like to insert an article into the RECORD that documents the Republican Party's historical support—even at its beginning—for the institution of marriage. The article by Robert P. George and William L. Saunders entitled, "Republicans and the Relics of Barbarism: Moral Conviction made the GOP the GOP," discusses the moral debates that defined the Republican Party in the 1800s. The issues of polygamy and slavery were at the center of those debates.

Slaveholders clamored for their "right" to own another human being, thereby destroying the worth of that human being, while polygamists claimed it to be their "religious freedom" to engage in plural marriage, at the expense of their children and society.

When the Supreme Court usurped congressional power in the Dred Scott decision, claiming that the Constitution contained a "right" to own a slave, the Republican Party, led by President Lincoln, steadfastly challenged the decision. It is known that President Lincoln defeated at least one candidate who favored a pro-choice position in regard to the issue of slavery. In addition, the Republicans made Utah statehood contingent upon their inclusion of a prohibition of polygamy in their State constitution.

These "archaic" moral disputes are unchanged in modern debates.

Today, proponents of abortion, embryonic stem-cell research and cloning assert their "right" to create and destroy another human being at will, and thereby destroy the worth of that human being. In addition, the pervasive philosophy of moral and sexual liberation seeks to devalue the traditional, foundational role of marriage, at the expense of children and society.

The defense of traditional marriage and the protection of all life as equal and of intrinsic worth in the eyes of our Creator, are inherent, core beliefs of the Republican Party. We would do well to recall this truth, and to bring it to bear on our modern topics of discussion. We must defend the sanctity of life by opposing abortion and embryo-destructive research, and we must defend marriage as the permanent union between one man and one women, in order to maintain the moral and structural stability of our Nation.

Mr. Speaker, I am pleased to stand in support of marriage today in the tradition of the Party of Lincoln—the Republican Party. I urge my colleagues of both parties to do the same and vote in support of H.J. Res. 106, the Marriage Protection Amendment.

[From National Review on Line, Aug. 30, 2004]

REPUBLICANS AND THE RELICS OF BARBARISM: MORAL CONVICTION MADE THE GOP THE GOP

(By Robert P. George and William L. Saunders)

In the middle of the 19th century, a new political party emerged dedicated to two great moral struggles. The Republican party pledged to fight the "twin relics of barbarism": slavery and polygamy.

By then, slavery was deeply entrenched in the culture of the American south. What some had regarded as "necessary evil" that would gradually die out had been given a new lease on life by technological developments, and by the emergence of profitable overseas markets for cotton. An entire social and economic system was built on slavery. No longer was it reasonable to hope that the "peculiar institution," and with it the moral controversy convulsing the nation, would quietly fade away. Powerful interests had a stake not only in maintaining the slave system, but in extending it into the western territories of the United States.

So the Republicans faced a daunting challenge. Pro-slavery Democrats condemned them as "fanatics" and "zealots" who sought to impose their religious scruples and moral values on others. Slaveholders demanded that they "mind their own business" and stay out of the "domestic" and "private" affairs of others. Defenders of a "right" to own slaves pointedly invited northern abolitionists to redirect their moral outrage towards the "wage slave" system in the north. "If you are against slavery," they in effect said, "then don't own a slave."

By the mid-1850s, polygamy, which had originally been the largely secret practice of the Mormon elite, had come out of the closet. Polygamists claimed that attacks on "plural marriage" were violations of their right to religious freedom. Later, some would bring lawsuits asking judges to invalidate laws against polygamy as unconstitutional. One of these cases would make it all the way to the Supreme Court. Apologists for polygamy denied that plural marriage was harmful to children, and challenged supporters of the ban on polygamy to prove that the existence of polygamous families in American society harmed their own monogamous marriages. They insisted that they merely wanted the right to be married in their own way and left alone.

But the Republicans stood their ground, refusing to be intimidated by the invective being hurled against them. They knew that polygamy and slavery were morally wrong and socially corrosive. And they were prepared to act on their moral convictions.

For the Republicans, the idea that human beings could be reduced to the status of mere "objects" to be bought and sold and exploited for the benefit of others was a profound violation of the intrinsic dignity of creatures made in the image and likeness of God. Similarly, the idea that marriage could be redefined to accommodate a man's desire for multiple sexual partners was, as they saw it, deeply contrary to the meaning of marriage as joining a man and a woman in a permanent and exclusive bond.

In the great moral struggles of the 19th century, the Republicans sought advantage in every morally legitimate and available way. When appropriate, they would accept strategic compromises on the road to victory; but they would not compromise away their principles.

When in the Dred Scott decision the Supreme Court of the United States announced its discovery of what amounted to a constitutional right of slaveholding, Lincoln and other leading Republicans refused to treat the case as a binding precedent. They would not bow to judicial usurpation. When Utah sought admission as a state, the Republican-controlled Congress made statehood conditional upon incorporation of a prohibition of polygamy into the state constitution.

As Republicans gather in New York this week, they would do well to remember their moral heritage. The twin relics of barbarism have returned in distinctively modern garb. Abortion and embryo-destructive research are premised on the proposition that some human beings—those in the embryonic and fetal stages of development—may legitimately be reduced to objects that can be created and destroyed for the benefit of others. At the same time, the ideology of sexual liberationism threatens to undercut the traditional understanding of marriage as the permanent and exclusive union of one and one woman.

A familiar mantra of "pro-choice" politicians is that abortion should be "safe, legal, and rare." Now, however, they seek to validate and fund a massive industry that would create human beings for the precise purpose of destroying them during the embryonic stage of development in biomedical research. What happened with slavery is now happening with embryo-killing: The people who use to define it as a "necessary evil" to be resisted or lessened by means other than legal prohibition now promote it as a social good—something that law and government should not only tolerate but embrace and even promote.

At the same time, the sexual-liberationist movement seeks to undermine traditional

understandings of the meaning and significance of human sexuality. The attempt to abolish the legal concept of marriage as the one-flesh union of a man and a woman is part of a larger effort to ''liberate'' people from what the cultural-political Left regards as outmoded and repressive ideas about the centrality of procreation and the moral requirement of fidelity in human sexual relationships. Even some leading ''conservative'' advocates of ''same-sex marriage'' have announced their moral acceptance of promiscuity; one has gone so far as to proclaim the ''spiritual value'' of ''anonymous sex.'' Increasingly, critics of traditional morality are willing explicitly to invoke the authority of ancient pagan civilizations in which practices (including abortion, infanticide, and homosexual conduct) condemned by the Judeo-Christian ethic sometimes flourished.

Critics of the Republican stand in defense of marriage and the sanctity of human life—including some within the party—echo the arguments of 19th-century apologists for the relics of barbarism. They accuse pro-life and pro-family Republicans of being ''religious fanatics'' who disrespect people's liberty and seek to ''impose their values'' on others. ''If you are against abortion,'' they say, ''then don't have an abortion.'' They maintain—often disingenuously—that legal recognition of the ''marriages'' of same-sex partners will not harm or weaken traditional marriages.

These arguments fare no better as defenses of human-embryo killing and the redefinition of marriage than they did of slavery and polygamy. Justice requires that all human beings irrespective of race or color, but also irrespective of age, or size, or stage of development, be afforded the protection of the laws. The common good requires that the laws reflect and promote a sound understanding of marriage as uniting one man and one woman in a bond founded upon the bodily communion made possible by their reproductive complementarity.

An influential minority in the Republican Party proposes abandoning, or at least soft-pedaling, the Party's commitments to the sanctity of human life and the dignity of marriage and the family. They say that social issues are ''too divisive.'' They suppose that the easy road to Republican electoral success is as the party of low taxes and low morals. They counsel capitulation to judges who usurp the constitutional authority of the American people and their elected representatives.

Let Republicans be mindful of their heritage. It was moral conviction—and the courage to act on moral conviction—that gave birth to the Republican party and made it grand. Now it is old, but need not be any less grand. By summoning the moral courage that enabled their Party to stand proudly against the twin relics of barbarism in the 19th century, Republicans can bring honor upon themselves in the great moral struggles of our own day.

Mrs. BIGGERT. Mr. Speaker, I rise in opposition to H.J. Res. 106, 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. Article X of 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 marriage 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 eight 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, 39 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.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 801, the joint resolution is considered read for amendment, 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.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on House Joint Resolution 106 will be followed by 5-minute votes on motions to suspend the rules on House Concurrent Resolution 501 and House Resolution 792.

The vote was taken by electronic device, and there were—yeas 227, nays 186, not voting 20, as follows:

[Roll No. 484]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cox
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley

Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Harman
Hastings (FL)
Hunter
Meek (FL)
Meeks (NY)
Menendez
Murtha
Nethercutt
Oberstar
Rangel
Reyes
Ros-Lehtinen
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1725

Mr. NADLER changed his vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) 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.

HONORING LIFE AND WORK OF DUKE ELLINGTON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 501.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 501 on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 485]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Ackerman
Bachus
Boehlert
Boswell
Brady (TX)
Brown, Corrine
Cannon
Davis (IL)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Emanuel
Greenwood
Gutknecht
Harman
Hastings (FL)
Hayes
Hunter
Istook
Johnson (CT)
Kilpatrick
King (NY)
Lipinski
Lucas (KY)
McCollum
Meek (FL)
Meeks (NY)
Menendez
Miller, Gary
Murtha
Myrick
Nethercutt
Oberstar
Olver
Rangel
Reyes
Ros-Lehtinen
Shimkus
Stark
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING UNITED NEGRO COLLEGE FUND ON 60TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 792.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and agree to the resolution, H. Res. 792, on which the yeas and nays are ordered.

This will be a 5-minute vote.